REGULAR CITY COUNCIL MEETING
WEDNESDAY, MARCH 25, 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 | **Erin Minett, Vice Mayor**
David Parker, Council Member | **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.

In order to minimize the spread of the COVID 19 virus Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act. Please be advised that the Council Chambers are closed to the public and that some, or all, of the City of Nevada City, City Council Members may attend this meeting telephonically.

1. You are strongly encouraged to observe the City Council meetings live on PUBLIC TELEVISION CHANNEL 17 AND ONLINE AT THE CITY'S WEBSITE WWW.NEVADACITYCA.GOV.

2. If you wish to make a comment on a specific agenda item, please submit your comment via email to the City Manager at catrina.olson@nevadacityca.gov. Comments will be accepted continuously during the meeting. Please limit to 200 words or less. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.

3. In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in this meeting, please contact the Deputy City Clerk at (530) 265-2496 x133. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance.

The City of Nevada City thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

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, COMMITTEE REPORTS AND FUTURE AGENDA ITEMS:**

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 – February 2020
      Recommendation: Receive and file.

B. Subject: Ordinance No. 2020-05, Adding Section 2.04.030 "Conduct While Addressing the City Council" and Section 2.36.075 "Conduct While Addressing the Planning Commission" to the Nevada City Municipal Code
Recommendation: Waive the second reading and adopt the Ordinance No. 2020-05, an Ordinance of the City of Nevada City adding Section 2.04.030 "Conduct While Addressing the City Council" and Section 2.36.075 "Conduct While Addressing the Planning Commission" to the Nevada City Municipal Code.

C. Subject: Award Contract Amendment for Professional Engineering Services for Nevada Street Bridge over Deer Creek
Recommendation: Pass Resolution 2020-XX, a Resolution of the City of Nevada City Awarding a Contract Amendment for a fixed price, not to exceed the amount of $17,444.08 for Professional Engineering Services for Nevada Street Bridge over Deer Creek based on hourly labor, and other rates set forth in Consultant's cost proposal, to Dokken Engineering of Folsom, CA and the authorize City Engineer to sign.

D. Subject: Incorporate A List Of Projects Funded By SB 1: The Road Repair And Accountability Act
Recommendation: Pass Resolution 2020-XX as follows:

1. Approve the list of projects proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) in Fiscal Year 2020-21 as described in in Exhibit A.
2. Appoint the City Manager, or designee, to execute all applications, negotiations and agreements which may be necessary for completion of the aforementioned project and expenditure of RMRA funds, except those designated to the City Engineer below.
3. Appoint the City Engineer, or designee, to execute and submit all reports, payment requests, and changes to the project description, which may be necessary for completion of the aforementioned project and expenditure of RMRA funds.

E. Subject: Nevada City Farmer's Market Street Closure Request
Recommendation: Review and authorize Nevada City Farmers Market street closure request per application.

F. Subject: Nevada County Transportation Commission's Draft Fiscal Year 2020/21 Overall Work Program
Recommendation: Review projects proposed for inclusion in the Nevada County Transportation Commission (NCTC Fiscal Year (FY) 2020/21) Overall Work Program (OWP) and pass Resolution 2020-XX approving the projects proposed for inclusion in the NCTC FY 2020/21 OWP.

G. Subject: A Resolution of the City Council of the City of Nevada City to Award a Bid to Featherlite Trailers
Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to award a bid to Featherlite Trailers for $8,791.19 to purchase a dump trailer for the City of Nevada City Public Works Department.

H. Subject: Continuance of a Public Hearing for the Consideration of Ordinance Amendments for the Regulation of Wireless Telecommunication Facilities in the City
Recommendation: Provide staff direction to continue a public hearing for the first reading of a draft amended Ordinance for the regulation of wireless telecommunication facilities in the City to April 8, 2020 unless City Council votes to cancel the April 8, 2020 meeting at which this item would be continued to the April 22, 2020 City Council meeting.

I. Subject: Resolution Ratifying the Civil Defense and Disaster Council's Supplemental Proclamation of a Local Emergency Issued on March 18, 2020
Recommendation: Adopt a Resolution of the City Council of the City of Nevada City ratifying the Civil Defense and Disaster Council's supplemental Proclamation of a Local Emergency in the City of Nevada City to order a moratorium on residential and commercial evictions, to halt City water and sewer service disconnections, to close City facilities to the public, and to provide for paid-employee administrative leave.

J. Subject: Acceptance of Audit Report for Fiscal Year 2018/2019
Recommendation: Review and accept the City of Nevada City Annual Financial Statements and Management Letter for year ended June 30, 2019.

K. Subject: Action Minutes March 11, 2020 City Council Meeting
Recommendation: Review and approve City Council Meeting Action Minutes of March 11, 2020.

L. Subject: Continuation of a public hearing for the appeal of the Planning Commission Decision to Deny a Variance from Development Performance Standards and Historic District Signage Standards as Proposed by Representatives of the National Exchange Hotel for the Property Located at 211 Broad Street, Nevada City
Recommendation: Provide staff direction to continue a public hearing for the appeal of the Planning Commission Decision to Deny a Variance from Development Performance Standards and Historic District Signage Standards as Proposed by Representatives of the National Exchange Hotel for the Property Located at 211 Broad Street, Nevada City to April 8, 2020 unless City Council votes to cancel the April 8, 2020 meeting at which this item would be continued to the April 22, 2020 City Council meeting.

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: Cancellation of the April 8, 2020 City Council Meeting
Recommendation: Pass Resolution 2020-XX, a Resolution of the City of Nevada City approving the cancellation of the April 8, 2020 City Council meeting.

B. **Subject:** Urgency Ordinance Adding a Temporary Moratorium on Evictions Due to COVID-19
Recommendation: Waive reading of Ordinance and read by title only, and adopt an Urgency Ordinance of the City of Nevada City relating to a temporary moratorium on evicting tenants and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.

C. **Subject:** Urgency Ordinance Amending Nevada City Municipal Code Chapter 2.44 "Civil Defense, Emergency Preparedness, and Disaster Plan" to Make the City Manager the Director and to Update Provisions to Comply with State Law
Recommendation: Waive reading of Ordinance and read by title only, and adopt an Urgency Ordinance of the City of Nevada City amending Nevada City Municipal Code Chapter 2.44 "Civil Defense, Emergency Preparedness, And Disaster Plan" to Make the City Manager the Director and to update provisions to comply with State law.

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

7. NEW BUSINESS:

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 March 25th, 2020 Regular Meeting of the Nevada City City Council was posted March 20th, 2020 at the entrance of City Hall. The agenda is also posted on the City's website www.nevadacityca.gov.

Signed March 20th, 2020, at Nevada City, California

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Gabi Christakes, Administrative Services Technician/Deputy City Clerk

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CITY OF NEVADA CITY
City Council
Long Range Calendar

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

March 25, 2020

TITLE: Fire Activity Report – February 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 {02/01/2020} And {02/29/2020}

Alm Date	Alm Time	Location	Incident Type
02/01/2020	07:14:00	11524 N Bloomfield Road /	743 Smoke detector activation, n
02/01/2020	11:04:00	State Highway 49 HWY & Sh	322 Motor vehicle accident with
02/01/2020	14:12:00	10000 Conservation RD /Ne	463 Vehicle accident, general cl
02/02/2020	05:10:00	14216 La Noria CT /Grass	320 Emergency medical service, o
02/03/2020	06:42:00	401 Brock RD /Nevada CIty	320 Emergency medical service, o
02/03/2020	12:28:00	742 Zion ST /Nevada City,	320 Emergency medical service, o
02/03/2020	21:30:00	821 Zion ST /Nevada CIty,	320 Emergency medical service, o
02/04/2020	00:01:00	210 Sutton WAY /Grass Val	154 Dumpster or other outside tr
02/04/2020	08:45:00	109 Blackbird LN /Grass V	320 Emergency medical service, o
02/04/2020	11:41:00	14226 Gochine DR /Nevada	140 Natural vegetation fire, Oth
02/04/2020	15:07:00	773 Nevada Street /Nevada	745 Alarm system activation, no
02/05/2020	09:42:00	360 Crown Point CIR /210/	320 Emergency medical service, o
02/05/2020	10:33:00	16340 Banner Quaker Hill	320 Emergency medical service, o
02/05/2020	11:50:00	210 sutton /107/Grass Val	412 Gas leak (natural gas or LPG
02/05/2020	18:13:00	446 Glenwood RD /Grass Va	412 Gas leak (natural gas or LPG
02/05/2020	18:30:00	1262 Sutton WAY /Grass Va	320 Emergency medical service, o
02/05/2020	22:36:00	14997 Scotts Flat Pines R	320 Emergency medical service, o
02/06/2020	02:14:00	821 Zion ST /Nevada City,	622 No Incident found on arrival
02/06/2020	06:25:00	145 South Bost AVE /Nevad	743 Smoke detector activation, n
02/06/2020	09:01:00	215 SACRAMENTO ST /Nevada	622 No Incident found on arrival
02/06/2020	12:46:00	13235 Grass Valley AVE /G	320 Emergency medical service, o
02/06/2020	21:26:00	10754 Eagle CIR /Nevada C	554 Assist invalid
02/07/2020	05:08:00	825 Old Tunnel RD /Grass	622 No Incident found on arrival
02/07/2020	09:59:00	Gold Flat RD & Sneath Cla	631 Authorized controlled burnin
02/07/2020	14:03:00	925 MAIDU AVE /Nevada Cit	321 EMS call, excluding vehicle
02/07/2020	15:23:00	10754 Eagle CIR /Nevada C	554 Assist invalid
02/07/2020	15:46:00	979 Gold Flat RD /Nevada	320 Emergency medical service, o
02/07/2020	17:16:00	S Pine ST & Clark ST /Nev	321 EMS call, excluding vehicle
02/07/2020	22:54:00	126 Huntington CT /Grass	440 Electrical wiring/equipment
02/08/2020	15:03:00	110 Mill ST /Grass Valley	320 Emergency medical service, o
02/08/2020	17:15:00	10754 Eagle CIR /Nevada C	554 Assist invalid
02/09/2020	00:26:00	Brunswick RD & State High	611 Dispatched & cancelled en ro
02/09/2020	11:20:00	115 E Berryhill /41/Grass	321 EMS call, excluding vehicle
02/09/2020	18:33:00	841 Old Tunnel RD /54/Gra	320 Emergency medical service, o
02/09/2020	19:54:00	119 Gray Owl /Nevada City	320 Emergency medical service, o
02/10/2020	07:36:00	360 Crown Point CIR /210/	320 Emergency medical service, o
02/10/2020	11:34:00	416 Sacramento ST /Nevada	440 Electrical wiring/equipment
02/10/2020	12:25:00	12340 Gayle LANE /Nevada	561 Unauthorized burning
02/10/2020	14:07:00	805 LINDLEY AVE /9/Nevada	743 Smoke detector activation, n
02/11/2020	10:28:00	280 Sierra College DR /Gr	440 Electrical wiring/equipment
02/11/2020	14:31:00	11761 Lothlorien LN /Gras	111 Building fire
02/11/2020	21:02:00	773 Nevada Street /Nevada	731 Sprinkler activation due to
02/12/2020	21:54:00	315 Clay ST /Nevada City,	114 Chimney or flue fire, confin
02/13/2020	22:00:00	12055 Ore De Gold CT /Gra	554 Assist invalid
02/14/2020	14:03:00	106 Lidster AVE /Grass Va	320 Emergency medical service, o
02/14/2020	22:06:00	14997 Echo Ridge DR /Gras	320 Emergency medical service, o
02/15/2020	09:07:00	120 Dorsey DR /Grass Vall	320 Emergency medical service, o
02/15/2020	19:37:00	Zion ST & Argall WY /Neva	622 No Incident found on arrival
02/16/2020	14:55:00	325 Bridge WAY /Nevada Ci	554 Assist invalid

Station 54 Incident Responses

Alarm Date Between {02/01/2020} And {02/29/2020}

Alm Date	Alm Time	Location	Incident Type
02/16/2020	22:16:00	775 Old Tunnel RD /210/Gr	320 Emergency medical service, o
02/17/2020	00:13:00	244 Dorsey DR /53/Grass V	554 Assist invalid
02/17/2020	15:08:00	State Highway 49 @ Indepe	320 Emergency medical service, o
02/18/2020	11:06:00	841 Old Tunnel RD /33/Gra	320 Emergency medical service, o
02/18/2020	11:59:00	131 E Empire ST /A/Grass	111 Building fire
02/18/2020	11:59:00	131 E Empire ST /A/Grass	111 Building fire
02/19/2020	07:28:00	821 Zion ST /b5/Nevada Ci	320 Emergency medical service, o
02/19/2020	08:17:00	10389 Lime Kiln RD /Grass	320 Emergency medical service, o
02/19/2020	12:58:00	39.31140 x 120.944570/Nev	611 Dispatched & cancelled en ro
02/19/2020	14:15:00	10754 Eagle CIR /Nevada C	554 Assist invalid
02/19/2020	15:35:00	439 Brock RD /Nevada City	320 Emergency medical service, o
02/20/2020	03:57:00	768 Woodland WAY /Grass V	320 Emergency medical service, o
02/20/2020	09:34:00	130 W Berryhill DR /Grass	320 Emergency medical service, o
02/20/2020	10:56:00	In the area of Jones Ridg	631 Authorized controlled burnin
02/20/2020	12:25:00	17315 Sunset /Nevada CIty	561 Unauthorized burning
02/20/2020	15:34:00	867 Sutton WAY /inside fr	320 Emergency medical service, o
02/22/2020	10:35:00	890 Sutton WAY /Grass Val	100 Fire, Other
02/22/2020	12:59:00	107 Catherine LN /Grass V	743 Smoke detector activation, n
02/22/2020	17:28:00	728 Nevada Street /1/Neva	320 Emergency medical service, o
02/22/2020	21:18:00	10681 Gold Flat RD /Nevad	320 Emergency medical service, o
02/22/2020	23:35:00	13313 Greenhorn RD /Grass	611 Dispatched & cancelled en ro
02/23/2020	10:18:00	10754 Eagle CIR /Nevada C	554 Assist invalid
02/23/2020	20:24:00	321 Bridge WAY /Nevada Ci	320 Emergency medical service, o
02/24/2020	21:39:00	220 S Pine ST /Nevada Cit	320 Emergency medical service, o
02/25/2020	01:27:00	14136 Hobnob WAY /Nevada	142 Brush or brush-and-grass mix
02/25/2020	14:02:00	10433 Park Avenue EXT /Ne	631 Authorized controlled burnin
02/25/2020	17:58:00	15394 Julia Ranch RD /Gra	320 Emergency medical service, o
02/26/2020	12:47:00	841 Old Tunnel RD /58/Gra	320 Emergency medical service, o
02/26/2020	16:12:00	625 Eskaton CIR /243/Gras	320 Emergency medical service, o
02/26/2020	21:02:00	13760 Willow Valley RD /N	114 Chimney or flue fire, confin
02/27/2020	08:22:00	13298 Loma Rica DR /Nevad	622 No Incident found on arrival
02/27/2020	10:06:00	10563 Sierra DR /Grass Va	554 Assist invalid
02/27/2020	13:53:00	13614 Mc Courtney RD /Gra	631 Authorized controlled burnin
02/27/2020	14:31:00	10563 Sierra DR /Nevada C	554 Assist invalid
02/28/2020	10:15:00	985 Amber LOOP /Grass Val	740 Unintentional transmission o
02/28/2020	20:25:00	State Highway 20 & Missou	322 Motor vehicle accident with
02/29/2020	09:12:00	625 Eskaton CIR /214/Gras	113 Cooking fire, confined to co
02/29/2020	09:59:00	625 Eskaton CIR /111/Gras	320 Emergency medical service, o

Total Incident Count 87

Nevada County Consolidated Fire District

Nevada City Incident List

Alarm Date Between {02/01/2020} And {02/29/2020}

Alm Date	Alm Time	Location	Incident Type
02/01/2020	20:19:00	211 PARK AVE /Nevada City, CA	743 Smoke detector activation, no
02/03/2020	06:42:00	401 Brock RD /Nevada CIty, CA	320 Emergency medical service, other
02/03/2020	11:25:00	110 Boulder ST /Nevada City,	550 Public service assistance, Other
02/03/2020	12:28:00	742 Zion ST /Nevada City, CA	320 Emergency medical service, other
02/03/2020	21:30:00	821 Zion ST /Nevada CIty, CA	320 Emergency medical service, other
02/04/2020	15:07:00	773 Nevada Street /Nevada	745 Alarm system activation, no fire
02/05/2020	10:58:00	606 Gold Flat /Nevada City,	553 Public service
02/06/2020	02:14:00	821 Zion ST /Nevada City, CA	622 No Incident found on arrival at
02/06/2020	06:25:00	145 South Bost AVE /Nevada	743 Smoke detector activation, no
02/06/2020	09:01:00	215 SACRAMENTO ST /Nevada	622 No Incident found on arrival at
02/06/2020	13:08:00	320 BROAD ST /Nevada City, CA	320 Emergency medical service, other
02/06/2020	21:26:00	10754 Eagle CIR /Nevada City,	554 Assist invalid
02/07/2020	14:03:00	925 MAIDU AVE /Nevada City,	321 EMS call, excluding vehicle
02/07/2020	15:46:00	979 Gold Flat RD /Nevada	320 Emergency medical service, other
02/07/2020	17:16:00	S Pine ST & Clark ST /Nevada	321 EMS call, excluding vehicle
02/08/2020	10:36:00	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
02/08/2020	14:50:00	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
02/09/2020	19:54:00	119 Gray Owl /Nevada City, CA	320 Emergency medical service, other
02/10/2020	11:34:00	416 Sacramento ST /Nevada	440 Electrical wiring/equipment
02/10/2020	14:07:00	805 LINDLEY AVE /9/Nevada	743 Smoke detector activation, no
02/10/2020	20:31:00	728 Nevada Street /1/Nevada	320 Emergency medical service, other
02/10/2020	20:58:00	330 Alexander Street /Nevada	554 Assist invalid
02/11/2020	21:02:00	773 Nevada Street /Nevada	731 Sprinkler activation due to
02/12/2020	21:54:00	315 Clay ST /Nevada City, CA	114 Chimney or flue fire, confined
02/13/2020	16:08:00	201 CHURCH ST /Nevada City,	320 Emergency medical service, other
02/15/2020	19:31:00	111 N PINE ST /Nevada City,	320 Emergency medical service, other
02/15/2020	19:37:00	Zion ST & Argall WY /Nevada	622 No Incident found on arrival at
02/16/2020	14:55:00	325 Bridge WAY /Nevada City,	554 Assist invalid
02/19/2020	07:28:00	821 Zion ST /b5/Nevada City,	320 Emergency medical service, other
02/19/2020	09:27:00	444 BROCK RD /NEVADA CITY, CA	300 Rescue, EMS incident, other
02/19/2020	09:49:00	825 OLD TUNNEL ROAD /GRASS	300 Rescue, EMS incident, other
02/19/2020	13:05:00	145 bost ave /nevada city, CA	700 False alarm or false call, Other
02/19/2020	15:35:00	439 Brock RD /Nevada City, CA	320 Emergency medical service, other
02/20/2020	12:47:00	505 Main ST /Nevada City, CA	320 Emergency medical service, other
02/21/2020	08:53:00	109 PROSPECT ST /Nevada City,	320 Emergency medical service, other
02/21/2020	15:39:00	631 COYOTE ST /Nevada City,	320 Emergency medical service, other
02/22/2020	17:28:00	728 Nevada Street /1/Nevada	320 Emergency medical service, other
02/22/2020	19:34:00	215 High Street /Nevada City,	320 Emergency medical service, other
02/23/2020	20:24:00	321 Bridge WAY /Nevada City,	320 Emergency medical service, other
02/24/2020	21:39:00	220 S Pine ST /Nevada City,	320 Emergency medical service, other
02/28/2020	21:38:00	728 Nevada ST /1/Nevada City,	320 Emergency medical service, other

Total Incident Count 41

Nevada City Incident Type Summary

Alarm Date Between {02/01/2020} And {02/29/2020}

District	False	Fire	Good	Hazard	Overpressu	Rescue	Service	Special
01	0	2	0	0	0	1	0	0
02	2	2	2	4	0	10	1	0
54	0	2	4	0	0	14	8	0
84	0	3	1	1	0	2	0	0
86	0	0	0	0	0	1	0	0
87	0	0	0	0	0	1	2	0
88	0	0	0	0	0	1	0	0
91	0	0	1	0	0	0	0	0
NCCFD	1	0	1	0	0	3	0	0
NEV	4	1	3	1	0	8	1	0
	7	10	12	6	0	41	12	0

Nevada County Consolidated Fire District

NEV Year-to-date Incident Participation

Activity Date Between {07/01/2019} And {02/29/2020}

Staff Id/Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Percent
NEV-I026 Banks, Tristin	19	20	0	0	0	0	0	0	0	1	0	1	41	3.08
NEV-I028 Carpenter, Walker	14	18	0	0	0	0	0	0	0	0	1	0	33	2.47
NEV-03 Cartzdafner, Kevin L	34	29	0	0	0	0	35	36	25	17	30	31	237	17.80
NEV-65 Chau, Michael	0	0	0	0	0	0	18	9	11	3	0	0	41	3.08
NEV-I023 Dambly, Trenton	35	58	0	0	0	0	28	31	22	33	24	26	257	19.30
NEV-019 Ellison, Connor	0	0	0	0	0	0	0	0	0	0	0	10	10	0.75
NEV-71 Ellison, Connor	61	52	0	0	0	0	0	1	8	45	39	54	260	19.53
NEV-72 Foster, Sean	56	24	0	0	0	0	0	0	11	55	56	43	245	18.40
NEV-09 Goodspeed, Samuel J	1	2	0	0	0	0	1	1	1	1	1	0	8	0.60
NEV-69 McDaniel, Jesse	0	0	0	0	0	0	40	25	17	9	0	0	91	6.83
NEV-70 Otani, Alex	0	0	0	0	0	0	28	29	15	0	0	0	72	5.40
NEV-15 Paulus, Daniel H	35	26	0	0	0	0	30	20	4	0	36	26	177	13.29
NEV-I024 Rodriguez, Ryan	0	0	0	0	0	0	22	37	48	36	18	20	181	13.59
NEV-I022 Rubinson, Jake	0	0	0	0	0	0	6	3	0	0	0	0	9	0.67
NEV-I027 Schaefer, Jack	31	17	0	0	0	0	0	0	0	0	0	0	48	3.60
NEV-74 Stark, Blake	51	39	0	0	0	0	0	1	0	1	55	54	201	15.10
NEV-I025 Tomlinson, Rodney	0	0	0	0	0	0	13	26	20	23	35	14	131	9.84

Total Runs by Month

Jan	233	**Feb**	165	**Mar**	0	**Apr**	0	**May**	0	**Jun**	0
Jul	98	**Aug**	99	**Sep**	108	**Oct**	188	**Nov**	217	**Dec**	223

Grand Total Runs: 1,331

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: Ordinance No. 2020-04, Adding Section 2.04.030 "Conduct While Addressing the City Council" and Section 2.36.075 "Conduct While Addressing the Planning Commission" to the Nevada City Municipal Code

RECOMMENDATION: Waive the second reading and adopt the Ordinance No. 2020-05, an Ordinance of the City of Nevada City adding Section 2.04.030 "Conduct While Addressing the City Council" and Section 2.36.075 "Conduct While Addressing the Planning Commission" to the Nevada City Municipal Code.

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

BACKGROUND / DISCUSSION:
The first reading of the Ordinance No. 2020-04, an Ordinance of the City of Nevada City adding Section 2.04.030 "Conduct While Addressing the City Council" and Section 2.36.075 "Conduct While Addressing the Planning Commission" to the Nevada City Municipal Code was read by title only a the March 11, 2020 City Council meeting.

At times during City Council and Planning Commission meetings, members of the public are "disruptive" by speaking out-of-turn or off subject, refusing to cease speaking when their time is up or when it is no longer time for public comment, speaking negatively about other members of the public or verbally attacking City staff or officials. Such conduct is not protected by the Brown Act or under free speech jurisprudence and it impedes the orderly conduct of such public meetings.

In an effort to create efficiency in running meetings and expectation of meeting decorum, the City Council adopted Resolution 2016-16 City Council Standards and Procedures, which includes Section 9, Procedures for the Conduct of Public Meetings, Section 11, Decorum and Section 12, Enforcement of Decorum. This establishes the procedures by which the Mayor and Council members conduct the public meetings. The proposed ordinance would expand on this policy and codify it into the Municipal Code.

The proposed Ordinance would protect the Free Speech rights of all meeting attendees, while prohibiting disruptive public conduct, so the City Council is able to conduct the necessary City business at public meetings, by adding Section 2.040.030 and 2.36.075 to the Nevada City Municipal Code which defines and prohibits "disruptive conduct" while addressing the City Council and Planning Commission during public meetings, and establishes procedures for the meeting chairs to follow to address disruptive members of the public during public meetings. The City of Nevada City has the authority under its police power to enact this ordinance to protect the public peace, morals and welfare of the City, Cal. Const. art. XI, § 7.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:
- ✓ Ordinance No. 2020-04 Adding Section 2.04.030 "Conduct While Addressing the City Council" and Section 2.36.075 "Conduct While Addressing the Planning Commission" to the Nevada City Municipal Code

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE CITY OF NEVADA CITY ADDING, SECTION 2.04.030 "CONDUCT WHILE ADDRESSING THE CITY COUNCIL" AND SECTION 2.36.075 "CONDUCT WHILE ADDRESSING THE PLANNING COMMISSION" TO THE NEVADA CITY MUNICIPAL CODE

WHEREAS, the City of Nevada City has the authority under its police power, to enact regulations for the public peace, morals, and welfare of the city, Cal. Const. art. XI, § 7; and

WHEREAS, the City Council of the City of Nevada City finds that conduct by persons addressing the City Council during City Council meetings or the Planning Commission during Planning Commission meetings which interferes with, disrupts, disturbs or otherwise impedes the orderly conduct of such meetings, prevents the City Council and the Planning Commission from conducting their business, and inhibits the ability of Nevada City's citizens to petition their government for the redress of grievances; and

WHEREAS, City Council and Planning Commission meetings are limits public fora, White v. Norwalk, 900 F.2d 1421 (9th Cir. 1990), and the Council may adopt regulations related to conduct at City Council and Planning Commission meetings that are reasonable to the purpose of the forum and viewpoint neutral. Norse v. City of Santa Cruz, 629 F.3d 966, 975 (9th Cir. 2010); and

WHEREAS, prohibited conduct at public meetings must be limited to conduct that actually disrupts the orderly operation of such meetings. Acosta v. City of Costa Mesa, 718 F.3d 800 (2013).

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

SECTION 1. Section 2.04.030 of the Nevada City Municipal Code entitled "Conduct While Addressing the City Council" is hereby added to read as follows:

"2.04.030. Conduct while addressing the city council.

(a) Any person who engages in disorderly behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of any city council meeting shall, upon an order by the presiding officer or a majority of the city council, be barred from further audience before the city council during that meeting, pursuant to the provisions of subdivision (c), below.

(b) Disorderly behavior under subdivision (a) may include, but is not limited to, the following:

(1) Speaking without being recognized by the presiding officer.

(2) Continuing to speak after the allotted time has expired.

(3) Speaking on an item at a time not designated for discussion by the public of that item.

(4) Throwing objects.

(5) Speaking on an issue that is not within the jurisdiction of the city council.

(6) Attempting to engage the audience rather than the city council.

(7) Refusing to modify conduct after being advised by the presiding officer that the conduct is disrupting the meeting, or disobeying any other lawful order of the presiding officer or a majority of the city council.

(c) Enforcement. The rules of conduct while addressing the city council set forth above shall be enforced in the following manner:

(1) Call to order and warning to desist. Whenever practicable, the presiding officer or a majority of the city council shall give a warning to the person who is breaching the rules of conduct to be orderly and to comply with the rules of conduct hereunder. Such a warning shall articulate the rule of conduct being violated and the manner in which the person must comply.

A warning shall not be necessary when it would not be effective under the circumstances, including when, but not limited to, the disturbance is such that the warning cannot be heard above the noise, or the conduct of the person or persons constitutes an immediate threat to public safety, such as the throwing of objects or specific threats of harm and the apparent, present ability to carry out such threats. A warning shall also not be necessary when an individual violates the rules of conduct more than once during a council meeting, or continuously violates the rules of conduct council meeting after council meeting.

(2) Order barring person from meeting. A person who engages in disorderly behavior shall be barred from the remainder of that council meeting by the presiding officer or a majority of the city council when that person: (i) continues the disorderly behavior after receiving a warning pursuant to subdivision (c)(1); (ii) ceases the disorderly behavior upon receiving a warning pursuant to subdivision (c)(1), but later in the same council meeting resumes such disorderly behavior; or (iii) engages in disorderly behavior and no warning is practicable under the circumstances, pursuant to subdivision (c)(1).

The continuation of disorderly behavior after receiving a warning, repeated disorderly behavior during a council meeting, disorderly behavior at council meeting after council meeting, or disorderly behavior that is so significant that a warning cannot be given, constitutes the type of

behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of a city council meeting.

(3) Removal. If the person barred from the meeting does not voluntarily remove him/herself upon being instructed to do so by the presiding officer or a majority of the city council, the presiding officer or the majority of the city council may direct the sergeant-at-arms to remove that person from the council chambers.

(d) The following conduct is unlawful and shall be punishable as a misdemeanor:

(1) Continuing to engage in disorderly conduct, which disrupts, disturbs or otherwise impedes the orderly conduct of any city council meeting, after receiving a warning pursuant to subdivision (c)(1) of this section.

(2) Refusing to leave a city council meeting after being directed to do so pursuant to subdivision (c)(2) of this section.

(3) Returning to a council meeting after being barred, removed or directed to leave such meeting pursuant to subdivisions (c)(2) and (c)(3) of this section."

SECTION 2. Section 2.36.075 of the Nevada City Municipal Code entitled "Conduct While Addressing the Planning Commission" is hereby added to read as follows:

"2.36.075. Conduct while addressing the planning commission.

(a) Any person who engages in disorderly behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of any planning commission meeting shall, upon an order by the presiding officer or a majority of the planning commission, be barred from further audience before the planning commission during that meeting, pursuant to the provisions of subdivision (c), below.

(b) Disorderly behavior under subdivision (a) may include, but is not limited to, the following:

(1) Speaking without being recognized by the presiding officer.

(2) Continuing to speak after the allotted time has expired.

(3) Speaking on an item at a time not designated for discussion by the public of that item.

(4) Throwing objects.

(5) Speaking on an issue that is not within the jurisdiction of the planning commission.

(6) Attempting to engage the audience rather than the planning commission.

(7) Refusing to modify conduct after being advised by the presiding officer that the conduct is disrupting the meeting, or disobeying any other lawful order of the presiding officer or a majority of the planning commission.

(c) Enforcement. The rules of conduct while addressing the planning commission set forth above shall be enforced in the following manner:

(1) Call to order and warning to desist. Whenever practicable, the presiding officer or a majority of the planning commission shall give a warning to the person who is breaching the rules of conduct to be orderly and to comply with the rules of conduct hereunder. Such a warning shall articulate the rule of conduct being violated and the manner in which the person must comply.

A warning shall not be necessary when it would not be effective under the circumstances, including when, but not limited to, the disturbance is such that the warning cannot be heard above the noise, or the conduct of the person or persons constitutes an immediate threat to public safety, such as the throwing of objects or specific threats of harm and the apparent, present ability to carry out such threats. A warning shall also not be necessary when an individual violates the rules of conduct more than once during a planning commission, or continuously violates the rules of conduct council meeting after planning commission.

(2) Order barring person from meeting. A person who engages in disorderly behavior shall be barred from the remainder of that planning commission by the presiding officer or a majority of the planning commission when that person: (i) continues the disorderly behavior after receiving a warning pursuant to subdivision (c)(1); (ii) ceases the disorderly behavior upon receiving a warning pursuant to subdivision (c)(1), but later in the same commission meeting resumes such disorderly behavior; or (iii) engages in disorderly behavior and no warning is practicable under the circumstances, pursuant to subdivision (c)(1).

The continuation of disorderly behavior after receiving a warning, repeated disorderly behavior during a planning commission meeting, disorderly behavior at planning commission after planning commission, or disorderly behavior that is so significant that a warning cannot be given, constitutes the type of behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of a planning commission meeting.

(3) Removal. If the person barred from the meeting does not voluntarily remove him/herself upon being instructed to do so by the presiding officer or a majority of the planning commission, the presiding officer or the majority of the planning commission may direct the sergeant-at-arms to remove that person from the council chambers.

(d) The following conduct is unlawful and shall be punishable as a misdemeanor:

(1) Continuing to engage in disorderly conduct, which disrupts, disturbs or otherwise impedes the orderly conduct of any planning commission meeting, after receiving a warning

pursuant to subdivision (c)(1) of this section.

(2) Refusing to leave a planning commission meeting after being directed to do so pursuant to subdivision (c)(2) of this section.

(3) Returning to a planning commission after being barred, removed or directed to leave such meeting pursuant to subdivisions (c)(2) and (c)(3) of this section."

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.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 25th day of March, 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

March 25, 2020

TITLE: Award Contract Amendment for Professional Engineering Services for Nevada Street Bridge over Deer Creek

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City of Nevada City Awarding a Contract Amendment for a fixed price, not to exceed the amount of $17,444.08 for Professional Engineering Services for Nevada Street Bridge over Deer Creek based on hourly labor, and other rates set forth in Consultant's cost proposal, to Dokken Engineering of Folsom, CA improvements in the form attached hereto as "Exhibit A," and incorporated herein by this reference, and the authorize City Engineer to sign.

CONTACT: Bryan K. McAlister, City Engineer

BACKGROUND/DISCUSSION:
The City is proposing to replace the existing bridge on Nevada Street over Deer Creek. The project is located at the south end of Nevada Street, near Broad Street in Nevada City, CA. The bridge has been programmed for replacement as a result of routine bridge inspections conducted by Caltrans which identified numerous deficiencies. Furthermore, the Federal Highway Administration (FHWA) conducted a National Bridge Inspection and identified that the bridge has unknown foundations and is considered scour critical. The proposed project site includes bridge approaches, and approximately 300 linear feet of Nevada Street, and portions of adjacent privately owned and publicly owned parcels.

The existing Bridge is an approximately 34-ft wide, 61-ft long, two-span steel girder bridge constructed in 1938. The bridge was evaluated by Caltrans as functionally obsolete in the most recent Bridge Inspection Report dated September, 2014. The existing bridge has two lanes with sidewalk on both sides. The bridge is located within Nevada City Downtown Historic District which is listed on the National Register of Historic Places. A bridge was originally constructed at this location in the 1860's and later reconstructed in 1938. The City plans to reconstruct the bridge using natural rock walls (and/or rock facing) and aesthetic railings to closely match the original 1860's bridge but with structural elements that meet current bridge standards. The proposed bridge will be an approximately 42-ft wide, 68-ft span with a 30-degree skew angle. The proposed skew will be used to improve roadway approaches.

The project will require utility relocations of sewer, water, electric and telephone. Undergrounding will be utilized for all existing overhead lines. Street improvements will be necessary at both approaches and will include grading, paving, drainage, sidewalk and parking lot striping.

Project objectives include replacing the existing bridge to meet regional flood control objectives, improve roadway safety and structural load capacity and provide a bridge and roadway facility that meets current design standards.

City staff procured proposals for Professional Engineering Services to prepare and provide the City with all required studies, plans and specifications for Bridge Replacement in accordance with the Highway Bridge Program and Caltrans standards and requirements for Federal and State funded projects. Dokken Engineering was selected as the most qualified consultant capable of performing the tasks required based on the evaluation criteria set forth in the RFP.

To-date, the City and its consultants have completed a topographic survey, environmental permitting, utility relocation plans, geotechnical investigations and design. Final rights-of-way documentation is expected to be finalized by the end of April, 2020, at which time the City will submit a request for authorization or construction to Caltrans Local Assistance.

City Council formally awarded the initial contract work to Dokken Engineering for bridge design in 2016 including amendments 1 and 2. Contract Amendment 3 was approved by City Council on Sept. 14, 2019. This current amendment, Contract Amendment 4 and 5, requests a contract increase to cover additional right of way services. The additional right of way services are necessary to satisfy Caltrans/FHWA requests for additional documentation of lot line adjustment valuation and extension of Temporary Construction Easements.

FISCAL CONSIDERATIONS: The project will be funded by Federal Highway Bridge funds with an 11.4% match from Measure "S" funds.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City of Nevada City Awarding a Contract Amendment to Dokken Engineering for Professional Engineering Services for Nevada Street Bridge Over Deer Creek in Nevada City
- ✓ Contract Amendment No. 4 and 5 with Dokken Engineering

RESOLUTION 2020-XX

A RESOLUTION OF THE CITY OF NEVADA CITY AWARDING A CONTRACT AMENDMENT TO DOKKEN ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES FOR NEVADA STREET BRIDGE OVER DEER CREEK IN NEVADA CITY

WHEREAS, the City is in the process of replacing the 1938 bridge programmed for replacement as a result of routine bridge inspections conducted by Caltrans which identified numerous deficiencies; and

WHEREAS, Nevada City Council awarded a contract for Bridge Design to Dokken Engineering of Folsom, CA for Phase 1 on June 8, 2016 and for Phases 2 and 3 on September 28, 2016; and

WHEREAS, additional right of way services, as further described in the Addendums 4 and 5 scope of work, have been identified as being necessary for completion of design; and

WHEREAS, funding for Bridge Design has been procured through the Federal Highway Bridge Replacement program (88.6% Federal participation) and Nevada City Measure "S" (11.4% local matching funds); and

BE IT RESOLVED, the City Council of the City of Nevada City awards a contract amendment for a fixed price, not to exceed amount of $17,444.08 for professional engineering services for Nevada Street Bridge over Deer Creek based on hourly labor, and other rates set forth in consultant's cost proposal, to Dokken engineering of Folsom, CA in the form attached hereto as "Exhibit A," and incorporated herein by this reference, and authorize the City Engineer to sign.

PASSED AND ADOPTED at a regularly scheduled meeting of the Nevada City City Council held on this 25th day of March, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Reinette Senum, Mayor

ATTEST:

_____

Niel Locke, City Clerk

January 23, 2020 EXHIBIT "A"

City of Nevada City
Attn: Bryan McAlister, City Engineer
317 Broad Street
Nevada City, CA 95959

Subject: Amendment No. 4 to Nevada Street Bridge Replacement Professional Engineering Contract dated 6/24/2016

Dear Mr. McAlister,

Dokken Engineering is pleased the Nevada Street Bridge replacement is nearing authorization for construction. The purpose of this letter is to request Amendment No. 4 to the June 24, 2016 Agreement between Nevada City and Dokken Engineering. This amendment requests a contract increase to provide requested right of way support to the City to address tenant rights related to the temporary construction easements.

The additional right of way services may include the following:

- Discussing right of way clearance for tenants on the two parcels with temporary construction easements with Caltrans right of way.
- Developing a letter to notify the owners and tenants of the start and end dates of the temporary construction easements
- Meet with the owners and tenants under City direction to provide and explain the tenants their rights under Federal laws
- Assist the City in obtaining Right of Way Certification of the project.

Anticipated Costs to be charged and invoiced on Task 10.2, "Right of Way Support":

Jamie Formico	16 hours at $172.63 per hour =	$2,762.08
Jason Andrews	24 hours at $133.00 per hour =	$3,192.00
Total Cost this Amendment		$5,954.08

The original contract with prior amendments is summarized in the table below.

Contract History	Contract Price
Original Contract 6/24/16	$309,280.00
Amendment 1 for appraisals	$3,887.23
Amendment 2	$0.00
Amendment 3 for additional design	$55,134.98
This Amendment 4 for right of way support	**$5,954.08**
Total Amended Contract Price	**$374,256.29**

If you approve this Amendment No. 4, please sign below or provide a separate Amendment authorization. Thank you for your continued trust in Dokken Engineering as we work to get this project complete. We are looking forward the construction of this unique bridge.

Thank you,

Matthew Griggs, PE
Project Manager
Dokken Engineering

Bryan McAlister, PE
City Engineer
City of Nevada City

March 12, 2020

City of Nevada City
Attn: Bryan McAlister, City Engineer
317 Broad Street
Nevada City, CA 95959

Subject: Amendment No. 5 to Nevada Street Bridge Replacement Professional Engineering Contract dated 6/24/2016

Dear Mr. McAlister,

Dokken Engineering is pleased the Nevada Street Bridge replacement is nearing authorization for construction. The purpose of this letter is to request Amendment No. 5 to the June 24, 2016 Agreement between Nevada City and Dokken Engineering. This amendment requests a contract increase to provide requested right of way appraisal, waiver valuation update and negotiation of temporary construction easement extensions.

The additional right of way services include the following based on our recent meeting with Caltrans District 3 on January 16, 2020:

- Prepare an appraisal for the lot line adjustment value and temporary construction easement extension(TCE) for APN 05-395-11, Boulder Street Properties LLC, Real Estate Office. Extend the TCE from 3/21/21 to 3/21/22.
- Prepare waiver valuation for the TCE for 116 Nevada Street, APN 05-395-08, Deer Creek Inn, to extend the termination date from 3/21/21 to 3/21/22.
- Prepare offers for both properties with a letter stating the current paid TCE period is 3/21/19 to 3/21/21. Include standard notices to the owner to comply with Uniform Relocation Act and notify the owners of the process required to establish any loss of goodwill during the consturction of the project.
- Negotiate the additional rights listed above with each owner and obtain signed agreements. Process the right of way packages for each parcel through Caltrans District 3 for right of way certification.

A more detailed description of these services is provided in the attached Exhibit A, "Amendment No. 5 Scope of Services".

Anticipated costs are to be charged and invoiced on Task 10.4, "Right of Way Acquisition". Detail of the cost by task is provided in the attached, "Exhibit B, Amendment 5 Cost Proposal for Right of Way Services".

The original contract with prior amendments is summarized in the table below.

Contract History	Contract Price
Original Contract 6/24/16	$309,280.00
Amendment 1 for appraisals	$3,887.23
Amendment 2	$0.00
Amendment 3 for additional design	$55,134.98
Amendment 4 for right of way support	$5,954.08
This Amendment 5 for right of way services	**$11,490.00**
Total Amended Contract Price	**$385,746.29**

If you approve this Amendment No. 5, please sign below or provide a separate Amendment authorization. Thank you for your continued trust in Dokken Engineering as we work to get this project complete. We are looking forward the construction of this unique bridge.

Thank you,

Matthew Griggs, PE
Project Manager
Dokken Engineering

Bryan McAlister, PE
City Engineer
City of Nevada City

EXHIBIT A – AMENDMENT NO. 5 SCOPE OF SERVICES

March 12, 2020

Task 10.4 Right of Way Appraisal and Acquisition

Provided below is summary of the scope of services and deliverables Dokken Engineering's right of way team will provide, as required, for each task assigned. For the Boulder Street Properties, the right of way impacts will be determined with a full appraisal and review appraisal. For the extension of the TCE on the Deer Creek Inn parcel, the valuation of the TCE extension will be determined with an updated waiver valuation.

APN Owner	TCE Extension	Lot Line Adjustment	Parking Loss
Boulder Street Properties APN 05-395-11	12 months	1,083 Sqft of Creek for 265 Sqft of street frontage	Yes, within the TCE area
Deer Creek Inn APN 05-395-08	12 months with updated Waiver Valuation	None	None

- **Project Tracking Table**: This will outline project milestones and supply completion dates and comments, and will be sent to the client regularly.
  - ⇨ **Deliverables**: Project Tracking Table

- **Order Title Reports/Title Research**: Dokken will order updated preliminary title reports for the two affected properties. The cost of the title report updates will be paid directly to the title company from the City.

- **Appraisal Process:** An appraisal will be completed for the Boulder Street Properties parcel by a licensed General Real Estate Appraiser and will comply with all laws applicable to the specific appraisal and the Uniform Standards of Professional Appraisal Practice. A Notice of intent to appraise letter along with the acquisition policy brochure will be provided to impacted property owners.
  - ⇨ **Deliverables**: Appraisal Report

- **Appraisal Review Reports:** An Appraisal Review for the Boulder Street Properties parcel will be completed by a Certified General Real Estate Appraiser. Upon acceptance and approval of the property appraisal, an independent appraisal review will be completed by Dokken Engineering's subconsultant.
  - ⇨ **Deliverables:** Appraisal Review Report

- **Waiver Valuation Update:** The waiver valuation for the Deer Creek Inn will be updated to confirm current values for a 12-month extension.
  - ⇨ **Deliverables:** Updated Waiver Valuation for TCE extension

- **Negotiate for Right of Way:** Dokken's Right of Way team will conduct "good faith negotiations" with two (2) affected property owners listed in the table above. Upon approval of first written offer packages by the City, Dokken will meet with owners in person and present and explain all offer package details. Dokken will obtain all required right of way and TCE documents required to construct the proposed improvements. Dokken Engineering's Right of Way Agents hold California Real Estate Salesperson's Licenses and are working under the direct supervision of a California Real Estate Licensed Broker.
    - ⇨ **Deliverables:** Right of Way Agreements for lot line adjustment, temporary construction easement extensions, Administrative Settlements, Diaries, and Written Summary of Acquisitions

- **Right of Way Certification:** Dokken will coordinate with the Client and supply all required documentation for the right of way certification. Dokken Engineering will review all acquisition documents for proper and complete execution, including formal acceptance.
    - ⇨ **Deliverables:** Right of Way Certification Documentation

- **Project Close-Out:** The original acquisition file for each affected parcel will be provided to the Client upon completion of the project. Each acquisition file will contain property information, diary report, written correspondence, just compensation documentation, appraisal(s), offer package, negotiations, title documentation, copies of recorded documents, and all applicable documentation.
    - ⇨ **Deliverables:** Original Acquisition Files

DOKKEN ENGINEERING

EXHIBIT B, AMENDMENT 5 COST PROPOSAL FOR RIGHT OF WAY SERVICES
NEVADA STREET BRIDGE PROJECT
NEVADA CITY

Revised 3/12/20

Task Description	DOKKEN ENGINEERING						
	Jamie Formico Right of Way Manager	Vanessa Cothran Senior Right of Way Agent	Jason Andrews Senior Right of Way Agent	Right of Way Assistant	TOTAL HOURS	OTHER DIRECT COSTS	TOTAL COST
	$172.63	$140.53	$133.00	$46.84			
RIGHT OF WAY SERVICES							
1. Project Management & Coordination	5	2			7		$1,144
2. Preliminary Title Reports/Title Research				5	5		$234
3. Appraisal (1 Report)	3	2	2		7	$2,800	$3,865
4. Appraisal Review Report (1 Report)	2	1	2		5	$1,000	$1,752
5. Waiver Valuation Update (1 Parcel)	2		8	6	16		$1,690
6. Summary Statements 8-EX-16 (2 Summary Statements)			4	5	9		$766
7. Acquisition/Negotiations (2 Parcels)	2	4	40	16	62		$6,977
9. Project Close-out		4	2	4	10		$1,015
Credit from Amendment 4 for Right of Way Support							-$5,954
TOTAL HOURS	14	13	58	36	121		
TOTAL COST	$2,417	$1,827	$7,714	$1,686		$3,800	**$11,490**

March 12, 2020

City of Nevada City
Attn: Bryan McAlister, City Engineer
317 Broad Street
Nevada City, CA 95959

Subject: Amendment No. 5 to Nevada Street Bridge Replacement Professional Engineering Contract dated 6/24/2016

Dear Mr. McAlister,

Dokken Engineering is pleased the Nevada Street Bridge replacement is nearing authorization for construction. The purpose of this letter is to request Amendment No. 5 to the June 24, 2016 Agreement between Nevada City and Dokken Engineering. This amendment requests a contract increase to provide requested right of way appraisal, waiver valuation update and negotiation of temporary construction easement extensions.

The additional right of way services include the following based on our recent meeting with Caltrans District 3 on January 16, 2020:

- Prepare an appraisal for the lot line adjustment value and temporary construction easement extension(TCE) for APN 05-395-11, Boulder Street Properties LLC, Real Estate Office. Extend the TCE from 3/21/21 to 3/21/22.
- Prepare waiver valuation for the TCE for 116 Nevada Street, APN 05-395-08, Deer Creek Inn, to extend the termination date from 3/21/21 to 3/21/22.
- Prepare offers for both properties with a letter stating the current paid TCE period is 3/21/19 to 3/21/21. Include standard notices to the owner to comply with Uniform Relocation Act and notify the owners of the process required to establish any loss of goodwill during the consturction of the project.
- Negotiate the additional rights listed above with each owner and obtain signed agreements. Process the right of way packages for each parcel through Caltrans District 3 for right of way certification.

A more detailed description of these services is provided in the attached Exhibit A, "Amendment No. 5 Scope of Services".

Anticipated costs are to be charged and invoiced on Task 10.4, "Right of Way Acquisition". Detail of the cost by task is provided in the attached, "Exhibit B, Amendment 5 Cost Proposal for Right of Way Services".

The original contract with prior amendments is summarized in the table below.

Contract History	Contract Price
Original Contract 6/24/16	$309,280.00
Amendment 1 for appraisals	$3,887.23
Amendment 2	$0.00
Amendment 3 for additional design	$55,134.98
Amendment 4 for right of way support	$5,954.08
This Amendment 5 for right of way services	**$11,490.00**
Total Amended Contract Price	**$385,746.29**

If you approve this Amendment No. 5, please sign below or provide a separate Amendment authorization. Thank you for your continued trust in Dokken Engineering as we work to get this project complete. We are looking forward the construction of this unique bridge.

Thank you,

Matthew Griggs, PE
Project Manager
Dokken Engineering

Bryan McAlister, PE
City Engineer
City of Nevada City

EXHIBIT A – AMENDMENT NO. 5 SCOPE OF SERVICES

March 12, 2020

Task 10.4 Right of Way Appraisal and Acquisition

Provided below is summary of the scope of services and deliverables Dokken Engineering's right of way team will provide, as required, for each task assigned. For the Boulder Street Properties, the right of way impacts will be determined with a full appraisal and review appraisal. For the extension of the TCE on the Deer Creek Inn parcel, the valuation of the TCE extension will be determined with an updated waiver valuation.

APN Owner	TCE Extension	Lot Line Adjustment	Parking Loss
Boulder Street Properties APN 05-395-11	12 months	1,083 Sqft of Creek for 265 Sqft of street frontage	Yes, within the TCE area
Deer Creek Inn APN 05-395-08	12 months with updated Waiver Valuation	None	None

- **Project Tracking Table**: This will outline project milestones and supply completion dates and comments, and will be sent to the client regularly.
  - ⇨ **Deliverables**: Project Tracking Table

- **Order Title Reports/Title Research**: Dokken will order updated preliminary title reports for the two affected properties. The cost of the title report updates will be paid directly to the title company from the City.

- **Appraisal Process:** An appraisal will be completed for the Boulder Street Properties parcel by a licensed General Real Estate Appraiser and will comply with all laws applicable to the specific appraisal and the Uniform Standards of Professional Appraisal Practice. A Notice of intent to appraise letter along with the acquisition policy brochure will be provided to impacted property owners.
  - ⇨ **Deliverables**: Appraisal Report

- **Appraisal Review Reports:** An Appraisal Review for the Boulder Street Properties parcel will be completed by a Certified General Real Estate Appraiser. Upon acceptance and approval of the property appraisal, an independent appraisal review will be completed by Dokken Engineering's subconsultant.
  - ⇨ **Deliverables:** Appraisal Review Report

- **Waiver Valuation Update:** The waiver valuation for the Deer Creek Inn will be updated to confirm current values for a 12-month extension.
  - ⇨ **Deliverables:** Updated Waiver Valuation for TCE extension

- **Negotiate for Right of Way:** Dokken's Right of Way team will conduct "good faith negotiations" with two (2) affected property owners listed in the table above. Upon approval of first written offer packages by the City, Dokken will meet with owners in person and present and explain all offer package details. Dokken will obtain all required right of way and TCE documents required to construct the proposed improvements. Dokken Engineering's Right of Way Agents hold California Real Estate Salesperson's Licenses and are working under the direct supervision of a California Real Estate Licensed Broker.
    - ⇨ **Deliverables:** Right of Way Agreements for lot line adjustment, temporary construction easement extensions, Administrative Settlements, Diaries, and Written Summary of Acquisitions

- **Right of Way Certification:** Dokken will coordinate with the Client and supply all required documentation for the right of way certification. Dokken Engineering will review all acquisition documents for proper and complete execution, including formal acceptance.
    - ⇨ **Deliverables:** Right of Way Certification Documentation

- **Project Close-Out:** The original acquisition file for each affected parcel will be provided to the Client upon completion of the project. Each acquisition file will contain property information, diary report, written correspondence, just compensation documentation, appraisal(s), offer package, negotiations, title documentation, copies of recorded documents, and all applicable documentation.
    - ⇨ **Deliverables:** Original Acquisition Files

DOKKEN ENGINEERING

EXHIBIT B, AMENDMENT 5 COST PROPOSAL FOR RIGHT OF WAY SERVICES
NEVADA STREET BRIDGE PROJECT
NEVADA CITY

Revised 3/12/20

Task Description	DOKKEN ENGINEERING						
	Jamie Formico Right of Way Manager	Vanessa Cothran Senior Right of Way Agent	Jason Andrews Senior Right of Way Agent	Right of Way Assistant	TOTAL HOURS	OTHER DIRECT COSTS	TOTAL COST
	$172.63	$140.53	$133.00	$46.84			
RIGHT OF WAY SERVICES							
1. Project Management & Coordination	5	2			7		$1,144
2. Preliminary Title Reports/Title Research				5	5		$234
3. Appraisal (1 Report)	3	2	2		7	$2,800	$3,865
4. Appraisal Review Report (1 Report)	2	1	2		5	$1,000	$1,752
5. Waiver Valuation Update (1 Parcel)	2		8	6	16		$1,690
6. Summary Statements 8-EX-16 (2 Summary Statements)			4	5	9		$766
7. Acquisition/Negotiations (2 Parcels)	2	4	40	16	62		$6,977
9. Project Close-out		4	2	4	10		$1,015
Credit from Amendment 4 for Right of Way Support							-$5,954
TOTAL HOURS	14	13	58	36	121		
TOTAL COST	$2,417	$1,827	$7,714	$1,686		$3,800	**$11,490**

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: Incorporate A List Of Projects Funded By SB 1: The Road Repair And Accountability Act

RECOMMENDATION: Pass Resolution 2020-XX as follows:

1. Approve the list of projects proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) in Fiscal Year 2020-21 as described in in Exhibit A.

2. Appoint the City Manager, or designee, to execute all applications, negotiations and agreements which may be necessary for completion of the aforementioned project and expenditure of RMRA funds, except those designated to the City Engineer below.

3. Appoint the City Engineer, or designee, to execute and submit all reports, payment requests, and changes to the project description, which may be necessary for completion of the aforementioned project and expenditure of RMRA funds.

CONTACT: Bryan McAlister, City Engineer

BACKGROUND / DISCUSSION:
Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide.

The City of Nevada City has received an estimated $18,797.44 in Road Maintenance and Rehabilitation Account (RMRA) funding in Fiscal Year 2017-18, an estimated $51,154.73 in RMRA funding in Fiscal Year 2018-19, an estimated $57,517 in RMRA funding in Fiscal Year 2019-20, and an estimated $58,965 in RMRA funding in Fiscal Year 2020-21 from SB 1.

Staff has prepared a list of high-priority and cost-effective projects that meet the criteria set forth by SB1 for public consideration and approval by the City Council. These project are a carryover from previous years funding with design and construction in progress at various stages of completion.

FISCAL IMPACT: RMRA funds will be used in accordance with the guidelines set forth by California Transportation Commission. Measure S funds will be used for matching contribution and to provide an original source of funds prior to reimbursement of expenditures by the RMRA apportionment.

ATTACHMENT:
- ✓ Resolution 2020-XX A Resolution of the City Council of the City of Nevada City Adopting a List of Projects for Fiscal Year 2020-21 Funded by SB 1: The Road Repair and Accountability Act of 2017
- ✓ Project List – Local Streets and Roads Program SB1

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2020-21 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, the City of Nevada City has received an estimated $18,797.44 in Road Maintenance and Rehabilitation Account (RMRA) funding in Fiscal Year 2017-18, an estimated $51,154.73 in RMRA funding in Fiscal Year 2018-19, an estimated $57,517 in RMRA funding in Fiscal Year 2019-20, and an estimated $58,965 in RMRA funding in Fiscal Year 2020-21 from SB 1; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Nevada City are aware of the projects proposed for funding in the community and which projects have been completed each fiscal year; and

WHEREAS, the City of Nevada City must adopt by Resolution a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, Streets and Highways Code Section 2034(a)(l) specifies that the project list shall not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities, so long as the projects are consistent with Streets and Highways Code Section 2030(b); and

WHEREAS, maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which reduces vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the City Council of the City of Nevada City as follows:

1. Approve the list of projects proposed to be funded from the Road Maintenance and Rehabilitation Account (RMRA) in Fiscal Year 2020-21 as described in Exhibit A.

2. Appoint the City Manager, or designee, to execute all applications, negotiations and agreements which may be necessary for completion of the aforementioned project and expenditure of RMRA funds, except those designated to the City Engineer below.

4. Appoint the City Engineer, or designee, to execute and submit all reports, payment requests, and changes to the project description, which may be necessary for completion of the aforementioned project and expenditure of RMRA funds.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 25th day of March, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Reinette Senum, Mayor

ATTEST:

_____

Niel Locke, City Clerk

EXHIBIT A

Project Information

Local Streets and Roads Program

*** Required**

Proposed Project (PP#)	LoCode	* Project Title	Project ID (if any)	Project Type ?		* Project Description ?	* Project Location ?	* Estimated Completion Date		* Estimated Useful Life (# of Yr)		Legislative District(s)						Additional Project Elements (Does the project include element(s) as described in SHC 2030 (c)-(f)? (Select Y/N from dropdown list) ?				
				Type (Select from dropdown list)	Explanation (if "Other" is selected, please explain) ?			Pre-Construction (mm/yyyy)	Construction (mm/yyyy)	Min.	Max.	State Senate			State Assembly			Sustainability ?	Technologies ?	Climate Change ?	Complete Streets Elements ?	Description of Elements
PP01	5018	Commercial Street (17/18 Carryover)		Road Maintenance & Rehabilitation	Matching funds by voter approved tax 'Measure S' dedicated exclusively to improvement and maintenance of Nevada City's streets.	This project consists of roadway rehabiliation. Sidewalk will be widened and enhanced at intersections to provide safe, convenient and efficient pedestrian access within the Downtown Historic District. Pavement improvements include replacement of deteriorated pavement and improvements to cross-slope for drainage. This project will help reduce traffic congestion and improve pedestrian safety which reduces vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals.	Commercial Street from Union Street to Broad Street	07/2020	11/2021	10	20	01			01			Yes	No	Yes	Yes	Widened sidewalks and improved intersection for pedestrian friendly streetscape, reuse of existing materials (grindings) for pavement sub-base.
PP02	5018	Broad Street Y		Road Maintenance & Rehabilitation	Matching funds by voter approved tax 'Measure S' dedicated exclusively to improvement and maintenance of Nevada City's streets.	This project consists of roadway rehabiliation. Sidewalk will be widened and enhanced at intersections to provide safe, convenient and efficient pedestrian access within the Downtown Historic District. Pavement improvements include replacement of deteriorated pavement and improvements to cross-slope for drainage. This project will help reduce traffic congestion and improve pedestrian safety which reduces vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals.	Broad Street from Commerical Street to (and including) the intersection of West Broad Street and East Broad Street.	07/2019	12/2020	10	20	01			01			Yes	No	Yes	Yes	Widened sidewalks and improved intersection for pedestrian friendly streetscape, reuse of existing materials (grindings) for pavement sub-base.
PP03	5018																					
PP04	5018																					
PP05	5018																					
PP06	5018																					
PP07	5018																					
PP08	5018																					
PP09	5018																					
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PP43	5018																					
PP44	5018																					
PP45	5018																					
PP46	5018																					
PP47	5018																					

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: **Nevada City Farmer's Market Street Closure Request**

RECOMMENDATION: Review and authorize Nevada City Farmers Market street closure request per application.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:
On March 6, 2020, the City received an application for the Saturday Nevada City Farmers Market series of events beginning June 6, 2020 and running through November 21, 2020. The proposed event hours are 8:30am to 1:00pm with setup beginning at 6:00 AM and take down by 2 PM. The proposed street closures below are consistent with prior years:

- Union Street between Broad Street and Main
- Robinson Plaza

A summary of the specific event characteristics and recommended staff conditions are included in the application packet.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENT:
- ✓ Street Closure/Special Event Application and staff conditions

CITY OF NEVADA CITY
SPECIAL EVENT APPLICATION / CONTRACT

CITY OF NEVADA CITY
PAID
MAR 0 6 2020
RCPT. AMT. 250.00
Ck#997

EVENT NAME: Nevada City Farmers Market

EVENT INFORMATION. Please attach a detailed description of your event to this application (e.g. Overall summary, open to the public? How being publicized? Kid/family friendly? Rain or shine? Etc.)

Type of Event (Check all that apply)

___ Parade/Procession ___ Concert/Show/Public Dance
___ Street Festival/Block Party ___ Fundraiser
___ Run/Walk/Bicycle X Other: farmers market

Has this event been produced before? (Yes) No
Is this an annual event? (Yes) No
Will there be an admission or entry fee? Yes (No)
If yes, fee per adult: $_____ Fee per child: $_____

Event Date(s) Saturdays

Expected number of:
Attendees 800 Participants 60 Volunteers 10
Units and floats for parade: _____

Event Hours Start 8:30 End 1pm

Set-up Date each Sat Time 6am - 8:30am

Break Down Date each Sat Time 1 - 2pm

Names of street(s), sidewalk(s), alley(s) proposed to be closed (Attach additional pages or a map if necessary). Note that it may be necessary to consult with a Police Lieutenant (265-2626) and/or the Public Works Superintendent (265-2496) to accurately identify requested street closures.

Union Street between Broad & Main

_____ between _____ & _____

Additional Facilities Requested
Event organizers may be asked to complete a Facility Rental Contract with details about use of these additional facilities. Rental fees & cleaning deposits may apply.

X Robinson Plaza ___ Calanan Park ___ Other: _____

Please note whether your event includes any of the following. If any apply, attach details.

X Amplified sound
___ Stages/Platforms
X Tents/Temporary Structures
X Concessions
X Food Cooking
___ Animals will be present
X Food Vendors
X Alcohol sales
___ Temporary Lighting

APPLICANT INFORMATION

Sponsoring Organization/Company Nevada City Farmers Market Association, NCFMA

Name of Applicant/Responsible Party Becca Warner

Street Address P.O. Box 2476 Apt/Unit/Suite ___

City Nevada City State CA Zip Code 95959

Email manager@ncfarmersmarket.org

Daytime Phone 530 206 3000 Cell Phone ___

Does the sponsoring organization have experience producing similar events? Yes / No (Circle One)

Event Contact for Public Information

Name Becca Warner Contact Phone 530 206 3000

Email manager@ncfarmersmarket.org

Website ncfarmersmarket.org

Day of Event Contact Information

On-site Contact Name Becca Warner

On-site Contact Cell Number 530 206 3000

Day of Event ALTERNATE Contact Information

On-site Contact Name ___

On-site Contact Cell Number ___

APPLICATION FEES

The City requires the payment of a non-refundable application fee upon submission of your completed application. Late fees apply to applications filed less than 90 days in advance of an event. The City does not guarantee any application submitted less than 45 days in advance will be able to be submitted to the City Council for consideration prior to the planned event. Please select from the following table the fee(s) that apply to your application:

_____ $100 Timely application for single new event OR old event with new sponsor
__X__ $50 Timely application for repeat of event with same sponsor
_____ $25 For each additional application for new event by the same sponsor
_____ $10 For each additional application for repeat of event with same sponsor
_____ $75 Additional fee for applications filed less than 90 days in advance of an event
_____ $100 Rental Fee for Robinson Plaza or Calanan Park
_____ $100 Cleaning Deposit for use of Robinson Plaza or Calanan Park
_____ $500 Additional refundable security deposit, (if applicable), payable to the City of Nevada City, is to be paid to the cashier by cash, personal/business check, money order or cashier's check, for costs associated with city staff and/or extraordinary police services and/or costs of damages to public facilities that may be associated and reasonably foreseen with such event.

$_____ Total Fees

APPLICANT AUTHORIZATION AND INDEMNITY

To the extent allowed by law, Applicant agrees to defend, indemnify, and hold harmless the City of Nevada City, its agents, officials, and employees from and against all claims, damages, losses, injuries, illness, accidents relating to, arising out of, or resulting from, the use of this Special Event Application and the information contained therein, and any resulting Contract.

Applicant acknowledges that the information provided in this Application is true and accurate to the best of Applicant's knowledge and belief.

I have read, understand and agree to comply with all the information provided in the Special Event Application (attached) and any resulting permits and Special Event Contract if approved by the City Council.

Rebecca Warner
Signature of Applicant/Responsible Party

march 5, 2020
Date

CITY OF NEVADA CITY
SPECIAL EVENT GUIDELINES

OVERVIEW

Thank you for choosing the City of Nevada City as the location for your event. Special events such as fairs, carnivals, rallies/races, festivals, public dances, shows, concerts are an important role in the life of a healthy and vibrant community. However, such events may have a negative effect on surrounding residents and businesses if they are not planned appropriately. The purpose of the special event permitting process is to ensure that there are adequate measures for security, traffic control, crowd control, parking and other health and safety impacts related to a special event. "Special Event" means, for the purposes of this requirement, any activity on public or private property that, due to the anticipated amount of attendees or the nature of the event, is not compatible with the generally intended use of the property for which it is proposed and is characterized by any of the following:

1. Requires city services to ensure compliance with state or local laws; for example, temporary licenses issued by the California Department of Alcoholic Beverage Control, or temporary structure permits;
2. Involves use of city owned or managed property such as public streets, sidewalks, alley, parking lots, plazas or other city owned or managed open spaces;
3. Involves closure, or partial closure, of any public right-of-way, or requires traffic control procedures necessitating the involvement of police or street maintenance personnel;
4. Impairs emergency vehicle access;
5. Requires extraordinary police services in order to protect public safety, health, and/or welfare;
6. Results in impacts to adjacent public or private property because of, for example, the use of live or amplified entertainment or the anticipated impacts on parking.

Exclusions. The following activities shall not be considered a "special event" within the meaning of this chapter and therefore they do not require a special event permit:

A. An event sponsored by the city.

B. An event held at a city facility pursuant to a facility rental agreement and it is reasonably foreseeable in the opinion of the chief of police that no extraordinary police services are required;

C. An event held in a private residence where no admission is charged, the event is not open or advertised to the public, and it is reasonably foreseeable in the opinion of the chief of police that no extraordinary police services are required;

D. An event held in a members-only facility at which the only participants are the members (and their invited nonpaying guests) and it is reasonably foreseeable in the opinion of the chief of police that no extraordinary police services are required;

E. Events sponsored by religious entities held in the religious entity's facility that only members by permission attend and it is reasonably foreseeable in the opinion of the chief of police that no extraordinary police services are required;

F. Events that are authorized by and consistent with existing use permits and licenses governing the establishment, unless that person, entity, or business holds an event that, in the opinion of the chief of police, will foreseeably result in impacts on public safety, health, welfare, and police resources; and

G. Any entertainment for which other special permits have been obtained, such as, but not limited to, parade permits, dance permits, use permits, and short-term encroachment permits ~~and it is reasonably foreseeable that no extraordinary police services will be required.~~

The City requires the submittal of a Special Event Application as a pre-condition of considering whether to enter into an agreement to grant a permit for the event or to allow temporary use of all or any portion of a public street, sidewalk, alley, parking lot, plaza or other city owned or managed open space.

Application materials must be completed in full and submitted to the City at least 90 days prior to your event date, and no more than one year in advance of the event date. Applications are accepted on a first-come, first-served basis. A non-refundable application fee must be paid upon submission of your completed application. Use "NA" for "not applicable" to questions or sections that do not apply to your event. Incomplete applications will not be accepted and will delay processing which could affect the availability of your preferred event date or location. Please note the information you provide becomes public information.

City staff will review the Application/Contract. Notes from Police, Fire, Public Works and Parks & Recreation will be presented to City Council for consideration. City Council approves or disapproves your Application/Contract at a formal noticed public meeting. Applicants are strongly encouraged to attend the designated City Council meeting in order to discuss their proposed event and answer related questions. Please ensure you have City Council approval <u>before</u> marketing or advertising your event.

EVENT REQUIREMENTS

Alcohol. If alcohol is sold at your event, an Alcohol Permit from California Alcohol Beverage Control (ABC) is required. Please contact ABC at (916) 419-1319.

Amplified Sound. If the event will have amplified sound, applicant is required to have an event staff member responsible for monitoring sound levels to assure compliance with City noise standards when sound/music/noise may be audible beyond the event venue.

Business License. All vendors participating in an event held in Nevada City must obtain a current business license. For information about business license requirements, call City Hall at (530) 265-2496 x100.

Form of Payment. The City accepts payment in the form of cash, personal/business check, money order or cashier's check. Please note there will be a $25 service charge for all returned checks.

Insurance. The applicant and/or the sponsoring organization is required to provide proof of insurance. A current or valid Certificate of General Liability Insurance in the amount of $1,000,000 and an

endorsement (CG2026 or equivalent) naming the City of Nevada City as additional insured will be required at least 30 days prior to the event.

Event Notification. An event can change the normal flow of residential and business activity potentially causing a negative impact on the community. As the event organizer, you are responsible for notifying those residents and businesses that are adjacent to the planned closure prior to submission of your Application. Applicants must meet the Event Notification requirements unless the event is sponsored by the Nevada City Chamber of Commerce or has been approved and held annually in the same manner for three or more years. The preferred method of notification is the Requested Special Event Notification Form (Addendum A). Unless otherwise exempt, your application materials must include a signed Notification Certification (Addendum B) confirming adjacent residents and businesses were notified of the planned event.

Parking. Applicants will be required to work with the Nevada City Police Department to facilitate ingress/egress requirements for event participants.

Restrooms. Public restrooms are limited to two for downtown events, one at Robinson Plaza and one in the Commercial Street parking lot. If your event is planned for more than 50 people or in an area away from either public restroom, you may be required to provide restroom accommodations and hand washing facilities for event attendees in the quantity prescribed by the City.

Waste Management/Recycling. You are responsible for properly disposing of all waste and garbage throughout the term of your event, and immediately upon conclusion of the event the area must be returned to a clean condition. Therefore, the City may require the applicant to provide trash and recycling containers if the event involves food or drink vendors. Should cleanup be inadequate or damage to City property occurs, you will be billed at full recovery rates, plus overhead for cleanup and repair.

Runs/Walks/Bicycle. If you put chalk, stickers or other directional markings on streets, sidewalks or trails, these markings must all be removed at the end of your event.

CHECKLIST

Before you submit your application to the City of Nevada City, please make sure you have completed the following steps:

X Sign AND date your Application/Contract.

___ Attach a detailed event description and additional information as needed

___ Secure required insurance for the event.

___ Include a Notification Certification (Addendum B) confirming businesses and residents have been notified of the planned event. N/A Event has been approved and held annually in the same manner since 2008

___ Calculate and include the applicable fee.

Submit your completed application to:

City of Nevada City, Attn. Special Event Applications, 317 Broad Street, Nevada City, CA 95959

Addendum A – Requested Street Closure/Special Event Notification Form

PLEASE NOTE. You have received this notification because your property/business is located adjacent to a requested temporary street, sidewalk or alley closure that is subject to City Council approval at a future City Council meeting. Please monitor future City Council agendas for consideration of the following request.

STREET CLOSURE/SPECIAL EVENT INFORMATION

Type of Event (Check all that apply)

___ Parade/Procession
___ Run/Walk/Bicycle
___ Street Festival/Block Party
___ Fundraiser
___ Concert/Show/Public Dance
___ Other: _____

Event Name/Description _____
_____
_____
_____

Event Date(s) _____ **Expected Attendance** _____

Event Hours Start _____ End _____

Set-up Date _____ Time _____

Break Down Date _____ Time _____

Names of street(s), sidewalk(s), alley(s) proposed to be closed:

_____ between _____ & _____

_____ between _____ & _____

_____ between _____ & _____

_____ between _____ & _____

_____ between _____ & _____

Sponsoring Organization _____

Event Contact _____ **Phone Number** _____

Event Website _____

Addendum B – Notification Certification

EVENT INFORMATION

Sponsoring Organization _____

Event Name _____

Event Date(s) _____

Event Location _____

Signature of Sponsor or Authorized Representative

I acknowledge I am responsible for providing notice of my requested event to all adjacent residents and businesses and certify that the entities listed below have been notified of the requested event.

Name (printed) _____

Signature _____

Name/Business	Address	Method of Notification
		☐ Email ☐ Hand Delivered ☐ Mail
		☐ Email ☐ Hand Delivered ☐ Mail
		☐ Email ☐ Hand Delivered ☐ Mail
		☐ Email ☐ Hand Delivered ☐ Mail
		☐ Email ☐ Hand Delivered ☐ Mail
		☐ Email ☐ Hand Delivered ☐ Mail
		☐ Email ☐ Hand Delivered ☐ Mail

[Attach additional pages as needed]

Nevada City Farmers Market Association
Description

The Nevada City Farmers Market Association's mission is: To advance consumer education by creating and supporting a meeting place for the community to have direct access to regional producers who practice sustainable agriculture; to create and support programs that provide free and low-cost food products to children seniors and low-income families; to serve the public interest by creating a meeting place for the community and social welfare organizations; and to originate and/or support other activities consistent with the above.

Each Saturday the Farmers Market consists of two separate events. See attached map.

The Certified Farmers Market, CFM: is on the east side of Union Street. Typically there are about 15 certified producers, that is, farmers, in single and double booths. Prior to 2008 there were several local farmers markets. These markets were either non-certified and/or admitted non-local producers; none considered farming practices as an admission criterion. The NCFMA was created to provide a venue where local producers who practice sustainable farming methods were competing amongst themselves for the following reasons:

- When an event is called a "farmers market" many consumers assume that the sellers are farmers. But at a non-certified market individuals may be resellers.
- We are adjacent to California's food basket, the Central Valley. In spring, at the beginning of the local market season when customer allegiances are being formed, the display at a Central Valley producer's booth will have greater variety than is possible at our elevation. Many consumers, accustomed to shopping at supermarkets, have lost knowledge of their local growing season.
- Sustainable and/or organic farming are typically more expensive than other methods of cultivation.

The Nevada County Ag Commissioner and the California Department of Food and Agriculture, CDFA, regulate the CFM. Our market manager, Stephanie Stevens, and our volunteer operations manager, Jane Sangwine-Yager, have both received training by these agencies.

The Community Event: occurs on the west side of Union Street and in Robinson Plaza. Typically there are about 16 vendors, 1 to 3 community booths, the market booth and, for part of the season, the Tasting Booth. By CDFA regulation, only certified producers may sell within a CFM. The Nevada County Department of Environmental Health regulates the community event. Our current market manager, Stephanie Stevens, and our past manager and current board member, Mali Dyck, have both received training by Environmental Health.

Nevada City Farmers Market Association
Description

i. Vendors: The Community Event is held, in part, to support local non-producers. The vendors sell food and value-added products like hand made soap and crafts. The NCFMA selects non-producers who complement its mission: They are local and where applicable, they use locally grown, organic, or fair-trade ingredients.
ii. Community Groups: On a space available basis, the NCFMA provides booth space at no cost to various community groups to publicize their activities.
iii. Market Booth: In addition to being the information and management center of the market, the Market Booth dispenses Electronic Benefits Transfer, EBT. At the request of its members, the NCFMA became the first CFM in Nevada County to participate in the EBT (food stamps) program. EBT clients use a point-of-sale machine to purchase one-dollar wooden tokens as market script.
iv. Tasting Booth: At the request of its members, in 2013 the NCFMA began a tasting booth at the Farmers Market. At the beginning of each market, produce is collected from producers, cut up for raw samples or cooked, and made available at no cost to consumers. The Tasting Booth is permitted and inspected by the Nevada County Department of Environmental Health.

Volunteers: The NCFMA supports a group of local residents who volunteer. At any given market there will be 10 to 12 volunteers participating in all or part of setup, managing the market booth and takedown. They set out tables and chairs, decorate the street with flags, set up the Market and Tasting Booths, and assist with traffic control.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 01/02/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

Pro Insur, Inc dba
Campbell Risk Management
9595 Whitley Drive, Suite 204
Indianapolis, IN 46240
Larry Spilker Ext 203

CONTACT NAME: Larry Spilker ext 203
PHONE (A/C, No, Ext): 317-848-9075 FAX (A/C, No): 317-848-9093
E-MAIL ADDRESS: lspilker@campbellrisk.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : HANOVER INSURANCE GROUP	22292
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Nevada City Farmers Market
574 East Broad Street
Nevada City California 95959

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 2,000,000
	CLAIMS-MADE X OCCUR	X	X	AAM5101 LHW D481967	01/02/2020	01/02/2021	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 4,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 4,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH)	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's operation. Blanket additional Insured applies per coverage form 421-2015 06 15. Certificate holder, if any, is hearby an additional insured.

CERTIFICATE HOLDER

Evidence of Insurance

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

John C. Campbell

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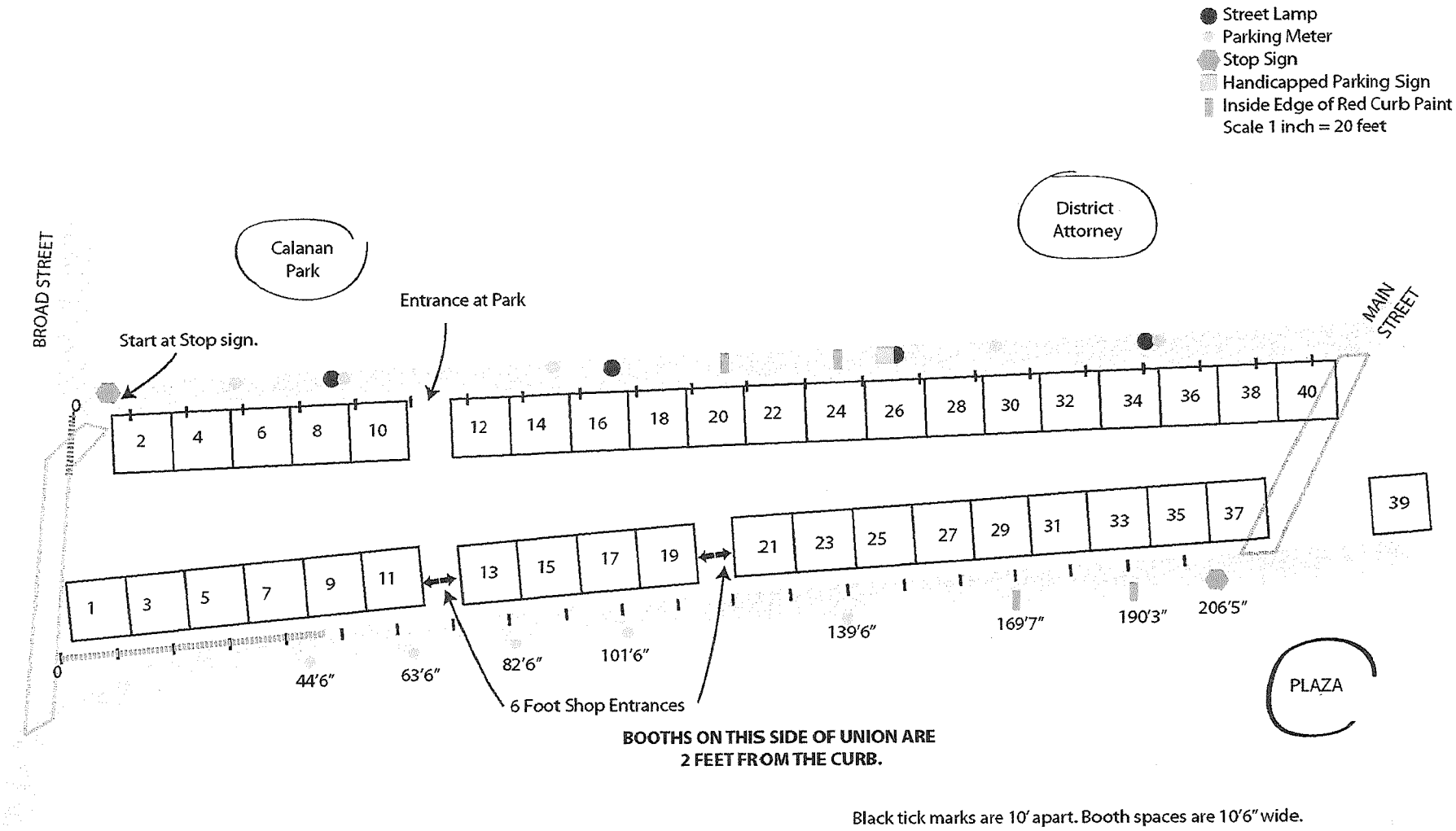

Black tick marks are 10' apart. Booth spaces are 10'6" wide.

From: Bubba Highsmith
To: Sam Goodspeed; Tanya Horton; Paul Rohde
Subject: RE: 2020 Nevada City Farmers Market- Street Closure Request
Date: Thursday, March 12, 2020 10:57:44 AM
Attachments: image002.jpg

Public works requests that they place 72 hr. notices prior to every closure

logo

Bubba Highsmith
City Of Nevada City
Superintendent of Public Works
bubba.highsmith@nevadacityca.gov
office: (530) 265-2496 ext. 148
Cell: (530) 277-0278

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From: Sam Goodspeed <Sam.Goodspeed@nevadacityca.gov>
Sent: Tuesday, March 10, 2020 10:10 AM
To: Tanya Horton <Tanya.Horton@nevadacityca.gov>; Paul Rohde <Paul.Rohde@nevadacityca.gov>; Bubba Highsmith <bubba.highsmith@nevadacityca.gov>
Subject: RE: 2020 Nevada City Farmers Market- Street Closure Request

Tanya,

The Nevada City Fire Department has the following conditions for the proposed Farmers Market events.

1. Must maintain 14 ft. FIRE LANES.
2. No parking in RED ZONES.
3. No blocking of FIRE HYDRANTS.

Sincerely,

Sam Goodspeed

Division Chief
Grass Valley / Nevada City Fire Department
Office: (530) 265-2351 ext. 11
Mobile: (530) 957-9892
sam.goodspeed@nevadacityca.gov

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From: Tanya Horton
Sent: Friday, March 6, 2020 4:04 PM
To: Sam Goodspeed <Sam.Goodspeed@nevadacityca.gov>; Paul Rohde <Paul.Rohde@nevadacityca.gov>; Bubba Highsmith <bubba.highsmith@nevadacityca.gov>
Subject: 2020 Nevada City Farmers Market- Street Closure Request

Hello,

Please see attached and respond with your comments. Thanks

Thank You,

Tanya Horton
City of Nevada City
Customer Service Representative
530-265-2496 x100
www.nevadacityca.gov

From: Sam Goodspeed
To: Tanya Horton; Paul Rohde; Bubba Highsmith
Subject: RE: 2020 Nevada City Farmers Market- Street Closure Request
Date: Tuesday, March 10, 2020 10:10:14 AM

Tanya,

The Nevada City Fire Department has the following conditions for the proposed Farmers Market events.

1. Must maintain 14 ft. FIRE LANES.
2. No parking in RED ZONES.
3. No blocking of FIRE HYDRANTS.

Sincerely,

Sam Goodspeed
Division Chief
Grass Valley / Nevada City Fire Department
Office: (530) 265-2351 ext. 11
Mobile: (530) 957-9892
sam.goodspeed@nevadacityca.gov

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From: Tanya Horton
Sent: Friday, March 6, 2020 4:04 PM
To: Sam Goodspeed <Sam.Goodspeed@nevadacityca.gov>; Paul Rohde <Paul.Rohde@nevadacityca.gov>; Bubba Highsmith <bubba.highsmith@nevadacityca.gov>
Subject: 2020 Nevada City Farmers Market- Street Closure Request

Hello,

Please see attached and respond with your comments. Thanks

Thank You,

Tanya Horton
City of Nevada City
Customer Service Representative
530-265-2496 x100
www.nevadacityca.gov

From:	Paul Rohde
To:	Tanya Horton
Subject:	RE: 2020 Nevada City Farmers Market- Street Closure Request
Date:	Tuesday, March 10, 2020 10:12:15 AM
Attachments:	image002.jpg

72 hour notice for towing. That's all

PAUL ROHDE EMAIL BANNER

From: Tanya Horton
Sent: Friday, March 6, 2020 4:04 PM
To: Sam Goodspeed <Sam.Goodspeed@nevadacityca.gov>; Paul Rohde <Paul.Rohde@nevadacityca.gov>; Bubba Highsmith <bubba.highsmith@nevadacityca.gov>
Subject: 2020 Nevada City Farmers Market- Street Closure Request

Hello,

Please see attached and respond with your comments. Thanks

Thank You,

Tanya Horton
City of Nevada City
Customer Service Representative
530-265-2496 x100
www.nevadacityca.gov

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: Nevada County Transportation Commission's Draft Fiscal Year 2020/21 Overall Work Program

RECOMMENDATION: Review projects proposed for inclusion in the Nevada County Transportation Commission (NCTC Fiscal Year (FY) 2020/21) Overall Work Program (OWP) and pass Resolution 2020-XX approving the projects proposed for inclusion in the NCTC FY 2020/21 OWP.

CONTACT: Bryan McAlister, City Engineer

BACKGROUND / DISCUSSION:
The Nevada County Transportation Commission (NCTC) annually develops an Overall Work Program (OWP) outlining the scope of work and budget for various transportation planning activities. The purpose of the Fiscal Year (FY) 2020/21 OWP is:

1. To show how the Federal Planning Factors will be integrated into the OWP Work Elements.
2. To outline continuing and new activities.
3. To present a summary of the expected revenues and expenditures for the fiscal year.

A final OWP will be considered by the NCTC at their May 2020 meeting. A summary of the Draft FY 2020/21 Overall Work Program is attached to this report.

One of the planning projects currently in progress is the *Nevada City State Route 49 Multimodal Corridor Plan*. The work of this project includes analysis of the following intersections: SR20/SR 49/Uren Street, Coyote Street, North Bloomfield Road, Maidu Avenue, and Cement Hill Road. This plan includes recommendations to improve safety, maintain operational efficiency and accommodate bicyclists and pedestrians. A final report will be presented at the May 20, 2020 NCTC meeting.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: The Draft OWP includes a summary of projected revenues and expenditures for FY 2020/21.

ATTACHMENTS:
- ✓ Resolution No. 2020-XX Approving the Projects Proposed for Inclusion in the Nevada County Transportation Commission's FY 2020/21 Overall Work Program
- ✓ NCTC Draft FY 2020/21 Overall Work Program for Nevada City
- ✓ Memo to City of Nevada City Proposed Projects FY 20/21 OWP 03-10-20

RESOLUTION NO. 2020-XX

RESOLUTION APPROVING THE PROJECTS PROPOSED FOR INCLUSION IN THE NEVADA COUNTY TRANSPORTATION COMMISSION'S FY 2020/21 OVERALL WORK PROGRAM

WHEREAS, on November 21, 1991, the City Council authorized the Mayor to execute a Memorandum of Understanding on behalf of the City of Nevada City with the Nevada County Transportation Commission relating to regional transportation planning; and

WHEREAS, in accordance with the above referenced Memorandum of Understanding, the Nevada County Transportation Commission has submitted the projects to be included in its FY 2020\21 Overall Work Program for the review and approval of the Council of the City of Nevada City.

BE IT RESOLVED by the City Council of the City of Nevada City, as follows:

1. That the Council hereby acknowledges its approval of the projects proposed for inclusion in the FY 2020/21 Overall Work Program of the Nevada County Transportation Commission as submitted.

2. That the Council encourages the Nevada County Transportation Commission to continue its efforts to coordinate the regional transportation planning process and to work closely with the staff of the City of Nevada City to identify and resolve issues that are of common concern.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City held on the 25th day of March, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____

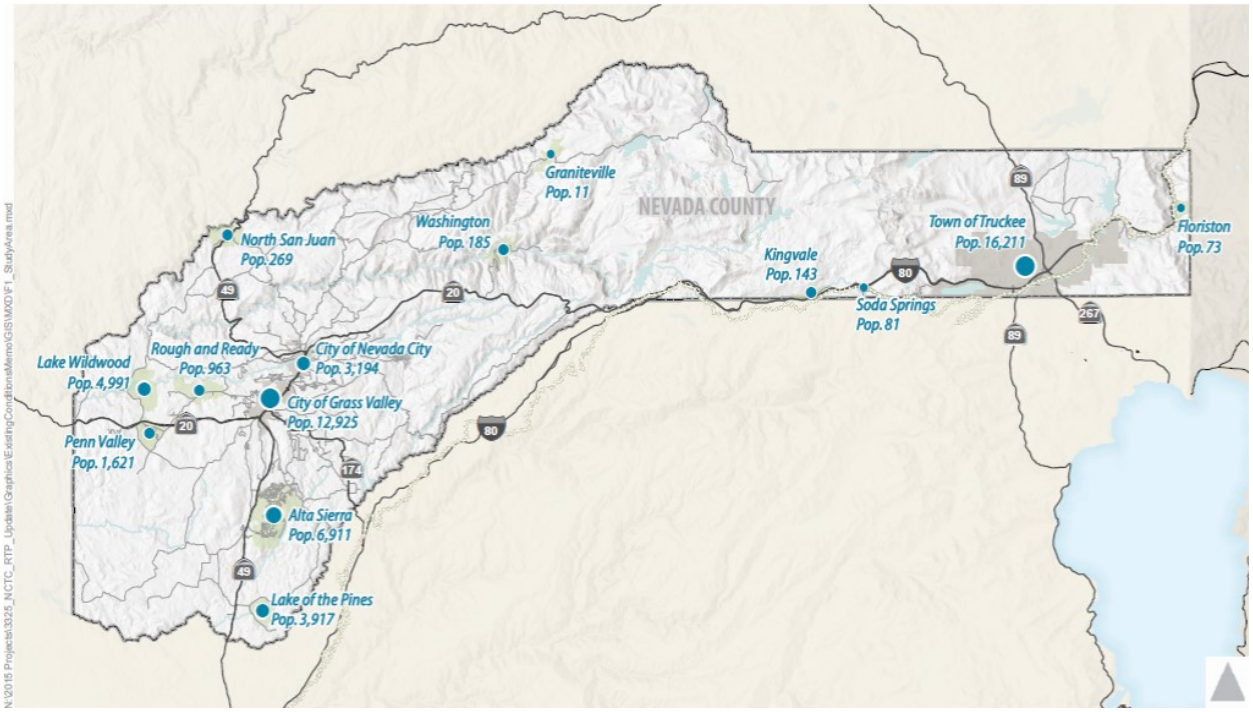
Reinette Senum, Mayor

ATTEST:

_____

Niel Locke, City Clerk

Nevada County Transportation Commission



2020/21 Overall Work Program

DRAFT MARCH 18, 2020

TABLE OF CONTENTS

Page

NCTC MISSION STATEMENT I-1

NCTC ORGANIZATION FLOW CHART I-2

OVERALL WORK PROGRAM INTRODUCTION I-3

WORK ELEMENT 1 – COMMUNICATION AND COORDINATION 1

Project 1.1 General Services and Communication 2
Project 1.2 Fiscal Administration 3

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING 4

Project 2.1 Regional Transportation Plan 6
Project 2.2 Transportation Improvement Programs 8
Project 2.3 Transit and Paratransit Programs 9
Project 2.3.1 Western Nevada County Transit Development Plan 10
Project 2.3.2 Nev. Co. Coordinated Public Transit-Human Services Plan Update 12
Project 2.4 Coordination of Regional Planning 13
Project 2.4.2 Airport Land Use Commission Planning and Reviews 16

WORK ELEMENT 3 - CALTRANS ACTIVITIES WITH NCTC 17

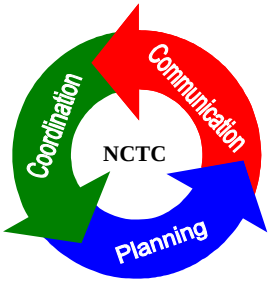
Glossary of Terms and Acronyms 18

BUDGET TABLES:

TABLE 1 Budget Summary B-1
TABLE 2 Direct Costs B-2
TABLE 3 Indirect Costs B-3
TABLE 4 Revenues B-4
TABLE 5 Expenditures B-5
TABLE 6 Budget Detail B-6

NEVADA COUNTY TRANSPORTATION COMMISSION

CREATING A BETTER FUTURE BY BUILDING UPON SUCCESSES OF THE PAST



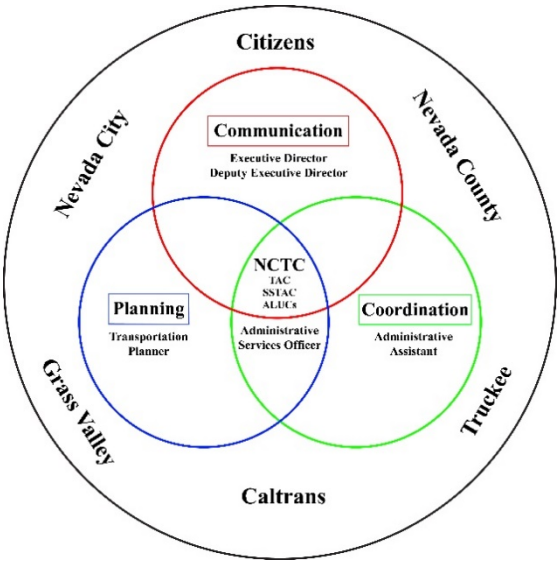
MISSION STATEMENT

The mission of the Nevada County Transportation Commission is to plan, communicate, and coordinate with the citizens and decision makers of Grass Valley, Nevada City, Nevada County, Town of Truckee, and with Caltrans to identify transportation needs, propose solutions, and assist in implementing projects to create a balanced regional transportation system, while protecting the rural qualities and historic character of Nevada County.

Activities to Achieve the Mission Include, But are not Limited to, the Following:

- ✓ *NCTC develops a Regional Transportation Plan (RTP) which includes the actions, funding recommendations, and policy direction necessary to meet the needs of each transportation system component in the region.*
- ✓ *NCTC interacts with the community through workshops, news media, the NCTC website and electronic newsletter.*
- ✓ *NCTC develops and adopts a Regional Transportation Improvement Program (RTIP) that is consistent with the RTP.*
- ✓ *NCTC conducts a comprehensive planning process in the development of its annual Overall Work Program so that funds expended on planning projects will implement the goals of the RTP.*
- ✓ *NCTC reviews transportation plans and programs of member agencies and endorses them based on consistency with the RTP and RTIP. In keeping with this responsibility, NCTC strives to be creative in assisting the region in developing the revenues to construct improvement projects.*
- ✓ *NCTC communicates and participates in workshops with Caltrans on proposed projects to be developed in the County of Nevada to ensure that the policies and goals of the RTP are implemented.*
- ✓ *NCTC coordinates with regional transportation planning agencies on legislation and statewide policy issues to ensure the region receives appropriate attention and funding from the State of California and the Federal government.*
- ✓ *NCTC participates in interregional planning projects to ensure Nevada County projects support both regional and statewide transportation goals.*
- ✓ *NCTC administers Transportation Development Act funds to ensure all statutory requirements are met, including the identification of the region's transit needs.*
- ✓ *NCTC manages Regional Surface Transportation Program funds, Regional Transportation Mitigation Fee funds and Regional Improvement Program funds in accordance with Federal acts and statutes promulgated by the State of California, selecting and funding eligible transportation improvement projects based upon those that are most effective and beneficial to the region.*

Nevada County Transportation Commission
Organization Flow Chart



Nevada County Transportation Commission (NCTC)

NCTC is a Regional Transportation Planning Agency (RTPA) created pursuant to Title 7.88 of the State of California Government Code, Section 67920. As the RTPA for Nevada County, NCTC coordinates transportation planning for Grass Valley, Nevada City, Nevada County, and the Town of Truckee. The NCTC board has seven members. Four members are appointed by the Board of Supervisors and three are appointed by the incorporated municipalities in the County. The Board of Supervisors appoints two of its members and two County at-large representatives. The municipalities appoint three city/town council members; one each from Nevada City, Grass Valley, and the Town of Truckee.

Technical Advisory Committee (TAC)

The TAC is made up of representatives of public transit operators, local public works and planning departments, public airport operators, the air pollution control district, and Caltrans. The Committee provides technical input on transportation issues and ensures there is coordination and cooperation in the transportation planning process.

Social Services Transportation Advisory Council (SSTAC)

The SSTAC is made up of potential transit users who are representatives of the general public; seniors and/or disabled; social service providers for seniors, disabled, and persons of limited means; local social service and consolidated transportation providers; and Truckee residents who represent the senior and Hispanic communities. The goal of the SSTAC is to maintain and improve transportation services to the residents of Nevada County, particularly the underserved and underrepresented members of the community, such as the elderly and disabled. The SSTAC recommends action to the Commission relative to the unmet transit needs findings, and advises the Commission on transit issues, including coordination and consolidation of specialized transportation services.

Airport Land Use Commissions (ALUCs)

The Nevada County Transportation Commission has been designated as the Airport Land Use Commission for the Nevada County Airport and provides staff for the Truckee Tahoe ALUC. The purpose of Airport Land Use Commissions is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within the areas around the airports, to the extent that these areas are not already devoted to incompatible uses.

Nevada County Demographics

As of January 1, 2019, the population of Nevada County was estimated at 98,764. The largest municipality is Truckee with a population of 16,180, followed by Grass Valley at 12,860 and Nevada City at 3,068. Nevada County Quick Facts on Census.gov reported the racial makeup of the county as 84.9% White, followed by 9.7% Hispanic, 1.4% Asian, 1.3% Native American, and 0.6% Black or African-American. Quick Facts indicates that 10.3% of the population was below the poverty level.

OVERALL WORK PROGRAM INTRODUCTION

NCTC annually adopts a budget through the preparation of an Overall Work Program (OWP). This work program describes the planning projects and activities or work elements that are to be funded, and the type of funds that will pay for the expenditures, such as Rural Planning Assistance (RPA), Local Transportation Funds (LTF), or Federal Transit Administration (FTA). A Memorandum of Understanding (MOU) between NCTC, the Cities of Grass Valley and Nevada City, the Town of Truckee, and the County of Nevada provides for the coordination of regional transportation planning with local governments in Nevada County. The Commission staff prepares a draft OWP and in accordance with the MOU, solicits and integrates comments from each of the jurisdictions. The proposed work program is then submitted to the Commission for approval and forwarded to Caltrans. Caltrans, as the grantor of Rural Planning Assistance funds and Federal Transit Assistance funds, approves the OWP. The budget reflects the on-going regional transportation planning process in Nevada County. Major concerns of each of the jurisdictions and Caltrans are reflected in the elements and levels of funding. The OWP is updated each year to report on the progress of identified projects, propose new or continuing projects for the ensuing year, and to provide an estimate of the required funding of the OWP elements.

Public Participation

Public involvement is a major component of the transportation planning and programming processes. NCTC makes a concerted effort to solicit public input from all Nevada County residents, including under-represented groups, in many aspects of transportation planning within Nevada County. Specific examples are listed below:

- NCTC maintains a website (www.nctc.ca.gov), and a Facebook page to keep the public informed of transportation planning and programming efforts underway in Nevada County. Agendas are posted on the bulletin boards of local jurisdictions and emailed to mobile home parks, residential home owners associations, senior centers, environmental advocates, associations representing the private sector, and individuals that have asked to be included on the distribution list.
- Articles on the preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP), as well as the public comment periods, are posted on the NCTC website.
- Copies of the Draft RTP are made available for review at the main public libraries in western and eastern Nevada County, as well as on the NCTC website.
- Press releases are sent to the media establishments in western and eastern Nevada County announcing the Draft RTP is available for review and comment and noting some key findings.
- Public hearings are held and noticed in the main newspapers in western and eastern Nevada County prior to adoption of the RTP and RTIP.
- Each year public notifications are sent out to encourage participation in transportation planning processes, such as the annual unmet transit needs public hearing held by the Transit Services Commission (TSC) and numerous public workshops relating to the transportation projects and planning activities of NCTC.
- Citizens are encouraged to attend and speak at NCTC meetings on any matter included for discussion on the agenda at that meeting.

Regional Issues, Needs, and Goals

The main transportation issues in western Nevada County are related to providing adequate infrastructure and services to meet the needs of the County, while maintaining and enhancing the rural character and environmental qualities of the area. In western Nevada County, interregional traffic adds to the existing challenge and need to maintain and improve the transportation system.

In eastern Nevada County, the issues also stem from the challenges to meet the needs related to the high volumes of traffic generated by travelers taking advantage of the world-class recreational opportunities available in the Truckee-North Tahoe area. To address these issues requires a multi-modal approach to transportation planning in the region.

Acquiring adequate and timely funding for transportation improvements is the central need within all of the Nevada County issues. Implementation of highway and regional roadway improvements will be key to providing efficient operations, while improving safety and air quality. The 2000 Census reported that approximately 17.5% of the county population was over 65 years of age, in 2019 that population increased to 27.5%, and it is projected that by 2030 this population is expected to increase to over 30%. As the population of residents over the age of 65 increases, it will result in increased demand for public transit services in Nevada County. Additional state and federal transit operating and capital revenues will be necessary in order to meet the additional demand placed on the public transit systems.

Transportation issues facing Nevada County which have been identified as regionally significant include the following:

- Insufficient state, federal, and local transportation revenues
- Air quality/greenhouse gas emission reductions
- Coordination of land use, air quality, and transportation planning
- Providing and maintaining a transportation system that enhances safety, the efficient movement of all people, goods, services, and information, and environmental quality
- Efficient implementation of new technologies

Recognition of these issues leads to the overall goal of the Regional Transportation Plan, which is to provide and maintain a transportation system that enhances safety, the efficient movement of all people, goods, and services, and environmental quality. In the Policy Element this overarching goal is divided into the following four goals:

1) Provide for the safe and efficient movement of all people, goods, services, and information;
2) Reduce adverse impacts on the natural, social, cultural, and historical environment and the quality of life;
3) Develop an economically feasible transportation system;
4) Create and maintain a comprehensive, multi-modal transportation system to serve the needs of the County.

The following list of projects indicates progress made toward implementing the goals of the Regional Transportation Plan:

- Operation of Gold Country Stage, Truckee Transit, and associated paratransit services
- SR 49-La Barr Meadows Road Signalization and Widening project, constructed 2013
- SR 20/49 Dorsey Drive Interchange project, constructed 2014
- SR 49 Bicycle and Pedestrian Improvement project, constructed 2014
- SR 49 Signal Pre-emption, programmed 2012 STIP, construction 2015/16
- SR 89 “Mousehole” Grade Separation, programmed 2012 STIP, construction 2015/16
- Northeast Grass Valley Sidewalk Improvements, Preliminary Engineering 2014/15, construction 2015/16
- Northeast Grass Valley Sidewalk Improvements, Preliminary Engineering 2014/15, construction 2015/16
- SR 49-La Barr Meadows to McKnight Way, programmed 2012 STIP, Project Approval - Environmental Documentation 2016/17, Plans, Specifications, and Estimates 2018/19
- Newtown Road Class II/III Bike Lanes, Right-of-Way 2012-2015, construction 2016/17

2020/21 Federal Planning Factors:

As shown in the chart below, the Federal Planning Factors included in Fixing America's Surface Transportation Act (Section 134(h), FAST Act, 2015) have been integrated into NCTC's FY 2020/21 OWP:

1. Support the economic vitality of the region, especially by enabling global competitiveness, productivity, and efficiency.
2. Increase the safety of the transportation system for motorized and non-motorized users.
3. Increase the security of the transportation system for motorized and non-motorized users.
4. Increase the accessibility and mobility of people and for freight.
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.
7. Promote efficient system management and operation.
8. Emphasize the preservation of the existing transportation system.
9. Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation.
10. Enhance travel and tourism.

Planning Factors	WE 1.1	WE 1.2	WE 2.1	WE 2.2	WE 2.3	WE 2.3.1	WE 2.3.2	WE 2.4	WE 2.4.2
Economic Vitality	X	X	X	X	X	X		X	
Safety	X		X	X	X	X		X	X
Security	X		X	X	X	X		X	
Accessibility	X		X	X	X	X	X	X	
Environment	X		X	X	X	X		X	
Connectivity	X		X	X	X	X	X	X	X
System Management & Operation	X	X	X	X	X	X	X	X	X
Preservation	X		X	X	X	X		X	X
Resiliency & Reliability	X	X	X	X	X	X	X	X	
Travel & Tourism	X		X	X	X	X		X	

WORK ELEMENT 1 - COMMUNICATION AND COORDINATION

Public involvement is a major component of NCTC's planning process. The activities and products from Project 1.1, General Services and Communication, are intended to provide the public with complete information and timely notices, thereby giving full public access to key decisions.

Work Element 1 incorporates the following activities that are an integral part of accomplishing NCTC's Mission:

- *NCTC interacts with the community through workshops, news media, and the internet.*

- *NCTC conducts a comprehensive planning process in the development of its annual Overall Work Program so that funds expended on planning projects will implement the goals of the RTP.*

NCTC has the statutory responsibility to administer Transportation Development Act (TDA) funds, and to ensure that all expenditures of TDA funds are in conformity with the Regional Transportation Plan (RTP). NCTC also administers funds received from the Regional Surface Transportation Program (RSTP) and the Regional Transportation Mitigation Fee (RTMF) program. The work performed under Project 1.2, Fiscal Administration, has been incorporated into the NCTC Mission as follows:

- *NCTC administers Transportation Development Act funds to ensure all statutory requirements are met, including the identification of the region's transit needs.*

- *NCTC manages Regional Surface Transportation Program funds, Regional Transportation Mitigation Fee funds and Regional Improvement Program funds in accordance with Federal acts and statutes promulgated by the State of California, selecting and funding eligible transportation improvement projects based upon those that are most effective and beneficial to the region.*

Through communication, collaboration, and public outreach activities, Work Element 1 incorporates the ten Federal Planning Factors (see page I-5) into the NCTC planning program.

Information and data developed through these activities are included in the Regional Transportation Plan and in transit planning documents.

WORK ELEMENT 1 - COMMUNICATION AND COORDINATION (continued)

Project 1.1 - General Services and Communication

Purpose: Conduct communication and public outreach activities. Provide administrative and financial support for the operation of the Nevada County Transportation Commission and its advisory committees through the activities listed below.

Continuing Work:

- Public information and outreach activities (LTF)
- Preparation of agendas, minutes, notices, and correspondence (LTF)
- Track legislation pertinent to the transportation planning process (LTF)
- Technical Advisory Committee (TAC) activities (LTF)
- Provide staff services to SSTAC (LTF)
- Personnel administration (LTF)
- Maintain and update the NCTC website (LTF)
- Office lease (LTF)
- Purchase equipment (LTF)
- Maintain the Commission's office and equipment (LTF)
- Press releases and electronic newsletter (LTF)
- Reports on legislative measures (LTF)
- Update Conflict of Interest Code (LTF)
- Update DBE Program (LTF)
- Coordination with public safety agencies regarding the safety and security of the transportation system (LTF)
- Coordinate implementation of projects in the Regional Transportation Mitigation Fee (RTMF) Program. ((RTMF)
- Work with Nevada County, Grass Valley, and Nevada City to implement projects included in the multi-year Congestion Mitigation Air Quality (CMAQ) project listing. (LTF)
- Apply for FTA planning grants. (LTF)

Products:

- Documentation of Commission and/or TAC meetings (Bimonthly)
- Executive Director's Reports (Bimonthly)
- Personnel reviews (Annual)
- FTA Section 5311 Program of Projects (Mar 20)

Budget 1.1

Revenues:		
	LTF	$212,070.00
	RTMF	$5,000.00
Total		$217,070.00
Expenditures:		
	Staff	$177,368.09
	Indirect	$34,701.91
	HR Consulting	$5,000.00
Total		$217,070.00

Indirect costs are paid with local funds (see Budget Table 5).

WORK ELEMENT 1 - COMMUNICATION AND COORDINATION (continued)

Project 1.2 - Fiscal Administration

Purpose: Administer funds held by NCTC in accordance with the provisions of the TDA Guidelines and State and Federal requirements through the activities listed below.

Continuing Work:

- Develop and oversee Overall Work Program and annual budgets (LTF)
- Contract for and oversee fiscal and performance audits, as required (LTF)
- Provide assistance to claimants in completing claims and resolving audit findings and/or recommendations (LTF)
- Preparation of State Controller's Annual Report (LTF)
- Annual "Unmet Transit Needs" public hearing (LTF)
- Preparation of monthly financial reports (LTF)
- Review and process claims for TDA funds (LTF)
- Reports to Caltrans regarding FTA grants and RPA funds (LTF)
- Update transportation/transit claim guidelines and forms (LTF)
- Administer the Regional Transportation Mitigation Fee Program (RTMF)
- Administer the Regional Surface Transportation Program (LTF)
- Accounting/payroll (LTF)
- Coordination of community transit services and funding with Consolidated Transportation Service Agencies (LTF)
- Preparation of Triennial Performance Audits (LTF)

Products:

- Closeout FY 2019/20 OWP (Sept 20)
- Manage FY 2020/21 Overall Work Program (July 20-June 21)
- Draft FY 2021/22 Overall Work Program (Feb 21)
- Final FY 2021/22 Overall Work Program (May 21)
- Fiscal and Compliance Audits (July 20 - Dec 20)
- State Controller's Annual Report (Dec 20)
- Accounting Reports/Payroll/Payment Authorizations/Tax Reports (Ongoing)
- Financial reports (Monthly)
- Findings of Apportionment (Feb 21)

Budget 1.2

Revenues:		
	LTF	$273,265.03
Total		$273,265.03
Expenditures:		
	Staff	$191,339.61
	Indirect	$37,435.42
	Fiscal Audits	$44,490.00
Total		$273,265.03

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING

NCTC has the responsibility to prepare and adopt a Regional Transportation Plan (RTP) directed to the achievement of a coordinated and balanced regional transportation system. The plan is to be action-oriented and pragmatic, considering both the short and long term future, and is to present clear, concise policy guidance to local and state officials. Projects 2.1 (Regional Transportation Plan), 2.2 (Transportation Improvement Programs), 2.3 (Transit and Paratransit Programs), and 2.4 (Coordination of Regional Planning), are tied to the NCTC Mission by the following activities:

- *NCTC develops a Regional Transportation Plan (RTP) which includes the actions, funding recommendations, and policy direction necessary to meet the needs of each transportation system component in the region.*
- *NCTC develops and adopts a Regional Transportation Improvement Program that is consistent with the RTP.*
- *NCTC reviews transportation plans and programs of member agencies and endorses them based on consistency with the RTP and RTIP. In keeping with this responsibility, the NCTC strives to be creative in assisting the region in developing the revenues to construct improvement projects.*
- *NCTC communicates and participates in workshops with Caltrans on proposed projects to be developed in the County of Nevada to ensure that the policies and goals of the RTP are implemented.*
- *NCTC coordinates with regional transportation planning agencies on legislation and statewide policy issues to ensure the region receives appropriate attention and funding from the State of California and the Federal government.*
- *NCTC participates in interregional planning projects to ensure Nevada County projects support both regional and statewide transportation goals.*

The following activities and products included in Work Element 2 are appropriate uses of Rural Planning Assistance Funds:

- ✓ Participate in Federal and State Clean Air Act transportation related air quality planning activities. (Projects 2.1 and 2.2)
- ✓ Develop and/or modify tools that allow for better assessment of transportation impacts on community livability (e.g. integration of GIS and census data into the regional traffic model and development of performance measurement tools and strategies). (Projects 2.1 and 2.4)
- ✓ Identify and document transportation facilities, projects, and services required to meet the regional and interregional mobility and access needs. (Projects 2.1, 2.2, and 2.3)
- ✓ Define solutions and implementation issues in terms of the multimodal transportation system, land use and economic impacts, financial constraints, air quality and environmental concerns (including wetlands, endangered species and cultural resources). (Projects 2.1 and 2.2)
- ✓ Assess the operational and physical continuity of transportation system components within and between metropolitan and rural areas, and interconnections to and through regions. (Projects 2.1, 2.3, and 2.4)
- ✓ Conduct transit needs public hearings and prepare transit development plans and transit marketing plans as appropriate. (Project 2.3)

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING (continued)

- ✓ Investigate methods to reduce vehicle travel and methods to expand and enhance travel services. (Projects 2.3, 2.3.1, and 2.4)
- ✓ Incorporate transit and intermodal facilities, bicycle transportation facilities, and pedestrian walkways in projects where appropriate. (Projects 2.1, 2.2, 2.3 and 2.3.1)
- ✓ Participate with regional, local and state agencies, the general public, and the private sector in planning efforts to identify and implement policies, strategies, programs and actions that maximize and implement the regional transportation infrastructure. (Projects 2.1, 2.2, 2.3, and 2.4)
- ✓ Conduct collaborative public participation efforts to further extend transportation planning to communities previously not engaged in discussion. (Project 2.1, 2.3, 2.3.1, and 2.3.2)
- ✓ Create, strengthen, and use partnerships to facilitate and conduct regional planning activities between Caltrans, RTPAs, Metropolitan Planning Organizations (MPOs), transit districts, cities, counties, the private sector, and other stakeholders. (All WE 2 Projects)
- ✓ Use partners to identify and implement policies, strategies, programs and actions that enhance the movement of people, goods, services, and information. (Projects 2.1, 2.3, 2.3.1, and 2.3.2)
- ✓ Ensure that projects developed at the regional level are compatible with statewide and interregional transportation needs. (Projects 2.2 and 2.4)
- ✓ Conduct planning and project activities (including corridor studies, and other transportation planning studies) to identify, develop, and monitor current and future STIP projects. (Projects 2.1 and 2.2)
- ✓ Implement ways to meet transportation needs by using existing transportation facilities more efficiently. Encourage owners and operators of transportation facilities/systems to work together to develop operational objectives and plans maximizing utilization of existing facilities. (Projects 2.1, 2.3, 2.3.1, 2.3.2, and 2.4)
- ✓ Document environmental and cultural resources and develop and improve coordination between agencies using Geographic Information Systems (GIS), Intelligent Transportation Management Systems (ITMS), and other computer-based tools. (Projects 2.1 and 2.4)

Work Element 2, Regional Transportation Planning, incorporates the ten Federal Planning Factors into the NCTC planning program (see page I-5).

Monitoring safety and operational data of transportation facilities and services in Projects 2.1 and 2.3 will aid NCTC efforts to incorporate “safety” and “security” within the planning process. Through expanded Technical Advisory Committee meetings, transportation planning will be coordinated with emergency preparedness plans in the region. Systems management and operational data will be used to identify opportunities to increase transit ridership and develop operational improvements for regional transportation facilities. Management and operations data will also be key components in guiding capital investment plans for regional transportation system facilities and services. Planning activities will include coordination with nonemergency human service transportation providers. NCTC will also provide information to regional transit operators to ensure appropriate safety, security, and operational training opportunities are provided.

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING (continued)

Project 2.1 - Regional Transportation Plan (RTP)

Purpose: Monitor implementation of the RTP through the following activities:

- Update travel demand models and circulation plans.
- Coordinate the RTP with Caltrans planning documents.
- Coordinate the RTP with county, town, and city general plans.
- Complete planning studies on projects in the RTP in order to be programmed in the RTIP.
- Plan and coordinate local, regional, state, and federal funding for RTP projects (e.g. RTMF, STIP, RSTP, SHOPP, CMAQ, and federal grants).

Previous Work:

- 2010 and 2015 Nevada County Regional Transportation Plans.
- Completion of the RTP environmental documentation.
- Development of regional transportation models.
- Development of the Regional Transportation Mitigation Fee program.
- Assist member agencies with review and update of transportation capital improvement programs (CIPs) and master plans.
- Incorporate local agency transportation CIPs and master plans into the RTP and RTIP as appropriate.
- Update traffic model land use files.
- Participate in updates of Nevada County, Truckee, Grass Valley, Nevada City General Plans.
- Conduct and update planning studies as needed for regional projects identified by NCTC, TAC, and member agencies.
- Analyze alternative growth scenarios and report on related infrastructure needs and costs.
- Identify Right-of-Way needed for future transportation projects.
- Conduct technical studies necessary to support policies and projects included in the RTP.
- Work with Nevada County's GIS staff to ensure the following airport information is included in the GIS data base: airport locations, airport boundaries, noise contours, airport influence area, and ground access routes to airports.
- Incorporate into the RTP, policies, strategies, programs, and actions that enhance movement of people, goods, services, and information.

Continuing Work:

- Solicit input from citizens and transportation stakeholders, including the Native American community, and agencies regarding transportation issues. (RPA & LTF)
- Monitor implementation of Corridor System Management Plan (CSMP) recommendations. (RPA & LTF)
- Update capital improvement needs lists. (RPA & LTF)
- Work with Northern Sierra Air Quality Management District (NSAQMD) to determine air quality impacts of regional transportation plans and improvement programs. (RPA & LTF)
- Participate with NSAQMD, Caltrans, and other agencies in planning related to Federal 8-hour ozone standards. (RPA & LTF)
- Develop information to evaluate goods movement impacts on the region's transportation system and consider air quality issues related to goods movement. (RPA & LTF)
- Update Highway Performance Monitoring System (HPMS) data. (RPA & LTF)

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING (continued)

Project 2.1 - Regional Transportation Plan (RTP) (continued)

- Coordinate with public safety agencies. (RPA & LTF)
- Integrate system safety and security elements into the RTP. (RPA & LTF)

Additional Work Activities:

- Monitor existing traffic conditions and safety data. (RPA & LTF)
- Coordinate with Caltrans to develop and implement performance measures in the regional planning process. (RPA & LTF)
- When developing regional transportation projects and updating planning documents, NCTC will consider and incorporate transit services, intermodal facilities, and pedestrian bicycle facilities whenever appropriate. (RPA & LTF)
- Planning activities related to CMAQ program including preparation and releasing of call for projects, review and ranking applications, project selection, and programming. (RPA & LTF)
- Coordinate review of safety and design concerns related to state highway projects. (RPA & LTF)
- Update travel demand model to address new Vehicle Miles Traveled (VMT) requirements. (RPA & LTF)

Products:

- Reports on air quality issues (Annual)
- Reports on traffic conditions and safety data (Annual)
- Reports on new issues and projects to be included in the RTP (Annual)
- Progress reports on project planning activities (Bimonthly)

Budget 2.1

Revenues:		
	LTF Carryover	$53,791.72
	LTF	$26,803.52
	RPA Formula	$121,172.75
Total		$201,767.99
Expenditures:		
	Staff	$114,388.07
	Indirect	$22,379.92
	Traffic Engineering	$25,000.00
	Local Agency Participation	$30,000.00
	Traffic Counts	$10,000.00
Total		$201,767.99

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING (continued)

Project 2.2 - Transportation Improvement Programs

Purpose: To monitor implementation of the Regional Transportation Improvement Program (RTIP) and provide policy analysis and recommendations regarding the RTIP and the State Transportation Improvement Program (STIP) through the activities listed below.

Previous Work:

- Coordinate with Nevada County Airport manager regarding potential impacts of the Dorsey Drive Interchange project on access to the airport.
- Complete traffic modeling analyses required for Air Quality Conformity.
- Participate with Nevada County in the Brunswick Road/Loma Rica Drive Intersection Alternatives Feasibility Analysis.
- Participate with Grass Valley in the McKnight Way Interchange Alternatives Feasibility Analysis.
- Participate with Grass Valley in preparation of the Accessibility Transition Plan.
- Participate with Grass Valley on the Dorsey Drive Interchange project.
- Monitor progress on the SR 89 "Mousehole" project.

Continuing Work:

- Monitor STIP implementation. (RPA & LTF)
- Monitor planning, design, and construction of improvement projects on SR 49 widening between the Wolf/Combie Road intersection and Grass Valley. (RPA & LTF)
- Encourage interagency coordination necessary to identify and develop new RTIP projects. (RPA & LTF)
- Communicate and coordinate with Caltrans to identify and implement incremental projects (such as an interim 3-lane cross section) to accelerate the safety improvements to the SR 49 corridor between Grass Valley and the Combie/Wolf Road intersection. (RPA & LTF)
- Participate with Caltrans in developing the SR 49 Corridor System Management Plan. (RPA & LTF)
- Coordinate with Caltrans regarding Interregional Transportation Improvement Program (ITIP) participation in STIP funded projects in Nevada County. (RPA & LTF)

Products:

- Status reports on Nevada County's STIP projects (Bimonthly)
- Reports regarding implementation of the Nevada County RTIP (Ongoing)
- Reports on implementation of the Caltrans SR 49 Corridor System Management Plan (Annual)

Budget 2.2

Revenues:		
	RPA Formula	$57,406.15
	LTF	$11,231.46
Total		$68,637.61
Expenditures:		
	Staff	$57,406.15
	Indirect	$11,231.46
Total		$68,637.61

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING (continued)

Project 2.3 - Transit and Paratransit Programs

Purpose: Work with city, county, and town staff to improve efficiency, productivity, and cost effectiveness of existing transit and paratransit systems through the activities listed below.

Previous Work:

- Transit Development Plans

Additional Work Activities:

- Monitor ridership, expenditures, and revenue for each system. (LTF & RPA)
- Hold coordination meetings with transit and paratransit providers. (LTF & RPA)
- Check operational performance indicators for each system. (LTF & RPA)
- Assist in implementation of Transit Development Plans and Coordinated Public Transit-Human Services Transportation Plan. (LTF & RPA)
- Develop and present information regarding alternative forms of transportation that are practical for Nevada County. (LTF & RPA)
- Coordinate with human service transportation providers. (LTF & RPA)
- Distribute press releases and other educational information regarding alternative forms of transportation. (LTF & RPA)
- Participate on the Accessible Transportation Coalition Initiative-Mobility Action Partners Coalition. (LTF & RPA)

Products:

- Reports to the Commission regarding staff participation in the transit and paratransit planning processes (Bimonthly)

Budget 2.3

Revenues:		
	RPA Formula	$49,786.19
	LTF	$14,536.47
Total		$64,322.66
Expenditures:		
	Staff	$49,786.19
	Indirect	$14,536.47
Total		$64,322.66

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING (continued)

Project 2.3.1 - Western Nevada County Transit Development Plan (WNCTDP)

Purpose: This study will analyze a wide range of service, capital, institutional and management, and financial alternatives. The consultant will evaluate the existing transit systems, research opportunities for improved coordination in the region, determine the most efficient approach to meet the needs of the public, and identify where transit resources should be devoted over the plan period. Public involvement and outreach activities (i.e., community and stakeholder meetings, public forums, on-board surveys, etc.) are integral components of the study. The WNCTDP will include a year-by-year implementation schedule for all plan elements, identifying the responsible parties and financial requirements.

Previous Work:

- Western Nevada County TDP Update, 2016.
- Triennial Performance Audits.
- Western Nevada County Public Transportation Governance Study, 2012.
- Nevada County Coordinated Public Transit-Human Services Transportation Plan.

Additional/Continuing Work Activities:

- Prepare and distribute a Request for Proposal to qualified consultants (RPA)
- Review proposal, select consultant, and execute a contract. (RPA)
- Finalize the work program and refine the scope of work. (RPA)
- Project administration and coordination. (RPA)
- Project initiation and data collection. (RPA)
- Analyze existing transportation services. (RPA)
- Review ridership data. (RPA)
- Summarize and assess transit needs. (RPA)
- Stakeholder involvement and public outreach. (RPA)
- Conduct onboard surveys. (RPA)
- Identify and evaluate service alternatives. (RPA)
- Develop capital, financial, and management alternatives. (RPA)
- Preparation and presentation of draft TDP. (RPA)
- Modify draft TDP and prepare final plan. (RPA)
- Project meetings and coordination. (RPA)

Products:

- Scope of Work. (Oct 19)
- Request for Proposals. (Nov 19)
- Consultant contract. (Jan 20)
- Quarterly Progress Reports (Mar 20 – Mar 21)
- Technical Memoranda: Existing Conditions, Major Activity Centers, Existing Services and Ridership Data, Paratransit Costs and Coordination of Services, Transit Demand Areas and Needs in Outlying Areas, Stakeholder Involvement, Onboard Surveys, Public Workshops, Analysis of Service Alternatives and Efficiency of Paratransit Services, Capital Needs and Funding Sources, Report of Institutional Management Alternatives. (Feb 20 - Nov 20)
- Draft report. (Jan 21)
- Final report and Implementation Schedule. (Mar 21)

Project 2.3.1 - Western Nevada County Transit Development Plan (WNCTDP) (continued)

Budget 2.3.1

The full amount of the RPA Grant awarded in FY 19/20 is shown in this draft, since it is not known how funding will be carried forward. The Final FY 20/21 OWP will show an estimated amount of RPA Grant funds carried forward from FY 19/20.

Revenues:		
	RPA Grants	$80,000.00
	RPA Formula	$13,044.53
Total		$93,044.53
Expenditures:		
	Staff	$13,044.53
	Consultant	$80,000.00
Total		$93,044.53

Project 2.3.2 – Nevada County Coordinated Public Transit-Human Services Plan Update

Purpose: The primary focus of this project is to support and expand the facilitation of transportation coordination among the various human service entities and the private and public transportation services. The strategies update the current Coordinated Public Transit – Human Services Transportation Plan and will address existing transportation service gaps and needs.

Previous Work:

- 2014 Nevada County Coordinated Public Transit-Human Services Transportation Plan.

Additional Work Activities:

- Prepare and distribute a Request for Proposal to qualified consultants. (LTF)
- Establish Project Advisory Committee (PAC) and manage involvement. (LTF)
- Review proposal, select consultant, and execute a contract. (LTF)
- Finalize the work program and refine the scope of work. (RPA & LTF)
- Project initiation and data collection. (RPA & LTF)
- Prepare demographic profile of Nevada County. (RPA & LTF)
- Assessment of public, private, and social service transportation options. (RPA & LTF)
- Stakeholder outreach to identify unmet transportation needs and gaps in service. (RPA & LTF)
- Develop solutions to address unmet transportation needs and gaps in service. (RPA & LTF)
- Develop implementation plan for high priority strategies (RPA & LTF)
- Preparation and presentation of draft report. (RPA & LTF)
- Modify draft report and prepare final report. (RPA & LTF)
- Project support and administration of grant. (LTF)

Products:

- Scope of Work. (Oct 19)
- Request for Proposals. (Nov 19)
- Consultant contract. (Jan 20)
- Quarterly Progress Reports (Mar 20 – Mar 21)
- Technical Memoranda: Demographics and Conditions, the Center Existing Services and Coordination of Services, Unmet Transit Needs and Transit Demand Areas, Onboard Surveys, Stakeholder Interviews, Public Workshops, Strategies to Meet Needs and Prioritization of Strategies, Recommended Strategies and Funding Sources. (Feb 20 – Nov 20)
- Draft Report. (Jan 21)
- Final Report and Implementation Schedule (Mar 21)

Budget 2.3.2

The full amount of the RPA Grant awarded in FY 19/20 is shown in this draft, since it is not known how funding will be carried forward. The Final FY 20/21 OWP will show an estimated amount of RPA Grant funds carried forward from FY 19/20.

Revenues:		
	RPA Grants	$50,000.00
	LTF	$11,467.95
Total		$61,467.95
Expenditures:		
	Staff	$11,467.95
	Consultant	$50,000.00
Total		$61,467.95

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING (continued)

Project 2.4 - Coordination of Regional Planning

Purpose: Enhance NCTC's regional planning efforts through the following activities:

- Coordinate local land use planning with regional transportation planning.
- Analyze regional transportation impacts of proposed development projects.
- Improve Transportation Systems Management (TSM) and Transportation Demand Management (TDM) efforts in the region.
- Provide for Commission participation in studies done by other agencies.
- Promote cooperation between regional planning agencies.
- Promote regional transportation services (e.g. connections to Capitol Corridor rail service).

Previous Work:

- Review of local development projects and environmental documents.
- Traffic model analyses of development projects, and modifications to regional and local transportation facilities proposed by public agencies.
- Study to extend Capitol Corridor train service to Truckee/Tahoe area.
- Participate in the SR 49 Corridor Study with Placer County Transportation Planning Agency (PCTPA) and Caltrans.
- Participate in the Tahoe Gateway Intelligent Transportation Study.
- Coordinate with Placer County, PCTPA, Nevada County, and Caltrans as a Technical Advisory Committee for the SR 49 Corridor Study.
- Coordinate with Caltrans, SACOG, El Dorado Transportation Commission, Sierra County Transportation Commission, and Placer County Transportation Planning Agency to update and maintain the Tahoe Gateway ITS Regional Architecture.
- Participate with Caltrans and RTPAs to pursue rail projects that will improve goods movement and enhance passenger rail service.
- Work with the Northern Sierra Air Quality Management District (NSAQMD) to develop and implement transportation control measures consistent with the region's air quality non-attainment plan and regional transportation plan.
- In conjunction with PCTPA and Caltrans, actively pursue, develop, and implement funding for SR 49 corridor improvements.
- Participate as a member of the Tahoe Gateway Architecture Maintenance Team.
- Coordinate with member agencies to reestablish and enhance Transportation Demand Management (TDM) programs in Nevada County.
- Assist with modeling and traffic analyses as requested by jurisdictions and approved by NCTC.
- Analyze transportation impacts of development proposals.
- Analyze proposed modifications to city and county land use plans.
- Participate in the North State Super Region “North State Transportation for Economic Development Study.”
- Review updates of the Circulation and Land Use Elements of General Plans for Nevada County, cities of Grass Valley and Nevada City, and the Town of Truckee to ensure consistency with the adopted Airport Land Use Compatibility Plans (ALUCPs) for the Nevada County and Truckee Tahoe airports.

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING (continued)

Project 2.4 - Coordination of Regional Planning (continued)

Continuing Work:

- Participate in Regional Transportation Planning Agency group meetings and California Rural Counties Task Force meetings. (RPA & LTF)
- Participate in Federal and State Clean Air Act transportation related air quality planning activities. (RPA & LTF)
- Participate in the Truckee/North Tahoe Transportation Management Association (TNT/TMA) and Resort Triangle Transportation Planning Coalition (RTTPC) meetings. (RPA & LTF)
- Review and comment on Caltrans Systems Plans and related documents. (RPA & LTF)
- Participate in inter-regional planning projects (e.g. North State Super Region (NSSR), I-80 Corridor Management Plan, and Trans-Sierra Transportation Coalition). (RPA & LTF)
- Coordination with the Nevada County Economic Resource Council. (RPA & LTF)
- Monitor legislation that impacts transportation planning. (LTF)
- Monitor planning efforts of Grass Valley, Nevada City, Nevada County, and Truckee. (RPA & LTF)
- Present information to local civic groups regarding regional transportation planning. (RPA & LTF)
- Participate in local ad hoc committees. (RPA & LTF)
- Maintain formal consultation with Native American Tribal Governments. (RPA & LTF)
- Monitor implementation of the Nevada County Active Transportation Plan. (RPA & LTF)
- Participate in the "Zero Traffic Fatalities Task Force". (RPA & LTF)
- Participate in Critical Freight Corridors Working Group. (RPA, LTF)
- Participate in SR 49 Stakeholders Committee. (RPA, LTF)
- Distribute press releases. (RPA & LTF)
- California Local Streets and Roads Needs Assessment Oversight Committee Participation (RPA & LTF)
- Coordinate with partner agencies to implement the MAPI-21/FAST Act performance-based approach in the scope of the transportation planning process. (RPA & LTF)
- Participate in the California Federal Programming Group (CFPG). (RPA & LTF)
- Participate in the Transportation Cooperative Committee. (RPA & LTF)
- Participate on the Truckee Transit Center Study Project Advisory Committee. (RPA & LTF)
- Coordinate with local jurisdictions in the identification of pedestrian and bicycle projects that meet the requirements for Active Transportation Program grant funding and assist with preparation of applications. (RPA & LTF)
- Coordinate with partners to identify policies, strategies, programs and actions that enhance the movement of people, goods, services and information on the regional, interregional, and state highway systems. (RPA & LTF)
- Participate in Interregional Transportation Strategic Plan (ITSP) Workshops. (RPA & LTF)
- Participate in Federal Rescission working group. (RPA & LTF)
- Participate with North Tahoe SSTAC and Placer County SSTAC in coordination of unmet needs hearings.

Products:

- Reports regarding participation in regional coordination activities (e.g. Zero Traffic Fatalities Task Force, Critical Freight Corridors Working Group, ITSP Workshops, and Critical Freight Corridors Working Group). (Bimonthly)
- Reports on coordination with the Nevada County Economic Resource Council. (Bimonthly)

Project 2.4 - Coordination of Regional Planning (continued)

- Reports on SR 49 Corridor improvements. (Bimonthly)
- Reports to the Commission regarding North State Super Region meetings and activities. (Bimonthly)
- Reports regarding RTPA and RCTF meetings. (Bimonthly)
- Reports regarding TNT/TMA and RTTPC activities. (Bimonthly)

Budget 2.4

Revenues:		
	RPA Formula	$52,590.38
	LTF	$50,279.87
Total		$102,870.25
Expenditures:		
	Staff	$84,364.43
	Indirect	$16,505.82
	RCTF	$2,000.00
Total		$102,870.25

Project 2.4.2 – Airport Land Use Commission Planning and Reviews

Purpose: Enhance NCTC's regional planning efforts through the following activities:

- Coordinate local land use planning with airport land use compatibility plans.
- Promote cooperation between land use planning agencies and airport land use commissions.
- Conduct reviews of projects near Nevada County and Truckee Tahoe Airport for consistency with adopted ALUCPs.
- Provide staff support to Nevada County and Truckee Tahoe Airport Land Use Commissions.
- Participate in statewide ALUC meetings.

Previous Work:

- Nevada County Airport Land Use Compatibility Plan
- Truckee Tahoe Airport Land Use Compatibility Plan

Continuing Work:

- Review airport land use compatibility issues
- Conduct reviews of projects near Nevada County and Truckee Tahoe Airport for consistency with adopted ALUCPs. (ALUC Fees, LTF)

Products:

- Reports on airport land use compatibility issues

Budget 2.4.2

Revenues:		
	ALUC Fees	$15,000.00
Total		$15,000.00
Expenditures:		
	ALUC Reviews	$15,000.00
Total		$15,000.00

WORK ELEMENT 3 - CALTRANS ACTIVITIES WITH NCTC FOR FY 2020/21

ACTIVITY	DESCRIPTION	PRODUCTS
System Planning	Completion of system planning products used by Caltrans and its transportation partners	Caltrans District 3 System Planning documents consistent with the Caltrans District 3 System Planning Five-Year Work Plan.
Advance Planning	Completion of pre-programming studies (e.g., Project Initiation Documents) so as to be ready to program resources for capital projects	Project Initiation Documents (PID), as indicated in the Two-Year PID Work Plan.
Regional Planning	Participate in and assist with various regional planning projects and studies	Participation in the following projects and studies: ▪Town of Truckee-Sustainable Community Grant & Adaptation Grant ▪NCTC-2 RPA Grants ▪SR 49 CSMP Update ▪Assisting with SR 49 INFRA Grant Application ▪Oversite of Planning Studies/ Conceptual Projects pertaining to the State Highway System
Local Development Review Program	Review of local development proposals potentially impacting the State Highway System	Assistance to lead agencies to ensure the identification and mitigation of local development impacts to the State Highway System that is consistent with the State's smart mobility goals.

Glossary of Terms and Acronyms

Active Transportation Plan: Identifies a network of pedestrian and bicycle facilities and projects to support pedestrian and bicycle safety for people of all ages and abilities. Specifically, the Active Transportation Plan aims to:

- Identify barriers and innovative solutions to encourage walking and bicycling as viable travel modes
- Effectively build on recently completed and current active transportation planning efforts
- Develop walking/bicycling networks supportive of existing and future land uses and projects
- Develop a clearly-defined implementation strategy with specific, creative, yet practical and financially feasible projects matched to specific funding opportunities

Active Transportation Program (ATP): Created in 2013 by the passage of SB 99 and AB 101, the Active Transportation Program consolidates existing federal and state transportation programs into a single program with a focus to make California a national leader in active transportation. The purpose of the Active Transportation Program is to encourage increased use of active modes of transportation by achieving the following goals:

- Increase the proportion of trips accomplished by biking and walking,
- Increase safety and mobility for non-motorized users,
- Advance the active transportation efforts of regional agencies to achieve Greenhouse Gas (GHG) reduction goals, pursuant to SB 375 (of 2008) and SB 341 (of 2009),
- Enhance public health and ensure that disadvantaged communities fully share in the benefits of the program, and
- Provide a broad spectrum of projects to benefit many types of active transportation users.

Airport Land Use Commission (ALUC): The fundamental purpose of ALUCs is to promote land use compatibility around airports. As expressed in state statutes, this purpose is "… to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses." The statutes give ALUCs two principal powers by which to accomplish this objective:

1. ALUCs must prepare and adopt an airport land use plan; and
2. ALUCs must review the plans, regulations, and other actions of local agencies and airport operators for consistency with that plan.

Airport Land Use Compatibility Plan (ALUCP): A document referred to by ALUCs and individuals seeking to review standards for land use planning in the vicinity of an airport. The ALUCP defines compatible land uses for noise, safety, airspace protection, and overflight within the Airport Influence Area (AIA).

Allocation: A distribution of funds by formula or agreement. With regard to Transportation Development Act funds, allocation is the discretionary action by the RTPA which designates funds for a specific claimant for a specific purpose.

Apportionment: Distribution of funds by a formula. Apportionment under the Transportation Development Act is the determination by the RTPA of each area's share of anticipated LTF for the ensuing fiscal year.

California Environmental Quality Act (CEQA): A statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

Capital Improvement Program (CIP) or Capital Improvement Plan: A short-range plan, which identifies capital projects and equipment purchases, provides a planning schedule and identifies options for financing the plan.

Congestion Mitigation and Air Quality (CMAQ): A federal funding program that is available in western Nevada County for transportation projects that demonstrate emission reductions to help attain federal air quality standards. Western Nevada County was classified in 2004 as "non-attainment" for 8-hour ozone standards. Project categories eligible for CMAQ funding include:

- Alternative fuels and vehicles
- Congestion reduction and traffic flow improvements
- Transit improvements
- Bicycle and pedestrian facilities
- Public education and outreach
- Diesel engine retrofits
- Car pooling and van pooling

Projects are submitted by local jurisdictions for consideration and are ranked based on air quality benefits and project readiness. NCTC then reviews the ranking and chooses projects to be funded.

Corridor System Management Plan (CSMP): Foundational documents supporting a partnership-based, integrated management of all travel modes (cars, trucks, transit, bicycles, and pedestrians) and infrastructure (highways, roads, rail tracks, information systems and bike routes) so that mobility along a corridor is provided in the most efficient and effective manner possible.

Federal Highway Administration (FHWA): An agency within the U.S. Department of Transportation that supports state and local governments in the design, construction, and maintenance of the Nation's highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands).

Federal Transit Administration (FTA): A federal agency that provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys and ferries.

Findings of Apportionment: Prior to March 1 of each year, Nevada County Transportation Commission (NCTC), pursuant to the California Code of Regulations Section 6644, transmits "Findings of Apportionment" for all prospective claimants. The apportionments are determined from the Nevada County Auditor-Controller's estimate of Local Transportation Funding (LTF) for the ensuing fiscal year, less those funds allocated for Transportation Development Act (TDA) administration, transportation planning and programming, pedestrian/ bicycle projects, and community transit services. The remaining funds are then apportioned according to the population of each applicant's jurisdiction in relation to the total population of the County.

Fixing America's Surface Transportation (FAST) Act: A federal law enacted in 2015 to provide long-term funding for surface transportation infrastructure planning and investment. The FAST Act authorizes $305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs.

FTA Section 5310: This program set forth in United States Code (U.S.C.) Title 49 Section 5310 provides formula funding to states for the purpose of assisting private nonprofit groups in meeting the transportation needs of older adults and people with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs.

FTA Section 5311: This program set forth in United States Code (U.S.C.) Title 49 Section 5311 provides grants for Rural Areas providing capital, planning, and operating assistance to states to support public transportation in rural areas with populations of less than 50,000 where many residents often rely on public transit to reach their destinations.

Interregional Transportation Improvement Program (ITIP): The ITIP is a five-year program of projects funded through the State Transportation Improvement Program (STIP) that obtains funding primarily through the per-gallon State tax on gasoline. The ITIP is prepared by the California Department of Transportation (Caltrans) and is submitted to the California Transportation Commission (CTC) for approval.

Level of Service (LOS): A qualitative measure used to relate the quality of traffic service. LOS is used to analyze highways by categorizing traffic flow and assigning quality levels of traffic based on performance measures like speed, density, etc. North American highway LOS standards use letters A through F, with A being the best and F being the worst, similar to academic grading.

Local Transportation Fund (LTF): The LTF is derived from a 1/4-cent general sales tax collected statewide. The State Board of Equalization, based on the sales tax collected in each county, returns the sales tax revenues to each county's LTF. The LTF was created in 1971when legislation was passed to provide funding to counties for transit and non-transit related purposes.

Memorandum of Understanding (MOU): An agreement between two (or more) parties. It expresses a convergence of will between the parties, indicating an intended common line of action. Many government agencies use MOUs to define a relationship between agencies.

Metropolitan Planning Organization (MPO): MPOs are the regional planning entitites in urbanized areas, usually an area with a population of 50,000 or more. There are 18 MPOs in California, accounting for approximately 98% of the state's population.

Nevada County Airport Land Use Commission (NCALUC): The Nevada County Transportation Commission was designated by the Nevada County Board of Supervisors and the city selection committee as the ALUC for the Nevada County Airport in May 2010. The NCTC Executive Director serves as the NCALUC Executive Director with support from the NCTC staff.

Nevada County Airport Land Use Compatibility Plan (NCALUCP): The basic function of this plan is to promote compatibility between the airport and surrounding land uses. The plan serves as a tool for use by the NCALUC in fulfilling its duty to review airport and adjacent land use development proposals. Additionally, the plan sets compatibility criteria applicable to local agencies and their preparation or amendment of land use plans and ordinances and to land owners in their design of new developments.

North State Super Region (NSSR): Regional transportation planning agencies from 16 counties in Northern California came together on October 20, 2010 to sign a memorandum of agreement. This agreement created an alliance between the agencies to work together and support each other on issues related to transportation and to have a unified voice representing the North State.

Northern Sierra Air Quality Management District (NSAQMD): The Northern Sierra Air Quality Management District was formed in 1986 by the merging of the Air Pollution Control Districts of Nevada, Plumas and Sierra Counties. The District is required by state law to achieve and maintain the federal and state Ambient Air Quality Standards, which are air quality standards set at levels that will protect the public health. The District is composed of three primary entities, each with a specific purpose: District staff, Governing Board of Directors, and Hearing Board.

Overall Work Program (OWP): NCTC annually adopts a budget through the preparation of an Overall Work Program. This work program describes the planning projects and activities or work elements that are to be funded, and the type of funds that will pay for the expenditures.

Planning, Programming, and Monitoring (PPM): PPM is funding allocated by the California Transportation Commission (CTC) through the State Transportation Improvement Program (STIP). Designated uses of PPM include:

- Regional transportation planning – includes development and preparation of the regional transportation plan;
- Project planning – includes the development of project study reports or major investment studies conducted by regional agencies or by local agencies, in cooperation with regional agencies;
- Program development – includes the preparation of regional transportation improvement programs (RTIPs) and studies supporting them; and
- Monitoring the implementation of STIP projects – includes project delivery, timely use of funds, and compliance with state law and CTC guidelines.

Plans, Specifications, and Estimates (PS&E): In this stage of project development, the scope of the selected alternative is refined; design surveys and photogrammetric mapping is obtained; and reports including traffic data, hydrology and hydraulics, geotechnical design, pavement design, and materials and sound wall design reports are completed. Final right-of-way requirements are determined and procurement is initiated. At the completion of the PS&E stage, a complete set of project plans have been developed that will allow a competent contractor to bid and build the project. These plans include a refined estimate of the construction costs and any required specifications on how the work is to proceed.

Project Approval and Environmental Documentation (PA/ED): The PA/ED step of project development reinforces the philosophy of balancing transportation needs with community goals and values. Outputs of the PA / ED step are the project report and environmental document. The project report is an engineering document

that evaluates the various alternatives for selection of a preferred alternative. The environmental document is a disclosure document that assesses the potential impacts of the project on the environment.

Project Initiation Document (PID): a report that documents the purpose, need, scope, cost, and schedule for a transportation project. The PID identifies and describes the viable alternatives to a transportation problem.

Project Study Report (PSR): A report of preliminary engineering efforts, including a detailed alternatives analysis, cost, schedule, and scope information for a transportation project. A PSR also includes estimated schedule and costs for environmental mitigation and permit compliance.

Public Transportation Modernization Improvement & Service Enhancement Account (PTMISEA): PTMISEA was created by Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Of the $19.925 billion available to Transportation, $3.6 billion dollars was allocated to PTMISEA to be available to transit operators over a ten-year period. PTMISEA funds may be used for transit rehabilitation, safety or modernization improvements, capital service enhancements or expansions, new capital projects, bus rapid transit improvements, or rolling stock (buses and rail cars) procurement, rehabilitation or replacement. Funds in this account are appropriated annually by the Legislature to the State Controller's Office (SCO) for allocation in accordance with Public Utilities Code formula distributions: 50% allocated to Local Operators based on fare-box revenue and 50% to Regional Entities based on population.

Regional Improvement Program (RIP): The RIP is one of two funding programs in the State Transportation Improvement Program (STIP). The RIP receives 75% of the STIP funds and the second program, the Interregional Improvement Program receives 25% of STIP funds. RIP funds are allocated every two years by the California Transportation Commission (CTC) to projects submitted by Regional Transportation Planning Agencies (RTPAs) in their Regional Transportation Improvement Programs (RTIPs).

Regional Surface Transportation Program (RSTP): The RSTP was established by the State of California to utilize federal Surface Transportation Program funds for a wide variety of transportation projects. The State exchanges these federal funds for less restrictive state funds to maximize the ability of local agencies to use the funds for transportation purposes including planning, construction of improvements, maintenance and operation of public streets, and pedestrian and bicycle projects.

Regional Transportation Improvement Program (RTIP): NCTC submits regional transportation projects to the California Transportation Commission (CTC) for funding in a list called the RTIP. The RTIP is a five-year program that is updated every two years. Projects in the RTIP are funded from the Regional Improvement Program (RIP).

Regional Transportation Mitigation Fee (RTMF): The Western Nevada County Regional Transportation Mitigation Fee Program was established in 2001 through a partnership of Nevada County, City of Nevada City, City of Grass Valley, and the Nevada County Transportation Commission (NCTC). The RTMF Program was developed to collect impact fees from new development to help fund transportation improvement projects needed to accommodate growth in the region of western Nevada County.

Regional Transportation Plan (RTP): The Regional Transportation Plan has been developed to document transportation policy, actions, and funding recommendations that will meet the short- and long-term access and mobility needs of Nevada County residents over the next 20 years. This document is designed to guide the systematic development of a comprehensive multi-modal transportation system for Nevada County.

Regional Transportation Planning Agency (RTPA): County or multi-county entities charged by state law in meeting certain transportation planning requirements. As the RTPA for Nevada County, NCTC coordinates transportation planning for Grass Valley, Nevada City, Nevada County, and the Town of Truckee.

Request for Proposal (RFP): A document that solicits proposals, often made through a bidding process, by an agency or company interested in procurement of a commodity, service, or valuable asset, to potential suppliers to submit business proposals.

Rural Counties Task Force (RCTF): There are 26 rural county Regional Transportation Planning Agencies (RTPAs) or Local Transportation Commissions represented on the Rural Counties Task Force (RCTF). The RCTF is an informal organization with no budget or staff that generally meets every other month. A member of the CTC usually acts as liaison to the RCTF, and CTC and Caltrans staff typically attend these meetings to explain and discuss changing statewide transportation issues that may be of concern to the rural counties.

Rural Planning Assistance (RPA): Annually the 26 rural RTPAs receive state transportation planning funding, known as RPA, on a reimbursement basis, after costs are incurred and paid for using local funds.

Social Services Transportation Advisory Council (SSTAC): Consists of representatives of potential transit users including the general public, seniors and/or disabled; social service providers for seniors, disabled, and persons of limited means; local consolidated transportation service agencies; and Truckee residents who represent the senior and Hispanic communities. The SSTAC meets at least once annually and has the following responsibilities:

- To maintain and improve transportation services to the residents of Nevada County, particularly the elderly and disabled.
- Review and recommend action to the NCTC relative to the identification of unmet transit needs and advise the Commission on transit issues, including coordination and consolidation of specialized transportation services.
- Provide a forum for members to share information and concerns about existing elderly and handicapped transportation resources.

State Highway Operations and Protection Program (SHOPP): The SHOPP is a four-year listing of projects prepared by Caltrans.

State Transit Assistance (STA): These funds are provided by the State for the development and support of public transportation needs. They are allocated by the State Controller's Office to each county based on population and transit performance.

State Transportation Improvement Program (STIP): The STIP is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the Transportation Investment Fund and other funding sources. STIP programming generally occurs every two years. The STIP has two funding programs, the Regional Improvement Program and the Interregional Improvement Program.

Technical Advisory Committee (TAC): The Technical Advisory Committee (TAC) is made up of representatives of local public works and planning departments, Caltrans District 3, public airport operators, the air pollution control district, public transit operators, and the NCTC consultant engineer on retainer. Members are assigned by staff of local jurisdictions and other participating organizations. Any decisions made or actions proposed by the TAC shall be subject to the review and approval of the NCTC.

TAC responsibilities include:

- Provide technical input, assistance, and recommendations to the Commission to ensure there is comprehensive coordination and cooperation in the transportation planning process for Nevada County.
- Review and comment on comprehensive regional transportation plans for the area, which include the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP), and the Overall Work Program (OWP).
- Coordinate efforts and discussions to create and maintain circulation elements of the General Plan and specific plans of the member governments.

Transit Development Plan (TDP): Transit Development Plans study the County's transit services. They help identify transit service needs, prioritize improvements and determine the resources required for implementing modified or new service. The plans also provide a foundation for requests for State and federal funding,

Transit Services Commission (TSC): This commission oversees and advises as necessary the daily operations of the western Nevada County transit system. The TSC has the following responsibilities:

- Establish fares;
- Adopt the level of transit and paratransit services, including route structure and service areas;
- Monitor public response;
- Approve proposed purchase of additional vehicles;
- Review and approve the annual budget for transit and paratransit operations.

Transportation Development Act (TDA): The Transportation Development Act was enacted in 1971 and provides two major sources of funding for public transportation: the Local Transportation Fund (LTF) and the State Transit Assistance fund (STA). The TDA funds a wide variety of transportation programs, including planning and programming activities, pedestrian and bicycle facilities, community transit services, and public transportation projects. One of NCTC's major responsibilities is the administration of TDA funding in Nevada County.

Travel Demand Model (also Traffic Model): A computer model used to estimate travel behavior and travel demand for a specific future time frame, based on a number of assumptions. In general, travel analysis is performed to assist decision makers in making informed transportation planning decisions. The strength of modern travel demand forecasting is the ability to ask critical "what if" questions about proposed plans and policies.

Truckee North Tahoe Transportation Management Association (TNT/TMA): The Truckee North Tahoe Transportation Management Association is dedicated to fostering public-private partnerships and resources for the advocacy and promotion of innovative solutions to the unique transportation challenges of the Truckee-North Lake Tahoe Resort Triangle. The TNT/TMA is a planning stakeholder and partner with NCTC.

Truckee Tahoe Airport Land Use Commission (TTALUC): The Truckee Tahoe Airport is an "intercounty" airport situated in both Nevada County and Placer County; therefore, a special ALUC with representatives from both counties was formed. Six members are selected, one each, by Placer and Nevada Counties' Board of Supervisors, City Selection Committees, and Airport Managers of each county. A seventh member is chosen by the other six members to represent the general public. NCTC authorized its staff on May 19, 2010 to provide staff support to the TTALUC.

Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP): A document referred to by the TTALUC and individuals seeking to review standards for land use planning in the vicinity of the Truckee Tahoe Airport. The plan defines compatible land uses for noise, safety, airspace protection, and overflight. The TTALUC performs consistency determinations for proposed projects in the area covered by the Compatibility Plan as needed.

Vehicle Miles Traveled (VMT): VMT is a metric of the total miles traveled by vehicles in a defined area over a defined period of time and is often used to estimate the environmental impacts of driving, such as Greenhouse Gases and air pollutant emissions. Factors that influence VMT include travel mode, number of trips, and distance traveled. California jurisdictions are transitioning from a Level of Service (LOS) metric to a Vehicle Miles Traveled (VMT) metric within the California Environmental Quality Act's (CEQA) transportation analysis.

Table 1

Budget Summary
Draft FY 2020/21

Revenues	Draft FY 2020/21	Final FY 2019/20	Difference
LTF Administration	558,828.00	448,208.00	110,620.00
LTF Planning	119,573.61	121,422.00	-1,848.39
LTF Contingency	0.00	0.00	
Rural Planning Assistance (RPA) ***Formula***	294,000.00	294,000.00	0.00
Rural Planning Assistance (RPA) ***Formula*** Carryover	0.00	35,134.00	-35,134.00
Rural Planning Assistance (RPA) **Grants**	130,000.00	166,942.00	-36,942.00
Rural Planning Assistance (RPA) ***G* rants** Carryover	0.00	22,242.00	-22,242.00
Regional Transportation Mitigation Fees (RTMF)	5,000.00	5,000.00	0.00
STIP Planning Funds (PPM)	0.00	110,895.00	-110,895.00
ALUC Fees	15,000.00	15,000.00	0.00
Regional Surface Transportation Program (RSTP)		54,500.00	
LTF Carryover	53,791.72	69,104.00	-15,312.28
Total	**1,176,193.33**	**1,342,447.00**	**-111,753.67**

Expenditures	Draft FY 2020/21	Final FY 2019/20	Difference
Salary USE CELL	524,916.11	492,166.00	32,750.11
Benefits USE ROW 21 FROM SAL & Ben for final	174,248.72	188,183.00	-13,934.28
Direct (Table 2)	261,490.00	522,267.00	-260,777.00
Indirect (Table 3)	136,791.00	132,513.00	4,278.00
Contingency for Liabilities	78,747.31	7,318.00	71,429.31
Total	**1,176,193.33**	**1,342,447.00**	**-166,253.67**

	Estimated	Estimated	Difference
Fund Balance	FY 2020/21	FY 2019/20	
	$84,114.28	**$137,906.00**	**($53,791.72)**

LTF = Local Transportation Fund
FTA = Federal Transit Administration Grant
PPM = Planning, Programming & Monitoring
ALUC = Airport Land Use Commission

Table 2

Direct Costs Budget FY 2020/21		FY 20/21 Draft	FY 19/20 Amendment 3	Difference	Source
13.4	Fiscal Auditor (WE 1.2)	$44,490	$43,740	$750	LTF
13.7	Traffic Counts (WE 2.1)	$10,000	$19,011	($9,011)	LTF, RPA
13.8	Transportation Engineering (WE 2.1)	$25,000	$10,000	$15,000	LTF, RPA
13.11a	Local Agencies Participation in Regional Planning (WE 2.1)	$30,000	$30,000	$0	LTF, RPA
13.12	Western Nevada County Transit Development Plan (WE 2.3.1)	$80,000	$80,000	$0	RPA
13.16a	Rural Counties Task Force Membership (WE 2.4)	$2,000	$2,000	$0	RPA
13.16b	Statewide Local Streets and Roads Needs Assessment (WE 2.4)	$0	$593	($593)	LTF
13.30	Airport Land Use Commission Project Reviews (WE 2.4.2)	$15,000	$15,000	$0	ALUC, LTF
13.31	Regional Traffic Model Update (WE 2.1.5)	$0	$70,000	($70,000)	LTF, RPA
13.40	Nev. Co. Coordinated Public Transit - Human Services Plan Update (WE 2.3.2)	$50,000	$50,000	$0	RPA, LTF
13.48	Human Resources Consulting (WE 1.1)	$5,000	$5,000	$0	LTF
13.50	RTP Implementation: VMT Thresholds (WE 2.1.2)	$0	$38,173	($38,173)	RPA, LTF
13.53	SR 174/20 Intersection Analysis (WE 2.2.2)	$0	$61,960	($61,960)	RPA, PPM
13.54	Nevada City SR 49 Multimodal Corridor Plan (WE 2.2.3)	$0	$25,347	($25,347)	PPM
13.55	Truckee Big Data Daily VMT Analysis (WE 2.1.4)	$0	$36,942	($36,942)	RPA
	TOTAL	**$261,490**	**$487,765**	**($226,275)**	
		$261,490			

Table 3

Indirect Costs Budget FY 2020/21

	FY 20/21	FY 19/20		
	Draft	Amendment 3		
ITEM			**Variance**	**Variance %**
Nevada County Auditor/Controller	**$20,000**	**$17,500**	**$2,500**	**14.29%**
Legal Counsel	**$20,000**	**$20,000**	**$0**	**0.00%**
TNT/TMA Membership	**$4,125**	**$4,125**	**$0**	**0.00%**
Website Update/Maintenance	**$4,000**	**$4,000**	**$0**	**0.00%**
Nevada County ERC Membership	**$1,000**	**$1,000**	**$0**	**0.00%**
Insurance	**$12,500**	**$12,500**	**$0**	**0.00%**
General Liability & Errors and Omissions	$10,000	$10,000	$0	0.00%
Workers' Compensation	$2,500	$2,500	$0	0.00%
Office Expenses	**$23,650**	**$23,650**	**$0**	**0.00%**
Phones	$2,500	$2,500	$0	0.00%
Equipment Rental	$500	$500	$0	0.00%
Records Storage	$650	$650	$0	0.00%
Equipment Maintenance Agreements	$4,000	$4,000	$0	0.00%
Publications/Legal Notices	$1,000	$1,000	$0	0.00%
Janitoral Services	$2,500	$2,500	$0	0.00%
Payroll Service	$2,000	$2,000	$0	0.00%
Supplies	$4,500	$4,500	$0	0.00%
Printing & Reproduction	$500	$500	$0	0.00%
Subscriptions	$400	$400	$0	0.00%
Computer Software & Network Maintenance	$4,500	$4,500	$0	0.00%
Postage	$600	$600	$0	0.00%
Equipment	**$3,600**	**$3,600**	**$0**	**0.00%**
Copier/Printer	$800	$800	**$0**	0.00%
Office Furniture	$1,000	$1,000	$0	0.00%
Laptop Computer	$1,300	$1,300	$0	**N/A**
Miscellaneous	$500	$500	$0	0.00%
Training and Conferences	**$1,500**	**$1,500**	**$0**	0.00%
Office Lease	**$31,416**	**$29,638**	**$1,778**	**6.00%**
Utilities	**$3,500**	**$3,500**	**$0**	**0.00%**
Travel - Meals & Lodging	**$3,000**	**$3,000**	**$0**	**0.00%**
Travel - Mileage/Fares/Parking	**$5,000**	**$5,000**	**$0**	**0.00%**
Professional & Service Organizations	**$3,500**	**$3,500**	**$0**	**0.00%**
TOTAL	**$136,791**	**$132,513**	**$4,278**	**3.23%**

Table 4

Revenues - FY 2020/21 OWP

	Work Element	LTF Carryover	RPA Grants	RPA Grants Carryover	RPA *Formula*	RPA *Formula* Carryover	20/21 LTF	ALUC Fees	RTMF	STIP Planning (PPM)	TOTAL
1.1	General Services	0.00					212,070.00		5,000.00		**217,070.00**
1.2	TDA Admin.	0.00					273,265.03				**273,265.03**
2.1	Regional Transportation Plan	53,791.72			121,172.75	0.00	26,803.52			0.00	**201,767.99**
2.2	Transportation Improvement Program				57,406.15		11,231.46			0.00	**68,637.61**
2.3	Transit & Paratransit Programs				49,786.19		14,536.47				**64,322.66**
2.3.1	Western Nevada County Transit Development Plan		80,000.00		13,044.53						**93,044.53**
2.3.2	Nev. Co. Coordinated Public Transit-Human Services Plan Update		50,000.00				11,467.95				**61,467.95**
2.4	Coordination of Regional Planning	0.00			52,590.38		50,279.87				**102,870.25**
2.4.2	Airport Land Use Commission Planning & Reviews						0.00	15,000.00			**15,000.00**
	Contingency	0.00			0.00		78,747.31			0.00	**78,747.31**
	Total	**53,791.72**	**130,000.00**	**0.00**	**294,000.00**	**0.00**	**678,401.61**	**15,000.00**	**5,000.00**	**0.00**	**1,176,193.33**

Note: Totals may not equal addition of amounts in columns due to rounding.

Table 5

Expenditures - FY 2020/21 OWP

		PY	Staff	Indirect	Traffic Eng	Consulting .	Local Agency	Other	Total
1.1	General Services	1.42	177,368.09	34,701.91		5,000.00			**217,070.00**
1.2	TDA Admin.	1.50	191,339.61	37,435.42				44,490.00 (1)	**273,265.03**
2.1	Regional Transportation Plan	0.75	114,388.07	22,379.92	25,000.00		40,000.00 (2)		**201,767.99**
2.2	Transportation Improvement Program	0.40	57,406.15	11,231.46					**68,637.61**
2.3	Transit & Paratransit Programs	0.33	49,786.19	14,536.47					**64,322.66**
2.3.1	Western Nevada County Transit Development Plan	0.08	13,044.53			80,000.00			**93,044.53**
2.3.2	Nev. Co. Coordinated Public Transit-Human Services Plan Update	0.08	11,467.95			50,000.00			**61,467.95**
2.4	Coordination of Regional Planning	0.55	84,364.43	16,505.82				2,000.00 (3)	**102,870.25**
2.4.2	Airport Land Use Commission Planning & Reviews	0.00	0.00			15,000.00			**15,000.00**
	Contingency							78,747.31	**78,747.31**
	Total	**5.1**	**699,165.02**	**136,791.00**	**25,000.00**	**150,000.00**	**40,000.00**	**125,237.31**	**1,176,193.33**

Note: Totals may not equal addition of amounts in columns due to rounding.

Notes:

(1) $44,490 for Fiscal Audit Contract

(2) $10,000 Traffic Counts, Local Agency (WE 2.1): Nev. Co. $7,500; Truckee $7,500; Nevada City $7,500; Grass Valley $7,500.

(3) $2,000 Rural Counties Task Force

Indirect Costs are paid with local funds, no RPA or STIP planning funds are used.

Table 6
Budget Detail Amendment 1

		ITEM	ALLOCATION
I	**1**	**Insurance**	**$12,500**
	1.1	General Liability & Errors and Omissions	$10,000
	1.3	Workers' Compensation	$2,500
I	**2**	**Office Expenses**	**$23,650**
	2.1	Phones	$2,500
	2.2	Equipment Rental	$500
	2.3	Records Storage	$650
	2.4	Equipment Maintenance Agreements	$4,000
	2.5	Publications/Legal Notices	$1,000
	2.6	Janitorial Services - carpets, blinds, interior painting, etc.	$2,500
	2.7	Payroll Service	$2,000
	2.8	Supplies	$4,500
	2.9	Printing & Reproduction	$500
	2.10	Subscriptions	$400
	2.11	Computer Software & Network Maintenance	$4,500
	2.12	Postage	$600
I	**3**	**Equipment**	**$3,600**
I	**5**	**Training and Conferences**	**$1,500**
I	**6**	**Office Lease**	**$31,416**
I	**7**	**Utilities**	**$3,500**
I	**8**	**Travel - Meals & Lodging**	**$3,000**
I	**9**	**Travel - Mileage/ Fares/ Parking**	**$5,000**
I	**10**	**Professional & Service Organizations**	**$3,500**
		Subtotal Items 1-10	**$87,666**
	11	**Contingency**	**$78,747**
	12	**Salaries, Wages, & Benefits**	**$699,165**
	12.1	Executive Director	$176,540
	12.11	Deputy Executive Director	$173,924
	12.2	Administrative Services Officer	$129,122
		Transportation Planner	$125,004
	12.4	Administrative Assistant	$89,574
	12.5	Extra Help	$5,000
	13	**Other Services**	**$310,615**
I	13.1	Legal Counsel	$20,000
I	13.2	Nevada County Auditor/Controller	$20,000
I	13.3	TNT/TMA Membership	$4,125
D	13.4	Fiscal Audits (WE 1.2)	$44,490
D	13.7	Traffic Counts (WE 2.1)	$10,000
D	13.8	Traffic Engineering (WE 2.1)	$25,000
D	13.11a	Local Agencies (WE 2.1)	$30,000
D	13.12	Western Nevada County Transit Development Plan (WE 2.3.1)	$80,000
D	13.16a	Rural Counties Task Force Membership (WE 2.4)	$2,000
I	13.17	Nevada County ERC Membership	$1,000
I	13.21	Website Update/Maintenance	$4,000
D	13.30	Airport Land Use Commission Project Reviews (WE 2.4.2)	$15,000
D	13.40	Nev. Co. Coordinated Public Transit-Human Services Plan Update (WE 2.3.2)	$50,000
D	13.48	Human Resources Consulting (WE 1.1)	$5,000
D	13.50	RTP Implementation: VMT Thresholds (WE 2.1.2)	$0
D	13.53	SR 174/20 Intersection Analysis (WE 2.2.2)	$0
D	13.54	Nevada City SR 49 Multimodal Corridor Plan (WE 2.2.3)	$0
D	13.55	Truckee Big Data Daily VMT Analysis (WE 2.1.4)	$0
		Total Budget Items 1-13	**$1,176,193**
		Indirect Costs	
		Accounts 1 through 10	$87,666
		Legal	$20,000
		Nevada Co. Auditor/Controller	$20,000
		TNT/TMA	$4,125
		Nevada Co. ERC Membership	$1,000
		Website Update/Maintenance	$4,000
		Total Indirect Costs	**$136,791**
		Calculated Indirect Rate	**19.56%**
		(Indirect Cost / Salaries & Benefits)	

JAN ARBUCKLE – Grass Valley City Council
ANDREW BURTON – Member-At-Large, Chair
CAROLYN WALLACE DEE – Town of Truckee
ANN GUERRA – Member-At-Large
SUSAN HOEK – Nevada County Board of Supervisors, Vice Chair
ED SCOFIELD – Nevada County Board of Supervisors
DUANE STRAWSER – Nevada City City Council

NEVADA • COUNTY • TRANSPORTATION
NCTC
COMMISSION

DANIEL LANDON, Executive Director
MICHAEL WOODMAN, Deputy Executive Director

Grass Valley • Nevada City **Nevada County • Truckee**

File:

MEMORANDUM

TO: Reinette Senum, Mayor, City of Nevada City

FROM: Daniel B. Landon, Executive Director

SUBJECT: Proposed Projects for Nevada County Transportation Commission's FY 2020/21 Overall Work Program

DATE: March 10, 2020

RECOMMENDATION: In accordance with the Memorandum of Understanding regarding regional transportation planning (attached), Nevada County Transportation Commission (NCTC) is requesting the Nevada City City Council review and approve the projects proposed for inclusion in the NCTC's FY 2020/21 Overall Work Program (OWP).

BACKGROUND: Annually each Regional Transportation Planning Agency (RTPA) develops an OWP for formal adoption by its governing board. The OWP outlines the scope of work and budget for various transportation planning activities. The OWP is a requirement of NCTC's Master Fund Transfer Agreement with the State of California and includes the following three components: Introduction, Work Elements (W.E.), and Budget. The purpose of this draft OWP for the FY 2020/21 is:

1. To show how the Federal Planning Factors will be integrated into the OWP Work Elements.
2. To outline continuing and new activities.
3. To present a summary of the expected revenues and expenditures for the fiscal year.

A final OWP will be presented for approval at the May 20, 2020 NCTC meeting.

FEDERAL PLANNING FACTORS FOR FY 2020/21

As shown in the chart on page I-5 in the Draft OWP, the Federal Planning Factors that are included in Fixing America's Surface Transportation Act (Section 134(h), FAST Act, 2015) have been integrated into NCTC's FY 2020/21 OWP:

1. Support the economic vitality of the region, especially by enabling global competitiveness, productivity, and efficiency.
2. Increase the safety of the transportation system for motorized and non-motorized users.
3. Increase the security of the transportation system for motorized and non-motorized users.
4. Increase the accessibility and mobility of people and for freight.

101 Providence Mine Road, Suite 102, Nevada City, California 95959 • (530) 265-3202 • Fax (530) 265-3260
E-mail: nctc@nccn.net • Web Site: www.nctc.ca.gov

5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.
7. Promote efficient system management and operation.
8. Emphasize the preservation of the existing transportation system.
9. Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation.
10. Enhance travel and tourism.

OWP WORK ELEMENTS

NCTC's OWP integrates the Commission's organizational activities of Planning, Communication, and Coordination into two broad Work Elements: Communication and Coordination, and Regional Planning. Each Work Element is further subdivided into projects that accomplish specific tasks or objectives.

Status of projects in the FY 2019/20 OWP:

- RTP Implementation: VMT Thresholds: Final report will be presented at the May 20, 2020 NCTC meeting.
- Grass Valley SR 174/20 Intersection Analysis: Draft report is under review; final report will be presented at the May 20, 2020 NCTC meeting.
- Nevada City SR 49 Multimodal Corridor Plan: Final report will be presented at the May 20, 2020 NCTC meeting.

The following ongoing activities have been integrated into the Draft FY 2020/21 OWP:

1. STIP Projects:

   A. SR 49 Widening from La Barr Meadows Road to McKnight Way: NCTC will continue to participate with Caltrans District 3 in the preparation of Project Approval and Environmental Documentation for a future construction project (WE 2.2).

2. Planning/Administration Projects:

   A. Congestion Mitigation and Air Quality (CMAQ) Funding: Monitor project activities as shown on the multi-year project listing (WE 2.1).

   B. Air Quality Conformity Process: Monitor changes in EPA requirements (WE 2.1).

   C. Western Nevada County Transit Development Plan: Consultant has commenced work; project is scheduled for completion in spring 2021.

   D. Nevada County Coordinated Public Transit-Human Services Plan Update: Consultant has commenced work; project is scheduled for completion in spring 2021.

The following Work Elements are included in the work program each year as they are activities that the NCTC must conduct to fulfill its statutory responsibilities:

WORK ELEMENT 1 - ADMINISTRATION
- Project 1.1 - General Services and Communication
- Project 1.2 – Fiscal Administration

WORK ELEMENT 2 - REGIONAL TRANSPORTATION PLANNING
- Project 2.1 - Regional Transportation Plan
- Project 2.2 - Transportation Improvement Programs
- Project 2.3 - Transit and Paratransit Programs

If you have any questions, please feel free to call me at 265-3202.

attachments

cc: Catrina Olson, Bryan McAlister

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: A Resolution of the City Council of the City of Nevada City to Award a Bid to Featherlite Trailers

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to award a bid to Featherlite Trailers for $8,791.19 to purchase a dump trailer for the City of Nevada City Public Works Department.

CONTACT: Bubba Highsmith, Public Works Superintendent

BACKGROUND / DISCUSSION:
The Department of Public Works employs five full time personnel and currently has one temporary worker at this time. The Department does not have a dump trailer or any trailer to haul gravel, sand etc. or to remove remove storm debris, downed trees caused by storm events or removal of debris for fire clearing from City jobs sites which include trails, open space, streets and other facilities. The trailer would also serve to give the ability to move equipment where it is needed.

Public works is in desperate need of a dump trailer. The trailer the Department has cannot be used for any of the issues mentioned above. It is flat-decked trailer used for moving barricades.

FISCAL IMPACT: Cost of trailer include all fees and taxes $8,791.19

ATTACHMENTS:
- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City to Award a Bid to Featherlite Trailers for $8,791.19 to purchase Dump trailer for the City of Nevada City Public Works Department
- ✓ 2 Bids from Local Trailer Dealers

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY TO AWARD A BID TO FEATHERLITE TRAILERS FOR $8791.19 TO PURCHASE A DUMP TRAILER FOR THE CITY OF NEVADA CITY PUBLIC WORKS DEPARTMENT

WHEREAS, the Department of Public Works employs five full time personnel and currently has one temporary worker at this time; and

WHEREAS, the Department does not have a dump trailer or any trailer to haul gravel, sand etc. or to remove storm debris, downed trees caused by storm events or removal of debris from fire clearing from job sites which include City trails, open space and other facilities; and

WHEREAS, the trailer would also serve to give the ability to move equipment where it is needed, therefore Public Works is in desperate need of a dump trailer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nevada City to pass Resolution 2020-XX award a bid to Featherlite Trailers for $8,791.19 for the purchase of a dump trailer for the City of Nevada City Public Works Department

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 25th day of March 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____

Reinette Senum, Mayor

ATTEST:

_____

Niel Locke, City Clerk

Featherlite of Northern California

FEATHERLITE TRAILERS

13317 Highway 49 Grass Valley, CA 95949 • 530-273-8870 • Fax 530-273-2772 • ~~Toll Free 800-941-5004~~

Trailer: Bill Of Sale

In stock 2020 model

Trailer Model: BigTex 10SR-12XLBK7SIR 7x12 Dump **Date:** 3-4-20

V.I.N Number:

Sold To: City of Nevada City **DL#** **DL#**

Mailing Address: 317 Broad St.

CITY STATE ZIP: Nevada City, CA 95959

Telephone: 530-277-0278 **Fax:** **Email:**

Office 530-265-2496

Code	Add'l Options	Cost
	Spare Tire & Mount	Included
	Floor Steel	"
	LED Lights	"
	Combo Spreader Gate	"
	Interstate Battery	"
	16" E Rated Radial Tires 6 Lug	"
	Tarp Bracket, Tarp Hooks	"
	Power up/down Single Ram Hoist	"
	Color Black	"
	24" Sides – 10,000 GVW	"
	Stake Pockets	"
	(2) 7' slide in Ramps	"
	(4) D-Rings	"
	(2) 5200# Dexter Axles	"
	(4) Wheel Nev-R-Adjust Brakes	"
	2 5/16 Adjustable Coupler	"

TRAILER COST:	$ 7,995.00
OPTIONS:	$ INCLUDED
DOC:	$ 70.00
TAXABLE TOTAL:	$ 8065.–
COUNTY Nevada – City Nevada City	
TAX 8.375 %	$ 675.44
CA TIRE FEE # X $1.75	$ 8.75
LICENSE FEE	$ 42.00
TOTAL SALES:	$ 8791.19 ✓
PARTIAL PAYMENT:	$
TRADE-IN:	$
BALANCE DUE:	$

Total Cost: ?

Labor:

Total Options: Included

(Discounted Check or Cash Price)

THANK YOU

Purchaser Signature: X F/L Rep: MARK

Best Trailer, Inc.

500 IDAHO MARYLAND ROAD
(530) 274-2378 fax: (530) 273-7631

Estimate

Date	Estimate #
3/3/2020	4659

Name / Address
CITY OF NEVADA CITY

Rep	Project

Description	Qty	Rate	Total
DB DUMP TRAILER 6 X 12	1	8,550.00	8,550.00T
G.V.W.R. 9999			
VIN: 1B9DB182			
TARP ASSEMBLY W/ HAND ROLLER	1	450.00	450.00T
DOC REGISTRATION SERVICE FEES	1	32.00	32.00T
TIRE TAX CA RECYCLING MANDATORY	4	1.75	7.00
EXEMPT PLATES			
ELECTRIC BRAKES			
COUPLER CHOICE			
BLACK ON BLACK			

Subtotal	$9,039.00
Sales Tax (8.375%)	$756.43
Total	$9,795.43

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: Continuance of a Public Hearing for the Consideration of Ordinance Amendments for the Regulation of Wireless Telecommunication Facilities in the City

RECOMMENDATION: Provide staff direction to continue a public hearing for the first reading of a draft amended Ordinance for the regulation of wireless telecommunication facilities in the City to April 8, 2020 unless City Council votes to cancel the April 8, 2020 meeting at which this item would be continued to the April 22, 2020 City Council meeting.

CONTACT: Catrina Olson, City Manager
Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:
At a second reading on September 25, 2019, the City Council, by a vote of 4 in favor and 1 abstention, approved Ordinance No. 2019-06, an Ordinance for the Regulation of Wireless Telecommunication Facilities in the City amending Chapter 17.150 and renaming it "Wireless Telecommunication Facilities in the City."

At the City Council meeting on November 13, 2019, Council discussed a table outlining results of a privately sponsored public workshop along with a "tracked-changes" version of the Ordinance provided by Mayor Senum. Councilmember Strawser advised that he had met with members of the public regarding the requested changes and they had come to a consensus over amendments to send to the Baron Bettenhausen Consulting Attorney and Robert Ross of CMS for consideration, which were provided to each of them following the meeting.

Baron Bettenhausen and Bob Ross both responded with their comments on the amendments. This information was forwarded to the working group on February 4, 2020 for review with a follow-up meeting (date to be determined) with Council Member, Strawser and finally Baron Bettenhausen.

This item was continued at the February 12, 2020 meeting to March 11, 2020.

The working group met with Council Member Strawser and Mayor Senum on March 6, 2020. There is an agreement on the amendments to the Telecom Ordinance that will be proposed and reviewed by Baron Bettenhausen and Bob Ross. City Manager, Catrina Olson is working to set a video conference with the entire working group and Council Members the Week of March 9, 2020 to review the final proposed amendments with Baron and Bob. Once consensus has been met with the working group Council

members, Baron Bettenhausen and Bob Ross regarding the amendments, a final draft will be prepared by Baron Bettenhausen.

On March 13, 2020, the working group met at Nevada City Council Chambers with Mayor Senum and Council Member Strawser, joined by Baron Bettenhausen and Bob Ross via video conference to discuss all the requested amendments. Baron Bettenhausen will be taking the agreed upon amendments to update the City's existing Ordinance.

A request of continuance of this item to a future meeting is in order to avoid the expense of re-noticing this item. Staff recommends continuing this item to a date certain of April 8, 2020 unless Council votes to cancel that meeting at which this item would be continued to the April 22, 2020 meeting.

ENVIRONMENTAL CONSIDERATIONS: Not applicable at this time.

FINANCIAL CONSIDERATIONS: Protracted involvement of the Attorneys in drafting and changing the Wireless Facilities Ordinance is resulting in higher than average Attorney billings. It has been guesstimated by Bettenhausen that additions of amendments to the Ordinance could result in an additional 4 – 6 hours at $175 per hour. Noting again this is a guesstimate.

ATTACHMENTS:

- ✓ Public Working Group Ordinance Legal Notes 3-6-20
- ✓ Notes from the Public Working Group 3-2-20

The Legal Argument for a Revised Wireless Telecommunication Ordinance for Nevada City, CA

Page 1:

- FCC Orders: FCC 18-111 and FCC18-133

Page 1-2:

- Legal Advice Given to Nevada City by Jones and Mayer, and CMS
- Historical Development of the Wireless Telecommunication Ordinance and the Public Working Group

Page 2-3:

- Local Authority Protections Under the 1996 Telecommunications Act, Section 704

Page 3:

- FCC's Purpose and Authority

Page 4-8:

- Current 9th Circuit Court Case Argument that the FCC Orders: FCC 18-111 and FCC18-133 are in Violation of the 1996 Telecommunications Act

Page 9-10:

- Congressional Conference Report: Facilities siting: Radio Frequency Emission Standards, Pages 207-209 [To accompany S. 652] SECTION 704

Page 11-12:

- Shot Clocks and Batched Applications

Page 13:

- Conditional Use Zoning Permit Requirement for Small Cell Wireless Facilities
- Spacing Between Small Wireless Facilities

Page 13-15:

- Acceptable Zoning Regulations for Small Cells

Page 15-22

- Requiring Effective Radiated Power Limits

Page 23-25

- Ordinance Language regarding Non-Ionizing Electromagnetic Radiation (NIER)

The Legal Argument for a Revised Wireless Telecommunication Ordinance for Nevada City, CA
Nevada City Public Working Group – 3/6/2020

FCC Orders: FCC 18-111 and FCC 18-133 - *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Declaratory Ruling and Third Report and Order; WT Docket No. 17-79; WC Docket No. 17-84.*

At its September 2018 open meeting, the FCC adopted a report and order (collectively, the "Order") in its ongoing proceeding to streamline the rollout of infrastructure for broadband services, including small cells for 4G and 5G wireless service. The Order has two parts:

(1) an new set of regulations (the "Rules") that govern shot clocks and other limited aspects of the rollout of small wireless facilities (a/k/a "small cells") and,

(2) a Declaratory Ruling that does not enact any new regulations but is the FCC's interpretation of how the provisions of Section 253 and 332(c)(7) of the Communications Act that limit state or local regulations that "effectively prohibit" the provision of wireless services should be applied. The Declaratory Ruling portion of the Order adopts the position that a state or local government need only "materially inhibit" a particular small wireless facility deployment in order for its action to constitute an "effective prohibition" under Section 253 or 332(c)(7).

Based on this conclusion, the Declaratory Ruling provides guidance on fees local governments may charge and on how they may regulate ancillary rollout issues such as tower spacing, equipment design and other aesthetic concerns. **In lay terms, this means the FCC is making it easier for private companies to take local governments to court if they believe municipal policies are effectively prohibiting network investment.**

Legal Advice Given to Nevada City by Jones & Mayar, CMS, and the Development of the Ordinance and Public Working Group:

Based on this perception of litigious risk, the writing of Nevada City's Wireless Telecommunications Ordinance by Baron Bettenhausen, legal counsel for Jones and Mayer and hired by the City, took a cautionary approach. Consultants Robert Ross and Rusty Monroe from the Center for Municipal Solutions also contributed to the ordinance. As a strong reminder to the City Council and City Manager, local officials are **advised** by attorneys and consultants, the City doesn't report to them, nor are is the City obligated to accept their advice or ordinances written by them.

It was revised twice, Ordinance No. 2019-02 and Ordinance No. 2019-06, before being voted on by the City Council on September 11, 2019 and accepted, and again voted upon and accepted after an agendized discussion on September 25, 2019.

Public concern was expressed at the September 11, 2019 City Council meeting and subsequent City Council meetings regarding the ordinance development process, the lack of public input, the removal of certain protections between the first and second versions, and **the perceived weakness of the ordinance which does not utilize the City's current full Federal legal authority.**

The unofficial *Nevada City Wireless Telecommunications Ordinance Public Working Group (PWG)* was formed after the September 25, 2020 vote, comprised of members of the public who are working towards adoption of amendments to the ordinance. The amendment suggestions take into account the current Federal law and are following the example of existing wireless telecommunication ordinances

within California that address the latest FCC Order. At the December 10, 2019 City Council Meeting, the City agreed to having the PWG's suggested amendments, which were written into a copy of existing ordinance as a draft, reviewed by Bettenhausen and Ross and directed them to provide feedback in the form of written comments. The PWG's submission was done on December 11, 2019 via email to the City Manager and City Council.

On January 9, 2020, Catrina Olson, the City Manager received the feedback from Ross. On January 22, 2020, she received Bettenhausen's feedback. On January 23, 2020, the PWG emailed Olson and the City Council, asking for the feedback. On January 30, 2020, Council Member Duane Strawser emailed saying Olsen would be emailing the feedback to the PWG. Almost a month later, on February 4, 2020, Olson sent the feedback from both Bettenhausen and Ross to the PWG. The PWG reviewed the feedback and began development of their response on February 5, 2020.

On February 12, 2020, the PWG and Olson decided to move that night's City Council Agenda Item regarding the Amendments to the March 11, 2020 City Council meeting. This was so a meeting could be scheduled between the PWG, Bettenhausen, Ross and the City to discuss the amendment suggestions, the subsequent feedback and come to agreements on what would be included in a version that the Council could vote upon. A request to set this meeting was sent by the PWG to Olsen on February 18, 2020. On February 20, 2020 Olson responded that she will reach out to Bettenhausen and Ross to schedule, and required the PWG to meet with Council Member Duane Strawser first. On March 2, 2020, Strawser reached out to the PWG to set a meeting scheduled for March 6, 2020. The delay in meeting with Strawser delays the meeting with Bettenhausen and Ross, which delays the amendment review at the March 11, City Council meeting. Olson suggested that the PWG give an update to the Council on the Amendment review process at the March 11th meeting, and then reschedule the first reading of the amendments at the March 25, 2020 City Council meeting, giving the PWG time to meet with Bettenhausen and Ross.

When the amendments come up for the City Council vote, they will have been written by Bettenhausen. The PWG was given assurance by the City Manager that the version to be voted upon will be the final version that is worked on by the PWG and Bettenhausen, and that the PWG will have an opportunity to review carefully the tracked changes that have been worked on, compared to the final version to be voted on. Similar to the Nevada City Cannabis ordinance process, the public will verify that the final version to be voted upon is vetted for accuracy, to ensure a transparent and efficient process.

Legal Authority – The FCC, 1996 Telecommunication Act and Local Governments

In the following pages, the PWG is making the case to Bettenhausen, Ross and the City that the cautionary approach to a perceived risk of litigation by a telecommunications carrier is not in the best interest of Nevada City. The PWG's suggested amendments will create a stronger ordinance utilizing the full authority of the City's legal rights, backed by current Federal law and the precedence of existing California municipal ordinances.

Ultimate Version of the Telecommunications Act (S.652 passed in Feb 1996):
Section 253(a) provides that "[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." Section 332(c)(7) provides that "[t]he regulation of the placement, construction, and modification of personal wireless service facilities by any State or local

government or instrumentality thereof—(I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

The *1996 Telecommunications Act Amendments, in Section 704 of the Facilities Siting; Radio Frequency Emission Standards* states:
(a) National Wireless Telecommunications Siting Policy. — Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:
(7) **Preservation of local zoning authority.** —
(A) General authority. — Except as provided in this paragraph, **nothing in this Act shall limit or affect the authority of a State or local government** or instrumentality thereof over decisions regarding the **placement, construction, and modification** of personal wireless service facilities.

FCCs Purpose and Authority

U.S. Code Title 47 § 151 **Purposes of Federal Communications Commission**. LII –> U.S. Code –> Title 47. TELECOMMUNICATIONS –> Chapter 5. WIRE OR RADIO COMMUNICATION –> Subchapter I. GENERAL PROVISIONS –> Section 151. Purposes of Federal Communications Commission

For the purpose of regulating
- **interstate** commerce and
- **foreign** commerce

. . . in **communication by wire** **and radio**
. . . so as to make available, so far as possible, to all the people of the United States without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with **adequate facilities at reasonable charges,**
- for the purpose of the national defense,
- for the purpose of **promoting safety of life and property**

. . . through the use of wire and radio communications,
. . . and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is created a commission to be known as the "**Federal Communications Commission**", which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this chapter.
(June 19, 1934, ch. 652, title I, § 1, 48 Stat. 1064; May 20, 1937, ch. 229, § 1, 50 Stat. 189; Pub. L. 104–104, title I, § 104, Feb. 8, 1996, 110 Stat. 86.)

Note: the FCC's purpose does not grant the FCC authority over matters of intrastate commerce.

DRAFT

Current Litigation

February 11, 2020: U.S. Court of Appeals, Ninth Circuit Case 19-70144 et al. in Pasadena, CA.

Hearing on: *18-72689 Loc. Gov vs. FCC - Plaintiff seeks to Repeal FCC 18-111 and FCC 18-133*

The PWG agrees with the Plaintiff's position - the presumptive claims of FCC 18-111 and 18-133 are fragile; local authority is not constrained by the FCC Order of Aug. 2018. The Rule of Law, the Telecommunications Act of 1996 still holds.

- Per the FCC's interpretation of their Order: if the telecom carrier wants to replace a city utility pole to install a wireless facility, the city can't say no. The city can't ask carrier for proof of need; the city can't tell the applicant where to put it as an alternative; the city would have to accept and approve construction at any time; the city can't defend timing of construction.
- Under current law, Congress intended to preserve local authority; The FCC hasn't proven and defined standards of effective prohibition, aesthetics, or moratorium; they need to have limiting standards.

Four Flaws with the FCC Order as presented by the Plaintiffs:

1. The FCC is using a wrong definition of **effective prohibition;** a violation of the 1996 Telecommunications act of 1996, Sections 253A or 332C7; the city's action must directly prohibit. The FCC didn't apply an actual prohibition standard in adopting these rules. That is clear in the aesthetics discussion where the FCC says if they have to learn all the local rules and it causes them confusion, they argue they are prohibited. But their own case, 9th Circuit San Francisco vs. T-Mobile, it was determined that the mere cost does not rise to the occasion of prohibition.

   PWG Note: In the Small Cell Order, the FCC reaffirmed its interpretation that a locality can violate the "effective prohibition" language of Sections 253 and 332 by enacting regulations that merely "materially inhibit" the ability of wireless carriers to provide services. It specifically included in this category local regulations that affect carriers' ability to densify their networks or to add capacity to their networks. A regulation should not be seen as "materially inhibiting" any carrier's ability to offer its services, so long as a reasonable number of potential wireless facility locations would be available under the objective criteria. Such a regulation would be even more defensible if it has a "safety valve" that allows a carrier to meet capacity needs by allowing for placement of additional wireless facilities that do not meet the objective criteria. The regulation could even place the burden on the carrier to demonstrate the need for any additional non-compliant facility. A single "safety valve" decision would involve a limited geographic area and would be fact-specific, and should not be challengeable as a "material inhibition" on provision of wireless service in the locality.

2. Same thing with the **moratorium** – the FCC never considers if the city can plan around local construction prohibitions, which they can. FCC assumed that any delay in the permitting process is a material prohibition of putting in the type of facilities they want with the functional characteristics it wants in the time it wants. They failed to apply the standard the US Court of Appeals adopted based on plain language and preserving local zoning authority.

3. **Fees above cost:** FCC is assuming that if fees are above the $270 annual limit, it's a prohibition. Scenario – city denies permit for failure to pay their fee, applicant takes them to federal court to

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show prohibition under 253D. The subsidy they say they will save from the above cost fee will go to rural less profitable areas is not proven by economic theory.

PWG NOTE: Within the Order, there is a presumed safe harbor for application and use fees, but no specific cap on fees:

- The safe harbor amounts are:
  (a) $500 for a single up-front application that includes up to five Small Wireless Facilities, with an additional $100 for each Small Wireless Facility beyond five,
  (b) $270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW, and
  (c) $1,000 for nonrecurring fees for a new pole.

The Order identifies application and usage fee amounts that are neither caps nor safe harbors, but simply what the FCC believes are levels at which carriers will not file legal challenges. The Order identifies $270 per year as a presumptively reasonable annual usage fee. This covers the right to attach an antenna to a pole or other facility and to locate associated equipment nearby. But if a city is providing not just the right to place antennas on city-owned poles, but ancillary facilities or services (such as access to electricity, existing underground ducts and underground casements at each pole), the FCC fee "guidelines" do not apply and the city can set the usage fees at any level it wishes. Cities should not be misled by carriers falsely claiming that the FCC's $270 annual usage fee includes anything other than the right to mount an antenna on a pole and put equipment nearby.

4. **The FCC must preserve local zoning authority per the Telecom Act – that is the intention of Congress.** Section 332 is the only provision that applies to the decisions regarding the placement of wireless facilities. The FCC made an error in saying otherwise. **Under Section 332c it's clear that what Congress was contemplating was a localized determination on a case by case basis of placement of facilities. The regulation of the operations of Wireless Telecommunications Facilities was never preempted from local zoning authority.**

PWG NOTE - See: *United States Supreme Court (2005) CITY OF RANCHO PALOS VERDES et al. v. ABRAMS (2005) No. 03-1601; Argued: January 19, 2005 | Decided: March 22, 2005 - CITY OF RANCHO PALOS VERDES, CALIFORNIA, et al., PETITIONERS v. MARK J. ABRAMS. . . on writ of certiorari to the United States Court of Appeals for the Ninth Circuit, March 22, 2005:*

Justice Scalia writes for the Supreme Court: *"Enforcement of §332(c)(7) through §1983 would distort the scheme of expedited judicial review and limited remedies created by §332(c)(7)(B)(v). We therefore hold that the 1996 Telecommunications Act — by providing a judicial remedy different from §1983 in §332(c)(7) itself — precluded resort to §1983. The judgment of the Ninth Circuit Court of Appeals which awarded attorneys fees is reversed, and the case is remanded for further proceedings consistent with this opinion...It is so ordered."*

Justice Breyer, with whom Justice O'Connor, Justice Souter and Justice Ginsburg join, concurring. *"I agree with the Court. It wisely rejects the Government's proposed rule that the availability of a private judicial remedy "*conclusively establishes *. . . a congressional intent to preclude (Rev. Stat. §1979, 42 U. S. C.) §1983 relief."* Ante*, at 8 …The statute books are too many, federal laws too diverse, and their purposes too complex, for any legal formula to provide more than general guidance. Cf.* Gonzaga Univ. *v.* Doe*, 536 U. S. 273, 291 (2002)… The Court today provides general guidance in the form of an "ordinary inference" that when Congress creates a specific judicial*

remedy, it does so to the exclusion of §1983. Ante*, at 8. I would add that context, not just literal text, will often lead a court to Congress' intent in respect to a particular statute. Cf.* ibid*. (referring to "implicit" textual indications). Context here, for example, makes clear that Congress saw a national problem, namely an "inconsistent and, at times, conflicting patchwork" of state and local siting requirements, which threatened "the deployment" of a national wireless communication system. H. R. Rep. No. 104-204, pt. 1, p. 94 (1995)…Congress initially considered a single national solution, namely a Federal Communications Commission wireless tower siting policy that would pre-empt state and local authority. Ibid.; see also H. R. Conf. Rep. No. 104-458, p. 207 (1996). But Congress ultimately rejected the national approach and substituted a system based on cooperative federalism. Id., at 207-208."*

Cooperative federalism is a concept of federalism in which federal, state, and local governments interact cooperatively and collectively to solve common problems, rather than making policies separately but more or less equally or clashing over a policy in a system dominated by the national government.

State and local authorities would remain free to make siting decisions. They would do so, however, subject to minimum federal standards of "placement, construction and modification of personal wireless facilities" — both substantive and procedural — as well as federal judicial review.

In the *Penultimate* Version of the TCA (HR 1555 from Fall 1995), in Section 107, the words operate and operation appear throughout. In the *Ultimate* Version of the TCA (S.652 passed in Feb 1996), in Section 704, the words operate and operations were removed, expressing Congressional intent:

1996 — SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.
(a) National Wireless Telecommunications Siting Policy. — Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:
(7) **Preservation of local zoning authority.** —
(A) General authority. — Except as provided in this paragraph, **nothing in this Act shall limit or affect the authority of a State or local government** or instrumentality thereof over decisions regarding the **placement, construction, and modification** of personal wireless service facilities.
(B) Limitations. —

(i) The **regulation of the placement, construction, and modification** of personal wireless service facilities by any State or local government or instrumentality thereof —
(I) shall not unreasonably discriminate among providers of functionally equivalent services; and
(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to **place, construct, or modify** personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to **place, construct, or modify** personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the **placement, construction, and modification** of personal wireless service facilities on the basis of the **environmental effects** of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) Definitions. — For purposes of this paragraph —

(i) the term '**personal wireless services**' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term '**personal wireless service facilities**' means facilities for the provision of personal wireless services; and

(iii) the term '**unlicensed wireless service**' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v))."

***18-72689 Loc. Gov vs. FCC*: Plaintiff's Argument Regarding Publicly Owned Utility Placements**

Section 224 of the Telecommunications Act – Congress stated the only grant of authority over electric utility poles in Telecommunications Act is found in section 224 which explicitly denies the FCC's authority with respect to public power utility poles. It grants the FCC authority to regulate rates, terms and conditions by cable companies to electric utility poles but was explicitly denied authority with respect to public power utilities and electric co-ops. As part of the '96 Telcom Act, Congress amended section 224 to expand the scope of it to telecom carriers in addition to cable operators, however it preserved the withholding of authority for electric co-ops and public power utilities. Significantly at the very same time as Congress enacted those amendments to section 224 it also adopted section 253 as well as amendment to section 332c7, neither of which address access to local government facilities.

The FCC bemoans the fact that they do not have control over local utility poles. The FCC is stating in their regulatory order that they do have this authority under section 253. In a single footnote, the FCC brushes aside arguments made about section 224 without elaboration and no meaningful statutory analysis. Specifically, the FCC states that Section 253 is an independent source of authority with respect to the very same poles that Section 224 expressly prohibits them from regulating. However, Section 253 is not a separate source of authority because Sec. 253 on its face only address government entities acting in a regulatory capacity and deals with state laws and regulations and legal requirements that are imposed in regulatory capacity and it doesn't in any way address access to facilities.

The FCC misapplied the Market Participant Doctrine which this Court has found to be application to Sec. 253. The Market Participant Doctrine under Boston Harbor and its progeny is that the presumption is that when a state or local government or entity is presumed to have the ability to act in a proprietary capacity as long as such conduct is analogous to other private entities in that space. The FCC has flipped

that and states that a government entity is not protected unless the statute "carves out an exception for proprietary activities." That's simply not what the Boston Harbor Market Participant Test says.

The FCC has regulatory authority over utilities for governing attachments and the section the court is talking about is a carve-out for the ability of the states to opt out the FCCs pole attachment authority by reverse preempting and saying we actually regulate utilities of this type on our own. The California PUC regulates private utility and so section 224c1 does not apply. Congress is talking about public facilities, and so that section does not apply. It states the public utility is not the type of utility subject to any FCC pole attachment authority. Section 253 doesn't say anything about facilities or utilities at all. Sec. 253 is general in authority to the FCC and Sec. 224 is a specific prohibition.

PWG NOTE: The Order does not impose non-discrimination requirements, i.e., it does not require municipalities to treat wireless carriers the same as they treat electric companies, cable companies or other utilities. The non-discrimination requirements identified in the Order are the FCC's interpretations of the language of Sections 253 and 332(C)(7), and are limited in scope. Section 253(a) addresses only state or local government actions (including discrimination) that effectively prohibit "any interstate or intrastate telecommunications service," while Section 332(c)(7)(B)(i)(II) is even narrower: only actions that effectively prohibit "personal wireless services," which is a small subset of telecommunications service. Thus, Section 253 only limits discrimination between providers of "telecommunications service," and the only type of discrimination that could potentially be problematic under Section 332(C)(7) would discrimination between "competing wireless services." Therefore, the Order does not (and the FCC could not) prohibit discrimination in fees, aesthetic requirements and application requirements as between wireless carriers and companies that do not provide "telecommunications service," a category that includes not only traditional utilities, but also cable companies and even wireline broadband Internet access providers (which under current FCC rules are not providers of telecommunications services).

***18-72689 Loc. Gov vs. FCC*: Plaintiff's Argument Regarding: Radio Frequency Issue**

In response to rule making comments by Montgomery County, MD that the FCC's RF exposure standards may not reflect the current safety research or account for this new 5G that we're going to see in the coming years and that the FCC must resolve those issues before accelerating the siting and the operation of these 5G small cells on public rights of way, the FCC offered a single sentence: It said it disagreed with any concerns that Montgomery County, MD or others have.

The burden of this court is heavy on the FCC – it has to show there is no possible way for this court to give any relief and so in our case we are asking the FCC to explain in the context of this order why RF is irrelevant or why it thinks it's important and how it's going to resolve this issue. No where in the rulemaking or 6 pages of 28J letters do they discuss the 5 G environment, densification, millimeter waves. In this case, we didn't get relief that we want. Our argument is they haven't addressed the issue. Montgomery County, MD wants to tell the residents 5G is safe that are being deployed, but the answer to safety is not answered. FCC didn't address the issue. They don't explain their decision, despite the huge record of concern. Two cases – in the 9th and DC Circuit – consolidating to DC in appeal to the order.

CURRENT LAW
FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS Pages 207-209
CONGRESSIONAL CONFERENCE REPORT [To accompany S. 652] SECTION 704
See : https://www.congress.gov/104/crpt/hrpt458/CRPT-104hrpt458.pdf **(Summary Below)**

Senate bill: No provision.
House amendment: Section 108 of the House amendment required the Commission to issue regulations within 180 days of enactment for siting of CMS. A negotiated rulemaking committee comprised of State and local governments, public safety agencies and the affected industries were to have attempted to develop a uniform policy to propose to the Commission for the siting of wireless tower sites. The House amendment also required the Commission to complete its pending Radio Frequency (RF) emission exposure standards within 180 days of enactment. The siting of facilities could not be denied on the basis of RF emission levels for facilities that were in compliance with the Commission standard. The House amendment also required that to the greatest extent possible the Federal government make available to use of Federal property, rights-of-way, easements and any other physical instruments in the siting of wireless telecommunications facilities.

Conference agreement:

The conference agreement creates a new section 704 which **prevents Commission preemption of local and State land use decisions** and **preserves the authority of State and local governments over zoning and land use matters** except in the limited circumstances set forth in the conference agreement. The conference agreement also provides a mechanism for judicial relief from zoning decisions that fail to comply with the provisions of this section. It is the intent of the conferees that other than under section 332(c)(7)(B)(iv)of the Communications Act of 1934 as amended by this Act and section 704 of the Telecommunications Act of 1996 the **courts shall have exclusive jurisdiction over all other disputes arising under this section**. **Any pending Commission rulemaking concerning the preemption of local zoning authority over the placement, construction or modification of CMS facilities should be terminated.**

When utilizing the term ''functionally equivalent services'' the conferees are referring only to personal wireless services as defined in this section that directly compete against one another. The intent of the conferees is to ensure that a State or local government does not in making a decision regarding the **placement, construction and modification** of facilities of personal wireless services described in this section unreasonably favor one competitor over another. The conferees also intend that the phrase ''unreasonably discriminate among providers of functionally equivalent services'' will **provide localities with the flexibility to treat facilities that create different visual, aesthetic, or safety concerns differently to the extent permitted under generally applicable zoning requirements** even if those facilities provide functionally equivalent services. **For example, the conferees do not intend that if a State or local government grants a permit in a commercial district, it must also grant a permit for a competitor's 50-foot tower in a residential district.**

Actions taken by State or local governments shall not prohibit or have the effect of prohibiting the **placement, construction or modification** of personal wireless services. It is the intent of this section that bans or policies that have the effect of banning personal wireless services or facilities not be allowed and that decisions be made on a case-by-case basis.

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Under subsection (c)(7)(B)(ii), decisions are to be rendered in a reasonable period of time, taking into account the nature and scope of each request. **If a request for placement of a personal wireless service facility involves a zoning variance or a public hearing or comment process, the time period for rendering a decision will be the usual period under such circumstances**. It is **not the intent of this provision** to give preferential treatment to the personal wireless service industry in the processing of requests, or **to subject their requests to any but the generally applicable time frames for zoning decision**.

The phrase ''substantial evidence contained in a written record'' is the traditional standard used for judicial review of agency actions.

The conferees intend section 332(c)(7)(B)(iv) to prevent a State or local government or its instrumentalities from basing the regulation of the **placement, construction or modification** of CMS facilities directly or indirectly on the environmental effects of radio frequency emissions if those facilities comply with the Commission's regulations adopted pursuant to section 704(b) concerning such emissions.

The limitations on the role and powers of the Commission under this subparagraph **relate to local land use regulations** and are not intended to limit or affect the Commission's general authority over radio telecommunications, including the authority to regulate the construction, modification and operation of radio facilities.

The conferees intend that the court to which a party appeals a decision under section 332(c)(7)(B)(v) may be the Federal district court in which the facilities are located or a State court of competent jurisdiction, at the option of the party making the appeal, and that the courts act expeditiously in deciding such cases. The term ''final action'' of that new subparagraph means final administrative action at the State or local government level so that a party can commence action under the subparagraph rather than waiting for the exhaustion of any independent State court remedy otherwise required.

With respect to the availability of Federal property for the use of wireless telecommunications infrastructure sites under section 704(c), the conferees generally adopt the House provisions, but substitute the President or his designee for the Commission.

It should be noted that the provisions relating to telecommunications facilities are not limited to commercial mobile radio licensees, but also will include other Commission licensed wireless common carriers such as point to point microwave in the extremely high frequency portion of the electromagnetic spectrum which rely on line of sight for transmitting communication services.

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Shot Clocks and Batched Applications

The Order created four new shot clocks:

1. Collocation of small wireless facilities: Local government has 60 days to act upon to an application
2. Collocation of facilities other than small wireless facilities: 90 days.
3. Construction of new small wireless facilities: 90 days.
4. Construction of new facilities other than small wireless facilities: 150 days.

The order also provided for the resetting or pausing of the shot clock when a local government determines that an application is incomplete. If a municipality determines that an application is materially incomplete within ten day of filing and notifies the applicant of the deficiencies, the shot clock resets when the completed application is filed. In order to prevent last minute "pausing" of the shot clock by local governments, an incompleteness determination must be made by the 30th day after an application is filed, and within 10 days after resubmission if a re-submitted application is still incomplete.

The Order's shot clock requirements are not in compliance with the Federal intent. The CA state shot clock is 150 days.
" Under subsection (c)(7)(B)(ii), decisions are to be rendered in a reasonable period of time, taking into account the nature and scope of each request. If a request for placement of a personal wireless service facility involves a zoning variance or a public hearing or comment process, the time period for rendering a decision will be the usual period under such circumstances. It is not the intent of this provision to give preferential treatment to the personal wireless service industry in the processing of requests, or to subject their requests to any but the generally applicable time frames for zoning decision."

The shot clock deadlines have no direct legal effect. If an application is not acted on within the deadline, nothing happens unless a carrier either commences a formal complaint proceeding at the FCC or files a case in state or federal court. In either case, the carrier would have to demonstrate that the failure to act on the application amounts to an "effective prohibition" on wireless service under Section 253 or 332. The Order recognizes that the shot clock is only a presumption, and that local governments have the ability to demonstrate to a court that the delay is reasonable under the circumstances. If a court finds that a shot clock violation is an effective prohibition, it will most likely order the local government simply to make a decision by a specific date in the near future; a court is very unlikely to order a local government to grant a specific application.

Batched Applications are not a requirement under the FCC Order. In the discussion of batched applications, the Order makes clear that the applications can be either batched or individual:

> *IV. THIRD REPORT AND ORDER>103.> 2. Batched Applications for Small Wireless Facilities>113.* Given the way in which Small Wireless Facilities are likely to be deployed, in large numbers as part of a system meant to cover a particular area, we anticipate that some applicants will submit "batched" applications: multiple separate applications filed at the same time, each for one or more sites or a single application covering multiple sites. We define either scenario as "batching" for the purpose of our discussion here....Accordingly, when applications to deploy Small Wireless Facilities are filed in batches, the shot clock that applies to the batch is the same one that would apply had the applicant submitted individual applications. Should an applicant file a single application for a batch that includes both collocated and new construction of Small

> Wireless Facilities, the longer 90-day shot clock will apply, to ensure that the siting authority has adequate time to review the new construction sites.
>
> The FCC acknowledged that batched applications could strain local governments' resources and potentially justify a failure to meet shot clock deadlines. The FCC noted that under its "approach, in extraordinary cases, a siting authority, as discussed below, can rebut the presumption of reasonableness of the applicable shot clock period where a batch application causes legitimate overload on the siting authority's resources. Thus, contrary to some localities' arguments, our approach provides for a certain degree of flexibility to account for exceptional circumstances." The siting authority then will have an opportunity to rebut the presumption of effective prohibition by demonstrating that the failure to act was reasonable under the circumstances and, therefore, did not materially limit or inhibit the applicant from introducing new services or improving existing services.
>
> However, the Order continues to state: "In addition, consistent with, and for the same reasons as our conclusion below that Section 332 does not permit states and localities to prohibit applicants from requesting multiple types of approvals simultaneously, we find that Section 332(c)(7)(B)(ii) similarly does not allow states and localities to refuse to accept batches of applications to deploy Small Wireless Facilities. Order, ¶¶ 115

The FCC is misinterpreting Congress' intent when it concludes that Section 332 does not permit states and localities to prohibit applicants from requesting multiple types of approvals simultaneously and when they conclude that Section 332(c)(7)(B)(ii) does not allow states and localities to refuse to accept batches of applications to deploy Small Wireless Facilities. Within the legally binding parameters of the TAC 1996, a regulation should not be seen as "materially inhibiting" any carrier's ability to offer its services, so long as a reasonable number of potential wireless facility locations would be available under the objective criteria. The FCC is using a wrong definition of effective prohibition and is a violation of the 1996 Telecommunications Act of 1996, Sections 253A or 332C7. The local government's action must <u>directly</u> prohibit. The FCC did not apply an actual prohibition standard in adopting these rules.

Under current Federal Law, the 1996 Telecommunications Act of 1996, Sections 253A or 332C7, a local government could require individual applications rather than batched, and would be fulfilling its duty to:

> *… act on any request for authorization to **place, construct, or modify** personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.*

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Conditional Use Zoning Permit Requirement for Small Cell Wireless Facilities

Conditional Use Permits are not prohibited, and Administrative or Ministerial or Instant Approval are not required under the Order.

IV. THIRD REPORT AND ORDER> 4. When Shot Clocks Start and Incomplete Applications >144. "As noted above, multiple authorizations may be required before a deployment is allowed to move forward. For instance, a locality may require a zoning permit, a building permit, an electrical permit, a road closure permit, and an architectural or engineering permit for an applicant to place, construct, or modify its proposed personal wireless service facilities. All of these permits are subject to Section 332's requirement to act within a reasonable period of time, and thus all are subject to the shot clocks we adopt or codify here.

IV. THIRD REPORT AND ORDER> Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities > § 1.6002 Definitions. (f) "Authorization means any approval that a siting authority must issue under applicable law prior to the deployment of personal wireless service facilities, including, but not limited to, zoning approval and building permit.

Spacing Between Small Wireless Facilities

The Order considers spacing requirements to be a subset of aesthetics requirements, and thus subject to same standard. The Order gives no guidance on what might be a reasonable spacing distance. Nevada City's Ordinance shall require: Each small cell must be at least **one thousand five hundred feet away** from the nearest small cell facility.

Acceptable Zoning for Small Cells

Legal argument regarding siting:

United States Supreme Court (2005)
CITY OF RANCHO PALOS VERDES et al. v. ABRAMS (2005) No. 03-1601
Argued: January 19, 2005 | Decided: March 22, 2005

> **"Congress initially considered a single national solution**, namely a Federal Communications Commission wireless tower siting policy that would pre-empt state and local authority. *Ibid.;* see also H. R. Conf. Rep. No. 104-458, p. 207 (1996). But **Congress ultimately rejected the national approach and substituted a system based on** cooperative federalism. *Id.*, at 207-208. View this Conference Report for the 1996 Telecommunications Act.

State and local authorities would remain free to make siting decisions. They would do so, however, **subject to minimum federal standards** [**just** "placement, construction and modification of personal wireless facilities" — both substantive and procedural — as well as federal judicial review.

The Nevada City Telecommunication Ordinance Public Working Group is not suggesting that the ordinance include a written "prohibition" to facilities in the PROW within residential zones as that would not meet compliance. However, the prohibition does apply to facilities

on public and private properties within residential zones. The City can regulate the construction, modification and operation of facilities in the PROW in residential zones for reasons of preserving the quiet enjoyment of streets, and can do so through a CUP process.

As the Court of Appeal noted (**T-Mobile West, supra, 3 Cal.App.5th at p. 351)**, **the word " 'incommode' " means " 'to give inconvenience or distress to: disturb**.' " (T-Mobile West, supra, 3 Cal.App.5th at p. 351, citing Merriam-Webster Online Dict., available at http://www.merriam-webster.com/dictionary/incommode [as of April 3, 2019].) The Court of Appeal also quoted the definition of "incommode" from the 1828 version of Webster's Dictionary. Under that definition, "incommode" means " '**[t]o give inconvenience to; to give trouble to; to disturb or molest in the quiet enjoyment of something, or in the facility of acquisition**.' " (T-Mobile West, supra, 3 Cal.App.5th at p. 351, citing Webster's Dict. 1828—online ed., available at <http://www.webstersdictionary1828.com/Dictionary/incommod e> [as of April 3, 2019].)

> The ruling: . . . ***the City has inherent local police power to determine the appropriate uses of land within its jurisdiction****. That power includes the authority to establish aesthetic conditions for land use . . . We also disagree with plaintiffs' contention that section 7901's incommode clause limits their right to construct [telephone] lines only if the installed lines and equipment would obstruct the path of travel. Contrary to plaintiffs' argument, the incommode clause need not be read so narrowly.*

For our purposes, it is sufficient to state that the meaning of incommode has not changed meaningfully since section 7901's enactment. Obstructing the path of travel is one way that telephone lines could disturb or give inconvenience to public road use. **But travel is not the sole use of public roads; other uses may be incommoded beyond the obstruction of travel**. (T-Mobile West, at pp. 355-356.) For example, lines or equipment might:

- generate **noise**,
- **cause negative health consequences**, or
- create **safety** concerns.

All these impacts could disturb public road use, or disturb its quiet enjoyment.

Localities can police the Quiet Enjoyment of Streets. Unfettered effective radiated power results in too much electromagnetic noise on our streets.

In order to preserve the quiet enjoyment of streets, a locality can pass an ordinance that limits the Effective Radiated Power (ERP) of Wireless Telecommunications Facilities (WTFs), using simple language, like the following:

"For any Close Proximity Microwave Radiation Antennas (CPMRA) Wireless Telecommunications Facility (WTF) that is

- installed in the public rights-of-way, or
- attached to any building, or
- has antennas installed at a height that is lower than 100 feet off the ground,

. . . the applicant **must** install **only** antennas, radios and other supporting equipment that **have no chance** of exceeding a total of **0.1 Watt of effective radiated power** from the face of the antenna shroud."

A cap of **0.1 Watt of ERP** for each qualifying CPMRA provides four main benefits:

1. Provides coverage for **Telecommunications service** for about 1/2 mile from the source antenna (more than **double** the distance of the industry-claimed need of 1,000 feet down the block)
2. **Does not effectively prohibit Telecommunications service, making this regulation legally defensible to wireless industry challenge**
3. Like City-regulated "speed limits," the ordinance can protect the quiet enjoyment of streets (part of the any city's police powers over **aesthetics**).
4. Complies with all FCC RF-EMR exposure guidelines.

Requiring Effective Radiated Power Limits

Definitions:

Altitude: the angle up or down from the horizon — a typical 48" tall small Wireless Telecommunications Facility antenna sprays wireless signal about 15° up and sprays wireless signal about 15° down from a horizontal plane located at the mid-point of the vertically-oriented antenna.

Antenna Gain — the ratio, usually expressed in decibels, of the power required at the input of a loss-free reference antenna to the power supplied to the input of the given antenna to produce, in a given direction, the same field strength or the same power density at the same distance. When not specified otherwise, the gain refers to the direction of maximum radiation. Gain may be considered for a specified polarization. Gain may be referenced to an isotropic antenna (dBi) or a half-wave dipole (dBd) antenna.

Antenna theory often starts with an isotropic antenna: an antenna that propagates in spherical shape from a point source. "Small Cell Antennas," in practice, are often a collection of vertically-oriented antennas, hidden behind an antenna shroud that is typically made of fiberglass to allow wireless signals to flow freely.

Azimuth: the angle formed between a reference direction and a line from the observer to a point of interest projected on the same plane as the reference direction orthogonal to the zenith.

Effective Radiated Power (ERP) — the product of the power supplied to the antenna and the antenna gain in a given direction relative to a half-wave dipole antenna.

A smart, effective, and legally incontestable local Municipal Wireless Code can and should limit the **Effective Radiated Power** which is:

Maximum Input Power (in Watts) × **Antenna-Gain** (a unitless fraction) =
Maximum Effective Radiated Power (in Watts ERP).

How can the City limit the Effective Radiated Power?

An Effective Radiated Power Limit of 0.1 Watts for all antennas within, and for all frequencies transmitted from, a Close Proximity Microwave Radiation Antenna Wireless Telecommunications Facilities shroud (a.k.a small cell) can be enforced 24/7 by a $5.00 Fuse that is under a locality's lock-and-key and placed on every CPMRA-WTF installation.

Localities can use their local police powers over the public rights-of-way to **preserve the quiet enjoyment of streets** by requiring two additional boxes on every CPMRA-WTF installation:

1. **A Fuse Box:** this gives control — and revenue (via policing fees) back to the locality (City or County)
2. **A Fiber Optic Sharing Box:** this ensures public benefit from fiber optic installations in the public rights-of-way. Sending Big Data (for video/music streaming, gaming or Internet) directly to homes via Wireline Fiber Optic cables and copper which uses **much less energy than via Wireless**. Private wireless will not be able to use of fiber optic cables in the public rights-of-way for their sole benefit. **The fiber optic cables, instead can be shared with the residents, as a condition for gaining access to the public rights-of-way. This is a fair rule that can apply to all Wireless providers in a non-discriminatory way.**

Localities can also **levy fines for ERP violations and set up a three-strikes-and-your-out program as a revenue-generating way** to police wireless carriers.

Regarding Wireless Routers

Review: FCC §15.223 Operation in the band 1.705-10 MHz.

(a) The field strength of any emission within the band 1.705-10.0 MHz **shall not exceed 100 microvolts/meter** (0.00003 $\mu W/m^2$) at a distance of 30 meters (98.5 feet).

Review: FCC ID: LZKM900D1 **From a Class B Approval**

- **Application:** Data Transceiver **Maximum output power**: **100 mW (0.1 Watt)**
- **Equipment Class:** DSS – Part 15 Spread Spectrum Transmitter

Review: §15.247 Operation within the following Wi-Fi Frequency bands

- 902-928 MHz,
- 2400-2483.5 MHz, and
- 5725-5850 MHz**.**

(a) Operation under the provisions of this Section is limited to

- frequency hopping intentional radiators
- digitally modulated intentional radiators

. . . that comply with the following provisions:

From Wikipedia: **Frequency-hopping spread spectrum** (**FHSS**) is a method of transmitting radio signals by rapidly changing the carrier frequency among many distinct frequencies occupying a large

spectral band. The changes are controlled by a code known to both transmitter and receiver. FHSS is used to avoid interference, to prevent eavesdropping, and to enable code-division multiple access (CDMA) communications.

- Since the FCC amended rules to allow FHSS systems in the unregulated 2.4 GHz band, many consumer devices in that band have employed various FHSS modes.
- FCC CFR 47 part 15.247 covers the regulations for 902-928 MHz, 2400-2483.5 MHz, and 5725-5850 MHz bands, and the requirements for frequency hopping
- Some walkie-talkies that employ FHSS technology have been developed for unlicensed use on the 900 MHz band.
- FHSS technology is also used in many hobby radio-controlled transmitters and receivers used for model cars, airplanes, and drones.
- **The transmitter will use all the channels in a fixed period of time**. The receiver can then find the transmitter by picking a random channel and listening for valid data on that channel. The transmitter's data is identified by a special sequence of data that is unlikely to occur over the segment of data for this channel.
- **FCC part 15** on unlicensed spread spectrum systems in the 902–928 MHz and 2.4 GHz bands permits **more power than is allowed for non-spread-spectrum systems**. **Both FHSS and direct-sequence spread-spectrum (DSSS) systems can transmit at 1 Watt**.

The FCC also prescribes a minimum number of frequency channels and a maximum dwell time for each channel:

Frequencies	**Channels**	**Dwell Time**	**Max Total Transmit Power**
902–928 MHz	50 or more	0.4 sec. in 10-20 sec. period	**1 Watt** for 50+ channels; **0.25 Watt** for 25-49 channels
2400-2483.5 MHz	15 or more	0.4 sec. in 0.4 sec. period × number of hopping channels used	**1 Watt** for 75+ channels; **0.125 Watt** for <75 channels
5725-5850 MHz	75 or more	0.4 sec. in 30 sec. period	**1 Watt** for 75+ channels

Based on the use of antennas with directional gains that do not exceed 6 dBi

A glance at today's Router Ranker shows products using four MIMO streams dominating the top ranker positions. This isn't because they have more power, because **all products must obey transmit power limits**, **which include effective gains due to antenna design and even beamforming.**

- The reason for the higher ranking of four stream products is the increased transmit spatial multiplexing gain and receive diversity gain provided by using more MIMO streams. A four-

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stream product wireless router provides higher throughput at lower signal levels because it improves effective range, i.e. the area where you get throughput you can actually use.

- Cramming too many nodes in too small a space may result in degraded performance due to co-channel interference. More is not always better in the world of Wi-Fi.
- It **is illegal to mount Wi-Fi routers outside, like the Nighthawk Wi-Fi router (see image below) because it would cause interference**. It then logically follows that 100 milliWatts (0.1 Watt) of Effective Radiated Power is more than sufficient — in fact, sufficient to provide telecommunications service in a ½-mile radius.

FCC Office of Engineering & Technology Bulletin No. 62: **Digital devices fall into two categories — Class A and Class B**

- **Class A** digital devices are ones that are marketed exclusively for use in business, industrial and commercial environments.
- **Class B** digital devices are ones that are marketed for use anywhere, including residential environments.

The technical standards for Class B equipment are stricter than those for Class A equipment because the Class B equipment may be located closer to radios, TVs, and other receivers that tend to be susceptible to interference. The Class B technical standards are designed to protect against interference being caused to a receiver located about 10 meters away (around 33 feet).

Q: What is the difference between a Class A and Class B digital device? If a digital device will be sold to anyone who is likely to use it in a residential environment then it is a Class B digital device. When determining whether a particular device should be classified as Class A or Class B, the Commission normally considers the following three questions, in this order:

The FCC rules are contained in Title 47 of the Code of Federal Regulations (47 CFR), Part 2 and Part 15 are applicable to computers and other digital devices. Digital devices that connect to the public switched telephone network are subject to Part 68 registration requirements.

RF channel	Auto for 2.4GHz, CH 44 for WW SKU and CH 153 for North America SKU
Operating mode	Up to 800 Mbps at 2.4 GHz, 1733 Mbps at 5 GHz

Power adapter	• North America: 100-240V, 50/60 Hz input • UK, Australia: 100-240V, 50/60 Hz, input • Europe: 100-240V, 50/60 Hz input • All regions (output): 12V/3.5A DC output
Dimensions	11.22 x 7.26 x 1.97 in. (285 x 184.5 x 50 mm)
Weight	1.65 lb (750 g)

Electromagnetic emissions	FCC Part 15 Class B EN 55 022 (CISPR 22), Class B C-Tick N10947

Data encoding standards	• IEEE® 802.11 b/g/n 2.4 GHz–256 QAM support • IEEE® 802.11 a/n/ac 5.0 GHz
Maximum computers per WiFi network	Limited by the amount of WiFi network traffic generated by each node (typically 50–70 nodes).
Operating frequency range	AC2600 WiFi[3] • 800 Mbps @2.4GHz–256 QAM • 1733 Mbps @5 GHz 11ac
802.11 security	WPA2-PSK and WPA/WPA2
FCC Channels	• **Band 1**. 36, 40, 44, and 48 • **Band 2 (supports DFS)**. 52, 56, 60, and 64 • **Band 3 (supports DFS)**. 100, 104, 108, 112, 116, 120, 124, 128, 132, 136, and 140 • **Band 4**. 149,153,157, and 161

§15.15 **General technical requirements.**

(a) An intentional or unintentional radiator shall be constructed in accordance with good engineering design and manufacturing practice. Emanations from the device shall be suppressed as much as practicable, but in no case shall the emanations exceed the levels specified in these rules.

(b) Except as follows, an intentional or unintentional radiator must be constructed such that the **adjustments of any control that is readily accessible by or intended to be accessible to the user will not cause operation of the device in violation of the regulations**. Access BPL equipment shall comply

with the applicable standards at the control adjustment that is employed. The measurement report used in support of an application for Certification and the user instructions for Access BPL equipment shall clearly specify the user-or installer-control settings that are required for conformance with these regulations.

(c) Parties responsible for equipment compliance should note that the limits specified in this part will not prevent harmful interference under all circumstances. Since the operators of part 15 devices are required to cease operation should harmful interference occur to authorized users of the radio frequency spectrum, the **parties responsible for equipment compliance are encouraged to employ the minimum field strength** necessary for communications, to provide greater attenuation of unwanted emissions than required by these regulations, and to advise the user as to how to resolve harmful interference problems (for example, see §15.105(b))

§15.209 **Radiated emission limits; general requirements.**

(a) Except as provided elsewhere in this subpart, the emissions from an intentional radiator shall not exceed the field strength levels specified in the following table:

Using the PowerWatch Calculator here:

Frequency (MHz)	Field strength (µV/m)	Measurement distance (meters)	Volts per meter (V/m)	Millionths of a volt per meter (µV/m)	Millionths of Watt per square meter (µW/m²)
			61.4	61,400,000	10 ,000,000
			6.14	6,140,000	100,000
216 to 960	200	3	0.614	614,000	1,000
			0.0614	61,400	10
Above 960	500	3	0.00614	6,140	0.1
			0.000614	614	0.001
			0.000500	500	0.00066
			0.000500	200	0.00011

(e) The provisions in §15.31, §15.33, and §15.35 for measuring emissions at distances other than the distances specified in the above table, determining the frequency range over which radiated emissions are to be measured, and limiting peak emissions apply to all devices operated under this part.

§15.33 **Frequency range of radiated measurements.**

(a) For an intentional radiator, the spectrum shall be investigated from the lowest radio frequency signal generated in the device, without going below 9 kHz, up to at least the frequency shown in this paragraph:

(1) If the intentional radiator operates below 10 GHz: to the tenth harmonic of the highest fundamental frequency or to 40 GHz, whichever is lower.

(2) If the intentional radiator operates at or above 10 GHz and below 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 100 GHz, whichever is lower.

(3) If the intentional radiator operates at or above 30 GHz: to the fifth harmonic of the highest fundamental frequency or to 200 GHz, whichever is lower, unless specified otherwise elsewhere in the rules.

(4) If the intentional radiator operates at or above 95 GHz: To the third harmonic of the highest fundamental frequency or to 750 GHz, whichever is lower, unless specified otherwise elsewhere in the rules.

(5) If the intentional radiator contains a digital device, regardless of whether this digital device controls the functions of the intentional radiator or the digital device is used for additional control or function purposes other than to enable the operation of the intentional radiator, the frequency range shall be investigated up to the range specified in paragraphs (a)(1) through (4) of this section or the range applicable to the digital device, as shown in paragraph (b)(1) of this section, whichever is the higher frequency range of investigation.

§15.35 **Measurement detector functions and bandwidths.**

The conducted and radiated emission limits shown in this part are based on the following, unless otherwise specified in this part:

(a) On any frequency or frequencies below or equal to 1000 MHz, the limits shown are based on measuring equipment employing a CISPR quasi-peak detector function and related measurement bandwidths, unless otherwise specified. The specifications for the measuring instrumentation using the CISPR quasi-peak detector can be found in ANSI C63.4-2014, clause 4 (incorporated by reference, see §15.38). As an alternative to CISPR quasi-peak measurements, the responsible party, at its option, may demonstrate compliance with the emission limits using measuring equipment employing a peak detector function as long at the same bandwidth as indicated for CISPR quasi-peak measurements are employed.

(b) Unless otherwise specified, on any frequency or frequencies above 1000 MHz, the radiated emission limits are based on the use of measurement instrumentation employing an average detector function. Unless otherwise specified, measurements above 1000 MHz shall be performed using a minimum resolution bandwidth of 1 MHz. When average radiated emission measurements are specified in this part, including average emission measurements below 1000 MHz, there also is a limit on the peak level of the radio frequency emissions. Unless otherwise specified, e.g., see §§15.250, 15.252, 15.253(d), 15.255, 15.256, and 15.509 through 15.519, the limit on peak radio frequency emissions is 20 dB above the maximum permitted average emission limit applicable to the equipment under test. This peak limit applies to the total peak emission level radiated by the device, e.g., the total peak power level. Note that the use of a pulse desensitization correction factor may be needed to determine the total peak emission level. The instruction manual or application note for the measurement instrument should be consulted for determining pulse desensitization factors, as necessary.

(c) Unless otherwise specified, e.g., §§15.255(b), and 15.256(l)(5), when the radiated emission limits are expressed in terms of the average value of the emission, and pulsed operation is employed, the measurement field strength shall be determined by averaging over one complete pulse train, including blanking intervals, as long as the pulse train does not exceed 0.1 seconds. As an alternative (provided the transmitter operates for longer than 0.1 seconds) or in cases where the pulse train exceeds 0.1 seconds, the measured field strength shall be determined from the average absolute voltage during a 0.1 second interval during which the field strength is at its maximum value. The exact method of calculating the average field strength shall be submitted with any application for certification or shall be retained in the measurement data file for equipment subject to Supplier's Declaration of Conformity.

Example of Petaluma's Current Ordinance
Language regarding Non-Ionizing Electromagnetic Radiation (NIER)

Example Ordinance Language:

Definition: NIER is non-ionizing electromagnetic radiation

Telecommunications facilities — Minimum application requirements.

The planning director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to, completed supplemental project information forms, a specific maximum requested gross cross-sectional area, or silhouette, of the facility; service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photomontages, visual impact analysis, **NIER (non-ionizing electromagnetic radiation) exposure studies**, title reports identifying legal access, security considerations, lists of other nearby telecommunications facilities known to the city, master plan for all related facilities within the city limits of Petaluma and within one-quarter mile therefrom; and facility design alternatives to the proposal and deposits for peer review, if deemed necessary by the director. The planning director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted

Telecommunications facilities — NIER exposure.

A. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area as this term is defined in Section XXXXXX that exceed the ANSI (American National Standards Institute) C95.l-1992 standard for human exposure or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

B. Initial compliance with this requirement shall be demonstrated for any facility within five hundred feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc. and all broadcast radio and television facilities, **regardless of adjacent land uses**, **through submission, at the time of application for the necessary permit or entitlement**, of NIER (Nonionizing Electromagnetic Radiation calculations) specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed

eighty percent of the NIER standard established by this section, the applicant shall hire a qualified electrical engineer licensed by the state of California to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the planning director. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the city may require, at the applicant's expense, independent verification of the results of the analysis.

C. Every telecommunication facility within five hundred feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every five years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the planning director. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed eighty percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the state of California to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the planning director within five years of facility approval and every five years thereafter. In the case of a change in the standard, the required report shall be submitted within ninety days of the date said change becomes effective.

D. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement.

Minor facilities — Basic requirements.

Minor facilities as defined in Section XXXX of this chapter may be installed, erected, maintained and/or operated <u>in any commercial or industrial zoning district where such antennas are permitted under this title</u>, upon the issuance of a minor conditional use permit, so long as all the following conditions are met:

A. The minor antenna use involved is accessory to the primary use of the property which is not a telecommunications facility.

B. **The combined effective radiated power radiated by all the antenna present on the parcel is less than one thousand five hundred watts.**

C. **The combined NIER levels produced by all the antennas present on the parcel do not exceed the NIER standard established in Section XXXXX of this chapter.**

D. **The antenna is not situated between the primary building on the parcel and any public or private street adjoining the parcel, so as to create a negative visual impact.**

E. **The antenna is located outside all yard and street setbacks specified in the zoning district in which the antenna is to be located and no closer than twenty feet to any property line.**

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F. None of the guy wires employed are anchored within the area in front of the primary structure on the parcel.
G. **No portion of the antenna array extends beyond the property lines or into the area in front of the primary building on the parcel, so as to create a negative visual impact.**
H. At least ten feet of horizontal clearance exists between the antenna and any power lines, unless more clearance is required to meet CPUC standards.
I. All towers, masts and booms are made of a noncombustible material and all hardware such as brackets, turnbuckles, clips, and similar type equipment subject to rust or corrosion has been protected either by galvanizing or sheradizing after forming.
J. The materials employed are not unnecessarily bright, shiny or reflective and are of a color and type that blends with the surroundings to the greatest extent possible.
K. The installation is in compliance with the manufacturer's structural specifications and the requirements of the Uniform Building Code including Section 507.
L. The height of the facility shall include the height of any structure upon which it is placed, unless otherwise defined within this chapter.
M. No more than two satellite dishes are allowed on the parcel, one of which may be over three feet in diameter, but no larger than eight feet in diameter, with adequate screening, at the discretion of the planning director.
O. Any ground mounted satellite dish with a diameter greater than four feet that is situated less than five times its actual diameter from adjoining property lines has screening treatments located along the antenna's non-reception window axes and low-level landscape treatments along its reception window axes.
P. Any roof mounted panel antenna with a face area greater than three and one-half square feet shall be located so as to be effectively unnoticeable.
Q. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
R. **The facility is located more than 500 feet *(OR 1500 FEET as needed in Nevada City)* from any residential dwelling unit, unless recognized as an exempt facility as set forth in Section xxxxx.**
S. No trees larger than twenty inches in diameter measured at four and one-half feet high on the tree would have to be removed.
T. **The site has an average cross slope of ten percent or less.**
V. **All utility lines to the facility from public or private streets shall be underground.**
W. If located within a recognized historic district, or on a structure recognized as a historic landmark, that adequate screening has been provided.
X. The general criteria set forth in this chapter are met.

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NEVADA CITY TELECOM ORDINANCE PUBLIC WORKING GROUP
Feedback to Comments Submitted by
Baron Bettenhausn (Jones & Mayer), and Robert Ross (CMS)

DISCUSSION POINTS

- **REQUESTING NEW AMENDMENT TO BE ADDED: FCC CLAUSE**: Include a clause voiding relevant sections of the ordinance, or requiring modification, in the event of a regulatory change or overturning of the FCC Order (see San Diego County Ordinance). City has authority to change ordinance based on changes in federal regulations. The municipaltites could be operating in a very different environment in Fall 2020 (with FCC 18-111 and FCC 18-133 fully or partially vacated). Also include a **SEVERABILITY** clause.

17.150.020 Definitions:

7-Hills Business District - ALL ARE IN ACCEPTANCE THAT WE NEED TO INCLUDE: ***"7-Hills Business District"*** *means the areas shown on Exhibit A of the ordinance which codified the chapter; said exhibit is incorporated by this reference.* **– NEED TO INLCUDE EXHIBIT A.**

Base Station-
In response to Baron's comment, **do we keep the full definition or limit definition, as it may change in the future? KEEP ADDITION OF** (iv) …*categorical exclusion of radio frequency…***BUT A FULL DEFINITION IS NEEDED PER NEPA/CEQA.**

DAS: Keep final 2 sentences, we need the public who will be reading this ordinance to understand how fiber optic is used in the DAS. These "small cell" regulations and notice of permit requirements also include: DAS nodes (Distributed Antenna Systems) which applications often do not refer to small cells but which are, in fact (according to FCC definition*) small cells.

Effective Radiated Power (ERP) — the product of the power supplied to the antenna and the antenna gain in a given direction relative to a half-wave dipole antenna.

Small Cell: We would like the expanded definition to be included. **BARON: Please explain "Recitals." We want an "out" in case the law changes.** These "small cell" regulations and notice of permit requirements also include: strand-mounted small antennas that are on cables owned by telecom companies but that hover over the PROW and are suspended between utility poles, lampposts, etc.

Stealth: You state that there are signage limitations required by Feds. However, our city ordinance can and should include a requirement of a wireless warning sign at 5 ft level which we believe can still be a responsibility of the applicant, or at the very least a responsibility of the city. We can include in the ordinance that additional signs be placed on poles, in the opposite direction, to inform people on the sidewalk, what is installed on the pole. Should a

sign be damaged, Permitteeshall replace it within 5 business days. (Town of Hempstead NY required a 4 foot warning sign on each pole.)

Substantial Modification
3C: WE ADDED: *The proposed co-location or modification includes a change in power density (wattage), and changes in transmission on additional or different radio, microwave and millimeter wavelength frequencies. The Wireless Carrier must install only antennas, radios and other supporting equipment that have no chance of exceeding a total of 150 milliwatts of Effective Radiated Power (ERP) from the face of the antenna shroud, for all of the equipment operating at or connected to this WTF. (40 milliwattts emitting at the face of the antenna shroud is all that is needed)* **Clarification- Let's have a conversation then about power limits as it relates to the amount of energy output, heat generated, fire and public safety. Our ordinance CAN dictate how much energy output we allow per facility.**

Undergrounding of Accessory Equipment We agree definition of "underground" should be move to standards and requirements. However, we would like a definition of "underground" inserted. Can Robert provide one based on his comment: "*Underground Vaults have a different air flow requirement than is proposed. Recommend that the standard Telecom Vault specifications be used."* We understand that city regulations requiring all utility facilities (including antennas) to be placed underground would effectively prohibit wireless services because antennas have to be placed above ground in order to function. Regulations requiring all wireless equipment other than antennas to be placed underground would be permissible, so long as they are applied on a nondiscriminatory basis to other service providers, e.g. telco and cable companies. It is not clear what sorts of poles or other above ground antenna facilities a local government would have to allow access to in order to avoid being considered "effectively prohibiting wireless service." Examples of regulated underground for other industry: PG&E, Gas Stations

17.150.040 Wireless Telecommunications Facility Permit Requirements.

A. General Rule: Conditional Use Permit Required

Regarding the Table we added and Baron's comments – he states: "*You can't require CUP for new small cells in the ROW. Section 17.150.040(B) as originally drafted establishes administrative permits for the smallest subset required under federal law. This subsection (A) as originally drafted said everything else is a CUP…" and "It is not recommended to mention other Municipalities ordinances by name..." and "There is state law which allows city to regulate aesthetics. That does not supersede federal requirements to administratively permit certain facilities. As originally drafted, the ordinance limited the administrative permits as tightly as possible under existing law.*"

- We wouldn't mention the other municipalities- agreed.
- However, the table we included delineating which zones require a CUP vs. Administrative Permit and which zones are allowing/prohibiting small cells IS being used by a standing ordinance in Mill Valley and they are not in litigation

- So is Sonoma: **Conditional Use Permits**: Maintain that each wireless facility requires a Conditional Use Permit (Planning Dept, ZAB, or Public Works) followed by an encroachment permit which is reopened every 3 years (Sonoma City)
- And Petaluma: **Example as in the Petaluma Municipal Code, current through Ordinance 2674, passed November 19, 2018:**

  Definition: Telecommunications facility - small cell" means a telecommunications facility that is pole mounted to existing public utility infrastructure.

  Small cell facilities may be installed, erected, maintained and/or operated in any commercial or industrial zoning district where such antennas are permitted under this title, ***upon the issuance of a minor conditional use permit,*** *so long as all the following conditions are met:*

  A. The small cell antenna must connect to an ***already existing utility pole*** *that can support its weight.*

  B. All new wires needed to service the small cell must be installed within the width of the existing utility pole so as to ***not exceed the diameter and height of the existing utility pole.***

  C. ***All ground-mounted equipment not installed inside the pole must be undergrounded, flush to the ground, within three feet of the utility pole.***

  D. Each small cell must be at least ***one thousand five hundred feet away*** *from the nearest small cell facility.*

  E. Aside from the transmitter/antenna itself, ***no additional equipment may be visible****.*

  F. Each small cell must be ***at least five hundred feet away from any existing or approved residence.***

  G. An encroachment permit must be obtained for any work in the public right-of-way.

- **Laws, permits, and re-certifications need to be CONDITIONAL**, so that they may be revoked or modified if out of compliance or if/when federal law is modified. (Fairfax, Sonoma City)

Power Output

- We need our ordinance to put limits on energy power output and include 1500 feet distance between each facility. See legal discussion of power output on Legal Notes Document: Here is the summary of what we can include:

Localities can police the Quiet Enjoyment of Streets. Unfettered effective radiated power results in too much electromagnetic noise on our streets.

In order to preserve the quiet enjoyment of streets, a locality can pass an ordinance that limits the Effective Radiated Power (ERP) of Wireless Telecommunications Facilities (WTFs), using simple language, like the following:

"For any Close Proximity Microwave Radiation Antennas (CPMRA) Wireless Telecommunications Facility (WTF) that is

- installed in the public rights-of-way, or
- attached to any building, or
- has antennas installed at a height that is lower than 100 feet off the ground,

. . . the applicant **must** install **only** antennas, radios and other supporting equipment that **have no chance** of exceeding a total of **0.1 Watt of effective radiated power** from the face of the antenna shroud."

A cap of **0.1 Watt of ERP** for each qualifying CPMRA provides four main benefits:

1. Provides coverage for **Telecommunications service** for about 1/2 mile from the source antenna (more than **double** the distance of the industry-claimed need of 1,000 feet down the block)
2. **Does not effectively prohibit Telecommunications service, making this regulation legally defensible to wireless industry challenge**
3. Like City-regulated "speed limits," the ordinance can protect the quiet enjoyment of streets (part of the any city's police powers over **aesthetics**).
4. Complies with all FCC RF-EMR exposure guidelines.

Batched Application

Page 16 Sec. C - We are in complete opposition to Batched Applications. See Legal argument attached. **Batched Applications are not a requirement under the FCC Order.** In the discussion of batched applications, the Order makes clear that the applications can be either batched or individual.

Sec. D The City still holds the right to determine how applications are processed. We understand the issue of "shot clock". Batched applications may or may not help cities manage the shot clock but Nevada City adhere to the shot clock without Batched Applications.

17.150.050 Application for Wireless Telecommunications Facility Permit
General App Requirements

- A1 Regarding first mention of "Instant Application." Baron states: *"Instant application is intended to mean the application in front of the person looking at it."* This is a very poor reference and does not explain much. Baron: "*Cannot approve this revision as City may not*

require CUP for all applicaitons without violating federal law." Mill Valley, Sonoma and Petaluma, Fairfax are doing it.

- A7: We want that requirement to say that a list of frequencies because these are just equipment specifications. – See attachment
- A16: We agree it's ok to put definition of "categorical exclusion." Can you give us the language?
- A17: We agreed with Bob's comment of a knowledgeable individual- We want an independent consultant who is not connected to applicant and a qualified staff member.
- 23B: We agree to 1500 feet in favor of doubling the 300 to 600 feet.
- Shall notice installation of mock up at least 10 business days prior to installation to owners of record and occupants.
- 23B1: We don't agree with addition of your comment regarding PROW because a master lease could be entered into between city and telecom and now you have a lease. Seems like a loophole.
- C. 1. General Liability – Baron - What amount do you suggest? What are other cities doing? What certificates of coverage do you suggest we use?
- C. 10 (our added #10) – per Baron's question – what are these certifications – These are the certs for renewing the permit and Compliance Certifications. We have to monitor annual compliance to ensure and that the standards are being maintained. i.e. power outage, disruption, natural disaster, and FCC RF compliance. Per last comment regarding rejecting current apps from existing permit holders for others facilities, we understand.
- C12.c – we understand the fee is between carriers.
- C13. – We can remove Residential as a preference. See attachment. Why is 7 Hills prohibited? And how this determined?
- F. Independent Expert. 1. – Robert reminded us we need to include the RF Compliance Checklist
- F. Final paragraph – the checklist will include all requirements of a completed application, including RF Compliance report and Power Density Calculation worksheet for the Certification of Completion.

<u>Review Procedure</u>

- Review Procedure: A. Last sentence – per comment of staff internal discussion protection, sensitive information can be redacted, prior to public review
- Requirement for Facilities – A. We agree, we just put that there as background information supporting local authority. We agree it should be placed in Recitals rather than standards. However in the standards, we do leave language regarding not incommoding the PROW. See attachement.
- 3. Blending methods - refer back to the notes. We want the city to put another sign up.
- 4- Equipment: Go back and look at original wording for height.
- 5- Poles (b) **strand mounted NOT allowed in our city**
- (h) Accessory equipment under-grounding. Baron says FCC doesn't allow it. Regulations requiring all wireless equipment other than antennas to be placed underground would be permissible, so long as they are applied on a nondiscriminatory basis to other service providers, e.g. telco and cable companies. It is not clear what sorts of poles or other above ground

antenna facilities a local government would have to allow access to in order to avoid being considered "effectively prohibiting wireless service."

- 8- Obstructions- Baron, we agree with creating a minimum of visual obstructions but you cannot have a PHYSICAL obstruction to pedestrians or vehicles. Again, show us the law.
- 10- (f) We want you to refer back to request for city sign on the pole and we will edit this ordinance to remove all mention of screening so as to be consistent.
- 11- c- Accessory Equip- We need discussion of what Mill Valley is doing because it is in theirs
- 15- (b) Noise – See Effective Radiated Power and Noise in attachment.

General Guidelines

We added D. regarding 1500 ft separation – Baron's comment: "You can do this, as long as you understand that the farther out on the limb you go (stricter requirements) the more likely you are of being challenged. **There is no specific guidance (yet) on how far a separation is too far.** The more cities who go 1,500 the safer you will be (or at least the more likely someone else gets sued first giving you time to adjust IF necessary)."

Findings:

- Baron accepted E & F, and suggested we put back in G. and H. We agree.
- No Dangerous Condition: Refer back to our request for an additional City Sign
- Local Prohibitions and Preferences: B: - Baron says we can't prohibit: why is 7 Hill and Historical? and we CAN take out preference of Residential. See Mill Valley.
- Local Prohibitions and Preferences: E: If you are allowing the amendment that requires a CUP for the Scenic Corridor, we do a CUP for the other areas of the PROW.
- Local Prohibitions and Preferences: D: Maybe move this to the other section so it's not repeated twice – re: 1500 ft apart from each other. Move it to the Standards. Agree with Baron.

12.150.220 – Non-Conforming Wireless…

- Baron wrote in the ordinance "CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061 because CEQA only applies to projects **which have the potential to have a significant impact on the environment** and **because the environmental impact of each individual project will be analyzed at the time that the project is submitted**."
- Baron also wrote into the ordinance: "*There are no impacts of this ordinance which have the potential to cumulatively cause a significant effect on the environment because the city is so small, and it is not anticipated that there will be enough facilities to cause such an impact.*" **HOW COULD YOU POSSIBLY KNOW THAT? THIS SENTENCE IS COMPLETELY SUBJECTIVE AND NEEDS TO BE REMOVED.**
- We don't understand this comment: *"First, this CEQA finding applies to the discretionary adoption of this ordinance and not in regard to later applications submitted under this ordinance except to the extent that the City cannot later use discretion. But even then, the ordinance, as I had drafted it, gave city maximum discretion and only removed discretion where required by federal law. As such the City dis not exercising discretion in adopting procedural*

requirements consistent with federal requirements and the CEQA exemption 15061 is appropriate."

- We Agree: "*Second, while probably unnecessary, in abundance of caution, planning staff should probably conduct initial evaluation under NEPA and determine if an appropriate federal exemption or categorical exclusion applies."*
- WE NEED CUP'S TO ENSURE THAT THE EI STUDIES REGARDING NEPA/CEQA REQUIRED UNDER A CUP PROCESS WOULD BE INITIATED. Agree / Discuss: *"Third, the FCC had previously said that certain wireless facilities were exempt from local environmental or historical preservation review. They were challenged that they didn't have sufficient basis to make that ruling and they rolled back that blanket statement of exemption. That means that locally we must apply CEQA like we would in any other situation. What this means is that staff must conduct an initial Staff will first conduct an initial study to determine if CEQA applies under state law and whether there is a statutory or categorical exemption. Council will then use its authority make the official finding, which could include exemption up to requiring an EIR. However, there is good basis for believing that 15061 exemption would apply. This ordinance is mandated by federal law as such the City is not using discretion in adopting standards for administrative permits. Where it requires CUPS, than CEQA will be evaluated at that time. Ultimately, the CEQA finding is at Council's discretion based on advice from planning."*

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: Resolution Ratifying the Civil Defense and Disaster Council's Supplemental Proclamation of a Local Emergency Issued on March 18, 2020

RECOMMENDATION: Adopt a Resolution of the City Council of the City of Nevada City ratifying the Civil Defense and Disaster Council's supplemental Proclamation of a Local Emergency in the City of Nevada City to order a moratorium on residential and commercial evictions, to halt City water and sewer service disconnections, to close City facilities to the public, and to provide for paid-employee administrative leave.

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

BACKGROUND / DISCUSSION:
As the global COVID-19 emergency persists, the economic impacts of the Federal and State Orders to prevent the spread of the virus such as social distancing, school closures and restaurant and bar closures has left many City businesses and individuals unable to pay their rent, their water and sewer bills and certain City employees who are mandated to leave work due to COVID-19 impacts will suffer substantial economic impacts. Further, closure of City-owned facilities such as parks, pools, restrooms and closure of City Hall in person traffic will help prevent the spread of COVID-19.

On March 16, 2020, the Governor issued Executive Order N-28-20. The Order suspends any State law that would preempt or otherwise restrict the City's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19. Under the authority of the Governor's Order, the Mayor, as the Director of the City's Civil Defense and Disaster Council issued a Supplemental Declaration of a Local Emergency to order a moratorium on evictions for residential and commercial tenants in the City on March 18, 2020. The order pertains to both commercial and residential tenants who provide documentation to their landlord within thirty (30) days of their rent due date, that they are unable to pay all or a portion of their rent, due to substantial financial hardships resulting from COVID-19 may not be evicted during the pendency of the Governor's Order N-28-20 or an extension thereof.

The Supplemental Order also:

- Suspended disconnection of residential water service for non-payment due and imposition of late penalties or fees for delinquent water and/or sewer bills;
- Effective 5:00 p.m. on March 18, 2020, closed City-owned parks and pools and City-owned public restrooms, and closed City Hall to public entrance, although public services are still offered via website, email and telephone; and
- Directed the City Manager to put certain employees on paid administrative leave if they are ordered not to work during the local emergency.

California Government Code Section 8630, subdivision (b) requires any emergency proclamation to be ratified by the governing body within seven (7) days. Therefore, staff seeks your approval of the proposed resolution to ratify the Mayor's Supplemental Declaration of the Local Emergency.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: The City will be impacted as a commercial landlord, in that it may be required to defer rent payments during the pendency of the ordinance for eligible tenants.

ATTACHMENTS:

- ✓ A Resolution of the City Council of the City of Nevada City Ratifying the Civil Defense and Disaster Council's Supplemental Proclamation of a Local Emergency in the City of Nevada City to Order a Moratorium on Residential and Commercial Evictions, to Halt City Water and Sewer Service Disconnections, to Close City Facilities to the Public, and to Provide for Paid-Employee Administrative Leave

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY RATIFYING THE CIVIL DEFENSE AND DISASTER COUNCIL'S SUPPLEMENTAL PROCLAMATION OF A LOCAL EMERGENCY IN THE CITY OF NEVADA CITY TO ORDER A MORATORIUM ON RESIDENTIAL AND COMMERCIAL EVICTIONS, TO HALT CITY WATER AND SEWER SERVICE DISCONNECTIONS, TO CLOSE CITY FACILITIES TO THE PUBLIC, AND TO PROVIDE FOR PAID-EMPLOYEE ADMINISTRATIVE LEAVE

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of the respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on March 4, 2020, the Nevada County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, the Governor of California declared a Statewide state of emergency due to the COVID-19 virus on March 4, 2020 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 5, 2020, the Director of the Civil Defense and Disaster Council of Nevada City under her authority in Nevada City Municipal Code Section 2.44.050 (A)(1) proclaimed a local emergency because of COVID-19, which was ratified by the City Council at the March 11, 2020, City Council meeting; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency "beginning March 1, 2020", and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Governor of California issued Executive Order No. N-28-20 that suspended, for the duration of the statewide emergency, any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to imposed substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code section 1940 et seq. or 1954.25 et seq. The order only applies to the imposition of limitations on evictions when:

(i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction on the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in the opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

(ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) caused by the COVID-19, and is documented.

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health and the Nevada County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, cancelling or postponing large group events, working from home, and other precautions to protect public health and transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in Nevada City have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, loss of income as a result of COVID-19 may inhibit City residents and business from fulfilling their financial obligations, including public utility payments such as water and sewage charges; and

WHEREAS, ensuring that all people in the City continue to have access to running water during this public health crisis will enable compliance with public health directives that if people regularly wash their hands it will help to prevent the further spread of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to close city-owned public parks, pools, and public restrooms, and City Hall; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to enable the City Manager to put certain city employees on paid administrative leave if they are ordered not to work by the City Manager because of the COVID-19 crisis; and

WHEREAS, the City Council does hereby find the aforesaid conditions of extreme peril did warrant and necessitate the orders issued by the Director of the Civil Defense and Disaster Council on March 18, 2020, in the "FIRST SUPPLEMENT TO THE EXECUTIVE ORDER OF THE CIVIL DEFENSE AND DISASTER COUNCIL'S PROCLAMATION OF A LOCAL EMERGENCY IN THE CITY OF NEVADA CITY"; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED, that the City Council hereby proclaims a local emergency due to the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Nevada City; and

IT IS FURTHER RESOLVED AND ORDERED, that the Director of the Civil Defense and Disaster Council's First Supplement To The Executive Order Of The Civil Defense And Disaster Council's Proclamation Of A Local Emergency In The City Of Nevada City, as issued by the Director of the Civil Defense and Disaster Council on March 18, 2020, is hereby ratified and confirmed; and

IT IS FURTHER ORDERED, that a copy of this Resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED AND ADOPTED by the City Council of the City of Nevada City at a regular meeting of the City Council held the 25th of March 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Reinette Senum, Mayor
City of Nevada City

ATTEST:

_____

Niel Locke, City Clerk
City of Nevada City

APPROVED AS TO FORM:

_____

Crystal V. Hodgson, City Attorney
City of Nevada City

Exhibit "A"

FIRST SUPPLEMENT TO THE EXECUTIVE ORDER OF THE CIVIL DEFENSE AND DISASTER COUNCIL'S PROCLAMATION OF A LOCAL EMERGENCY IN THE CITY OF NEVADA CITY

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of the respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on March 4, 2020, the Nevada County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, the Governor of California declared a Statewide state of emergency due to the COVID-19 virus on March 4, 2020, to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 5, 2020, the Director of the Civil Defense and Disaster Council of Nevada City under her authority in Nevada City Municipal Code Section 2.44.050 (A)(1) proclaimed a local emergency because of COVID-19, which was ratified by the City Council at the March 11, 2020, City Council meeting; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency "beginning March 1, 2020", and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Governor of California issued Executive Order No. N-28-20 that suspended, for the duration of the statewide emergency, any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to imposed substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code section 1940 et seq. or 1954.25 et seq. The order only applies to the imposition of limitations on evictions when:

(iii) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction on the number of compensable hours of work, or a substantial decrease in business income cause by a reduction l the opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

(iv) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) caused by the COVID-19, and is documented.

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health and the Nevada County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, cancelling or postponing large

group events, working from home, and other precautions to protect public health and transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in Nevada City have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

WHEREAS, loss of income as a result of COVID-19 may inhibit City residents and business from fulfilling their financial obligations, including public utility payments such as water and sewage charges; and

WHEREAS, ensuring that all people in the City continue to have access to running water during this public health crisis will enable compliance with public health directives that if people regularly wash their hands it will help to prevent the further spread of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to close city-owned public parks, pools, and public restrooms, and City Hall; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to enable the City Manager to put certain city employees on paid administrative leave if they are ordered not to work by the City Manager because of the COVID-19 crisis; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority to issue this regulation related to protection of life and property.

NOW THEREFORE, I, Reinette Senum, the Director of the Civil Defense and Disaster Council of Nevada City, do hereby issue the following order to become effective immediately, subject to ratification as soon as is practicable by the City Council:

IT IS HEREBY ORDERED THAT:

1. Moratorium on Residential and Commercial Evictions. A temporary moratorium on evictions of commercial and residential tenants impacted by the COVID-19 crisis is imposed as follows:

(A) Until May 31, 2020, or until the expiration of any extension by Governor Newsom of his Executive Order No. N-28-20, no landlord shall endeavor to evict a **residential** or **commercial** tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 arising out of a substantial decrease in household or business income, including, but not limited to a substantial decrease in household income caused by:

- layoffs or a reduction on the number of compensable hours of work;
- a substantial decrease in business income cause by a reduction in the opening hours or consumer demand;
- being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;
- compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;
- extraordinary out-of-pocket medical expense; or
- child care needs arising from school closures related to COVID-19.

The tenant must notify the landlord within 30 days after the date that rent is due, in writing of lost income and inability to pay full rent due to financial impacts related to COVID-10, and provide the documentation required by subsection (B) below. For purposes of this Order, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text.

(B) Stay on Landlord's Commencement of Eviction Procedures During the Local Emergency. A landlord who is notified in writing with the documentation required by this Order of tenant's inability pay because of COVID-19 related financial impacts that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent during the period which a local emergency has been declared.

(C) Obligation of Tenant to Pay Rent. Nothing in this Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after the expiration of the local emergency and the tenant must pay within six (6) months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order; nor may a landlord see rent that is delayed for the reasons stated in this Order through the eviction process.

(D) Effective Date. This Order applies to nonpayment eviction notices, unlawful detainer actions based on such notices, served or filed on or after March 18, 2020.

2. Water & Sewer Service. As a result of this local emergency, for a period of 60 days from the date of this Order, the City hereby suspends: (a) the discontinuation or shut-off of water services for residents and businesses in the City for non-payment of water and sewer bills; and (b) imposition of late payment penalties or fees for delinquent water and/or sewer bills.

3. Closure of Public Facilities. Effective 5:00 p.m. on March 18, 2020 and for the duration of the local emergency, or such earlier date as ordered by the Director of the Civil Defense and Disaster Council, the following City of Nevada City facilities shall be closed to the public:

    a. City owned public restrooms;
    b. City parks;
    c. City pools;
    d. City Hall will be closed to in-person public entrance, although services will be available through email and telephone during regular business hours.

4. Employee Paid Administrative Leave. In the event that the City Manager orders the cessation of a service or services during the pending of this emergency, those employees that are directed to cease working, are directed not to report for work or who upon reporting for work are directed not to work, shall be paid their regular rate of pay for all time missed. Employees may only be directed not to report for work after the building has officially closed by the City Manager. Nothing I this policy changes the requirement that certain positions are required to work a directed during facilities closures.

5. Effective Date. This Order shall become effective immediately.

ADOPTED this 18th day of March 2020.

By: Reinette Senum

Reinette Senum
Director of Civil Defense and Disaster Council

ATTEST:

Deputy City Clerk
Gabrielle Christakes

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

March 25, 2020

TITLE: Acceptance of Audit Report for Fiscal Year 2018/2019

RECOMMENDATION: Review and accept the City of Nevada City Annual Financial Statements and Management Letter for year ended June 30, 2019.

CONTACT: Loree' McCay, Administrative Services Manager
Catrina Olson, City Manager

BACKGROUND / DISCUSSION:
The City has a required annual audit performed and a report is normally presented by the auditor at a live Council meeting, however due to the COVID-19, this will be a consent item.

The independent audit firm R. J. Ricciardi, Inc.Certified Public Accountants (CPA's) "auditors," have provided an opinion on the attached City of Nevada City annual financial statements and the results thereof for fiscal year ended June 30, 2019. The City received an "unqualified" opinion which is the auditor's highest level of assurance that the City's financial statements are fairly and appropriately presented in accordance with Generally Accepted Accounting Principles (GAAP), and that the financial statements are sound and free from material misstatements.

The auditors issue a Management Letter to give recommendations for improvement to internal controls or financial processes. There were three (3) current year observations which are attached. One prior finding regarding expenditures in excess of appropriations were found to be in the process of resolution. Included with these recommendations is a corrective action plan provided by Loree' McCay, Administrative Services Manager. Loree' McCay, Administrative Services Manager will be responsible for the implementation of the corrective actions.

Please email Loree' McCay, the Administrative Services Manager with any audit report related questions. loree.mccay@nevadacityca.gov

FISCAL IMPACT: None

ATTACHMENTS:
- ✓ City of Nevada City Audited Financial Statements
- ✓ The Independent Auditor's Management Letter

CITY OF NEVADA CITY, CALIFORNIA

FINANCIAL STATEMENTS

FOR THE YEAR ENDED

JUNE 30, 2019

Table of Contents

Page

INTRODUCTORY SECTION
List of Officials i

FINANCIAL SECTION
Independent Auditor's Report 1-2
Management's Discussion and Analysis (Unaudited) 3-12
Basic Financial Statements:
Government-Wide Financial Statements:
Statement of Net Position 13
Statement of Activities 14
Fund Financial Statements:
Governmental Funds:
Balance Sheet 15
Reconciliation of the Governmental Fund Balance Sheet to the Government-Wide Statement of Net Position - Governmental Activities 16
Statement of Revenues, Expenditures and Changes in Fund Balances 17
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds to the Government-Wide Statement of Activities - Governmental Activities 18
Proprietary Funds:
Statement of Net Position 19
Statement of Revenues, Expenses and Changes in Net Position 20
Statement of Cash Flows 21
Fiduciary Funds:
Statement of Fiduciary Net Position 22
Statement of Changes in Fiduciary Net Position 23
Notes to Basic Financial Statements 24-46
Required Supplementary Information (Unaudited):
Notes to Budgetary Comparison Schedules 47
Budgetary Comparison Schedule - General Fund 48
Budgetary Comparison Schedule - Measure "S" 49
Budgetary Comparison Schedule - Measure "C" 50
Budgetary Comparison Schedule - CMAQ 51
City Pension Plan - Schedule of Proportionate Share of the Net Pension Liability 52
City Pension Plan - Schedule of Contributions 53
Combining Nonmajor Fund Statements:
Nonmajor Special Revenue Funds:
Combining Balance Sheet 54-55
Combining Statement of Revenues, Expenditures and Changes in Fund Balances 56-57

OTHER REPORT
Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed In Accordance with Government Auditing Standards 58-59

INTRODUCTORY SECTION

List of Officials

City of Nevada City
LIST OF OFFICIALS
June 30, 2019

CITY COUNCIL

David Parker, Mayor
Reinette Senum,Vice Mayor
Valerie Moberg
Duane Strawser
Erin Minett

CITY STAFF

Catrina Olson, City Manager
Niel Locke, City Clerk
David McKay, City Treasurer
Harold DeGraw, Consulting City Attorney
Sam Goodspeed, Division Chief
Chad Ellis, Chief of Police
Bryan McAlister, City Engineer
William Highsmith, Superintendent of Public Works
Loree' McCay, Administrative Services Manager
Amy Wolfson, City Planner
Dawn Zydonis, Parks & Recreation Supervisor
Kevin Timms, Chief Plant Operator

FINANCIAL SECTION

- Independent Auditor's Report
- Management's Discussion and Analysis
- Basic Financial Statements
- Required Supplementary Information
- Combining Nonmajor Fund Statements

INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and Members of the City Council
City of Nevada City
Nevada City, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Nevada City, as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise City of Nevada City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to City of Nevada City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of City of Nevada City's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information and, where applicable, cash flows of City of Nevada City, as of June 30, 2019, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

1101 FIFTH AVENUE, SUITE 360 SAN RAFAEL, CA 94901 TEL (415) 457-1215 FAX (415) 457-6735 www.rjrcpa.com

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require the supplementary information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of the financial reporting for placing the basic financial statements in an appropriate operational, economic, or historic context. Our report on the basic financial statements is not affected by this missing information.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Nevada City's basic financial statements. The supplementary information as identified in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The supplementary information is the responsibility of management and was derived from, and relates directly to, the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects in relation to the financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated March 20, 2020, on our consideration of City of Nevada City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City of Nevada City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

R. J. Ricciardi, Inc.

R. J. Ricciardi, Inc.
Certified Public Accountants

San Rafael, California
March 20, 2020

Management's Discussion and Analysis
(Unaudited)

CITY OF NEVADA CITY, CALIFORNIA

MANAGEMENT DISCUSSION & ANALYSIS

Fiscal Year 2018/2019

The following discussion provides users of the City of Nevada City's financial statements, a narrative overview and analysis of the financial activities of the City for the fiscal year ending June 30, 2019. Please read this document in conjunction with the basic financial statements and the accompanying notes to those financial statements.

The City has a diverse local economy based on business and industry, local government employment and tourism. This allows the City to provide a full array of services to all of the citizens. The voters approved Measure "L", a five year, three eights cent general-purpose tax measure that concluded March 2018. This tax measure enabled the City to improve the health of the General fund by setting aside reserves and providing funding to "catch up" on deferred maintenance that the City experienced during the recession. At the November 2016 election, Measure "C", a three-eighths cent special safety tax without a sunset was passed. This Measure has enabled the City to continue to provide full Fire Department services and add Police personnel. At the June 2018 election, the Nevada City voters approved a cannabis business excise general-purpose tax, Measure "F". This measure will provide the funding for the City to support the new incoming cannabis industry. Measure "C" and "F" will continue to provide the ability for the City to continue consistent service levels and build General fund reserves.

FINANCIAL HIGHLIGHTS

The following are some financial highlights for fiscal year 2019:

Entity-wide:

- The City's assets at the end of the year increased to $33,454,309 up $472,846 from the previous fiscal year. Of this total, $19,093,524 is Governmental assets up $440,446 from the previous fiscal year, and $14,360,785 is Business-type assets up $32,400 from the previous fiscal year.
- The City's liabilities at the end of the year increased to $10,733,515 up $1,014,433 from the previous fiscal year. Of this total, $5,989,247 is Governmental liabilities up $888,030 from the previous fiscal year, and $4,744,268 is Business-type liabilities down $126,403 from the previous fiscal year.
- The net effect of the changes in assets and liabilities left the City's net position at $23,698,060 down $213,210 from the previous fiscal year. Of this total, $13,960,022 is Governmental down $196,991 from the previous fiscal year, and $9,738,038 is Business-type down $16,219 from the previous fiscal year.
- Governmental revenues include program revenues of $2,024,162 and general revenues of 4,696,888 for a total revenues of $6,721,050. Governmental expenses were $6,918,041.
- Business type revenues include program revenues of $2,427,415 and general revenues of $23,666 for total revenues of $2,451,081. Business Type expenses were $2,467,301.

Fund level:

- Governmental Fund Balances at the end of the fiscal year were $2,633,554, an increase of $59,149 from the previous fiscal year.
- Governmental Fund revenues were $6,892,360 in 2019 compared to $7,373,772 in 2018, a decrease of $481,412.
- Governmental Fund expenditures were $7,385,115 in 2019 compared to $6,674,154 in 2018, an increase of $710,961 from the previous fiscal year.

General Fund:

- The General Fund revenues of $4,726,713 represents an increase of $679,613 from the previous fiscal year.
- General Fund expenditures of $4,471,003 represents an increase of $336,138 from the previous fiscal year.
- General Fund other financing sources for the fiscal year totaled $121,310 a decrease of $144,962 from the previous fiscal year.
- At the end of the fiscal year, the General Fund balance was $2,036,166 representing an increase of $377,020 from the previous fiscal year.

OVERVIEW OF THE CITY'S ANNUAL FINANCIAL REPORT

The discussion and analysis that follows is intended to serve as an introduction to the City's basic financial statements. These statements include all activities of the City of Nevada City using the integrated approach as prescribed by GASB Statement No. 34. These statements are comprised of three components: (1) Government-Wide Financial Statements, (2) Fund Financial Statements and (3) Notes to the Financial Statements. The State of net position and the Statement of Activities provide information about the activities of the City as a whole and present a longer term view of the City's finances. Fund Financial Statements tells us how these services are financed in the short term as well as what remains for future spending. Fund Financial Statements also report the City's operations in more detail than the Government-Wide Financial Statements by providing information about the City's most significant funds. This report also contains required supplementary information in addition to the basic financial statements.

Government – Wide Financial Statements

The government-wide financial statements are designed to provide the readers with a broad overview of the City's finances. These statements include all assets and liabilities of the City using the accrual basis of accounting, which is similar to the accounting method used by most private sector businesses. All of the current fiscal year's revenues and expenditures are taken into account regardless of when the cash is received.

The Statement of Net position presents information on all of the City's assets and liabilities with differences between the two reported as net position. Net position increases or decreases each year based on whether government-wide revenues exceeded the related expenditures (increase), or government-wide expenditures exceeded revenues (decrease). The change in net position over time may provide a useful tool in measuring whether or not the financial position of the City is improving or deteriorating.

The Statement of Activities presents financial information on the material types of revenue and expenditure transactions that occurred during the fiscal year that created the increase (decrease) in net position. All transactions are reported in the year in which they have been consummated, and not when the cash is received or paid. For example, uncollected taxes are accrued as revenue in these financial statements and earned but unused vacation pay are expensed in the period earned.

Both of these government-wide financial statements distinguish functions of the City that are principally supported by taxes and inter-governmental revenues (government activities) from other functions that are intended to recover all or a significant portion of their costs through user fees' and charges (business type activities). The governmental activities of the City include public safety (police & fire), public works streets and facilities maintenance, engineering, parks and recreation, land use planning, and general city administration responsibilities. The business-type activities of the City include water and wastewater utility operations.

The government-wide financial statements include the City only (known as the primary government). There are no component or blended component units that are part of the City's operations.

Fund Financial Statements

The fund financial statements provide detailed information about the most significant funds, not the City as a whole. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Some funds are required to be established by State law and by bond covenants. The City also establishes other funds to control and manage money for particular purposes or to show that the City is meeting legal or contractual responsibilities for using certain taxes, grants and other money. All of the funds of the City can be classified into the following categories: Governmental Funds, Proprietary Funds and Fiduciary Funds.

Governmental Funds. Most of the City's basic services are reported in governmental funds. These funds focus on how money flows into and out of these funds and balances left at year end that are available for subsequent expenditure. These funds are reported using an accounting method called "modified accrual" which measures cash and all other financial assets that can be readily converted to cash. The governmental fund statements provide a detailed short-term view of the City's general governmental operations and the basic services it provides.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the Governmental Fund Balance Sheet and the Governmental Fund Statement of Revenues, Expenditures and Changes in Fund Balances provide a reconciliation to facilitate the comparison between governmental funds and governmental activities. These reconciliations explain the relationship between the fund statements and government-wide statements.

Proprietary Funds. Proprietary funds are generally used to account for services for which the City charges customers. Proprietary funds are meant to be financially self-supporting. Proprietary funds provide the same type of information as shown in the government-wide financial statements, only in more detail. The City's proprietary funds are used to account for the water and wastewater services provided by the City.

Fiduciary Funds. Fiduciary funds are used to account for resources held for the benefit of parties outside the City. The accounting used for fiduciary funds is much like that of the proprietary funds. The fiduciary fund activity is excluded from the City's other financial statements because the City cannot use these assets to finance its operations. The City is responsible for ensuring that the assets reported in these funds are used for their intended purposes.

Notes to Financial Statements

The notes to the financial statements provide additional information for readers that are essential for a full understanding of the data provided in the government-wide and fund financial statements.

FINANCIAL ACTIVITIES OF THE CITY AS A WHOLE

This analysis focuses on the net position and changes in the net position of the City as a whole. Tables 1 to 3 focus on the City's Governmental Statement of Net position and Statement of Activities and Tables 3 to 6 focus on the City's Business-Type Statement of Net position and Statement of Activities.

Governmental Activities:

Table 1
Governmental Net position at June 30, 2019

	2019	2018
Cash and investments	1,668,763	$2,517,081
Other assets	1,874,764	846,506
Capital assets	15,549,997	15,289,491
Total Assets	**19,093,524**	**18,653,078**
Pension adjustments	1,110,910	869,492
Total Deferred Outflows of Resources	**1,110,910**	**$869,492**
Current liabilities	909,973	553,882
Long term liabilities	5,079,274	4,547,335
Total Liabilities	**5,989,247**	**5,101,217**
Business loan payments		30,256
Pension adjustments	255,165	234,084
Total Deferred Inflows of Resources	**255,165**	**264,340**
Net position:		
Invested in Capital assets, net of related debt	14,866,315	15,016,130
Restricted		2,470,476
Reserved		
Unrestricted	(906,293)	(3,329,593)
Total Net position	**$13,960,022**	**$14,157,013**

The City's Governmental net position was $13,960,022 as of June 30, 2019, a decrease of $196,991 from the prior fiscal year. This decrease is the change in net position shown in Table 1. The City's Governmental Net position as of June 30, 2019 was comprised of the net of the following:

- Cash of $1,668,763, held in five Certificates of Deposit, State of California's Local Agency Investment Fund and the City's money market savings and general checking accounts.
- Receivables of $2,212,177 comprised of accrued revenues, loans and amounts due from other funds.
- Prepaid costs of $750.
- Capital assets net of depreciation charges of $14,866,315; this includes all of the City's infrastructure as well as other capital assets used in government activities, see Note 4 for additional information on capital assets.
- Deferred outflows of resources for pension adjustments of $1,110,910.
- Current liabilities including accounts payable, accrued expenses, employee leave time earned but not yet used and amounts due to other funds totaling $909,973.
- Long term debt of $5,079,275 of which $4,835,212 matures in future years and $226,063 is due within one year. The increase in long term debt of $531,940 is primarily associated to the Lease/purchase agreement to purchase of a replacement Fire Pumper Truck. See note 6 for additional information on long-term liabilities.
- Deferred inflows of resources for pension adjustments and business loan payments of $276,421.

Table 2
Changes in Governmental Net position June 30, 2019

	2019	2018
Revenues:		
Program revenues:		
Charges for service	$1,142,411	$963,195
Grants and contributions	881,751	1,123,096
General Revenues:		
Property taxes	1,619,910	1,547,620
Other taxes	2,891,706	3,126,739
Interest and Investment Earnings	98,170	78,229
Other general revenues	87,102	68,672
Total Revenues	**6,721,050**	**6,907,551**
Program expenses:		
General government	781,336	1,595,178
Public protection	3,325,607	3,331,031
Public ways and facilities	2,399,490	1,024,150
Recreation and culture	401,158	445,451
Interest on long-term debt	10,450	7,006
Total expenses	**6,918,041**	**6,402,816**
Net (Expense) Revenue	**(196,991)**	**504,735**
Prior Period Adjustment - Cumulative effect of change in accounting principal	0	0
Change in Net position	**$(196,991)**	**$504,735**

Overall total Governmental revenues decreased 2.7% from the prior fiscal year attributed to lower grants and contributions. Other taxes include sales and use tax, franchise tax and transient occupancy tax. Sales and use tax increased by 11% from the previous fiscal year. Included in this sales and use tax figures are Measure "S" collections of $668,531, Measure "L" collections of $5,373.86, Measure "C" of $497,572 and sales tax of $1,164,086. The combined franchise tax of $161,282 and transient occupancy tax of $394,861 decreased 6% as compared to the previous fiscal year collections. The 2018/2019 assessed property valuations increased 5.5% over the fiscal year 2017/2018 assessed valuations. The City's interest earnings increased 9% related to higher average daily cash balances in the local agency investment fund and increased certificate of deposit portfolio.

Table 2 shows that 30% of the City's Governmental revenues were derived from fees for City services and grants, this was a slight increase from the prior fiscal year. Charges for services increased 19% or $179,216 from the previous fiscal year. Grants and contributions decreased 21% from the previous fiscal year and is associated to the timing of reimbursement of major grant related projects.

Total Governmental expenses increased 8% from the previous fiscal year. The overall increase in program expense of $515,225 or 8% is the net result of a decrease in general government operational expenditures of 51%, a ,<1% increase in public protection expenditures, a 134% increase in public ways and facilities operational expenditures and a 10% decrease in parks and culture operational expenditures as compared to the previous fiscal year. The large variances year over year are due to the assignment of expenses from the

General Government Program to the Public Ways and facilities program. The City was encouraged to change the longstanding audit firm that provided this service to keep in line with best practices and therefore some of the revenues and expenditures were classed in a different category making YOY comparisons challenging, however. This will be rectified by next year's audit. Most importantly, the overall variance YOY is still relevant.

Business-Type Activities:

Table 3
Business-Type Net Position at June 30, 2019

	2019	**2018**
Cash and investments	$ 2,286,598	$ 1,294,142
Other assets	591,650	1,137,697
Capital assets	11,482,596	11,896,546
Total Assets	**$14,360,785**	**14,328,385**
Pension adjustments	182.792	95,218
Total Deferred Outflows of Resources	**182,792**	**95,218**
Current liabilities	575,559	299,362
Long term liabilities	4,168,709	4,318,503
Total Liabilities	**4,744,268**	**4,617,865**
Pension adjustments	61,271	51,481
Total Deferred Inflows of Resources	**61,271**	**$51,481**
Net Assets:		
Contributed Capital	7,767,631	$8,047,259
Reserved	110,580	379,256
Unrestricted	1,859,827	1,327,742
Total Net position	**$9,738,038**	**$9,754,257**

The City's business-type enterprises consist of Water and Wastewater services. Total Net position decreased by $16,219 resulting in <1% (Flat) change to the previous fiscal year.

Table 4
Changes in Business-Type Net Position June 30, 2019

	2019	2018
Revenues:		
Program revenues:		
Water	$ 889,162	$ 887,659
Wastewater	1,312,853	1,281,507
Capital Contribution	225,400	248,942
General & intergovernmental Revenues and transfers	23,666	14,300
Total Revenues	**2,451,081**	**2,432,408**
Expenses:		
Water	760,670	$868,324
Wastewater	1,706,631	1,800,934
Other Enterprise Funds	0	0
Total Expenses	**2,467,301**	**2,669,258**
Net (Expense) Revenue	**(16,220)**	**(236,850)**
Prior Period Adjustment	0	0
Change in Net position	**$ (16,220)**	**($236,850)**

The City's Business-Type revenue increased by 1%. Of the 1% increase from the previous fiscal year Water revenue collections remained flat. Wastewater revenue collections increased 2.5% compared to the previous fiscal year. Capital Contributions decreased 9% compared to the previous fiscal year.

There was a decrease of 7.6% in total business-type activity expense from the previous fiscal year. Water operational expenditures decreased 12.4% and Wastewater operational expenses decreased 5.2%. Both the water and sewer departments had a decrease in outside service expenses, as well as, adjustments of retirement and pension costs as required by GASB 68, decreasing department expenses.

The City implemented GASB 68 as of June 30, 2015 reporting period, accounting and financial reporting for pensions. The inclusion of this financial data improves accounting and financial reporting by state and local governments for pensions. It also improves information provided by state and local governmental employers about financial support for pensions that is provided by other entities.

Table 5
Changes in Business-Type Net Position June 30, 2019
Net (Expense) Revenues from Services

	2019	2018
Water Services	$132,818	$117,880
Wastewater Services	(149,038)	(354,730)
Totals	**$(16,220)**	**$(236,850)**

There was an increase of $220,630 to net position for business-type activities from the previous fiscal year. The change in net position for Water services was $132,818, higher than the net for fiscal year 17/18 due to decreased expenses for outside services and adjustments of retirement and pension costs as required by GASB 68. The change in net position for Wastewater services was ($149,038), lower than the net loss from fiscal year 17/18 associated to an increase in program income from leachate hauling and a decrease in

expenses for chlorine and chemicals and bacteria testing, as well as, adjustments of retirement and pension costs as required by GASB 68.

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital assets

In fiscal year 2003/2004 the City started recording the cost of its infrastructure assets and expensing them over time (depreciation expense). Infrastructure assets include streets, bridges, storm drains and similar assets used by the general population. Other capital assets include police and fire equipment, buildings, park facilities and water and wastewater facilities. The cost of infrastructure and other capital assets recorded on the City's financial statements as shown below:

Table 6
Capital Assets at June 30, 2019
(Net of Depreciation)

	Government Activities	Business Activities	Total
Land	$1,630,332	0	$1,630,332
Structures & Improvements	19,610,440	21,052,673	$40,663,113
Vehicles, machinery, equipment and software	2,215,861	2,831,059	$5,046,920
Construction in Progress	1,343,961	59	$1,344,020
Less accumulated depreciation	(9,271,853)	(12,401,195)	($21,673,048)
Totals	**$15,528,741**	**$11,482,596**	**$27,011,337**

The City depreciates capital assets over their estimated useful lives. The purpose of depreciation is to match the expense of capital assets to revenue sources over the asset's useful life so that the cost is borne by the users of the asset. Note 1 to the financial statements provides additional information on capital assets, depreciation methods and useful lives.

The major changes in capital assets in governmental activities for the fiscal year 2018/2019 were in the area of land improvements and infrastructure. The City completed projects during fiscal year 2018/2019 such as the completion of a CMAQ Grant reimbursed sidewalk project on Adams and Nile Streets for $523,702. The City spent $582,000 for the improvement of streets, sidewalks, drainage and paving with measure "S" funds. Using various budgeted funds the City spent $25,549 on the ADA improvements at the Pioneer Park picnic area. Budgeted funds of $95,030 were spent on a remodel of the Pioneer Park restrooms and the Department of Transportation provided $149,094 in funding for the preliminary engineering of the Nevada Street Highway Bridge project. The increase in capital assets for business activities is associated to completed projects at the water treatment plant for a bypass pipe, sewer replacement piping for Sacramento Street, East Broad Street, as well as, a wastewater treatment plant sand filter compliance project ; see Note 4 of the financials for additional detail on changes in capital assets during the year.

Debt Administration

Table 7
Outstanding Debt at June 30, 2019

	Government Activities	Business Activities	Total
Loans Payable	662,427	353,965	1,016,392
Bonds Payable	-	-	0
Certificates of Participation	-	3,361,000	3,361,000
Capital Leases	-	-	
Compensated absences payable	255,932	33,308	289,240
Total Outstanding Debt	**$918,359**	**$3,748,273**	4,666,632
Net Pension Liability	4,160,916	592,971	4,753,887
Totals	**$5,079,275**	**$4,341,244**	9,420,519

At year-end, the City had $9,420,519 in long term debt outstanding compared to $9,015,263 at June 30, 2018. The City had an overall increase in debt of $405,256. The increase in outstanding debt of $405,256 was associated to an increase in the pension liability for government and business activities as a requirement of the new GASB 68 ruling setting forth changes in accounting principle. There was an increase of $401,867 in mobile equipment loan to purchase a replacement Fire Pumper Engine . Principal payments to the United States Department of Agriculture (USDA) for Certificates of Participation Series 2005 and 2007 for the Wastewater Treatment Plant upgrade that began fiscal year 2004/2005 and scheduled principal payments on the USDA Wastewater Fund Promissory note obtained in fiscal year 2007/2008.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

The budget developed for fiscal year 2019/2020 was adopted by the City Council on June 26, 2019. The General Fund budget approved by the City Council anticipates $4.83 million in revenues, $4.83 million in expenditures and $0 in transfers from other funds, with Net (Expense)/Revenue being $1k and operational reserve transfers from Measure "L" of $85k to be used for the repair of the City Hall roof and balcony. The City will continue to closely monitor economic activity along with actions taken by regional and state governments that may impact the City's budget.

Revenue collections for sales tax, property tax, and remaining general fund revenues were projected to increase 17% compared to the 2018/2019 year-end adjusted budget. The City projected a 6% increase in sales tax and .5% increase in transient occupancy taxes and an increase of 10% in property taxes as compared to the 2018/2019 year-end adjusted budget. The fiscal year 2019/2020 General Fund budget has incorporated an increase in expenditures of 14% compared to the 2018/2019 year-end adjusted budget The increase is mainly associated to an uptick in capital outlay, the City Attorney (B&B litigation), Police Department (an additional Compliance Officer position and pension costs), Fire Department (4% increase in salary and pension costs) and Planning Department (housing element update). The City was faced with securing a sustainable funding source to ensure the continuity of Fire Department operations which experienced a loss of three staff members in April of 2015 when the Nevada County Consolidated Fire Department determined they could no longer afford to co-staff Nevada City Fire Station 54. In November 2016 the City put a transaction and use tax on the ballot, Measure "C", to secure funding specific to support the Nevada City Fire Department additional three positions and an additional Police Officer position. Measure "C" passed with an approval rating of 83% and is now the funding source for the three new Fire Department personnel and one Police Officer.

Revenue collections for the special taxes, Measure "S" and Measure "C", significantly assist the City in

maintaining streets and roads, as well as provide funding for the Fire Department and Police Department. Measure "L" that has been used for equipment replacement, infrastructure and building maintenance that were deferred during the economic decline, restoration of full time staffing and setting reserves sunset in of March 2018 and nominal payments (less than 8k per year) will continue to be received for an indefinite amount of time. Measure "F", the Nevada City voter approved cannabis excise general-purpose tax will experience a full year in place. The approved City budget reflects 310k in revenue, a conservative expectation for measure "F" excise tax, as well as, cannabis related permit revenue.

The General Fund has maintained a slow but improving economic financial position over the last several fiscal years. Fiscal year 18/19 shows an increase in the General fund balance and the City has maintained a positive unassigned fund balance of $788,566 ending fiscal year 2018/2019. It is crucial that City staff monitor incoming revenues and prioritize and review program expenditures to support, preserve and support sustainable and viable financial status and provide quality service levels to serve its constituency.

Contacting the City

This financial report is designed to provide the citizens, taxpayers, customers, investors and creditors with a general overview of the City's finances and to show the City's accountability for the money it receives. If you have questions about this report or need additional information, contact the City at 317 Broad Street, Nevada City, CA 95959, or by phone (530)-265-2496.

Basic Financial Statements

Government-Wide Financial Statements

City of Nevada City

STATEMENT OF NET POSITION

June 30, 2019

	Governmental Activities	Business-Type Activities	Total
ASSETS			
Current assets:			
Cash and investments	$ 1,668,763	$ 2,286,598	$ 3,955,361
Receivables:			
Taxes	742,278	-	742,278
Accounts	116,912	374,612	491,524
Due from other governments	1,012,859	214,277	1,227,136
Accrued interest	1,965	2,702	4,667
Prepaid items	750	-	750
Total current assets	3,543,527	2,878,189	6,421,716
Noncurrent assets:			
Loans receivable	21,256	-	21,256
Capital assets:			
Non-depreciable	2,974,293	59	2,974,352
Depreciable, net of accumulated depreciation	12,554,448	11,482,537	24,036,985
Total noncurrent assets	15,549,997	11,482,596	27,032,593
Total assets	19,093,524	14,360,785	33,454,309
DEFERRED OUTFLOWS			
Deferred outflows related to pensions	1,110,910	182,792	1,293,702
Total deferred outflows	1,110,910	182,792	1,293,702
LIABILITIES			
Current liabilities:			
Accounts payable and accrued expenses	444,843	188,747	633,590
Unearned income	465,130	214,277	679,407
Debt payable due in one year	46,911	139,227	186,138
Total current liabilities	956,884	542,251	1,499,135
Noncurrent liabilities due in more than one year:			
Compensated absences	255,932	33,308	289,240
Loans payable	615,515	281,738	897,253
Certificates of paticipation	-	3,294,000	3,294,000
Net pension liability	4,160,916	592,971	4,753,887
Total noncurrent liabilities	5,032,363	4,202,017	9,234,380
Total liabilities	5,989,247	4,744,268	10,733,515
DEFERRED INFLOWS			
Deferred Inflows related to pensions	255,165	61,271	316,436
NET POSITION			
Invested in capital assets, net of related debt	14,866,315	7,767,631	22,633,946
Restricted	-	110,580	110,580
Unrestricted	(906,293)	1,859,827	953,534
Total net position	$ 13,960,022	$ 9,738,038	$ 23,698,060

The accompanying notes are an integral part of these financial statements.

City of Nevada City

STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2019

		Program Revenues			Net (Expense) Revenue and Changes in Net Position		
Functions/Programs	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-Type Activities	Totals
City Government							
Governmental activities:							
General government	$ 781,336	$ 203,108	$ 357,227	$ 1,549	$ (219,452)	$ -	$ (219,452)
Public safety	3,325,607	563,465	24,480	-	(2,737,662)	-	(2,737,662)
Public works	2,399,490	149,538	148,583	349,912	(1,751,457)	-	(1,751,457)
Recreation and culture	401,158	226,300	-	-	(174,858)	-	(174,858)
Interest on long-term debt	10,450	-	-	-	(10,450)	-	(10,450)
Total governmental activities	6,918,041	1,142,411	530,290	351,461	(4,893,879)	-	(4,893,879)
Business-type activities							
Water services	760,670	889,162	-	-	-	128,492	128,492
Sewer services	1,706,631	1,312,853	-	225,400	-	(168,378)	(168,378)
Total business-type activities	2,467,301	2,202,015	-	225,400	-	(39,886)	(39,886)
Total City Government	$ 8,624,672	$ 2,455,264	$ 530,290	$ 576,861	(4,893,879)	(39,886)	(4,933,765)
General revenues:							
Taxes:							
Property taxes					1,619,910	-	1,619,910
Sales taxes					2,335,564	-	2,335,564
Franchise taxes					161,282	-	161,282
Other taxes					394,860	-	394,860
Use of money and property					98,170	23,666	121,836
Other revenues					87,102	-	87,102
Total general revenues and special items					4,696,888	23,666	4,720,554
Change in net position					(196,991)	(16,220)	(213,211)
Net position beginning of period					14,157,013	9,754,258	23,911,271
Net position ending of period					$ 13,960,022	$ 9,738,038	$ 23,698,060

The accompanying notes are an integral part of these financial statements.

City of Nevada City

GOVERNMENTAL FUNDS

BALANCE SHEET

June 30, 2019

	General Fund	Measure S Projects Fund	Measure C	CMAQ Streets and Road	Other Governmental Funds	Total Governmental Funds
ASSETS						
Cash and investments	$ 1,166,448	$ 34,209	$ 208,014	$ -	$ 260,092	$ 1,668,763
Due from other governments	328,232	-	-	287,775	396,852	1,012,859
Taxes receivable	504,107	122,144	91,333	-	24,694	742,278
Accounts receivable	116,864	-	-	-	48	116,912
Accrued interest receivable	841	-	200	-	924	1,965
Prepaid items	-	-	-	-	750	750
Due from other funds	316,907	-	-	-	-	316,907
Loans receivable	-	-	-	-	21,256	21,256
Total assets	$ 2,433,399	$ 156,353	$ 299,547	$ 287,775	$ 704,616	$ 3,881,690
LIABILITIES						
Accounts payable	$ 220,525	$ 8,625	$ 18,394	$ 29	$ 52,335	$ 299,908
Accrued expenditures	121,969	854	22,112	-	-	144,935
Unearned income	54,739	-	-	12,373	398,018	465,130
Due to other funds	-	-	-	316,907	-	316,907
Total liabilities	397,233	9,479	40,506	329,309	450,353	1,226,880
DEFERRED INFLOWS OF RESOURCES						
Unavailable revenues						
Deferred business loan payments	-	-	-	-	21,256	21,256
Total deferred inflows of resources	-	-	-	-	21,256	21,256
FUND BALANCES						
Nonspendable	-	-	-	-	-	-
Restricted	992,334	146,874	259,041	-	-	1,398,249
Committed	233,860	-	-	-	-	233,860
Unassigned	788,566	-	-	(41,534)	(302,730)	444,302
Assigned	21,406	-	-	-	535,737	557,143
Total fund balances	2,036,166	146,874	259,041	(41,534)	233,007	2,633,554
Total liabilities and fund balances	$ 2,433,399	$ 156,353	$ 299,547	$ 287,775	$ 704,616	$ 3,881,690

The accompanying notes are an integral part of these financial statements.

City of Nevada City

RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET
WITH THE GOVERNMENTAL ACTIVITIES
STATEMENT OF NET POSITION

For the year ended June 30, 2019

Total fund balances - governmental funds		$ 2,633,554
Total net position reported for governmental activities in the statement of net position is different because:		
Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds.		15,528,741
Other long term asssets are not available to pay for current period expenditures therefore, are reported as unavailable revenues in the governmental funds.		21,256
Deferred outflows of resources related to pensions are not reported in the governmental funds.		1,110,910
Deferred inflows of resources related to pensions are not reported in the governmental funds.		(255,165)
Long-term liabilities applicable to the City's governmental activities are due and payable in the current period and accordingly are not reported as fund liabilities. All liabilities, both current and long-term, are reported in the statement of net position.		
Debt payable	(662,426)	
Compensated absences	(255,932)	
Net pension liability	(4,160,916)	
Total long-term liabilities		(5,079,274)
Total net position - governmental activities		$ 13,960,022

The accompanying notes are an integral part of these financial statements.

City of Nevada City

STATEMENT OF REVENUES, EXPENDITURES AND

CHANGES IN FUND BALANCES

GOVERNMENTAL FUNDS

For the Year Ended June 30, 2019

	General Fund	Measure S Projects Fund	Measure C	CMAQ Streets and Road	Other Governmental Funds	Total Governmental Funds
REVENUES						
Property taxes	$ 1,619,910	$ -	$ -	$ -	$ 198,420	$ 1,818,330
Sales taxes	1,164,086	668,532	497,572	-	5,374	2,335,564
Franchise Taxes	161,282	-	-	-	-	161,282
Other taxes	573,260	-	-	-	218,300	791,560
Licenses and permits	147,485	-	-	-	-	147,485
Fines and forfeits	98,171	-	-	-	-	98,171
Intergovernmental	313,646	-	-	296,065	216,895	826,606
Use of money and property	88,428	-	2,449	-	8,074	98,951
Charges for services	353,145	-	-	-	3,638	356,783
Other revenues	207,300	-	-	-	50,328	257,628
Total revenues	4,726,713	668,532	500,021	296,065	701,029	6,892,360
EXPENDITURES						
Current:						
General government	567,978	-	-	-	-	567,978
Public safety	2,577,716	-	956,972	-	336,387	3,871,075
Public works	869,166	631,110	-	230,176	585,831	2,316,283
Recreation and culture	432,891	-	-	-	23,636	456,527
Debt service:						
Principal	12,802	-	150,000	-	-	162,802
Interest	10,450	-	-	-	-	10,450
Total expenditures	4,471,003	631,110	1,106,972	230,176	945,854	7,385,115
Excess (deficiency) of revenues over expenditures	255,710	37,422	(606,951)	65,889	(244,825)	(492,755)
OTHER FINANCING SOURCES (USES)						
Debt proceeds	-	-	551,867	-	-	551,867
Transfers in	132,500	17,614	-	-	11,190	161,304
Transfers out	(11,190)	-	-	(17,614)	(132,500)	(161,304)
Total other financing sources (uses)	121,310	17,614	551,867	(17,614)	(121,310)	551,867
Net change in fund balances	377,020	55,036	(55,084)	48,275	(366,135)	59,112
Fund balances, beginning of period	1,659,146	91,838	314,125	(89,809)	599,142	2,574,442
Fund balances, end of period	$ 2,036,166	$ 146,874	$ 259,041	$ (41,534)	$ 233,007	$ 2,633,554

The accompanying notes are an integral part of these financial statements.

City of Nevada City

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2019

Net Change in Fund Balances - Total Governmental Funds	$	59,112
Amounts reported for governmental activities in the statement of activities are different because:		
CAPITAL ASSET TRANSACTIONS		
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives as depreciation expense. This is the amount by which depreciation ($888,593) exceeds capital outlays $1,127,843 in the current period.		239,250
LONG TERM DEBT PROCEEDS AND PAYMENTS		
Long-term debt proceeds provide current financial resources to governmental funds, but issuing debt increases long-term liabilities in the statement of net position.		(401,867)
Repayment of debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position.		12,802
Some revenues reported in the statement of activities will not be collected for several months after the City's year end and do not provide current financial resources and therefore are not reported as revenues in the governmental funds.		(183,788)
ACCRUAL OF NON-CURRENT ITEMS		
The amounts below included in the statement of activities do not require the use of or provide current financial resources and are therefore not reported as expenditures or revenues in the governmental funds.		
Compensated Absences		(128,110)
Pension expense		205,610
Net difference		(256,103)
Change in Net Position of Governmental Activities	$	(196,991)

The accompanying notes are an integral part of these financial statements.

City of Nevada City
PROPRIETARY FUNDS
STATEMENT OF NET POSITION
June 30, 2019

	Business-Type Activities Enterprise Funds		
	Sewer Fund	Water Fund	Totals
Assets			
Cash and investments	$ 1,896,328	$ 390,270	$ 2,286,598
Accounts receivable	233,476	141,136	374,612
Interest receivable	2,175	527	2,702
Due from other governments	-	214,277	214,277
Total current assets	2,131,979	746,210	2,878,189
Noncurrent Assets:			
Non-depreciable	-	59	59
Depreciable, net	8,876,563	2,605,974	11,482,537
Total Noncurrent assets	8,876,563	2,606,033	11,482,596
Total assets	11,008,542	3,352,243	14,360,785
Deferred outflows of resources			
Current pension contributions	116,441	66,351	182,792
Liabilities			
Accounts payable	62,267	29,045	91,312
Compensated absences	21,601	11,707	33,308
Accrued liabilities	90,776	6,659	97,435
Unearned income	-	214,277	214,277
Loan payable	72,227	-	72,227
Certificates of participation	67,000	-	67,000
Total current liabilities	313,871	261,688	575,559
Noncurrent liabilities			
Net pension liability	368,115	224,856	592,971
Loan payable	281,738	-	281,738
Certificates of participation	3,294,000	-	3,294,000
Total noncurrent liabilities	3,943,853	224,856	4,168,709
Total liabilities	4,257,724	486,544	4,744,268
Deferred inflows of resources			
Deferral of pension expenses	39,900	21,371	61,271
Net position			
Invested in capital assets,			
Net of related debt	5,161,598	2,606,033	7,767,631
Restricted for capital projects	24,294	-	24,294
Restricted for debt service	50,000	36,286	86,286
Unrestricted	1,591,467	268,360	1,859,827
Total net position	$ 6,827,359	$ 2,910,679	$ 9,738,038

The accompanying notes are an integral part of these financial statements.

City of Nevada City
PROPRIETARY FUNDS
STATEMENT OF REVENUES,
EXPENSES, AND CHANGES IN FUND NET POSITION
For the Year Ended June 30, 2019

	Business-Type Activities-Enterprise Funds		
	Sewer Fund	Water Fund	Total
Operating revenues			
Service charges	$ 1,311,200	$ 886,351	$ 2,197,551
Miscellaneous revenues	1,653	2,811	4,464
Total operating revenues	1,312,853	889,162	2,202,015
Operating expenses			
Employee services	278,827	180,561	459,388
Supplies and services	807,947	410,499	1,218,446
Depreciation	464,243	169,610	633,853
Total operating expenses	1,551,017	760,670	2,311,687
Total operating income (loss)	(238,164)	128,492	(109,672)
Nonoperating revenues (expenses)			
Investment earnings	19,340	4,326	23,666
Intergovernmental revenues	225,400	-	225,400
Interest expense	(155,614)	-	(155,614)
Total nonoperating revenues (expenses)	89,126	4,326	93,452
Income before transfers	(149,038)	132,818	(16,220)
Operating transfer in	-	-	-
Operating transfer out	-	-	-
Total other financing sources (uses)	-	-	-
Change in net position	(149,038)	132,818	(16,220)
Total net position - beginning	6,976,397	2,777,861	9,754,258
Total net position - ending	$ 6,827,359	$ 2,910,679	$ 9,738,038

The accompanying notes are an integral part of these financial statements.

City of Nevada City
PROPRIETARY FUNDS
STATEMENT OF CASH FLOWS
For the Year Ended June 30, 2019

	Business-Type Activities-Enterprise Funds		
	Sewer Fund	Water Fund	Total
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from customers and users	$ 1,326,568	$ 893,116	$ 2,219,684
Payments to suppliers	(52,912)	(389,396)	(442,308)
Payments to employees	(314,036)	(212,736)	(526,772)
Net cash provided by operating activities	959,620	290,984	1,250,604
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES			
Transfer ins	-	-	-
Transfer out	-	-	-
Net cash provided (used) by capital and related financing activities	-	-	-
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES			
Intergovernmental revenues	225,400	-	225,400
Acquisition of capital assets	(142,585)	(75,045)	(217,630)
Principal paid on capital debt	(136,594)	-	(136,594)
Interest paid on capital debt	(155,614)	-	(155,614)
Net cash provided (used) by capital and related financing activities	(209,393)	(75,045)	(284,438)
CASH FLOWS FROM INVESTING ACTIVITIES			
Interest received	22,409	3,881	26,290
Net cash provided by investing activities	22,409	3,881	26,290
Net increase in cash and cash equivalents	772,636	219,820	992,456
Cash and equivalents, July 1	1,123,692	170,450	1,294,142
Cash and equivalents, June 30	$ 1,896,328	$ 390,270	$ 2,286,598
RECONCILIATION OF OPERATING INCOME TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES	Sewer Fund	Water Fund	Total
Operating income	$ (238,164)	$ 128,492	$ (109,672)
Adjustments to reconcile operating income to net cash provided (used) by operating activities			
Depreciation expense	464,243	169,610	633,853
(Increase) decrease in deferred outflows of resources	(50,256)	(37,318)	(87,574)
Accounts receivable	13,715	3,954	17,669
Due from other funds	574,553	-	574,553
Prepaid items	154,467	8,799	163,266
Increase (decrease) in accounts payable	26,015	12,304	38,319
Compensated absences	9,378	5,600	14,978
Deferred inflows of resources	9,025	765	9,790
Accrued liabilities	(93)	583	490
Net pension liability	(3,263)	(1,805)	(5,068)
Net cash provided (used) by operating activities	$ 959,620	$ 290,984	$ 1,250,604

The accompanying notes are an integral part of these financial statements.

City of Nevada City

STATEMENT OF FIDUCIARY NET POSITION

PRIVATE PURPOSE TRUST FUND

June 30, 2019

	CABY Miscellaneous Agency
Assets	
Cash and investments	$ -
Due from other governments	315,417
Total assets	315,417
Liabilities	
Due to other governments	324,341
Unearned income	315,417
Total liabilities	639,758
Net position (deficit):	
Held in trust for private purposes	$ (324,341)

The accompanying notes are an integral part of these financial statements.

City of Nevada City

PRIVATE PURPOSE TRUST FUND

STATEMENT OF CHANGES IN FIDUCIARY NET POSITION

For the Year Ended June 30, 2019

	CABY Miscellaneous Agency
Additions	
Property tax	$ -
Investment earnings	-
Total additions	-
Deductions	
Current	
Community development	
Other charges	5,288
Total deductions	5,288
Net change in fund balances	(5,288)
Net position - beginning	(319,053)
Net position - ending	$ (324,341)

The accompanying notes are an integral part of these financial statements.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The City of Nevada City (the City) was incorporated April 19, 1856, under the provisions of the statutes of the State of California. The City operates under a Council form of government and provides the following services: public safety, highways and streets, culture and recreation, public improvements, planning and zoning, general administrative services, and water and sewer.

Generally accepted accounting principles require government financial statements to include the primary government and its component units. Component units of a governmental entity are legally separate entities for which the primary government is considered to be financially accountable and for which the nature and significance of their relationship with the primary government are such that exclusion would cause the combined financial statements to be misleading. The primary government is considered to be financially accountable if it appoints a majority of an organization's governing body and is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to or impose specific financial burdens on the primary government.

Component Units
Based on the application of the criteria set forth by the Governmental Accounting Standards Board, management has determined that there are no component units of the City.

Joint Agencies
The City is a participant in Public Agency Risk Sharing Authority of California (PARSAC), which is a joint powers authority organized for the purpose of pooled joint-protection coverage to member entities. PARSAC operates public entity pools for auto and general liability coverage, plus workers compensation and errors and omissions coverage and the pool purchases excess insurance for members. PARSAC is under the control and direction of a 9 member executive committee consisting of representatives of the 37 member cities and one fire district. Complete audited financial statements of PARSAC can be obtained at 1525 Response Road, Suite One, Sacramento, California 95815-4805. The City is not financially accountable for this organization and therefore it is not a component unit under Statement Nos. 14, 39 and 61 of the Governmental Accounting Standards Board.

The City is participant in Northern California Cities Self-Insurance Fund (NCCSIF), the purpose of which is for members cities to share in the administrative costs of providing liability and workers' compensation insurance. The NCCSIF is governed by a board of directors appointed by the member cities. Complete financial information can be obtained from the Program Administrator, 2180 Harvard Street, Suite 460, Sacramento, CA 95815. The City is not financially accountable for this organization and therefore it is not a component unit under Statement Nos. 14, 39 and 61 of the Governmental Accounting Standards Board.

The City is a participant in the Nevada County Service Authority for the Abatement of Abandoned Vehicles program, which was created pursuant to California Vehicle Code Section 22710 in order for the County of Nevada, City of Nevada City, and City of Grass Valley to join together and establish a service authority for the abatement of abandoned vehicles. The County or City abatement ordinances that are realized by the County or City less the respective administrative costs are deposited in the Authority trust account. Complete financial activity of this trust account can be obtained at County of Nevada, Auditor-Controller, 950 Maidu Avenue, Nevada City, California 95959-8617. The City is not financially accountable for this organization and therefore it is not a component unit under Statement Nos. 14, 39 and 61 of the Governmental Accounting Standards Board.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

A. Reporting Entity (concluded)

The City is a participant in Western Nevada Public Transportation Authority, the purpose of which is to provide transportation services to the citizens of Nevada County including Nevada City. Complete financial activity can be obtained at County of Nevada, Auditor-Controller, 950 Maidu Avenue, Nevada City, California 95959-8617. The City is not financially accountable for this organization and therefore it is not a component unit under Statement Nos. 14, 39 and 61 of the Governmental Accounting Standards Board.

The City is a participant in Nevada County Fire and Emergency Services Joint Powers Agency, the purpose of which is to provide emergency dispatch and other services. The City participates in the Air Filling Station Services offered. Complete financial information can be obtained from the JPA's office at P.O. Box 3043, Grass Valley, CA 95945. The City is not financially accountable for this organization and therefore it is not a component unit under Statement Nos. 14, 39 and 61 of the Governmental Accounting Standards Board.

B. Basis of Presentation

Government-Wide Financial Statements
The statement of net position and statement of activities display information on all of the nonfiduciary activities of the City. These statements include the financial activities of the overall government. Eliminations have been made to minimize the double counting of internal activities. These statements distinguish between the governmental and business-type activities of the City. Governmental activities, which are normally supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees charged to external parties.

The statement of activities presents a comparison between direct expenses and program revenues for each different identifiable activity of the City's business-type activities and for each function of the City's governmental activities. Direct expenses are those that are specifically associated with a program or function and; therefore, are clearly identifiable to a particular function. Program revenues include 1) charges paid by the recipients of goods and services offered by the program, 2) operating grants and contributions, and 3) capital grants and contributions. Taxes and other items not properly included among program revenues are presented instead as general revenues.

Fund Financial Statements
The fund financial statements provide information about the City's funds. Funds are organized into three major categories: governmental, proprietary and fiduciary. An emphasis is placed on major funds within the governmental and proprietary categories; each is displayed in a separate column. All remaining governmental and proprietary funds are separately aggregated and reported as nonmajor funds.

The City reports the following major governmental funds:

- The General fund is used to account for all revenues and expenditures necessary to carry out basic governmental activities of the City that are not accounted for through other funds. For the City, the General fund includes such activities as public protection, public ways and facilities, community development, and recreation and culture services.

- The Measure "S" fund is a special revenue fund used to account for revenue and expenditures related to Measure "S". Funding comes primarily from Measure "S" tax revenues.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

B. Basis of Presentation (concluded)

- The Measure "C" fund is a special revenue fund used to account for revenues and expenditures related to Measure "C". Funding comes primarily from Measure "C" tax revenues.

- The CMAQ ST & RD fund is a special revenue fund used to account for revenue and expenditures related to the CMAQ grant program. Funding comes primarily from State and Federal grant revenues.

The City reports the following major proprietary funds:

- The Water fund is an enterprise fund used to account for activity related to providing customers with water service and billing for service provided by the City.

- The Sewer fund is an enterprise fund used to account for activity related to providing customers with sewer service and billing for service provided by the City.

The City reports the following additional fund type:

- Private Purpose Trust fund accounts for property held under a trust arrangement under which principal and income benefit individuals, private organizations or other governments. The Private Purpose Trust fund includes the CABY Misc Agency Fund.

C. Basis of Accounting and Measurement Focus

The government-wide and proprietary fund financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Nonexchange transactions, in which the City gives (or receives) value without directly receiving (or giving) equal value in exchange, include property and sales tax, grants, entitlements, and donations. Under the accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied.

Revenues from sales tax are recognized when the underlying transactions take place. Revenues from grants, entitlements, and donations are recognized in the fiscal year in which all eligibility requirements have been satisfied.

Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. Property and sales taxes, interest, certain state and federal grants, and charges for services are considered susceptible to accrual and are accrued when their receipt occurs within sixty days after the end of the fiscal year. Expenditures are generally recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures as well as expenditures related to claims and judgments are recorded only when payment is due. General capital asset acquisitions are reported as expenditures in the various functions of the governmental funds. Proceeds of governmental long-term debt and acquisitions under capital leases are reported as other financing sources.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

C. Basis of Accounting and Measurement Focus (concluded)

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise funds are charges to customers for sales and services. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses and depreciation of capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

D. Non-Current Governmental Assets/Liabilities

Non-current governmental assets and liabilities, such as capital assets and long-term liabilities, are reported in the governmental activities column in the government-wide statement of net position.

E. Cash and Cash Equivalents

For purposes of the accompanying Statement of Cash Flows, the City considers all highly liquid investments with an original maturity of three months or less and amounts held in the City's investment pool, to be cash and cash equivalents.

F. Investments

The City pools cash and investments of all funds. Each fund's share in this pool is displayed in the accompanying financial statements as cash and investments.

Investment transactions are recorded on the trade date. The fair value of investments is determined annually. Investments in nonparticipating interest-earning investment contracts are reported at cost; short term investments are reported at amortized cost, investments in the State of California Local Agency Investment Fund, an external pool, are reported at amortized cost which approximates fair value, and the fair value of all other investments are obtained by using quotations obtained from independent published sources or by the safekeeping institution. The fair value represents the amount the City could reasonably expect to receive for an investment in a current sale between a willing buyer and seller.

Income from pooled investments is allocated to the individual funds based on the fund or participant's average daily cash balance at quarter end in relation to the total pool investments. Income from non-pooled investments is recorded based on the specific investments held by the fund.

G. Receivables

Receivables for governmental activities consist mainly of accounts, interest, taxes and intergovernmental. Management believes its receivables are fully collectible and, accordingly, no allowance for doubtful accounts is required.

Receivables for enterprise funds consist mainly of user fees and interest. Management believes its receivables are fully collectible and, accordingly, no allowance for doubtful accounts is required.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

H. Other Assets

Inventory
Governmental fund inventories and proprietary fund inventories are recorded as expenditures/expenses at the time the inventory is purchased rather than when consumed. Records are not maintained of inventory and supplies on hand, although these amounts are not considered material.

Prepaid Items
Payments made for services that will benefit periods beyond June 30, 2019, are recorded as prepaid items under both the accrual and modified accrual basis of accounting. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased. The City records both prepaid costs for expenditures/expenses paid for services that will benefit future periods and prepaid insurance for the net investment in a joint powers self-insurance agency.

I. Business Loans Receivable

A total of $21,256 was recorded as loans receivable at June 30, 2019. These represent low interest notes and related accrued interest to finance business start-up costs. Loan terms are 15 years with interest rates at 3.25 percent. The primary source of funding for these loans comes from grants from the federal Community Development Block Grant (CDBG) program. The CDBG grants contain monitoring requirements to ensure grant compliance. These requirements are reflected in the loan agreements. Due to the terms of the loans, an offsetting deferred inflows of resources of $21,256 has been established in the Governmental Funds Balance Sheet for the business loan principal and interest payments.

J. Capital Assets

Capital assets, including public domain (infrastructure such as roads, bridges, sidewalks, sewer and similar items) are defined by the City as assets with a cost greater than $5,000 for equipment and structures and improvements, and $20,000 for infrastructure and an estimated useful life of more than one year. Capital assets are recorded at historical cost or estimated historical cost if actual historical cost is unavailable. Contributed capital assets are recorded at their acquisition value at the date of donation.

Capital assets used in operations are depreciated or amortized using the straight-line method over the assets' estimated useful lives in the government-wide financial statements. The range of estimated useful lives by type of asset is as follows:

Depreciable Asset	Estimated Lives
Equipment	3-10 years
Structures and improvements	20-40 years
Infrastructure	20-40 years

Maintenance and repairs are charged to operations when incurred. Betterments and major improvements which significantly increase values, change capacities or extend useful lives are capitalized. Upon sale or retirement of capital assets, the cost and related accumulated depreciation are removed from the respective accounts and any resulting gain or loss is included in the results of operations.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

K. Property Tax

Nevada County assesses properties, bills, collects, and distributes property taxes to the City. The County remits the entire amount levied and handles all delinquencies, retaining interest and penalties.

Property taxes are levied on a fiscal year (July 1 - June 30). The secured property tax assessments are due on November 1 and February 1 and become delinquent after December 10 and April 10, respectively. The unsecured property tax assessments are due on August 1, and become delinquent after August 31. Property taxes become a lien on the property effective January 1 of the preceding year.

The City recognizes property taxes when the individual installments are due provided they are collected within 30 days after year-end.

L. Interfund Transactions

Interfund transactions are reflected as either loans, services provided or used, reimbursements or transfers.

Loans reported as receivables and payables are referred to as either "due to/from other funds" (i.e. the current portion of interfund loans) or "advances to/from other funds" (i.e., the noncurrent portion of interfund loans) as appropriate and are subject to elimination upon consolidation. Any residual balances outstanding between the governmental activities and the business-type activities, are reported in the government-wide financial statements as "internal balances". Advances between funds, as reported in the fund financial statements, are offset by a nonspendable fund balance account in applicable governmental funds to indicate that they are not in spendable form.

Services provided or used, deemed to be at market or near market rates, are treated as revenues and expenditures or expenses. These services provide information on the net cost of each government function and therefore are not eliminated in the process of preparing the government-wide statement of activities.

Reimbursements occur when the funds responsible for particular expenditures or expenses repay the funds that initially paid for them. Such reimbursements are reflected as expenditures or expenses in the reimbursing fund and reductions to expenditures or expenses in the reimbursed fund.

All other interfund transactions are treated as transfers. Transfers between funds are netted as part of the reconciliation to the government-wide presentation.

M. Unearned Revenue

Under the accrual and modified accrual basis of accounting, revenue may be recognized only when it is earned. When assets are recognized in connection with a transaction before the earnings process is complete, those assets are offset by a corresponding liability for unearned revenue.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

N. Compensated Absences and Other Post-employment Benefits

It is the City's policy to permit employees to accumulate a limited amount of earned but unused vacation, which will be paid to employees upon separation from City service. Employees accumulate sick leave during employment with the City, however, this benefit does not vest with the employee. The compensated absences liability is typically liquidated by the General fund for all non-proprietary fund compensated absences. In the government-wide and proprietary fund financial statements, the accrued compensated absences is reported as an expense and related liability. In the governmental fund financial statements, the expenditures and liabilities related to those obligations are recognized only when they mature.

The City does not currently provide other post-employment healthcare or other non-pension benefits.

O. Pensions

For purposes of measuring the net pension liability and deferred outflows/inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the City's California Public Employees' Retirement System (CalPERS) plan (Plan) and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by CalPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

P. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period and so will not be recognized as an outflow of resources (expense) until then. The City has one item that qualifies for reporting in this category. This item relates to the outflows from changes in the net pension liability and is reportable on the Statement of Net Position.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The City has three types of items which qualify for reporting in this category. One item, unavailable revenue, is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues for receivables that have not been received within the modified accrual period. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available. The second item relates to the inflows from changes in the net pension liability and is reportable on the Statements of Net Position. The third item relates to the total business loan principal and interest receivable amount and is reportable on the Statement of Net Position as well as on the governmental funds balance sheet.

Q. Estimates

The preparation of basic financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

R. Implementation of Governmental Accounting Standards Board Statements (GASB)

The following Governmental Accounting Standards Board (GASB) Statements have been implemented, if applicable, in the current financial statements.

Statement No. 75, Accounting and Financial Reporting for Post-employment Benefit Plans Other Than Pension Plans. This statement improves accounting and financial reporting by state and local governments for postemployment benefits other than pensions (OPEB). This statement also improves information provided by state and local governmental employers about financial support for OPEB that is provided by other entities.

Statement No. 81, Irrevocable Split-Interest Agreements. This statement improves accounting and financial reporting for irrevocable split-interest agreements by providing recognition and measurement guidance for situations in which a government is a beneficiary of the agreement.

Statement No. 85, Omnibus 2017. This statement addresses practice issues that have been identified during implementation and application of certain GASB Statements including issues related to blending component units, goodwill, fair value measurement and application, and post-employment benefits.

Statement No. 86, Certain Debt Extinguishment Issues. This statement improves consistency in accounting and financial reporting for in-substance defeasance of debt by providing guidance for transactions in which cash and other monetary assets acquired with only existing resources - resources other than the proceeds of refunding debt - are placed in an irrevocable trust for the sole purpose of extinguishing debt.

NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

A. Deficit Fund Balance/Net Position

The following major governmental fund had a deficit fund balance:

The CMAQ ST & RD fund had a fund balance deficit of $41,534, which is expected to be eliminated in the future through grant revenues.

The following nonmajor governmental funds had deficit fund balances:

The Nevada Main Project fund had a fund balance deficit of $169,604, which is expected to be eliminated in the future through increased revenues.

The FEMA Project fund had a fund balance deficit of $15,961 which is expected to be eliminated in the future through increased revenues.

The Little Deer Creek fund had a fund balance deficit of $114,115, which is expected to be eliminated in the future through increased revenues.

The CDBG Enterprise fund had a fund balance deficit of $27,902, which is expected to be eliminated in the future through increased revenues.

NOTE 3: CASH AND INVESTMENTS

A. Financial Statement Presentation

As of June 30, 2019, the City's cash and investments are reported in the financial statements as follows:

	Maturity 12 Months or less
Cash and investments, Governmental activities	$ 1,668,763
Cash and investments, Business-type activities	2,286,598
Total cash and investments	$ 3,955,361

As of June 30, 2019, the City's cash and investments consisted of the following:

Cash and investments:	
Demand deposits	$ 3,449,887
Local agency investment fund	505,474
Total cash and investments	$ 3,955,361

B. Cash

Custodial Credit Risk for Deposits - Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, the City will not be able to recover its deposits or collateral securities that are in the possession of an outside party. The City's investment policy requires that deposits in banks must meet the requirements of the California Government Code. Under this code, deposits of more than $250,000 must be collateralized at 105 percent to 150 percent of the value of the deposit to guarantee the safety of the public funds. The first $250,000 of the City's deposits are insured by the Federal Deposit Insurance Corporation (FDIC). Deposits of more than the $250,000 insured amount are collateralized.

C. Investments

Pursuant to Section 53646 of the Government Code, the City prepares an investment policy annually and presents it to the City Council for review and approval. The investment policy provides the basis for the management of a prudent, conservative investment program. Funds are invested to provide the maximum security of principal with secondary emphasis on achieving the highest return, while meeting daily cash flow needs. All investments are made in accordance with the Government Code and, in general, the investment policy is more restrictive than state law.

Under the provisions of the City's investment policy the City may invest or deposit in the following:

United States Treasury Bills, Bonds and Notes
Securities of the U.S. Government or its Agencies
Local Agency Investment Fund (LAIF)
Certificates of Deposit

NOTE 3: CASH AND INVESTMENTS (continued)

C. Investments (continued)

Fair Value of Investments - The City measures and records its investments using fair value measurement guidelines established by generally accepted accounting principles. These guidelines recognize a three-tiered fair value hierarchy as follows:

Level 1: Quoted prices for identical investments in active markets;
Level 2: Observable inputs other than quoted market prices; and,
Level 3: Unobservable inputs.

The City's position in external investment pools is in its self-regarded as a type of investment and looking through to the underlying investments of the pool is not appropriate. Therefore, the City's investment in external investment pools is not recognized in the three-tiered fair value hierarchy described above.

At June 30, 2019, the City had the following recurring fair value measurements.

Investment Type	Level 1	Exempt	Total
California Local Agency Investment fund	$ 505,474	$ -	$ 505,474
Total investments	$ 505,474	$ -	505,474
Cash in banks and on hand			3,449,887
Total cash and investments			$ 3,955,361

Investment Type	Total Investment
Not rated:	$ 505,474
California Local Agency Investment Fund	
Cash in banks and on hand	3,449,887
Total cash and investments	$ 3,955,361

Interest Rate Risk - Interest rate risk is the risk of loss due to the fair value of an investment falling due to interest rates rising. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. To limit the exposure to fair value losses resulting from increases in interest rates, the City's investment policy limits investment maturities to a term appropriate to the need for funds so as to permit the City to meet all projected obligations. Any investments that mature more than five years from the date of purchase cannot occur without prior approval of the City Council.

Credit Risk - Credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The City's investment policy sets specific parameters by type of investment to be met at the time of purchase. Presented below is the minimum rating required (where applicable) by the California Government Code or the City's investment policy, and the actual rating as of year end for each investment type.

Custodial Credit Risk - Custodial credit risk for investments is the risk that, in the event of the failure of a depository financial institution, the City will not be able to recover its deposits or collateral securities that are in the possession of an outside party. To mitigate the custodial credit risk, the City's investment policy requires that all of its managed investments be held in the name of the City in safekeeping by a third party bank trust department.

NOTE 3: CASH AND INVESTMENTS (concluded)

C. Investments (concluded)

Concentration of Credit Risk - Concentration of credit risk is the risk of loss attributed to the magnitude of the City's investment in a single issuer of securities. When investments are concentrated in one issuer, this concentration presents a heightened risk of potential loss. The City's investment policy contains limitations on the amount that can be invested in any one issuer. Investments in any one issuer (other than U.S. Treasury Securities, mutual funds, and external investment pools) at June 30, 2019, that represent 5 percent or more of total City investments are as follows:

Investment Type	Amount Invested	% of Investments
Certificates of Deposit	$ 1,233,000	31%

D. Investment in External Investment Pool

The City of Nevada City maintains an investment in the State of California Local Agency Investment Fund (LAIF), managed by the State Treasurer. This fund is not registered with the Securities and Exchange Commission as an investment company, but is required to invest according to California State Code. The Local Investment Advisory Board (Board) has oversight responsibility for LAIF. The Board consists of five members as designated by State Statute. At June 30, 2019, the City's investment in LAIF valued at amortized cost was the same as the value of the pool shares. There are no restrictions on withdrawal of funds. The total amount invested by all public agencies in LAIF on that day was $106 billion. Of that amount, 95.56 percent is invested in non-derivative financial products and 1.77 percent in structured notes and asset-backed securities.

NOTE 4: CAPITAL ASSETS

Capital assets activity for the year ended June 30, 2019, was as follows:

Governmental Activities	Balance July 1, 2018	Additions	Retirements & Adjustments	Balance June 30, 2019
Land	$ 1,630,332	$ -	$ -	$ 1,630,332
Construction in progress	1,032,533	1,007,776	696,348	1,343,961
Total	662,865	1,007,776	696,348	2,974,293
Buildings	4,990,749	45,240	-	5,035,989
Machinery & Equipment	2,423,289	-	207,428	2,215,861
Infrastructure	13,930,830	643,621	-	14,574,451
Total	21,344,868	688,861	207,428	21,826,301
Less Accumulated Depreciation for:				
Buildings	(1,957,719)	(23,864)	-	(1,981,583)
Machinery & Equipment	(1,988,246)	(313,394)	(334,982)	(1,966,658)
Infrastructure	(4,772,277)	(551,335)	-	(5,323,612)
Total	(8,718,242)	(888,593)	(334,982)	(9,271,853)
Fixed asset totals	$ 15,289,491	$ 808,044	$ 568,794	$ 15,528,741

NOTE 4: CAPITAL ASSETS (concluded)

Business-type Activities	Balance July 1, 2018	Additions	Retirements & Adjustments	Balance June 30, 2019
Land	$ -	$ -	$ -	$ -
Construction in progress	2,272	-	2,213	59
Total	2,272	-	2,213	59
Buildings	20,776,019	167,197	-	20,943,216
Machinery & Equipment	2,778,412	52,647	-	2,831,059
Infrastructure	130,864	-	21,407	109,457
Total	23,685,295	219,844	21,407	23,883,732
Less Accumulated Depreciation for:				
Buildings	(9,990,435)	(565,674)	-	(10,556,110)
Machinery & Equipment	(1,667,450)	(68,178)	-	(1,735,628)
Infrastructure	(130,864)	-	(21,407)	(109,457)
Total	(11,788,749)	(633,853)	(21,407)	(12,401,195)
Fixed asset totals	$ 11,898,818	$ (414,009)	$ 2,213	$ 11,482,596

Depreciation

Depreciation expense was charged to governmental functions as follows:

Public works	$ 888,593

Depreciation expense was charged to the business-type functions as follows:

Water	$ 169,610
Wastewater	464,243
Total Depreciation Expense - Business-Type Functions	$ 633,853

Construction in Progress

Construction in progress for governmental activities relates primarily to work performed on street and sidewalk reconstruction.

Construction in progress for business-type activities relates to the sewer mixer project.

NOTE 5: INTERFUND TRANSACTIONS

Due To/From Other Funds

During the course of operations, transactions occur between funds to account for goods received or services rendered. These receivables and payables are classified as due from or due to other funds. In addition, when funds overdraw their share of pooled cash, the receivables and payables are also classified as due from or due to other funds. The following are due from and due to balances as of June 30, 2019:

	Due From Other Funds	Due To Other Funds
General Fund	$ 316,907	$ -
CMAQ	-	316,907
Total	$ 316,907	$ 316,907

Transfers

Transfers are indicative of funding for capital projects, lease payments or debt service and re-allocations of special revenues. The following are the interfund transfers for fiscal year ended June 30, 2019:

	Transfer In	Transfer Out
General Fund	$ 132,500	$ 11,190
Measure "S" project funds	17,614	-
CMAQ	-	17,614
Cal Fire	6,560	-
NC Rec	4,630	-
Measure L	-	132,500
Total	$ 161,304	$ 161,304

NOTE 6: LONG-TERM LIABILITIES

The following is a summary of changes in long-term liabilities for the year ended June 30, 2019:

Type of Indebtedness	Balance July 1, 2018	Additions	Reductions	Balance June 30, 2019	Due Within One Year
Governmental activities					
Loans	$ 273,361	$ -	$ 12,801	$ 260,560	$ 13,501
Mobile equipment loans	-	551,867	150,000	401,867	33,410
Net pension liability	4,146,152	14,764	-	4,160,916	-
Compensated absences	127,822	128,110	-	255,932	179,152
Total governmental activities	$ 4,547,335	$ 694,741	$ 162,801	$ 5,079,275	$ 226,063
Business-type activities					
Certificates of Participation	$ 3,426,000	$ -	$ 65,000	$ 3,361,000	$ 67,000
Loans	425,559	-	71,594	353,965	72,227
Net pension liability	598,039	-	5,068	592,971	-
Compensated absences	18,330	14,978	-	33,308	-
Total business-type activities	$ 4,467,928	$ 14,978	$ 141,662	$ 4,341,244	$ 139,227

Compensated absences are generally liquidated by the fund where the accrued liability occurred. The capital lease liability is liquidated by lease payments made by the department leasing the equipment.

NOTE 6: LONG-TERM LIABILITIES (continued)

Individual issues of debt payable outstanding at June 30, 2019, are as follows:

Governmental Activities Loans:
Tri Counties Bank loan, dated December 19, 2017, payable in monthly installments of $2,274 to $121,588 with an interest rate of 5.33% and maturity of December 19, 2027. This loan was used to finance the purchase of real property. The remaining amortization schedule is as follows:

	425 Nimrod Purchase		
Year ending June 30,	Principal	Interest	Total
2020	$ 13,501	$ 13,788	$ 27,289
2021	14,287	13,002	27,289
2022	15,078	12,210	27,289
2023	15,914	11,375	27,289
2024	16,766	10,522	27,289
2025-2029	185,014	289,095	474,109
Total	$ 260,560	$ 349,992	$ 610,552

Fire Pumper loan, dated October 19, 2018, payable in Annual installments of $49,645 to with an interest rate of 4.04% and maturity of October 19, 2028. This loan was used to finance the purchase of real property. The remaining amortization schedule is as follows:

	Fire Pumper Purchase		
Year ending June 30,	Principal	Interest	Total
2020	$ 33,410	$ 16,235	$ 49,645
2021	34,760	14,886	49,645
2022	36,164	13,481	49,645
2023	37,625	12,020	49,645
2024	39,145	10,500	49,645
2025-2029	220,764	27,463	248,226
Total	$ 401,867	$ 94,586	$ 496,453

Business-Type Activities Loans:
Citizens Bank USDA Refunding Loan, dated June 1, 2008, payable in semiannual installments of $2,369 to $77,556 with an interest rate of 4.1% and maturity of August 1, 2025. This loan was used to refund prior loans used to finance the City's wastewater treatment and disposal system. The remaining amortization schedule is as follows:

	Wastewater System Improvements (292-59)		
Year ending June 30,	Principal	Interest	Total
2020	$ 72,227	$ 13,085	$ 85,312
2021	60,920	10,352	71,272
2022	52,677	8,021	60,698
2023	52,440	5,864	58,304
2024	49,215	3,778	52,993
2025-2029	66,486	5,898	72,384
Total	$ 353,965	$ 46,998	$ 400,963

NOTE 6: LONG-TERM LIABILITIES (concluded)

Certificates of Participation:
2005 Wastewater Certificates of Participation, dated October 1, 2005, payable in annual principal installments of $16,000 to $48,000, with an interest rate of 4.25% and maturity of July 15, 2045. These Certificates of Participation were used to finance improvements to the City's wastewater collection, treatment and disposal system. The remaining amortization schedule is as follows:

	Wastewater System Improvements (92-12)		
Year ending June 30,	Principal	Interest	Total
2020	$ 37,000	$ 76,776	$ 113,776
2021	39,000	75,161	114,161
2022	41,000	73,461	114,461
2023	42,000	71,698	113,698
2024	44,000	69,870	113,870
2025-2029	250,000	318,963	568,963
2030-2034	309,000	259,781	568,781
2035-2039	380,000	186,788	566,788
2040-2044	467,000	97,091	564,091
2045-2049	216,000	9,265	225,265
Total	$ 1,825,000	$ 1,238,853	$ 3,063,853

2007 Certificates of Participation, dated March 1, 2007, payable in annual principal installments of $19,000 to $90,000, with an interest rate of 4.125%, and maturity of July 15, 2046. These Certificates of Participation were used finance improvements to the City's wastewater collection, treatment and disposal facilities.

	Wastewater System Improvements (92-14)		
Year ending June 30,	Principal	Interest	Total
2020	$ 30,000	$ 62,741	$ 92,741
2021	31,000	61,483	92,483
2022	33,000	60,163	93,163
2023	34,000	60,163	94,163
2024	35,000	57,358	92,358
2025-2029	201,000	263,072	464,072
2030-2034	245,000	217,285	462,285
2035-2039	300,000	161,246	461,246
2040-2044	368,000	92,565	460,565
2045-2049	259,000	16,314	275,314
Total	$ 1,536,000	$ 1,052,390	$ 2,588,390

NOTE 7: NET POSITION

The government-wide and proprietary fund financial statements utilize a net position presentation. Net position is categorized as net investment in capital assets, restricted and unrestricted.

- Net investment in capital assets - consists of capital assets including restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances of any bonds, mortgages, notes or other borrowings that are attributable to the acquisition, construction or improvement of those assets.

NOTE 7: NET POSITION (concluded)

- Restricted net position - consists of net position with constraints placed on the use either by (1) external groups such as creditors, grantors, contributors or laws or regulations of other governments; or (2) law through constitutional provisions or enabling legislation. These principally include restrictions for capital projects, debt service requirements and other special revenue fund purposes.

- Unrestricted net position - all other net position that does not meet the definition of "restricted" or "net investment in capital assets".

Net Position Restricted by Enabling Legislation
The government-wide Statement of Net Position reports restricted net position.

Net Position Flow Assumption
When a government funds outlays for a particular purpose from both restricted and unrestricted resources, a flow assumption must be made about the order in which the resources are considered to be applied. When both restricted and unrestricted net position are available, it is considered that restricted resources are used first, followed by the unrestricted resources.

NOTE 8: FUND BALANCES

As prescribed by GASB Statement No. 54, governmental funds report fund balance in classifications based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the funds can be spent. As of June 30, 2019, fund balances for governmental funds are made up of the following:

- Nonspendable fund balance - amounts that cannot be spent because they are either (a) not in spendable form, or (b) legally or contractually required to be maintained intact. The "not in spendable form" criterion includes items that are not expected to be converted to cash, for example: inventories and prepaid amounts.
- Restricted fund balance - amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation. Restrictions may effectively be changed or lifted only with the consent of resource providers.
- Committed fund balance - amounts that can only be used for the specific purposes determined by formal action of the City's highest level of decision making authority. The City Council is the highest level of decision making authority for the City that can, by adoption of an ordinance commit fund balance. Once adopted, the limitation imposed remains in place until a similar action is taken to remove or revise the limitation. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- Assigned fund balance - amounts that are constrained by the City's intent to be used for specific purposes. The intent can be established at either the highest level of decision-making, or by a body or an official designated for that purpose.
- Unassigned fund balance - the residual classification for the City's General fund that includes all amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

NOTE 8: FUND BALANCES

Fund Balance Flow Assumption

When a government funds outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance), a flow assumption must be made about the order in which the resources are considered to be applied. When both restricted and unrestricted fund balance are available, it is considered that restricted fund balance is depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

Fund Balance Policy

The City Council adopted the City of Nevada City Fund Balance Policy in 2013. The policy establishes procedures for reporting fund balance classifications, establishes prudent reserve requirements and establishes a hierarchy of fund balance expenditures. The policy also provides for a measure of financial protection for the City against unforeseen circumstances and to comply with GASB Statement No. 54.

NOTE 9: PENSION PLAN

A. General Information About the Pension Plan

Plan Description

All qualified permanent and probationary employees are eligible to participate in the City's Safety police, Safety fire, and Miscellaneous (all other) Employee Pension Plan, a cost-sharing multiple employer defined benefit pension plan administered by the California Public Employees' Retirement System (CalPERS). Benefit provisions under the Plan are established by State statute and City resolution. CalPERS issues publicly available reports that include a full description of the pension plan regarding benefit provisions, assumptions and membership information that can be found on the CalPERS website.

Effective January 1, 2013, the City added retirement tiers for both the Miscellaneous and Safety Rate Tiers for new employees as required under the Public Employee Pension Reform Act (PEPRA). New employees hired on or after January 1, 2013 will be subject to new, lower pension formulas, caps on pensionable income levels and new definitions of pensionable income. In addition, new employees will be required to contribute half of the total normal cost of the pension benefit unless impaired by an existing Memorandum of Understanding. The cumulative effect of these PEPRA changes will ultimately reduce the City's retirement costs.

Summary of Rate Tiers and Eligible Participants

Open for New Enrollment	
Miscellaneous PEPRA	Miscellaneous members hired on or after January 1, 2013
Safety PEPRA	Safety employees hired on or after January 1, 2013
Closed to New Enrollment	
Miscellaneous First Tier	Miscellaneous members hired before July 1, 2008
Miscellaneous Second Tier	Miscellaneous members hired after July 1, 2008 and before January 1, 2013
Safety First Tier	Safety employees hired before January 1, 2013

NOTE 9: PENSION PLAN (continued)

Benefits Provided

CalPERS provides service retirement and disability benefits, annual cost of living adjustments and death benefits to plan members, who must be public employees and beneficiaries. Benefits are based on years of credited service, equal to one year of full-time employment. Members with five years of total service are eligible to retire at age 50 with statutorily reduced benefits. Retirement benefits are paid monthly for life. All members are eligible for non-duty disability benefits after 10 years of service. The death benefit is one of the following: the Basic Death Benefit, the 1957 Survivor Benefit, or the Optional Settlement 2W Death Benefit. The cost of living adjustments for the plan are applied as specified by the Public Employees' Retirement Law.

Each Rate Tier's specific provisions and benefits in effect at June 30, 2018, are summarized as follows:

Monthly Benefits Benefit Formula		Retirement Age	as a % of Eligible Compensation
Miscellaneous First Tier	2.5% @ 55	50-55	2.000% to 2.500%
Miscellaneous Second Tier	2.0% @ 60	50-63	1.462% to 2.418%
Miscellaneous PEPRA	2.0% @ 62	50-62	1.000% to 2.500%
Safety First Tier	3.0% @ 50	50	3.000%
Safety Second Tier	2.0% @ 50	50	2.700%
Safety PEPRA	2.0% @ 57	50-57	1.426% to 2.000%

Contributions

Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. Funding contributions for all Rate Plans are determined annually on an actuarial basis as of June 30 by CalPERS. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The City is required to contribute the difference between the actuarially determined rate and the contribution rate of employees.

Miscellaneous First Tier Miscellaneous Second Tier Miscellaneous PEPRA
Safety First Tier
Safety Second Tier Safety PEPRA

Employer Contribution Rates	Employee Rates	Employer Paid Contribution Member Contribution Rates
10.110%	8.000%	4.000%
7.653%	7.000%	4.000%
6.533%	6.250%	0.000%
19.723%	9.000%	2.500%
13.012%	7.000%	0.000%
9.513%	9.500%	0.000%

NOTE 9: PENSION PLAN (continued)

B. Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pension

For the year ended June 30, 2019, the contributions recognized as part of pension expense were as follows:

Employer Contributions		
Miscellaneous	$	204,283
Safety	$	313,878

As of June 30, 2019, the City reported net pension liabilities for its proportionate share of the net pension liability as follows:

	Proportionate Share of Net Pension Liability	
Miscellaneous	$	2,157,391
Safety		2,596,496
Total Net Pension Liability	$	4,753,887

The City's net pension liability for the Plan is measured as the proportionate share of the net pension liability. The net pension liability is measured as of June 30, 2018, and the total pension liability for the Plan used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2016 rolled forward to June 30, 2017 using standard update procedures. The City's proportion of the net pension liability was based on a projection of the City's long-term share of contributions to the pension plan relative to the projected contributions of all participating employers, actuarially determined. The City's proportionate share of the net pension liability for the Plan as of June 30, 2017 and 2018 was as follows:

(Decrease)	Proportion June 30, 2017	Proportion Change	Increase June 30, 2018
Miscellaneous	0.0401%	0.0415%	.00014%
Safety	0.0429 %	0.0443%	.00013%

For the year ended June 30, 2019, the City recognized pension expense of $425,520. At June 30, 2019, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Pension contributions subsequent to measurement date	$ 518,161	$ -
Differences between expected and actual experience	138,565	28,380
Changes of assumptions	500,713	94,648
Net differences between projected and actual earnings on plan investments	28,244	-
Change in proportions and differences between actual contributions and proportionate share of contributions	108,019	193,408
Total	$ 1,293,702	$ 316,436

NOTE 9: PENSION PLAN (continued)

B. Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pension (continued)

$518,161 reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2020. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized as pension expense as follows:

Year Ended June 30	
2019	$ 398,869
2020	227,631
2021	(130,006)
2022	(37,389)
Total	$ 459,105

Actuarial Assumptions

The total pension liabilities in the June 30, 2016 actuarial valuations were determined using the following actuarial assumptions:

Valuation Date	June 30, 2016
Measurement Date	June 30, 2017
Actuarial Cost Method	Entry-Age Normal Cost Method
Actuarial Assumptions:	
Discount Rate	7.15%
Inflation	2.75%
Salary Increases	Varies by entry age and service
Mortality Rate Table	Derived using CalPERS' membership data for all funds
Post Retirement Benefit Increase	Contract COLA up to 2.75% until Purchasing Power Protection Allowance Floor on Purchasing Power applies, 2.75% thereafter

The underlying mortality assumptions and all other actuarial assumptions used in the June 30, 2016 valuation were based on the results of an actuarial experience study for the period 1997 to 2011. Further details of the Experience Study can be found on the CalPERS website.

NOTE 9: PENSION PLAN (continued)

B. Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pension (continued)

Discount Rate

The discount rate used to measure the total pension liability was 7.15 percent for the Plan. To determine whether the municipal bond rate should be used in the calculation of a discount rate for the plan, CalPERS stress tested plans that would most likely result in a discount rate that would be different from the actuarially assumed discount rate. Based on the testing, none of the tested plans run out of assets. Therefore, the current 7.15 percent discount rate is adequate and the use of the municipal bond rate calculation is not necessary. The long term expected discount rate of 7.15 percent is applied to all plans in the Public Employees Retirement Fund (PERF). The stress test results are presented in a detailed report called "GASB Crossover Testing Report" that can be obtained at the CalPERS website under the GASB 68 section.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalPERS took into account both short-term and long-term market return expectations as well as the expected pension fund cash flows. Using historical returns of all the funds' asset classes, expected compound returns were calculated over the short-term (first 10 years) and the long-term (11-60 years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equivalent to the single equivalent rate calculated above and rounded down to the nearest one quarter of one percent.

The following table reflects the long-term expected real rate of return by asset class. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation. These rates of return are net of administrative expenses.

Asset Class	New Strategic Allocation
Global Equity	51.0%
Global Fixed Income	20.0%
Real Assets	12.0%
Private Equity	10.0%
Inflation Sensitive	6.0%
Liquidity	1.0%
Total	100.0%

NOTE 9: PENSION PLAN (continued)

B. Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pension (continued)

Sensitivity of the Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following presents the City's proportionate share of the net pension liability for the Plan as of the measurement date, calculated using the discount rate for the Plan, as well as what the City's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower or 1-percentage point higher than the current rate:

	MISC	SAFETY
1% Decrease	6.15%	6.15%
Net Pension Liability	$ 3,221,919	$ 4,046,692
Current Discount rate	7.15%	7.15%
Net Pension Liability	$ 2,157,391	$ 2,596,496
1% Increase	8.15%	8.15%
Net Pension Liability	$ 1,278,639	$ 1,408,320

Pension Plan Fiduciary Net Position

Detailed information about the pension plan's fiduciary net position is available in the separately issued CalPERS financial reports.

NOTE 10: RISK MANAGEMENT

The City is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The City has joined together with other municipalities to participate in the Public Agency Risk Sharing Authority of California (PARSAC) for general liability, vehicle liability, and errors and omissions purposes. PARSAC is a public entity risk pool which serves as a common risk management and insurance program for 37 member cities and one fire district. The City pays an annual premium to PARSAC for its insurance coverage. The agreements with PARSAC provide that they will be self-sustaining through member premiums and will reinsure through commercial companies for excess coverage.

There are no significant reductions in insurance coverage from prior years and there have been no settlements exceeding the insurance coverages for each of the past three fiscal years.

The City is a member of Northern California Cities Self Insurance Fund (NCCSIF), a joint powers agency which provides the City with a shared risk layer of coverage above the self-insured $100,000 retention for workers compensation. The NCCSIF is composed of 22 member cities and is governed by a board of directors appointed by the member cities. The governing board has authority over budgeting and financing. NCCSIF is a joint powers agency (the Authority) organized in accordance with Article 1, Chapter 5, Division 7, Title 1 of the California Government Fund Programs. The purpose is to create a common pool of funds to be used to meet obligations of the parties to provide workers' compensation benefits for their employees and to provide excess liability insurance. The Authority provides claims processing administrative services, risk management services, and actuarial studies. It is governed by a member from each city. The City of Nevada City council members do not have significant oversight responsibility, since they evenly share all factors of responsibility with the other cities. However, ultimate liability for payment of claims and insurance premiums resides with member cities.

NOTE 10: RISK MANAGEMENT (concluded)

The Authority is empowered to make supplemental assessments as needed to eliminate deficit positions of member cities. If the JPA becomes insolvent, the City is responsible only to the extent of any deficiency in its equity balance. Upon termination of the JPA agreement, all property of the Authority will vest in the respective parties which theretofore transferred, conveyed or leased said property to the Authority. Any surplus of funds will be returned to the parties in proportion to actual balances of each equity.

The Authority establishes claims liabilities based on estimates of the ultimate cost of claims (including future claims settlement expenses) that have been reported but not settled, plus estimates of claims that have been incurred but not reported. Because actual claims costs depend on various factors, the claims liabilities are recomputed periodically using a variety of actuarial and statistical techniques to produce current estimates that reflect recent settlements, claim frequency, and other economic and social factors. A provision of inflation is implicit in the calculation of estimated future claims costs. Adjustments to claims liabilities are charged or credited to expense in the periods in which they are made.

The participants as of June 30, 2018 were as follows:

- Anderson
- Auburn
- Colusa
- Corning
- Dixon
- Elk Grove
- Folsom
- Galt
- Gridley
- Ione
- Jackson
- Lincoln
- Marysville
- Nevada City
- Oroville
- Paradise
- Placerville
- Red Bluff
- Rio Vista
- Rocklin
- Willows
- Yuba City

NOTE 11: OTHER INFORMATION

A. Commitments and Contingencies

Amounts received or receivable from grant agencies are subject to audit and adjustment by grantor agencies. Any disallowed claims, including amounts already collected, may constitute a liability of the appreciable funds. The amount, if any, of expenditures which may be disallowed by the grantor cannot be determined at this time although the government expects such amounts, if any, to be immaterial.

B. Subsequent Event

Management has evaluated events subsequent through the report date when the financial statements were available for issuance. Management has determined no other subsequent events requiring disclosure have occurred.

Required Supplementary Information
(Unaudited)

NOTE 1: BUDGETARY BASIS OF ACCOUNTING

Formal budgetary integration is employed as a management control device during the year. The City presents a comparison of annual budgets to actual results for the General fund and major special revenue funds. The amounts reported on the budgetary basis are generally on a basis consistent with accounting principles generally accepted in the United States of America (GAAP) with the exception of short-term debt proceeds and payments which were budgeted as other financing sources and debt service expenditures.

The following procedures are performed by the City in establishing the budgetary data reflected in the financial statements:

(1) The City Manager submits to the City Council a recommended draft budget for the fiscal year commencing the following July 1. The budget includes recommended expenditures and the means of financing them.

(2) The City Council reviews the recommended budget at regularly scheduled meetings, which are open to the public. The Council also conducts a public hearing on the recommended budget to obtain comments from interested persons.

(3) Prior to July 1, the budget is adopted through the passage of a resolution.

(4) From the effective date of the budget, which is adopted and controlled at the department level, the amounts stated therein, as recommended expenditures become appropriations to the various City departments. The City Council may amend the budget by motion during the fiscal year. The City Manager may authorize transfers from one object or purpose to another within the same department.

The City does not use encumbrance accounting under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation.

NOTE 2: EXPENDITURES IN EXCESS OF APPROPRIATIONS

For the fiscal year ended June 30, 2019, the City incurred expenditures in excess of appropriations as follows:

	Appropriations	Expenditures	Excess of Expenditures Over Appropriations
General Fund	$ 4,330,253	$ 4,468,978	$ (138,725)
Measure C	$ 443,899	$ 1,106,972	$ (663,073)

City of Nevada City

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES - BUDGET AND ACTUAL

GENERAL FUND

For the Year Ended June 30, 2019

(Unaudited)

	Budgeted Amounts		General	Variance With Final Budget
	Original	Final	Fund	Over (Under)
REVENUES				
Property taxes	$ 1,373,955	$ 1,485,711	$ 1,619,910	$ 134,199
Sales taxes	987,340	1,067,649	1,164,086	96,437
Franchise Taxes	136,794	147,921	161,282	13,361
Other taxes	486,221	525,769	573,260	47,491
Licenses and permits	323,850	314,051	147,485	(166,566)
Fines and forfeits	133,500	133,500	98,171	(35,329)
Intergovernmental	68,900	328,065	313,646	(14,419)
Use of money and property	106,240	72,000	88,428	16,428
Charges for services	305,900	348,650	353,145	4,495
Other revenues	198,754	131,103	207,300	76,197
Total revenues	4,121,454	4,554,420	4,726,713	172,293
EXPENDITURES				
Current:				
General government	1,071,345	1,117,892	567,978	549,914
Public safety	2,319,092	2,503,027	2,577,716	(74,689)
Public works	443,669	270,589	869,166	(598,577)
Recreation and culture	386,025	411,450	432,891	(21,441)
Debt service:				
Principal	16,845	16,845	12,802	4,043
Interest	10,450	10,450	10,450	-
Total expenditures	4,247,426	4,330,253	4,471,003	(140,750)
Excess (deficiency) of revenues over expenditures	(125,972)	224,167	255,710	31,543
OTHER FINANCING SOURCES (USES)				
Debt proceeds	-	-	-	-
Transfers in	232,500	132,500	132,500	-
Transfers out	-	-	(11,190)	11,190
Total other financing sources (uses)	232,500	132,500	121,310	11,190
Net change in fund balances	$ 106,528	$ 356,667	377,020	$ 20,353
Fund balances, beginning of period			1,659,146	
Fund balances, end of period			$ 2,036,166	

City of Nevada City

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES - BUDGET AND ACTUAL

MEASURE S PROJECTS FUND

For the Year Ended June 30, 2019

(Unaudited)

	Budgeted Amounts		Measure S	Variance With Final Budget
	Original	Final	Projects Fund	Over (Under)
REVENUES				
Sales taxes	$ 831,000	$ 831,000	$ 668,532	$ (162,468)
Use of money and property	750	750	-	(750)
Total revenues	831,750	831,750	668,532	(163,218)
EXPENDITURES				
Current:				
Public works	804,595	804,595	631,110	173,485
Total expenditures	804,595	804,595	631,110	173,485
Excess (deficiency) of revenues over expenditures	27,155	27,155	37,422	10,267
OTHER FINANCING SOURCES (USES)				
Debt proceeds	-	-	-	-
Transfers in	-	-	17,614	17,614
Transfers out	-	-	(11,190)	(11,190)
Total other financing sources (uses)	-	-	6,424	6,424
Net change in fund balances	$ 27,155	$ 27,155	43,846	$ 16,691
Fund balances, beginning of period			91,838	
Fund balances, end of period			$ 135,684	

City of Nevada City

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES - BUDGET AND ACTUAL

MEASURE C PROJECTS FUND

For the Year Ended June 30, 2019

(Unaudited)

	Budgeted Amounts		Measure C	Variance With Final Budget
	Original	Final	Projects Fund	Over (Under)
REVENUES				
Taxes and assessments	$ 481,000	$ 481,000	$ 497,572	$ 16,572
Use of money and property	550	550	2,449	1,899
Total revenues	481,550	481,550	500,021	18,471
EXPENDITURES				
Current:				
Public safety	443,899	443,899	956,972	(513,073)
Total expenditures	443,899	443,899	956,972	(513,073)
Excess (deficiency) of revenues over expenditures	37,651	37,651	(456,951)	(494,602)
OTHER FINANCING SOURCES (USES)				
Debt proceeds	-	-	551,867	551,867
Transfers in	-	-	-	-
Transfers out	-	-	-	-
Total other financing sources (uses)	-	-	551,867	551,867
Net change in fund balances	$ 37,651	$ 37,651	94,916	$ 57,265
Fund balances, beginning of period			314,125	
Fund balances, end of period			$ 409,041	

City of Nevada City

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES - BUDGET AND ACTUAL

CMAQ STREETS AND ROAD FUND

For the Year Ended June 30, 2019

(Unaudited)

	Budgeted Amounts		CMAQ Streets and	Variance With Final Budget
	Original	Final	Roads Fund	Over (Under)
REVENUES				
Intergovernmental	$ 350,000	$ 350,000	$ 296,065	$ (53,935)
Use of money and property	-	-	-	-
Total revenues	350,000	350,000	296,065	(53,935)
EXPENDITURES				
Current:				
Public works	350,000	350,000	247,790	102,210
Total expenditures	350,000	350,000	247,790	102,210
Excess (deficiency) of revenues over expenditures	-	-	48,275	48,275
OTHER FINANCING SOURCES (USES)				
Debt proceeds	-	-	-	-
Transfers in	-	-	-	-
Transfers out	-	-	-	-
Total other financing sources (uses)	-	-	-	-
Net change in fund balances	$ -	$ -	48,275	$ 48,275
Fund balances, beginning of period			(89,809)	
Fund balances, end of period			$ (41,534)	

City of Nevada City
Required Supplementary Information
City Pension Plan
SCHEDULE OF PROPORTIONATE
SHARE OF THE NET PENSION LIABILITY
June 30, 2019
Last 5 Years*

	Miscellaneous				
Measurement Date, June 30	2014	2015	2016	2017	2018
Proportion of the net pension liability	0.01804%	0.02177%	0.02167%	0.02198%	0.04425%
Proportionate share of the net pension liability	$ 1,122,916	$ 1,493,988	$ 1,875,107	$ 2,180,065	$ 2,596,496
Covered - employee payroll	$ 862,176	$ 862,176	$ 995,977	$ 1,099,996	$ 886,369
Proportionate share of the net pension liability as percentage of covered-employee payroll	130.24%	173.28%	188.27%	198.19%	292.94%
Plan fiduciary net position as a percentage of the total pension liability	83.03%	77.85%	72.83%	72.41%	75.32%

	Safety				
Measurement Date, June 30	2014	2015	2016	2017	2018
Proportion of the net pension liability	0.02352%	0.02492%	0.02544%	0.002586%	0.02239%
Proportionate share of the net pension liability	$ 1,463,261	$ 1,710,177	$ 2,201,448	$ 2,564,126	$ 2,157,391
Covered - employee payroll	$ 768,634	$ 768,634	$ 862,620	$ 1,093,546	$ 1,028,548
Proportionate share of the net pension liability as percentage of covered-employee payroll	190.37%	222.50%	255.20%	234.48%	209.75%
Plan fiduciary net position as a percentage of the total pension liability	81.42%	79.35%	74.23%	73.83%	72.59%

* The City implemented GASB 68 for fiscal year June 30, 2015, therefore only five years are shown.

City of Nevada City
Required Supplementary Information
City Pension Plan
SCHEDULE OF CONTRIBUTIONS
June 30, 2019
Last 5 Years*

	Miscellaneous				
Fiscal Year Ending June 30	2014	2015	2016	2017	2018
Contractually required contribution (actuarially determined)	$ 181,437	$ 97,496	$ 90,566	$ 81,318	$ 158,636
Contributions in relation to the actuarially determined contributions	(181,437)	(166,038)	(169,811)	(179,516)	(158,636)
Contribution deficiency (excess)	$ -	$ (68,542)	$ (79,245)	$ (98,198)	$ -
Covered - employee payroll	$ 862,176	$ 995,977	$ 1,099,996	$ 1,027,277	$ 854,427
Contributions as a percentage of covered-employee payroll percentage of covered-employee payroll	21.04%	9.79%	8.23%	7.92%	18.57%

	Safety				
Fiscal Year Ending June 30	2014	2015	2016	2017	2018
Contractually required contribution (actuarially determined)	$ 215,552	$ 168,034	$ 178,728	$ 185,339	$ 313,878
Contributions in relation to the actuarially determined contributions	(215,552)	(236,825)	(261,455)	(292,094)	(313,878)
Contribution deficiency (excess)	$ -	$ (68,791)	$ (82,727)	$ (106,755)	$ -
Covered - employee payroll	$ 768,634	$ 862,620	$ 1,093,546	$ 1,144,360	$ 1,052,401
Contributions as a percentage of covered-employee payroll percentage of covered-employee payroll	28.04%	19.48%	16.34%	16.20%	29.82%

Notes to Schedule:

Benefit Changes: There were no changes to benefit terms that applied to all members of the Public Agency Pool.
Changes of Assumptions: There were no changes of assumptions.

* The City implemented GASB 68 for fiscal year June 30, 2015, therefore only five years are shown.

Combining Nonmajor Fund Statements

City of Nevada City

COMBINING BALANCE SHEET

NONMAJOR GOVERNMENTAL FUNDS

June 30, 2019

	Special Revenue Funds											
	AB 1600	P& R Quimby	Donation Project	Nevada Main Project	Gas Tax Streets	Traffic Relief	Regional Traffic Mitigatoin	FEMA	Indian Trails	Fund 224	CalFire Grant	Little Creek
ASSETS												
Cash and investments	$ 61,590	$ 808	$ 24,769	$ (121,075)	$ 149,910	$ 7,339	$ 15	$ (15,962)	$ 46,408	$ 25,020	$ -	$ (111,350)
Interest receivable	89	14	35	-	165	8	-	-	53	-	-	-
Accounts receivable	-	-	48	-	-	-	-	-	-	-	-	-
Taxes receivable	-	-	-	-	19,321	-	-	-	-	-	-	-
Due from other governments	-	-	-	149,412	-	-	-	74,397	-	-	-	132,270
Prepaid items	-	-	-	-	-	-	-	-	-	-	-	-
Loans receivable	-	-	-	-	-	-	-	-	-	-	-	-
Total Assets	$ 61,679	$ 822	$ 24,852	$ 28,337	$ 169,396	$ 7,347	$ 15	$ 58,435	$ 46,461	$ 25,020	$ -	$ 20,920
LIABILITIES AND FUND BALANCES												
Liabilities:												
Accounts payable	$ -	$ 516	$ -	$ 48,402	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,766
Unearned income	-	-	-	149,539	$ -	-	-	74,396	-	-	-	132,269
Total Liabilities	-	516	-	197,941	-	-	-	74,396	-	-	-	135,035
Fund balances:												
Assigned	61,679	306	-	-	169,396	7,347	15	-	46,461	25,020	-	-
Unassigned	-	-	24,852	(169,604)	-	-	-	(15,961)	-	-	-	(114,115)
Total fund balances	61,679	306	24,852	(169,604)	169,396	7,347	15	(15,961)	46,461	25,020	-	(114,115)
Total liabilities and fund balances	$ 61,679	$ 822	$ 24,852	$ 28,337	$ 169,396	$ 7,347	$ 15	$ 58,435	$ 46,461	$ 25,020	$ -	$ 20,920

City of Nevada City
COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
June 30, 2019

	Brownsfield 10	Tas Fire Dept.	2003 Fire Tax	NC Recreation	CDBG Enterprise	Prop 172	MATHIVET	SLESF	Measure L	Bicentennial	Becker	Page 1 Subtotal Nonmajor Governmental Funds	Total Nonmajor Governmental Funds
ASSETS													
Cash and investments	$ 1,866	$ -	$ -	$ -	$ (18,902)	$ 99,034	$ 10,773	$ -	$ 79,053	$ 2,076	$ 18,720	$ 67,472	$ 260,092
Interest receivable	-	-	-	-	-	108	18	167	245	-	22	364	924
Accounts receivable	-	-	-	-	-	-	-	-	-	-	-	48	48
Taxes receivable	-	1,683	3,238	-	-	-	-	-	452	-	-	19,321	24,694
Due from other governments	7,814	-	-	-	-	7,959	-	25,000	-	-	-	356,079	396,852
Prepaid items	-	-	-	-	-	-	750	-	-	-	-	-	750
Loans receivable	-	-	-	-	21,256	-	-	-	-	-	-	-	21,256
Total Assets	$ 9,680	$ 1,683	$ 3,238	$ -	$ 2,354	$ 107,101	$ 11,541	$ 25,167	$ 79,750	$ 2,076	$ 18,742	$ 443,284	$ 704,616
LIABILITIES AND FUND BALANCES													
Liabilities:													
Accounts payable	$ 651	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 51,684	$ 52,335
Unearned income	7,814	-	-	-	30,256	-	-	25,000	-	-	-	356,204	419,274
												-	
Total Liabilities	8,465	-	-	-	30,256	-	-	25,000	-	-	-	407,888	471,609
Fund balances:													
Assigned	1,215	1,683	3,238	-	-	107,101	11,541	167	79,750	2,076	18,742	310,224	535,737
Unassigned	-	-	-	-	(27,902)	-	-	-	-	-	-	(274,828)	(302,730)
Total fund balances	1,215	1,683	3,238	-	(27,902)	107,101	11,541	167	79,750	2,076	18,742	35,396	233,007
Total liabilities and fund balances	$ 9,680	$ 1,683	$ 3,238	$ -	$ 2,354	$ 107,101	$ 11,541	$ 25,167	$ 79,750	$ 2,076	$ 18,742	$ 443,284	$ 704,616

City of Nevada City

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES

NONMAJOR GOVERNMENTAL FUNDS

For the Fiscal Year Ended June 30, 2019

	Special Revenue Funds											
	AB 1600	P& R Quimby	Donation Project	Nevada Main Project	Gas Tax Streets	Traffic Relief	Regional Traffic Mitigatoin	FEMA	Indian Trails	Fund 224	CalFire Grant	Little Creek
Revenues:												
Taxes and assessments	$ 5,872	$ -	$ -	$ -	$ 141,084	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Intergovernmental	-	-	-	53,847	-	-	-	-	-	25,020	6,892	46,669
Other revenues	-	1,760	38,188	-	-	-	6,380	-	-	-	-	-
Charges for services	-	-	-	-	-	3,638	-	-	-	-	-	-
Use of money and property	959	312	292	-	1,076	51	20	-	526	-	-	-
Total revenues	6,831	2,072	38,480	53,847	142,160	3,689	6,400	-	526	25,020	6,892	46,669
Expenditures:												
Current:												
General government	-	-	-	-	-	-	-	-	-	-	-	-
Public safety	-	-	-	-	-	-	-	-	-	-	2,701	-
Public works	24,869	29,970	35,134	169,604	32,337	-	11,378	16,861	7	-	-	151,923
Recreation and culture	-	-	-	-	-	-	-	-	-	-	-	-
Debt service:												
Principal	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	-	-	-	-
Total expenditures	24,869	29,970	35,134	169,604	32,337	-	11,378	16,861	7	-	2,701	151,923
Excess (deficiency) of revenues over expenditures	(18,038)	(27,898)	3,346	(115,757)	109,823	3,689	(4,978)	(16,861)	519	25,020	4,191	(105,254)
Other financing sources (uses):												
Debt proceeds	-	-	-	-	-	-	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-	-	-	-	-	6,560	-
Transfers out	-	-	-	-	-	-	-	-	-	-	-	-
Total other financing sources (uses)	-	-	-	-	-	-	-	-	-	-	6,560	-
Net change in fund balances	(18,038)	(27,898)	3,346	(115,757)	109,823	3,689	(4,978)	(16,861)	519	25,020	10,751	(105,254)
Fund balances, July 1	79,717	28,204	21,506	(53,847)	59,573	3,658	4,993	900	45,942	-	(10,751)	(8,861)
Fund balances, June 30	$ 61,679	$ 306	$ 24,852	$ (169,604)	$ 169,396	$ 7,347	$ 15	$ (15,961)	$ 46,461	$ 25,020	$ -	$ (114,115)

City of Nevada City

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES

NONMAJOR GOVERNMENTAL FUNDS

For the Fiscal Year Ended June 30, 2019

	Brownsfield 10	Tas Fire Dept.	2003 Fire Tax	NC Recreation	CDBG Enterprise	Prop 172	MATHIVET	SLESF	Measure L	Bicentennial	Becker	Page 1 Subtotal Nonmajor Governmental Funds	Total Nonmajor Governmental Funds
Revenues:													
Taxes and assessments	$ -	$ 33,655	$ 64,764	$ 19,006	$ -	$ 52,339	$ -	$ 100,000	$ 5,374	$ -	$ -	$ 146,956	$ 422,094
Intergovernmental	84,467	-	-	-	-	-	-	-	-	-	-	132,428	216,895
Other revenues	-	-	-	-	-	-	-	-	-	4,000	-	46,328	50,328
Charges for services	-	-	-	-	-	-	-	-	-	-	-	3,638	3,638
Use of money and property	-	-	-	-	-	928	375	855	2,468	-	212	3,236	8,074
												-	
Total revenues	84,467	33,655	64,764	19,006	-	53,267	375	100,855	7,842	4,000	212	332,586	701,029
Expenditures:													
Current:													
General government	-	-	-	-	-	-	-	-	-	-	-	-	-
Public safety	-	31,972	61,526	-	-	67,468	25,898	146,822	-	-	-	2,701	336,387
Public works	91,462	-	-	-	-	-	-	-	18,330	3,956	-	472,083	585,831
Recreation and culture	-	-	-	23,636	-	-	-	-	-	-	-	-	23,636
Debt service:													
Principal	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	-	-	-	-	-
Total expenditures	91,462	31,972	61,526	23,636	-	67,468	25,898	146,822	18,330	3,956	-	474,784	945,854
Excess (deficiency) of revenues over expenditures	(6,995)	1,683	3,238	(4,630)	-	(14,201)	(25,523)	(45,967)	(10,488)	44	212	- (142,198)	(244,825)
Other financing sources (uses):													
Debt proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfers in	-	-	-	4,630	-	-	-	-	-	-	-	6,560	11,190
Transfers out	-	-	-	-	-	-	-	-	(132,500)	-	-	-	(132,500)
Total other financing sources (uses)	-	-	-	4,630	-	-	-	-	(132,500)	-	-	6,560	(121,310)
Net change in fund balances	(6,995)	1,683	3,238	-	-	(14,201)	(25,523)	(45,967)	(142,988)	44	212	(135,638)	(366,135)
Fund balances, July 1	8,210	-	-	-	(27,902)	121,302	37,064	46,134	222,738	2,032	18,530	171,034	599,142
Fund balances, June 30	$ 1,215	$ 1,683	$ 3,238	$ -	$ (27,902)	$ 107,101	$ 11,541	$ 167	$ 79,750	$ 2,076	$ 18,742	$ 35,396	$ 233,007

OTHER REPORT

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Honorable Members
of the City Council
City of Nevada City
Nevada City, California

We have audited the basic financial statements of City of Nevada City as of and for the year ended June 30, 2019, and have issued our report thereon dated March 20, 2020. We conducted our audit in accordance with U.S. generally accepted auditing standards and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the U.S. Comptroller General.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered City of Nevada City's internal control over financial reporting as a basis for designing our auditing procedures, for the purpose of expressing our opinion on City of Nevada City's financial statements, but not for the purpose of expressing an opinion on the effectiveness of City of Nevada City's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of City of Nevada City's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether City of Nevada City's basic financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*.

1101 FIFTH AVENUE, SUITE 360 SAN RAFAEL, CA 94901 TEL (415) 457-1215 FAX (415) 457-6735 www.rjrcpa.com

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of City of Nevada City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City of Nevada City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

R.J. Ricciardi, Inc.

R.J. Ricciardi, Inc.
Certified Public Accountants

San Rafael, California
March 20, 2020

CITY OF NEVADA CITY

CITY COUNCIL
&
MANAGEMENT REPORT

For the Year Ended
JUNE 30, 2019

TABLE OF CONTENTS

	PAGE
Report on Internal Controls	1
Required Communications	2-3
Management Observations	4
Appendix A: Management's Corrective Action Plan	5

R. J. RICCIARDI, INC.
CERTIFIED PUBLIC ACCOUNTANTS

To the Honorable Members
of the City Council
City of Nevada City
Nevada City, CA

In planning and performing our audit of the basic financial statements of City of Nevada City for the fiscal year ended June 30, 2019, in accordance with auditing standards generally accepted in the United States of America, we considered its internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the basic financial statements, but not for the purpose of expressing an opinion on the effectiveness of its internal control. Accordingly, we do not express an opinion on the effectiveness of City of Nevada City's internal control.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or a combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or a combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control.

Our consideration of the internal control was for the limited purpose described in the first paragraph and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses, as defined above. We did not identify any deficiencies in internal control that we consider material weaknesses, as defined above.

This report is intended solely for the information and use of management and City Council of City of Nevada City and others within the organization, and is not intended to be, and should not be, used by anyone other than these specified parties.

We thank City of Nevada City's staff for its cooperation during our audit.

R.J. Ricciardi, Inc.

R.J. Ricciardi, Inc.
Certified Public Accountants

San Rafael, California
March 20, 2020

1101 FIFTH AVENUE, SUITE 360 SAN RAFAEL, CA 94901 TEL (415) 457-1215 FAX (415) 457-6735 www.rjrcpa.com

To the Honorable Members
of the City Council
City of Nevada City
Nevada City, CA

We have audited the basic financial statements of City of Nevada City for the year ended June 30, 2019. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated August 13, 2018, our responsibility, as described by professional standards, is to plan and perform our audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement and are fairly presented in accordance with U.S. generally accepted accounting principles. Because an audit is designed to provide reasonable, but not absolute assurance and because we did not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us.

As part of our audit, we considered the internal control of City of Nevada City. Such considerations were solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

Qualitative Aspects of Accounting Practices
Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we will advise management about the appropriateness of accounting policies and their application. The significant accounting policies used by City of Nevada City are described in Note 1 to the basic financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year. We noted no transactions entered into by City of Nevada City during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

Accounting estimates are an integral part of the basic financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the basic financial statements and because of the possibility that future events affecting them may differ significantly from those expected. We evaluated the key factors and assumptions used to develop the accounting estimates in determining that they are reasonable in relation to the basic financial statements taken as a whole. The most sensitive estimate(s) affecting the basic financial statements were:

- Accrual and disclosure of compensated absences;
- Capital asset lives and depreciation expense;
- Actuarial assumptions for pension plan disclosure;
- Accrual and disclosure of leases;
- Fair value of investments and financial instruments.

Difficulties Encountered in Performing the Audit
We encountered no significant difficulties in dealing with management in performing and completing our audit.

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Corrected and Uncorrected Misstatements
Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. Of the misstatements detected as a result of audit procedures and corrected by management most were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management
For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations
We have requested certain representations from management that are included in the management representation letter dated March 20, 2020.

Management Consultations with Other Independent Accountants
In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to City of Nevada City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues
We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as City of Nevada City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters
We applied certain limited procedures to the Management's Discussion and Analysis and the Budgetary Comparison Schedule for the General Fund, which is required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

This report is intended solely for the information and use of management and City Council of City of Nevada City and others within the organization, and is not intended to be, and should not be, used by anyone other than these specified parties.

Current Year Observations

1) Accounting and Administrative Manual

Observation:

During the course of our audit we noted City of Nevada City (the City) does not have a complete set of written accounting and administrative procedures to follow in the absence of a key employee. In addition, the City has no formal policies for fraud prevention and detection.

Recommendation:

We recommend the City develop written accounting, administrative, and fraud prevention procedures.

2) Cash Receipts Collection Reports

Observation:

During our audit we noted the City's cash receipts reports are not signed by the preparer and reviewer.

Recommendation:

We recommend the City's cash receipt reports be signed by the preparer and reviewer to document their performed duties and the accuracy of the report.

3) Governmental Capital Asset Balances

Observation:

During our audit we noted the City's capital asset amounts for Governmental Activities were not recorded in the City's accounting software but were reported on separate spreadsheets.

Recommendation:

We recommend the City record all transactions in their accounting software to ensure nothing is incomplete or lost.

Prior Year Observations

1) Budget Monitoring

Observation:

The prior auditor noted the Measure S funds costs exceeded budget amounts.

Status:

The City is in the process of resolving this observation.

2019-01 Accounting and Administrative Manual

We recommend the City develop written accounting, administrative, and fraud prevention procedures.

Responsible Individual: Loree' McCay, Administrative Services Manager

Corrective Action Plan: The Administrative Services Manager will develop a complete set of written accounting and administrative procedures to follow in the absence of a key employee. In addition, the City will also implement policies for fraud prevention and detection.

Anticipated Completion Date: September 2020

2019-02 Cash Receipts Collection Reports

We recommend the City's cash receipt reports be signed by the preparer and reviewer to document their performed duties and the accuracy of the report.

Responsible Individual: Loree' McCay, Administrative Services Manager

Corrective Action Plan: The Administrative Services Manager has implemented this recommendation.

Anticipated Completion Date: Complete

2019-03 Governmental Capital Asset Balances

We recommend the City record all transactions in their accounting software to ensure nothing is incomplete or lost.

Responsible Individual: Loree' McCay, Administrative Services Manager

Corrective Action Plan: The Administrative Services Manager has implemented this recommendation.

Anticipated Completion Date: Complete

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: Action Minutes March 11, 2020 City Council Meeting

RECOMMENDATION: Review and approve City Council Meeting Action Minutes of March 11, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:
The action minutes for the March 11, 2020 are attached for review.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:
- ✓ City Council Meeting Action Minutes March 11, 2020

CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF MARCH 11, 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 – 6:15 PM

1. Pursuant to Government Code Section 54956.9 the City Manager, Catrina Olson, City Attorney, Crystal Hodgson and Consulting Attorney, P. Scott Browne are requesting a closed session conference to confer on litigation involving the City in the case of Friends of Spring Street vs. Nevada City, et al., Nevada County Superior Court Case No. CIV 1304393, Appellate Case No. C081195.

Action: No reportable action

REGULAR MEETING – 6:30 PM - Call to Order

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS: "DeMolay Month" – March 2020

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 – February 2020
Recommendation: Receive and file.

B. Subject: Award of Contract for Commercial Street Phase 1 Water, Sewer and Storm Drain
Recommendation: Pass Resolution 2020-17, a Resolution of the City Council of the City of Nevada City to award a contract to CME Services in the amount of $454,613 plus $45,000 contingencies for Commercial Street Phase 1 Water, Sewer And Storm Drain Improvements in the form attached hereto

as “Exhibit A,” and incorporated herein by this reference, and authorize the Mayor to sign.

C. **Subject:** City of Nevada City 3rd Quarter Sales Tax Update
Recommendation: Receive and file.

D. **Subject:** Proposed Nevada City Fire Preparedness Flyer
Recommendation: Review proposed draft flyer and approve for printing and mailing.

E. **Subject:** 34th Annual Spring Run Street Closure Request
Recommendation: Review and authorize 34th Annual Spring Run street closure request per application.

F. **Subject:** Action Minutes February 26, 2020 City Council Meeting
Recommendation: Review and approve City Council Meeting Action Minutes of February 26, 2020.

Action: Motion by Strawser, seconded by Parker to approve consent item 3A through 3E. Originally, item 3B was by was pulled by Council Member Moberg and 3D was pulled by Mayor Senum for questions. The original motions by Strawser, seconded by Parker to approve items 3A, 3C, 3E and 3F as presented, motion by Strawser, seconded Parker to approve item 3B after questions and motion by Strawser, seconded by Minett to approve item 3D after discussion and all related votes were rescinded.
(Approved 5 – 0)

Action: Motion by Minett, seconded by Parker to approve consent item 3F as presented.
(Approved 4 – 0, Abstention 1)

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. **Subject:** Updated Resolution 2020-18, Authorization for Submittal of Applications to CalRecycle for Payment Programs
Recommendation: Pass Resolution 2020-18, a Resolution of the City of Nevada City authorizing submittal of application to CalRecycle for payment programs and related authorizations.

Action: Motion by Strawser, seconded by Parker to pass Resolution 2020-18, a Resolution of the City of Nevada City authorizing submittal of application to CalRecycle for payment programs and related authorizations.
(Approved 5 – 0)

B. **Subject:** Nevada City Chamber of Commerce Street Closure Requests
Recommendation: Review and authorize Nevada City Chamber of Commerce street closure requests per application.

Action: Motion by Moberg, seconded by Minett to authorize the Nevada City Chamber of Commerce street closure requests per the applications.
(Approved 5 – 0)

C. **Subject:** Resolution 2020-19 Establishing a Nevada City Fire Safety Advisory Committee

Recommendation: Pass Resolution 2020-19, a Resolution of the City of Nevada City, City Council establishing a Nevada City Fire Safety Advisory Committee.

Action: Motion by Moberg, seconded by Parker to pass Resolution 2020-19, a Resolution of the City of Nevada City, City Council establishing a Nevada City Fire Safety Advisory Committee.
(Approved 5 – 0)

D. **Subject:** Prop 68 Application Update and Pioneer Park Project List
Recommendation: Approve the updated Project List for Pioneer Park.

Action: Motion by Moberg, seconded by Parker to approve the updated project list for Pioneer Park.
(Approved 5 – 0)

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

A. **Subject:** Update Regarding the 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 and continue a first reading of a draft Ordinance to March 25, 2020.

Action: Motion by Strawser, seconded by Parker to continue a first reading of a draft Ordinance for the Regulation of Wireless Telecommunication Facilities in the City to the March 25, 2020 City Council meeting and staff was directed to have the Consulting City Attorney incorporate requested Ordinance amendments as agreed by the Consulting Attorney and the working group.
(Approved 5 – 0)

7. NEW BUSINESS:

A. **Subject:** Resolution 2020-20, a Resolution of the City Council of the City of Nevada City Proclaiming a Local Emergency and Ratifying the Civil Defense and Disaster Council's Proclamation of a Local Emergency in the City of Nevada City and Request for Assistance Under the California Disaster Assistance Act
Recommendation: Pass Resolution 2020-20, a Resolution of the City Council of the City of Nevada City Proclaiming a local emergency and ratifying the Civil Defense and Disaster Council's Proclamation of a local emergency in the City of Nevada City and request for assistance under the California Assistance Act.
Action: Motion by Strawser, seconded by Parker to pass Resolution 2020-20, a Resolution of the City Council of the City of Nevada City Proclaiming a local emergency and ratifying the Civil Defense and Disaster Council's Proclamation of a local emergency in the City of Nevada City and request for assistance under the California Assistance Act.
(Approved 5 – 0)

B. **Subject:** Ordinance No. 2020-XX, Adding Section 2.04.030 "Conduct While Addressing the City Council" and Section 2.36.075 "Conduct While Addressing the Planning Commission" to the Nevada City Municipal Code
Recommendation: Waive reading of Ordinance, read by title only and introduce for first reading Ordinance No. 2020-XX, an Ordinance of the City of Nevada City adding Section 2.04.030 "Conduct While Addressing the City Council" and Section 2.36.075 "Conduct While Addressing the Planning Commission" to the Nevada City Municipal Code.

Action: Motion by Strawser, seconded by Minett to waive reading of Ordinance, read by title only and introduce for first reading Ordinance No. 2020-XX, an Ordinance of the City of Nevada City adding Section 2.04.030 "Conduct While Addressing the City Council" and Section 2.36.075 "Conduct While Addressing the Planning Commission" to the Nevada City Municipal Code.
(Approved 5 – 0)

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

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

11. ADJOURNMENT: - 8:09 PM

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

March 25, 2020

TITLE: Continuation of a public hearing for the appeal of the Planning Commission Decision to Deny a Variance from Development Performance Standards and Historic District Signage Standards as Proposed by Representatives of the National Exchange Hotel for the Property Located at 211 Broad Street, Nevada City

RECOMMENDATION
Provide staff direction to continue a public hearing for the appeal of the Planning Commission Decision to Deny a Variance from Development Performance Standards and Historic District Signage Standards as Proposed by Representatives of the National Exchange Hotel for the Property Located at 211 Broad Street, Nevada City to April 8, 2020 unless City Council votes to cancel the April 8, 2020 meeting at which this item would be continued to the April 22, 2020 City Council meeting.

CONTACT: Catrina Olson, City Manager
Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:
Staff had noticed a public hearing for an appeal of the Planning Commission Decision to Deny a Variance from Development Performance Standards and Historic District Signage Standards as Proposed by Representatives of the National Exchange Hotel for the Property Located at 211 Broad Street, Nevada City for this City Council meeting. However, given the evolving COVID-19 local emergency and global public health crisis, staff recommends continuing this meeting to either April 8, 2020, or if that meeting is cancelled, to April 22, 2020, to avoid the expenses of re-noticing this item.

ENVIRONMENTAL CONSIDERATIONS: Not applicable at this time.

FINANCIAL CONSIDERATIONS: None.

ATTACHMENTS:
- ✓ Staff report for the appeal of the National Hotel sign
- ✓ National Hotel sign variance attachments

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: Appeal of Planning Commission Decision to Deny a Variance from Development Performance Standards and Historic District Signage Standards as Proposed by Representatives of the National Exchange Hotel for the Property Located at 211 Broad Street, Nevada City

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 Variance from Development Performance standards and Historic District Signage standards.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION: The National Hotel at 211 Broad Street is depicted on the 1898 Sanborn Map, showing it as a brick building. It is also considered a contributing building to the Nevada City Historical District, as provided in the National Register of Historic Places. The applicant is in process of renovating the historic hotel. Representatives of the hotel property presented a Variance application to the Planning Commission at their meeting on February 20, 2020, described more fully below.

DENIED SIGN VARIANCE PROPOSAL: The applicant is proposing to paint a sign on the east side of the building. The sign is proposed to be approximately 100 square feet and oriented vertically along the front of the building's east side. The Variance application is a request to deviate from two sections of the Zoning Ordinance:

1)17.80.180 which states that "no exterior surface of any building or structure in any zone shall be painted in any color or with graphic design whereby such color or super-graphic shall constitute a message, code, or signal. Legal signs are excepted here from."

2) Section 17.68.080 (E) which states that "no single sign shall exceed 24 square feet in area" within the historic district.

Attached application material provided by the applicant includes an early illustration of the National Hotel that appears to show a painted sign in a similar location as the proposed sign, though the design, dimensions, and orientation are different from the historic depiction.

At the February 20, 2020 meeting the Planning Commission denied the Variance request because they were unable to make the necessary findings required for a Variance including that there is a special circumstance constituting a hardship and that it would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone. The necessary findings are further discussed below. Discussion of that meeting can be reviewed using the following link to the video record:
https://www.nevadacityca.gov/agendaview.aspx?aid=11542&categoryid=9948#video

PROPOSED SIGNAGE:

Proposed hand-painted sign (east side)

REGULATORY CONSIDERATIONS:

Historic District Signage: Pursuant to Section 17.68.080 of the City Municipal Code Signs—Requirements and Restrictions "no single sign shall exceed twenty-four square feet in area."

Buildings and Structures used as Signs: Pursuant to Section 17.80.180 of the City Municipal Code "no exterior surface of any building or structure in any zone shall be painted in any color or with graphic design whereby such color or super-graphic shall constitute a message, code, or signal. Legal signs are excepted here from."

Sign Design Guidelines: The Planning Commission has previously reviewed signage proposals whereby signage was proposed on a side without a public entrance, as is the case with the proposed sign. On an appeal of a sign similarly proposed, the City Council had made a finding that the sign was inconsistent with the Sign Design Guidelines, which reads as follows:

> *"The City Council, in 1987, clarified the zoning ordinance as to signage relative to building entrances and they unanimously voted "that each public entrance on each street may have 24 square feet of signage. Multiple businesses would share the 24 square feet and the design must be located on the side of the business entrance."*

However, the interpretation made by Council in 1987 was placed only in the "Design Guidelines" and not actually adopted by an Ordinance. This leaves it somewhat up to interpretation for each subsequent Council and Planning Commission bodies as the design guidelines are " advisory only."

Variance: Pursuant to Section 17.88.030 of the City Municipal Code A Variance request can only be approved when the Commission can make a finding that there are "special circumstances applicable to the property, including size, shape, topography, location, or surroundings, [that] the strict application of [site development standards] deprives the property of privileges enjoyed by other properties in the vicinity and under identical classification." A finding must also be made that a Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone and a project may be conditioned as necessary to make that

finding. Staff has provided findings that the commission may use to support the signage as part of the recommended motions below.

The applicant is requesting that the Planning Commission find that the historic nature of the building, as well as the use as a hotel be considered special circumstances to support the Variance request. The plaque on the hotel indicates it to be "one the oldest continuous running hotels west of the Rockies," and is certainly the oldest continuous running hotel within the City. By a large margin, it is also the largest capacity hotel in the Historic District. There are few buildings as prominent as the National Hotel within the Historic District. The Stonehouse, Alpha Building and the Courthouse have similar stature in terms of size and iconic architecture. It is also one of few buildings that carries an individual designation on the Historic Register of Historic Places as National Register no. 73000416 and also registered as California Landmark no. 899, along with its contributing status to the Historic District, designated as Register no. 85002520.

PLANNING COMMISSION DENIAL DECISION: After opening the matter up for public hearing and after discussion at the February 20, 2020 meeting, the Planning Commission ultimately was unable to make the finding that the historic nature of the hotel and it's use as the largest hotel in the Historic District, are special circumstances that warrant a Variance to the City's sign Ordinance, and that those special circumstances strict adherence to the Ordinance deprives the property of privileges enjoyed by other properties.

The Commission was also unable to find that the allowance of the sign would not constitute a special privilege inconsistent with the limitations upon other properties within the General Business and Historic District. Other properties would not be allowed to have such signage so the commission would have had to specifically find that some quality of the building itself, such as its size or architecture, deprive the business a means to provide meaningful signage.

***Environmental Review**:* The proposed project is for a Variance to the City's Development Performance and Historic District sign standards. Staff recommends that the Planning Commission find 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, which "consists of minor alterations of existing public or private facilities…involving no or negligible expansion of use.

STAFF RECOMMENDATION

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

Motion to Overturn/Modify

1. The Council may find the project is exempt from environmental review pursuant to §15301 of the California Environmental Quality Act (CEQA) guidelines making the following finding:
    a. That proposed sign constitutes a minor alteration of existing private building and does not provide for an expansion of use
2. In overturning and approving the Variance request with Conditions as provided below, and pursuant to Section 17.88.030 of the City Municipal Code City, CA, the City Council may make findings a-b, as follows:
    a. that the Variance to the sign standards does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated because the size and architectural style deprive the business a means to provide meaningful signage that is not diminished by the building's stature, particularly with the overhanging balconies along the building face, whereas other commercial buildings without such large imposing balconies are able

to provide easily visible signage; and

b. that the hotel is often a visitor's first point of contact and use as such requires clear and easy visibility for registered guests that may be unfamiliar with the City to readily find their hotel accommodation when they enter downtown

3. The City Council may make a motion to approve the historic district sign as conditioned, making finding a below:

   a. That the historic district sign is, as to its exterior appearance, compatible with the Mother Lode type of architecture

RECOMMENDED CONDITIONS OF APPROVAL (if overturned):

1. All improvements shall substantially comply with the exhibits presented to the City Council.
2. All future structures/features shall conform to site development standards unless another Variance is approved by the Planning Commission.
3. No neon, no banners, and no A-frame signage is permitted.
4. A Planning Commission member may be appointed as a Liaison to assist the applicant with 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 Variance request pursuant to Section 17.88.030 of the City Municipal Code City, CA, the City Council may make findings a and b, as follows:
2. That a Variance to the sign standards as proposed would constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated
3. That the applicant has not demonstrated that there are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, which deprive the property of privileges enjoyed by other properties in the vicinity and under identical classification unless a Variance is granted relieving the property from the strict application of [site development standards];

FINANCIAL CONSIDERATIONS: None

ATTACHMENTS

1. Applications (Variance, Sign Application)
2. Sign Elevations/Details
3. National Hotel Signage
4. Similar Historic Signage
5. Written comments received from the Nevada County Historical Society at the February 20th Planning Commission meeting (additional verbal comments are on the video record)

February 17, 2020

Re: National Hotel Highway Visible Sign

Dear Planning Commissioners:

Thank you for the opportunity to comment on the proposed National Hotel sign.

We applaud the new National Hotel owners on the renovations they are undertaking. The grand building is looking lovely. However, we feel that the proposed freeway visible sign hotel and city sign is not in keeping with our National Register Historical District and the regulations that have shaped it; we hope it will not be approved.

The staff report relies heavily on the staff generated argument for Findings to approve the sign that the proposed hotel and City sign will be a historical addition to the Historical District and that the owners will be deprived of sign privileges enjoyed by other properties if it is denied. However, the application submitted by the hotel designers focuses on what appears to be its main goal: the value of the highly visible freeway location and the advertising potential of the proposed sign. **The application states that: *"Sitting close to the highway, it poses as a beacon to Nevada City and its historical downtown district.... the signage... would be a huge benefactor to tourism by being spotted from the highway and its likelihood to be photographed and shared on the likes of social media."***

We believe that this highway visibility is not necessary or desirable. The Nevada City Historical District and our entire town have long been on the map... and social media. (The Instagram account #nevadacity has more than 5,000 posts.) We have preserved a town that does not need to wave at highway motorists or grab attention with "Welcome to Nevada City " signs. Our authenticity speaks for itself. Please do not alter the lovely view looking up Broad Street that the locals love, our visitors photograph, and we all treasure.

We hope that the Planning Commission will deny the sign permit for the following reasons:

1. **The sign is not visually appropriate at the entry to Nevada City's Historical District and within our Scenic Corridor.**
2. **The sign violates our very successful and important Historical Ordinance and sign ordinances.**
3. **The sign will be visible from the highway.**
4. **The sign will negatively change the historic view up Broad Street.**
5. **The National is a beautiful building and it does not need this addition.**
6. **The vertical wording: " Nevada City" as an entry sign to the city is not necessary and not permitted. Nevada City speaks for itself.**

Further Discussion - Variances and Findings of Special Circumstances

Permitting a variance has rarely been allowed in Nevada City's Historical District. **The simplest test for whether or not Findings can be made for a variance is: will a hardship result? In this case, the idea that denying a sign in a side yard location could result in a hardship, depriving an owner of privileges enjoyed by other properties is difficult to imagine.** We discuss the staff Findings below.

1. **The sign will not add to the historical value of the building or the District.** The staff report contention that the proposed wall sign mural will increase the historic significance of the

building counters the intent conclusions of the Historical Ordinance which pays particular attention to the need to control signage in the District. The intent of the writers in 1968 was to focus the downtown's appearance on its architecture, not signs. The goal was to eliminate the clutter of many of the signs depicted in old photos attached to the application that disrupted the potential beauty of the District at the time.

The sign will not aid Nevada City's economy, but may incrementally harm it. The staff report contention that the large size of the hotel is a special circumstance that permits such a variance from our sign regulations has not been demonstrated. There is an inference that the sign is needed to ensure the economic vitality of the Historical District which is unfounded. Rather, the Historical District Ordinance finds that following its regulations would foster the economic success of the District: **(17.68 "..... *To permit a departure from the established type of architecture in the construction of new buildings or in the alteration of existing buildings within the district, and to permit the uncontrolled use of advertising signs therein, would be detrimental to the historical places and buildings, and would tend to depreciate the values of all properties within the district....* "**

This appears to have been proven these many years later. Nevada City attracts visitors by its reputation as a whole. Nevada City is a planned destination to visitors. They are not just passers-by on Highway 49 attracted by a large sign to drop in.

2. **Building size is not a special circumstance.** The staff report contention that the building has a special circumstance because of its size and inferring that permitting a size and location variance will harm the economy of the city would mean that similar signs on other large buildings downtown should also be permitted. Many other large buildings downtown are smaller than the National, yet they are quite large and prominent in their own right compared to other buildings downtown. Many are on prominent corners. Others have very large spaces upstairs which could require signage in the future. The only major difference in large signs which could be proposed on these buildings and the National sign would be the fact that these buildings are not visible from the highway.

Presence of balconies and overhangs does not disrupt signage in Nevada City's downtown. The staff report contention that the National building is so different in stature and the presence of a large balcony overhang than other buildings that there is no place for "meaningful signage" is a stretch. Meaningful signage can be placed on this building directly at the entrance on Broad St. and/or below the third story parapet. Other buildings, small and large, downtown have meaningful signage under and over balconies and overhangs. (See second list below for large buildings with large tenants with meaningful signage despite overhangs.)

Large buildings downtown that could request variances for large wall signs with similar intent:
Backside and side of US Hotel building *(could advertise large space upstairs or City Council coffee shop space downstairs)*
Pine St side of South Pine Cafe (The Union building)
Pine St. side of Asylum Down building (old Bank of Italy)
Pine St. side of One-11 building
East and west sides of Nevada Theatre
Spring St. side of New Moon
Back, west and east sides of Odd Fellow building on Spring St. *(Entrance to large Oddfellows Hall and lower large retail space)*
Alpha building, north and east sides.

Spring St. side of Bonanza bldg..
North and west side of Old Elks bldg (Friar Tucks) on Commercial St.
Pine St. side of Osborn-Woods bldg.
Back side of the Tinnery
East side of Sopa Thai bldg.
New York Hotel, parking lot side

Large buildings that have or have had meaningful signage with overhangs or balconies
New York Hotel
Friar Tucks on Pine at Old Elks Building
Alpha building front
Backside of Oddfellows building *(lower large retail space)*
Kidd-Knox bldg. at corner of Broad and Pine

3. **Big freeway visible sign needed to find hotel has not been demonstrated.** The staff report contention that the sign in this location is needed for visitors to find the hotel is counter to the staff report's continual reference to the hotel's status as the largest building downtown located right at its entrance. It is extremely unlikely that even one overnight or dinner guest has ever or will ever lose his or her way to the hotel.... Especially if they own an I-phone.

4. **Wall painted mural.** The staff report does not include Findings for a variance on the prohibited wall painted signs/murals. As a precedent, this would be very influential – all of the buildings listed above have space large enough for a large painted wall mural. A preponderance of wall murals would violate the Historical Ordinance and alter the historical and aesthetic charm of the District.

5. **Cumulative Impacts.** The staff report does not discuss the potential cumulative impacts to the Historical District of signs which could be permitted due to the precedence set by approval of the variances proposed.

Please do not approve a sign on this side of the National Hotel. It is not needed and it will detract from the building and our Historical District. The test of a hardship and deprivation of special privileges granted to other properties has not been met.

We look forward to a lovely new sign on the front of the building.

Sincerely,

Laurie Oberholtzer, past Planning Commissioner, past Mayor and City Council member

Pamela Meek, past Planning Commissioner

Conley Weaver, past Chair of the Planning Commission, past Mayor and City Council member

Cathy Wilcox-Barnes, past Chair of the General Plan and Zoning Ordinance Committees, past Acting City Planner, past Mayor and City Council member

Karla Arens, past Planning Commissioner

Gail Damskey, past Planning Commissioner

Terri Andersen, past Mayor and City Council member

Jennifer Ray, past Mayor and City Council member

Attached:
Summary – Proposed **Sign Violations**
Photo montage of proposed sign shown on building including Broad Street view

Proposed National Hotel Highway Visible Sign- Violation of Ordinances and Guidelines

Existing requirement	Proposed	Comment
Sign Ordinances		
No signs or murals on walls		Variance required
24 sq ft	100 sq ft	Variance required
Allowed on entrance side only	Proposed on a no entrance side	Variance required
Lighting Guidelines		
Under discretion of Planning Commission, internally lit not permitted	Not clear if requested now or in future	If lighting is proposed it will be visible from the highway, a new lighting intrusion. Should be prohibited.
Advertising Along Freeways (12.08)		
Must be reviewed by City Council for compliance with visual goals Additional Historical District Sign Ord (17.68) controls if differing requirements		This ordinance gives the Council complete discretion over sign design along the freeway to meet scenic corridor goals and gives them the ability to prohibit any sign. The proposed sign is clearly intended for view from the highway and will be highly visible: **The hotel's application states that: *" ..the signage... would be a huge benefactor to tourism by being spotted from the highway and its likelihood to be photographed and shared on the likes of social media."***
Signs with business name or occupant only allowed consistent with other regulations in the ordinance.	"National Exchange Hotel" wording on sign has addition of "Nevada City" wording on the sign	The words "Nevada City" not allowed under this ordinance.
24 sq ft	100 sq ft	Variance required

THE NEVADA COUNTY
Historical
Society EST. 1944
Celebrating and Preserving
the History of
Nevada County, California

161 Nevada City Hwy., Nevada City, CA 95959
info@nevadacountyhistory.org
www.NevadaCountyHistory.org

February 17, 2020

Attn. Amy Wolfson
Planner, City of Nevada City

For distribution to the Planning Commission at the scheduled meeting of February 20, 2020

Re. National Hotel:

Dear Commissioners:

This letter is to follow up on our October 17, 2019 letter (see attached) regarding the proposed National Hotel sign.

While the proposed sign has changed somewhat, our concerns are the same. The addition of the vertical words "Nevada City" below the hotel sign does not change the scale of the sign, nor its lack of compliance with the ordinances, and additionally, the new words do not advertise the hotel itself. Nevada City has never had an entrance sign.

We appreciate and applaud the work that the new owners are accomplishing. However, we hope that the designers will understand that the proposed sign is a misstep. It deviates the letter and the heart of our Historical Ordinance and its implementing sign ordinances which have done so much to earn our downtown the status as the best preserved Gold Rush town in California. It will alter the historic integrity of the view of the building and the iconic view up Broad Street. The hotel will be beautiful and easy to find without it.

Sincerely,

Daniel R. Ketcham

Daniel R. Ketcham
President Board of Directors
(530) 477-8056
President@NevadaCountyHistory.org

THE NEVADA COUNTY
Historical
Society ESTD 1944
Celebrating and Preserving
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Nevada County, California

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October 17, 2019

Attn. Amy Wolfson
Planner, City of Nevada City

For distribution to the Planning Commission at the scheduled meeting of October 17, 2019

Dear Commissioners:

Nevada City's Historical Ordinance has guided our Historical District well since 1969. It places an emphasis on the architecture of its buildings and focuses on controlling signage. The preface to the ordinance is clear (underlining added):

> *"B. The historic character and distinctive architecture of such places and buildings, and of the historic district as a whole, have attracted tourists and visitors to the city in great numbers, thereby augmenting the economy and general welfare of the city and its inhabitants. The preservation of such places and buildings, and of the architectural appearance of the surrounding properties within the district, is essential to the economic and cultural life of the city. To permit a departure from the established type of architecture in the construction of new buildings or in the alteration of existing buildings within the district, <u>and to permit the uncontrolled use of advertising signs therein, would be detrimental to the historical places and buildings, and would tend to depreciate the values of all properties within the district. In order to promote the public health, safety and general welfare,</u> it is necessary, pursuant to Section 37361 of the California Government Code, to provide for such places and buildings having a special character or special historical or aesthetic interest or value, special conditions and regulations for their protection, enhancement and perpetuation, and to provide appropriate and reasonable control of the appearance of neighboring property within public view."*

As a result, the Nevada County Historical Society is opposed to the wall painted sign proposed on the east side of the National Hotel:

1. **It violates the City sign ordinances which do not permit signs over 24 sq ft. in area and which prohibit painted on wall signs as well as a City Council interpretation which makes it clear that signs are not to be permitted on building sides with no public entry door:**

   117.80.180 "no exterior surface of any building or structure in any zone shall be painted in any color or with graphic design whereby such color or super-graphic shall constitute a message, code, or signal. Legal signs are excepted here from."

   Section 17.68.080 (E) which states that "no single sign shall exceed 24 square feet in area" within the historic district.

   "The City Council, in 1987, clarified the zoning ordinance as to signage relative to building entrances and they unanimously voted "that each public entrance on each street may have 24 square feet of signage. Multiple businesses would share the 24 square feet and the design must be located on the side of the business entrance."

2. **We disagree with the staff report's contention that because the above interpretation regarding building entrances and signs is only in the Design Guidelines it is somewhat weak. In this case, the guideline in question is a City Council interpretation of an ordinance and it is based on a long series of Planning Commission sign decisions which back it up.**

   We rely on the Planning Commission to always follow the design guidelines carefully in our Historical District, with some interpretation as needed, but not completely reverse the intent of the guideline or its history of use.

3. **We disagree with the draft Findings to support a variance for this sign (Findings italicized below):**

   1. *Draft Finding: That there are special circumstances applicable to the property, including the historic nature of the hotel building and the proposed sign contributes to its historic significance; and*

   <u>We disagree.</u> The sign does not contribute to the building's historical significance. The building itself is the reason it is historically significant. The City's Historical Ordinance and Sign Ordinances were adopted with an eye to making sure the buildings became the predominant feature downtown, not signs. These ordinances were written with an understanding that signs painted on buildings were present in the 1800s and are not to be used as a justification for their use today which would interfere with the historical importance and aesthetics of the buildings.

We thank you in advance for your careful consideration of the matter before you today.

Sincerely,

Daniel R. Ketcham
President Board of Directors
(530) 477-8056
President@NevadaCountyHistory.org

This would provide an invitation for others to propose large wall signs and murals that would alter our downtown for decades in violation of our protective ordinances.

Finally, a prominent sign on this wall at the entry to the City would detract from the aesthetics of the Historical District and our Scenic Corridor, reading as an anchor store sign in a mall with a sign for one building in a District that is aesthetically one place.

2. Draft Finding: That the Variance to the sign standards shall not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated because the size and architectural style deprive the business a means to provide meaningful signage that is not diminished by the building's stature, particularly with the overhanging balconies along the building face, whereas other commercial buildings without such large imposing balconies are able to provide easily visible signage; and

<u>We disagree.</u> Meaningful signage is provided on small buildings throughout downtown on building fronts with overhangs, the signage on the National Hotel front is well visible, and the building itself makes it clear that it is the famous National Hotel.

3. Draft Finding: AND the hotel is often a visitor's first point of contact and use as such requires clear and easy visibility for registered guests that may be unfamiliar with the City to readily find their hotel accommodation when they enter downtown.

We disagree. The size, prominent location and notoriety of the hotel make it clear that this is a hotel and the front facade signage makes it doubly clear. In addition, GPS systems in cars make it impossible for visitors to get lost in downtown Nevada City.

We are appreciative of the work that the new hotel owners are doing. We understand the pressure that the Commission is under in reviewing sign permits applications. However, we remind the Commission that there is a long history of people and decisions behind the creation of our ordinances and guidelines intended to protect our Historical District. Their content and our adherence to them for up to 50 years has resulted in the most well preserved Mother Lode commercial district in California.

Please deny the sign variance in favor of a traditional sign in keeping with our ordinances on the front of the hotel.

I am here in support of
The National sign.
I love it as a beautiful
addition to our city and
the intrance to our city.

Barbara Johnson
The Madison House B&B
427 Broad St

+ Chamber BOD.

NEVADA CITY PLANNING COMMISSION

APPLICATION FOR VARIANCE

The undersigned, requests that a VARIANCE from the provisions of Ordinance No. 361 be granted, pursuant to Section 16.20 of said Ordinance, and hereby certifies as follows:

OWNER'S NAME: The National Hotel

ADDRESS: 211 Broad Street, Nevada City, CA 95949 PHONE:

LOCATION OF SUBJECT PROPERTY: THE NATIONAL HOTEL, 211 BROAD ST. NEVADA CITY, CA 95949

ASSESSOR'S PARCEL NO. ZONE: PRESENT USE:

NATURE OF REQUESTED VARIANCE: TO HAVE A HANDED PAINTED SIGN, WITH HISTORICAL REFERENCE, PUT ON THE EAST SIDE OF THE BUILDING

STATEMENT OF HARDSHIP (Note: The Planning Commission is not authorized to grant a variance if the result would be to confer a special privilege inconsistent with the limitations placed upon other properties in the same zone):

(a) The following special circumstances or conditions applicable to subject property (including size, shape, topography, location or surroundings) do not generally apply to other properties in the same zone.

The National Hotel is a historic building with great signifiance to the community, it is located in the Historical District and we know that the city has a strong commitment to its preservation.
This Hotel is one of a kind and possibly has one of the highest levels of historical significance in the area. Sitting close to the highway, it poses as a beacon to Nevada City and it's historical downtown district.

(b) The granting of a variance would not be materially detrimental to the health, safety or welfare of other persons residing in the vicinity of the subject property, or to other property or improvements in the vicinity, for the following reasons:

We do not believe that the hand-painted sign would interfere, harm or have any negative effect on any other business in downtown Nevada City, on the contrary, we believe that it will only benefit and highlight the Historic District. Due to the hotel's unique size and location, the signage on the East side of the building would he a huge benefactor to tourism by being spotted from the highway & its likelihood to be photographed and shared on the likes of social media. The history of hand painted-signs on historical buildings, not only in Nevada City, but during the time of the National's early life, can be seen in books and photographs found in our own library and historical museum. Returning such a feature to the National & Nevada City could add a level of authenticity in the preservation of the area. We believe that a hand-painted sign not only celebrates the National Hotel's unique character, it would enrich the historical life and culture of the historical downtown district of Nevada City.

ATTACH MAP or SKETCH showing boundary lines of subject property, adjacent streets, and other relevant facts. SUBMIT 10 COPIES OF APPLICATION AND ACCOMPANYING DOCUMENTS.

8/26/19
Date

Signature of Applicant

*This is a 3 part Variance:
1) for a Hand-Painted Sign
2) for such a sign to be painted on a wall w/out and entrance
3) for the sign to exceed the 24'sq. ft allotment

CITY OF NEVADA CITY
317 BROAD STREET
NEVADA CITY, CA 95959

* A separate proposal for allowed signage on the north and south elevations will be presented at the March Planning Commission meeting

EAST WALL MURAL

THE NATIONAL EXCHANGE HOTEL, NEVADA CITY, CA

"Our design team created the National Exchange Hotel exterior signage to be both historically sympathetic to the hotel's Gold Rush origins and in keeping with the neighbouring businesses."

SIGNAGE OF THE NATIONAL

VIEW FROM BROAD STREET

HISTORIC DRAWING OF HOTEL

PROJECT SITE

N

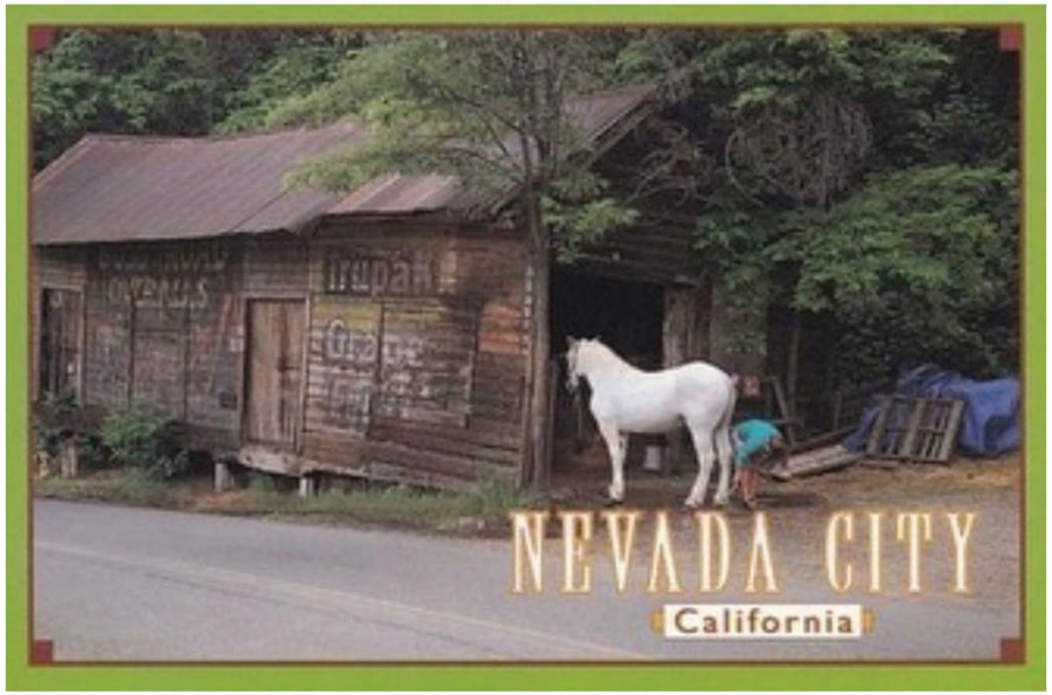
VICINITY MAP

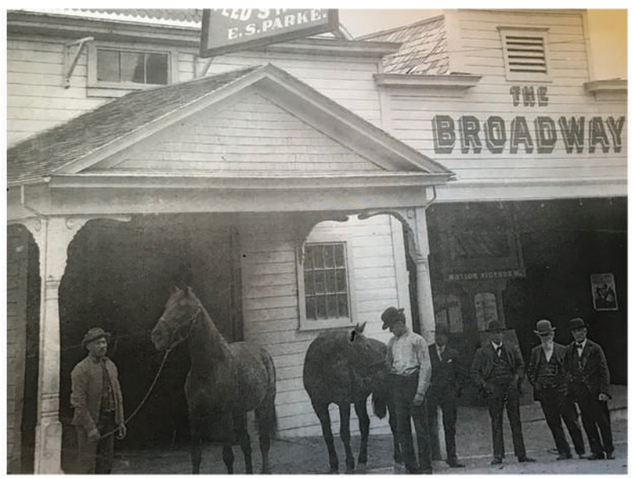
REMNATS ON REAR WALL

ALPHA HARDWARE SIGN

VISIBILITY OF EAST WALL

HISTORICAL USE OF HAND PAINTED SIGNS IN NEVADA COUNTY





Ghost Signs : Hand-Painted Signs in History & Their Remains

Omaha, NE

In the early 1900's sign-painting was a fairly common job, and many sign-painters travelled for work. While most cities had their own sign shops, many smaller towns and rural areas depended on traveling artisans to do their sign-painting

We can see the chipped and faded remains of many of these signs today, often called "ghost signs", apparitions from a time before computers and vinyl letters. Because they had to be made on the spot, every sign was produced with a brush attached to a hand.

Many towns and cities are bringing the old signs back to life by documentation, preservation and restoration. And in recent years, sign-painting has experienced something of a revival on the fronts and walls of new businesses. There are now sign shops and collectives celebrating the craft.

There are remains of this craft not only in our community, county and state, but world-wide. These signs tell the forgotten pasts of cities and the show the craft of the pioneers that formed the places that we love.

Nevada City is a place of preservation and in a few places we can see the remenants of a lost artform. This seems to be a prime opportunity to demonstrate the community's commiment to it's historic ties and the support of it's local artists.

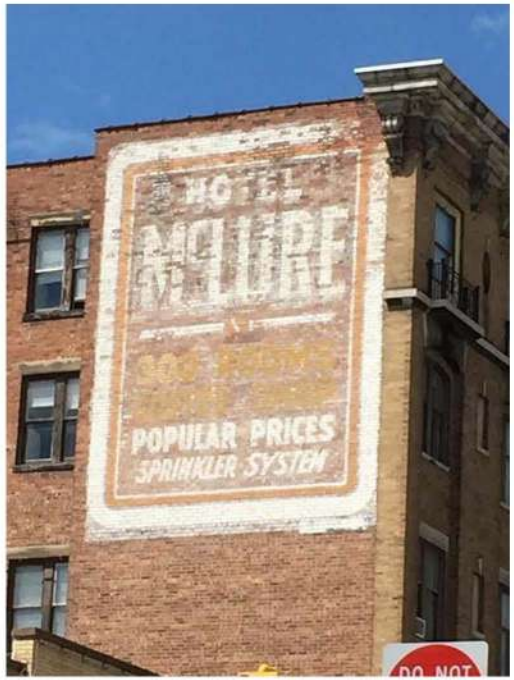
The Owl, Pine St. Nevada City

Virgina City, NV

Truckee, CA

Pine St. Nevada City

Ghost Signs on Historic Hotels



REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: Cancellation of the April 8, 2020 City Council Meeting

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City of Nevada City approving the cancellation of the April 8, 2020 City Council meeting.

CONTACT: Catrina Olson, City Manager

BACKGROUND/DISCUSSION:
Effective March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 ("Order"), directing all individuals living in the State of California to stay home or at their place of residence, except as to maintain continuity of operations of the federal critical infrastructures. This Order shall stay in effect until further notice.

Based on Executive Order City staff is seeking ways to continue to have City Council meetings while adhering to the requirements. City staff is currently working on providing an appropriate video conference platform for the Council members to participate in the continuance of public meetings. Staff is also working to find appropriate technology to allow for public comment without the public being present.

In addition, upon reviewing the items for the tentative agenda for the April 8, 2020 meeting, at this time, there doesn't seem to be any City items that would be urgent/critical to address.

In an effort to give staff "time" to work on the technology side of continuing the public meetings and in light of the lack of "critical" issues to cover in the upcoming meeting it is recommended that the April 8, 2020 meeting be cancelled.

ENVIRONMENTAL CONSIDERATIONS: None.

FINANCIAL CONSIDERATIONS: None.

ATTACHMENT: None.

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY OF NEVADA CITY APPROVING THE CANCELLATION OF THE APRIL 8, 2020 CITY COUNCIL MEETING

WHEREAS, Effective March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 ("Order"), directing all individuals living in the State of California to stay home or at their place of residence; and

WHEREAS, based on Executive Order City staff is seeking ways to continue to have City Council meetings while adhering to the requirements; and

WHEREAS, the appropriate technological platforms to continue public meetings without the physical presence of the City Council or public are currently being researched by staff; and

WHEREAS, upon reviewing the items for the tentative agenda for the April 8, 2020 meeting, at this time, there doesn't seem to be any City items that would be urgent/critical to address; and

NOW THEREFORE, BE IT RESOLVED, the City Council of Nevada City hereby approves cancelling the April 8, 2020 City Council meeting.

PASSED AND ADOPTED at the regularly scheduled meeting of the Nevada City, City Council held on the 25th day of March, 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

March 25, 2020

TITLE: Urgency Ordinance Adding a Temporary Moratorium on Evictions Due to COVID-19

RECOMMENDATION: Waive reading of Ordinance and read by title only, and adopt an Urgency Ordinance of the City of Nevada City relating to a temporary moratorium on evicting tenants and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.

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

BACKGROUND / DISCUSSION:
As the global COVID-19 emergency persists, the economic impacts of the Federal and State Orders to prevent the spread of the virus such as social distancing, school closures, and restaurant and bar closures has left many City businesses and individuals unable to pay their rent.

On March 16, 2020, the Governor issued Executive Order N-28-20. The Order suspends any State law that would preempt or otherwise restrict the City's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

Under the authority of this Order, the Mayor, as the Director of the City's Civil Defense and Disaster Council issued a Supplemental Declaration of a Local Emergency to order a moratorium on evictions for residential and commercial tenants in the City on March 18, 2020. This Ordinance would supersede the provisions in that order that pertain to an eviction moratorium.

Under the Ordinance, both commercial and residential tenants who notify their landlords before their rent is due, and provide documentation to their landlord within thirty (30) days of their rent due date, that they are unable to pay all or a portion of their rent, due to substantial financial hardships resulting from COVID-19 may not be evicted during the pendency of the Governor's Order N-28-20 or an extension thereof.

Urgency Ordinances
Urgency Ordinances that are necessary for the immediate preservation of the public peace, health or safety, must contain a declaration of the facts constituting the urgency, and must be passed by a four-fifths vote of the City Council per Government Code Section 36937. Urgency Ordinances go into effect immediately upon adoption per California Government Code Section 36934. The proposed Ordinance contains the required findings.

Moratorium on Evictions and Deferral of Rent Payments

The Ordinance would apply to both commercial and residential tenants who are unable to pay rent during the term of the Ordinance due to financial impacts of COVID-19. To be protected from eviction by the Ordinance, tenants would need to notify their landlords and provide documentation evidencing their inability to pay all or portion of their rent during the effective dates of the ordinance are due to COVID-19 impacts. Tenants would also be required to pay whatever part of the rent they were able.

Landlords would not be permitted to begin eviction proceeding against tenants who qualify during the term of the ordinance, nor would Landlords be able to charge late fees to eligible tenants. However, tenants will still be legally responsible for paying all rent due within six months after the expiration of the Ordinance.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: The City will be impacted as a commercial landlords, in that it may be required to defer rent payments during the pendency of the Ordinance for eligible tenants.

ATTACHMENTS:

- ✓ An Urgency Ordinance of the City of Nevada City Relating to a Temporary Moratorium on Evicting Tenants and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately upon Adoption
- ✓ Governor's Order N-28-20

ORDINANCE NO. 2020-XX

AN URGENCY ORDINANCE OF THE CITY OF NEVADA CITY RELATING TO A TEMPORARY MORATORIUM ON EVICTING TENANTS AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

WHEREAS, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"). On March 4, 2020, the Nevada County Board of Supervisors and Department of Public Health declared a public health emergency in Nevada County due to COVID-19. On March 5, 2020, the City's Director of the Civil Defense and Disaster Council declared a local emergency due to COVID-19, which was ratified by the City Council at its March 11, 2020 City Council meeting. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-20. The order suspends any state law that would preempt or otherwise restrict the city's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

WHEREAS, the city has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been cancelled. School closures have occurred and may continue. Employees have been advised to work at home. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods.

WHEREAS, many tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

WHEREAS, providing tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population and stabilize the rental housing market by reducing displacement.

WHEREAS, during this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.

WHEREAS, nothing in this ordinance waives a tenant's obligations to pay back rent owed once this ordinance is no longer effective.

WHEREAS, the City Council has the authority to adopt this ordinance under Government Code Section 8630, and also its authority under California Constitution Art XI, section 7, and pursuant to the Governor's Order N-28-20.

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

SECTION 1. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

A. This Section 1 remains in effect until the expiration of the Governor's Executive Order N-28-20, including any extensions.

B. This ordinance applies to all residential and commercial tenants within the City of Nevada City.

C. No landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant, in accordance with this Section 1, demonstrates that the inability to pay rent is due to the Coronavirus Disease 2019 (COVID-19), the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions.

D. As used in this Section 1, "covered reason for delayed payment" means a tenant's loss of income due to any of the following: (a) tenant was sick with COVID-19 or caring for a household or family member who is sick with COVID-19; (b) tenant experienced a lay-off, loss of hours, substantial decrease in business income caused by a reduction in the opening hours or consumer demand, or other income reduction resulting from COVID-19 or the state of emergency; (c) tenant's compliance with a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (d) tenant's need to miss work to care for a home-bound school-age child; and (e) tenant's extraordinary medical cost resulting from COVID-19 related medical expenses.

E. To take advantage of the protections afforded under this ordinance, a tenant must do all the following:
   a. Notify the landlord in writing on or before the day rent is due that the tenant has a covered reason for delayed payment;
   b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment within thirty (30) days of the day the rent is due; and
   c. Pay the full amount of rent otherwise due, less the amount of the change in funds available due to a covered reason for delayed payment.

F. If a tenant complies with the requirements of this ordinance, a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit

notice, or otherwise endeavor to evict the tenant for nonpayment of rent, and this Ordinance shall be an affirmative defense to any such eviction action.

G. Nothing in this ordinance relieves the tenant of liability for the unpaid rent after expiration of this ordinance.

SECTION 2. 180-Day Repayment Period.

Tenants who were afforded eviction protection under Section 1 of this ordinance shall have up to 180 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent. During that 180-day period, the protections against eviction found in Section 1 of this ordinance apply for such tenants, and provided the tenant pays all rent due by this deadline, shall not be liable for payment of any late fees or penalties for the delay in payment.

SECTION 3. Emergency Declaration/Effective Date.

The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934.

The facts constituting the emergency are as follows: The directives from health officials to contain the spread of COVID-19 has resulted in loss of business, furloughs, loss of wages, and lack of work for employees. To protect the public health, safety, and welfare, the city must act to prevent eviction of tenants who are unable to pay rent due to wage losses caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

SECTION 4. 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 5. Certification. The City Clerk shall certify to the passage and adoption of this ordinance as required by law.

PASSED, APPROVED AND ADOPTED this ___th day of _____2020 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

_____
Reinette Senum, Mayor

ATTEST:

_____
Niel Locke, City Clerk

APPROVED AS TO FORM

_____
Crystal V. Hodgson, City Attorney

I, Niel Locke, City Clerk of Nevada City, do hereby certify that the foregoing urgency ordinance was introduced and adopted at a meeting thereof on the ____day of _____ 2020.

_____
Niel Locke, City Clerk

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-25-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at http://cdph.ca.gov/covid19; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.

2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.

3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.

4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.

5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.

6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.

8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.

9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.

10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

    In particular, any otherwise-applicable requirements that

    (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
    (ii) each teleconference location be accessible to the public;
    (iii) members of the public may address the body at each teleconference conference location;
    (iv) state and local bodies post agendas at all teleconference locations;
    (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
    (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

    are hereby suspended, on the conditions that:

    (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
    (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

REPORT TO CITY COUNCIL

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

March 25, 2020

TITLE: Urgency Ordinance Amending Nevada City Municipal Code Chapter 2.44 "Civil Defense, Emergency Preparedness, and Disaster Plan" to Make the City Manager the Director and to Update Provisions to Comply with State Law

RECOMMENDATION: Waive reading of Ordinance and read by title only, and adopt an Urgency Ordinance of the City of Nevada City amending Nevada City Municipal Code Chapter 2.44 "Civil Defense, Emergency Preparedness, And Disaster Plan" to Make the City Manager the Director and to update provisions to comply with State law.

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

BACKGROUND / DISCUSSION:
As the global COVID-19 emergency persists, the City is receiving multiple updates, Orders, and Proclamations from Federal, State, and Local Government authorities pertaining to COVID-19 emergency procedures. Under the current Chapter 2.44 of the Municipal Code, the Mayor is appointed the Director of the Civil Defense and Disaster Council and has the authority to issue emergency rules and requirements to protect life and property, until such Orders can be ratified by the City Council. Staff recommends amending Chapter 2.44 to name the City Manager as the Director of the Civil Defense and Disaster Council, and the Police Chief the Vice Chairman of the Civil Defense and Disaster Council, because they are more available than the Mayor (at any given time) to respond immediately in issuing necessary Orders.

Staff also recommends updating Chapter 2.44 to required ratification of emergency Orders within 7 days, in order to comply with State law.

Urgency Ordinances
Urgency Ordinances that are necessary for the immediate preservation of the public peace, health or safety, must contain a declaration of the facts constituting the urgency, and must be passed by a four-fifths vote of the City Council per Government Code Section 36937. Urgency Ordinances go into effective immediately upon adoption per California Government Code Section 36934. The proposed Ordinance contains the required findings.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: No impact.

ATTACHMENTS:

- ✓ An Urgency Ordinance of the City of Nevada City Amending Nevada City Municipal Code Chapter 2.44 "Civil Defense, Emergency Preparedness, and Disaster Plan" to Make the City Manager the Director and to Update Provisions to Comply with State Law

ORDINANCE NO. 2020-XX

AN URGENCY ORDINANCE OF THE CITY OF NEVADA CITY AMENDING NEVADA CITY MUNICIPAL CODE CHAPTER 2.44 "CIVIL DEFENSE, EMERGENCY PREPAREDNESS, AND DISASTER PLAN" TO MAKE THE CITY MANAGER THE DIRECTOR AND TO UPDATE PROVISIONS TO COMPLY WITH STATE LAW

WHEREAS, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"). On March 4, 2020, the Nevada County Board of Supervisors and Department of Public Health declared a public health emergency in Nevada County due to COVID-19. On March 5, 2020, the City's Director of the Civil Defense and Disaster Council declared a local emergency due to COVID-19, which was ratified by the City Council at its March 11, 2020 City Council meeting. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.

WHEREAS, federal and state authorities including the President of the United States, Director of the Centers for Disease Control and Prevention, Governor Newson, and the Nevada County Director of Public Health have been issuing orders and directives on a daily basis pertaining the national, and world-wide, public health emergency caused by COVID-19, many of which require immediate action by the City's Civil Defense and Disaster Council in order to protect life and property within the City. The Nevada City Municipal Code sections 2.44.030 (A) and 2.44.050 (A) respectively designate the Mayor as the chairman of the city defense and disaster council and the director of the civil defense and disaster. While the Mayor is generally available, and can usually be reached within 24 hours of the need for action, the City Manager is available immediately to issues emergency orders that are necessary for the preservation of life or property;

WHEREAS, under state law, the City Council may designate the City Manager as the chairman of the city defense and disaster council and the director of the civil defense and disaster by ordinance amending Chapter 2.44 of the Nevada City Municipal Code;

WHEREAS, California Government Code Section 8630, subdivision (b) requires any emergency proclamation to be ratified by the governing body within seven (7) days, and Nevada City Municipal Code Section 2.44.050(B)(1) is inconsistent with this requirement as it requires such proclamations to be ratified by the City Council "at the earliest practicable time."

WHEREASE, urgency ordinance must be adopted by a four-fifth vote of the Council, and will take effective immediately pursuant to California Government Code section 36934.

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

SECTION 1. Nevada City Municipal Code section 2.44.030 shall be amended to read as follows:

"A. The City Manager, who shall be chairman.

B. The Chief of Police, who shall be the vice chairman.

C. The assistant director, appointed by the City Manager with the advice and consent of the city council who, under the supervision of the director, shall develop civil defense and disaster plans and organize the civil defense and disaster program of this city, and shall have such other duties as may be as signed by the director.

D. Such deputy directors and chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this chapter.

E. Such representatives of civic, business, later, veterans, professional or other organizations having an official group or organization civil defense and disaster responsibility as may be appointed by the City Manager with the advice and consent of the city council."

SECTION 2. The first sentence of Nevada City Municipal Code section 2.44.050 (A) shall be amended to read as follows:

"A. The City Manager shall be the director of civil defense and disaster."

SECTION 3. Nevada City Municipal Code section 2.44.050 (A)(1) shall be amended to read as follows:

"To request the city council to proclaim the existence of a disaster and the termination thereof, if the city council is in session, or to issue such proclamation if the city council is not in session, subject to confirmation by the city council within seven (7) days of such proclamation."

SECTION 4. Nevada City Municipal Code section 2.44.050 (B)(1) shall be amended to read as follows:

"To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed within seven (7) days by the city council."

SECTION 5. Nevada City Municipal Code section 2.44.050 (D) shall be amended to read as follows:

"D. To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the city council or by any other lawful authority, and in conformity with Section 38791 of the Government Code, or by any other lawful authority, to exercise complete authority over the city and to exercise all police power vested in the city by the Constitution and general laws."

SECTION 6. Nevada City Municipal Code section 2.44.050 (E) shall be amended to read as follows:

"In the event that an emergency and/or disaster plan is adopted for the city that provides for activation by a person other than the City Manager or any other provisions inconsistent with those contained in this section, the provisions of that plan shall control over the provisions of this section so long as that plan is in full force and effect and not repealed."

SECTION 7. Effective Date and Emergency Declaration.

The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to California Government Code section 36934.

The facts constituting the emergency are as follows:

The COVID-19 world-wide public health emergency has created a need for the City to amend its municipal code provisions to become effective immediately so the City Manager may make emergency proclamations rapidly to comply with federal and state mandates and to protect the immediate health and safety of its citizens and to preserve life and property.

SECTION 8. 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 9. Certification. The City Clerk shall certify to the passage and adoption of this ordinance as required by law.

PASSED, APPROVED AND ADOPTED this ___th day of _____2020 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

_____
Reinette Senum, Mayor

ATTEST:

_____
Niel Locke, City Clerk

APPROVED AS TO FORM

_____
Crystal V. Hodgson, City Attorney

I, Niel Locke, City Clerk of Nevada City, do hereby certify that the foregoing urgency ordinance was introduced and adopted at a meeting thereof on the ____day of _____ 2018.

_____
Niel Locke, City Clerk