



**REGULAR CITY COUNCIL MEETING
WEDNESDAY, APRIL 22, 2020**

Regular Meeting - 6:30 PM

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

MISSION STATEMENT

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

Reinette Senum, Mayor

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

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

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

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, ONLINE AT THE CITY'S WEBSITE WWW.NEVADACITYCA.GOV or at [HTTP://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7](http://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7)

2. If you wish to make a comment on a specific agenda item, please submit your comment via email to the City Manager at NEVADACITY.OLSON@GMAIL.COM. Comments will be accepted at the email provided until 2pm the day of the meeting PLEASE INCLUDE THE AGENDA ITEM NUMBER AND LETTER IN YOUR SUBJECT LINE. For comments during the meeting subscribe to the City's youtube channel Nevada City Public Meetings and submit your public live 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 constraints.

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: “Waste Management Employee Appreciation Day”-April 22, 2020

PRESENTATIONS: Installation of the City Clerk, two new Council Members and one incumbent.

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 – March 2020
Recommendation: Receive and file.

B. Subject: Accounts Payable Activity Report – March 2020
Recommendation: Receive and file.

- C. 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 May 13, 2020.
- D. Subject:** Resolution Declaring Results of March 3, 2020 Municipal Election
Recommendation: Pass Resolution 2020-XX declaring results of Municipal Election held March 3, 2020.
- E. Subject:** Action Minutes March 25, 2020 City Council Meeting
Recommendation: Review and approve City Council Meeting Action Minutes of March 25, 2020.

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. Subject:** City Support of the Nevada County Launch of Countywide Relief Fund with \$100,000 Challenge Grant
Recommendation: Review the Nevada County Relief Fund effort and structure, authorize Nevada City support of the development of the Nevada County Relief Fund and approve a budget re-allocation of the Community and Economic Support Program (CESP) funds of \$5,000 to the Countywide Relief Program.
- B. Subject:** Senate Bill 2 Grant Award
Recommendation: Receive and file.
- C. Subject:** Report Out of Closed Session Friends of Spring Street Versus the City of Nevada City, Mollie Poe, Declan Hickey, Real Parties in Interest
Recommendation: Receive and file.
- D. Subject:** City Dismissal from Jacquelyn Sakioka, Successor in Interest to the Estate of Ronson Sakioka Versus the State of California, County of Nevada, City of Nevada City, Genevieve Dungan Lawsuit
Recommendation: Receive and file.

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

- A. 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 June 10, 2020.

7. NEW BUSINESS:

- A. Subject:** Urgency Ordinance Extending a Temporary Moratorium on Commercial 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 extending a temporary moratorium on evicting commercial tenants and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.
- B. Subject:** Urgency Ordinance Granting an Extension for Cannabis Business Permits
Recommendation: Waive reading of Ordinance and read by title only, and adopt an Urgency Ordinance of the City of Nevada City Granting a One-time Extension of Six Months to the Term of Annual Cannabis Business Permits and declaring the Ordinance to be an emergency measure to take effect immediately upon adoption.

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER’S REPORT:

11. ADJOURNMENT

Certification of Posting of Agenda

I, Loree’ McCay, Administrative Services Manager for the City of Nevada City, declare that the foregoing agenda for the April 22nd, 2020 Regular Meeting of the Nevada City City Council was posted April 17th, 2020 at the entrance of City Hall. The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed April 17th, 2020, at Nevada City, California

Loree’ McCay, Administrative Services Manager

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

May 13, 2020	Regular Council Meeting
May 25, 2020	Holiday
May 14, 2020	Budget Workshop
May 27, 2020	Regular Council Meeting
June 10, 2020	Regular Council Meeting
June 24, 2020	Regular Council Meeting
July 8, 2020	Regular Council Meeting
July 22, 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.*

**A PROCLAMATION OF THE CITY OF NEVADA CITY
Waste Management Employee Appreciation Day**

WHEREAS, in the past month faced with never before seen circumstances, Waste Management has adapted rapidly and efficiently in volatile circumstances, ensuring that the services to the community remain unchanged; and

WHEREAS, this uninterrupted service would not be possible without the operations team consisting of primarily local residents of Nevada County – the drivers, the mechanics, the operation specialists and their managers, and

WHEREAS, Waste Management employees have showed up to work every single day, working endless hours in spite of the fear of the pandemic and risk of bringing it home to their families and kids; and

WHEREAS, Waste Management employees have taken every precaution to maintain all the safety restrictions, and

NOW, THEREFORE, BE IT RESOLVED, that I, Reinette Senum, Mayor of the City of Nevada City, do hereby proclaim April 22nd, 2020 to be “**Waste Management Employee Appreciation Day**” and urge all citizens to join us in showing appreciation for their dedication and continued service during these uncertain times.

IN WITNESS WHEREOF, I, Reinette Senum, have hereunder set my hand and caused the Official Seal of the City of Nevada City to be affixed on this 22nd day of April 2020.

Reinette Senum, Mayor

REPORT TO CITY COUNCIL

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

April 22, 2020

TITLE: Fire Activity Report – March 2020

RECOMMENDATION: Receive and file.

CONTACT: Sam Goodspeed, Division Chief



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 {03/01/2020} And {03/31/2020}

Alm Date	Alm Time	Location	Incident Type
03/01/2020	06:03:00	State Highway 49 & Lowden	324 Motor Vehicle Accident with
03/01/2020	22:03:00	338 Jordan ST /Nevada Cit	320 Emergency medical service, o
03/02/2020	12:48:00	15435 Greenhorn RD /Grass	561 Unauthorized burning
03/02/2020	14:46:00	12528 Loma Rica DR /Grass	735 Alarm system sounded due to
03/03/2020	05:50:00	107 catherine /Grass Vall	320 Emergency medical service, o
03/03/2020	07:27:00	15800 Greenhorn RD /Grass	320 Emergency medical service, o
03/03/2020	08:52:00	111 Egret PL /Grass Valle	554 Assist invalid
03/03/2020	10:39:00	12056 Cement Hill RD /Nev	320 Emergency medical service, o
03/03/2020	14:00:00	821 Zion ST /Space B5/Nev	320 Emergency medical service, o
03/03/2020	15:18:00	1036 W Main ST /Grass Val	700 False alarm or false call, O
03/03/2020	17:11:00	754 Zion ST /Nevada City,	320 Emergency medical service, o
03/04/2020	10:03:00	825 Old Tunnel RD /108/Gr	320 Emergency medical service, o
03/05/2020	16:34:00	844 Old Tunnel RD /Grass	320 Emergency medical service, o
03/05/2020	18:19:00	15375 Wet Hill RD /Nevada	412 Gas leak (natural gas or LPG
03/05/2020	18:59:00	844 Old Tunnel RD /Grass	320 Emergency medical service, o
03/05/2020	21:53:00	State Highway 20 HWY & Ur	324 Motor Vehicle Accident with
03/06/2020	09:23:00	229 Mallard DR /Grass Val	320 Emergency medical service, o
03/06/2020	14:07:00	13580 Loma Rica DR /Nevad	320 Emergency medical service, o
03/06/2020	20:02:00	Nevada City HWY & Brunswi	611 Dispatched & cancelled en ro
03/07/2020	11:51:17	360 CROWN POINT CIR #210	320 Emergency medical service, o
03/07/2020	17:36:24	12481 HILLCREST DR /Nevad	611 Dispatched & cancelled en ro
03/07/2020	18:58:42	775 OLD TUNNEL RD /313/Gr	320 Emergency medical service, o
03/08/2020	12:06:36	742 ZION ST /Nevada City,	320 Emergency medical service, o
03/08/2020	12:46:55	HWY 20 AND WHITE CLOUD/Ne	463 Vehicle accident, general cl
03/08/2020	18:06:35	275 DORSEY DR #60 /Grass	553 Public service
03/09/2020	07:06:29	13313 GREENHORN RD /Grass	520 Water problem, Other
03/09/2020	13:49:59	2090 NEVADA CITY HWY /Gra	320 Emergency medical service, o
03/10/2020	15:47:00	Nevada City Hwy & Ridge R	320 Emergency medical service, o
03/10/2020	15:47:00	Nevada City Hwy & Ridge R	320 Emergency medical service, o
03/10/2020	16:09:55	280 Sierra College DR /20	320 Emergency medical service, o
03/11/2020	00:55:01	15754 American Hill RD /N	463 Vehicle accident, general cl
03/11/2020	10:50:21	112 NEVADA CITY HWY /Neva	735 Alarm system sounded due to
03/11/2020	11:58:42	112 NEVADA CITY HWY /Neva	735 Alarm system sounded due to
03/12/2020	20:20:00	825 OLD TUNNEL RD #107 RD	320 Emergency medical service, o
03/14/2020	01:50:24	Zion ST & Sacramento ST /	322 Motor vehicle accident with
03/15/2020	09:41:51	17072 PINE PEAK RD /Grass	111 Building fire
03/16/2020	01:56:54	775 OLD TUNNEL RD /314/Gr	622 No Incident found on arrival
03/16/2020	07:40:42	19429 SCOTTS FLAT RD /Nev	444 Power line down
03/16/2020	09:27:02	16965 MEADOW WY /Grass Va	444 Power line down
03/16/2020	11:39:57	23849 HWY 20 /Nevada City	320 Emergency medical service, o
03/16/2020	13:15:10	19975 SCOTTS FLAT RD /Nev	554 Assist invalid
03/16/2020	15:27:37	841 Old Tunnel RD /39/Gra	320 Emergency medical service, o
03/16/2020	16:58:10	11183 MURCHIE MINE RD /Ne	320 Emergency medical service, o
03/17/2020	11:03:10	15891 Greenhorn RD /Grass	320 Emergency medical service, o
03/17/2020	14:19:33	720 SUTTON WY /in the par	131 Passenger vehicle fire
03/17/2020	15:43:12	12958 Woodstock DR /Nevad	622 No Incident found on arrival
03/17/2020	16:30:40	18072 Greenhorn RD /Grass	445 Arcing, shorted electrical e
03/18/2020	13:25:00	523 SACRAMENTO ST /Nevada	320 Emergency medical service, o
03/18/2020	21:16:49	821 Zion ST /B5/Nevada Ci	320 Emergency medical service, o

Station 54 Incident Responses

Alarm Date Between {03/01/2020} And {03/31/2020}

Alm Date	Alm Time	Location	Incident Type
03/19/2020	08:11:35	107 CATHERINE LN #201C /G	320 Emergency medical service, o
03/19/2020	15:03:39	SB HWY 20 AND BRUNSWICK R	611 Dispatched & cancelled en ro
03/19/2020	23:37:20	11381 Hubbard RD /Grass V	611 Dispatched & cancelled en ro
03/20/2020	12:00:58	441 Washington ST /Nevada	611 Dispatched & cancelled en ro
03/20/2020	13:27:47	10754 EAGLE CIR /Nevada C	320 Emergency medical service, o
03/20/2020	16:07:49	145 S BOST AV /Nevada Cit	743 Smoke detector activation, n
03/20/2020	16:40:34	16378 PINE KNOLL RD /Gras	320 Emergency medical service, o
03/20/2020	17:53:57	1027 PAMPAS DR /Grass Val	320 Emergency medical service, o
03/20/2020	22:40:36	17528 COUNTRY CIR /Nevada	445 Arcing, shorted electrical e
03/21/2020	07:09:09	12325 Madrone Forest DR /	324 Motor Vehicle Accident with
03/22/2020	17:47:28	15394 JULIA RANCH RD /Gra	611 Dispatched & cancelled en ro
03/22/2020	20:50:58	13718 RACCOON MOUNTAIN RD	320 Emergency medical service, o
03/23/2020	07:19:48	12799 LOMA RICA DR /A & B	320 Emergency medical service, o
03/24/2020	08:42:46	10375 Banner Lava Cap RD	320 Emergency medical service, o
03/26/2020	00:13:00	10057 GOLD FLAT RD /Nevad	320 Emergency medical service, o
03/26/2020	17:19:06	1199 Sutton WAY /Grass Va	131 Passenger vehicle fire
03/26/2020	18:11:49	15995 Maidu LN /Grass Val	631 Authorized controlled burnin
03/26/2020	18:32:38	11859 WILLOW VALLEY RD /N	320 Emergency medical service, o
03/27/2020	18:33:39	380 MAIDU LN AND GLENWOOD	561 Unauthorized burning
03/28/2020	14:55:47	State Highway 20 HWY & Ha	320 Emergency medical service, o
03/29/2020	11:29:53	14806 ECHO RIDGE DR /Neva	320 Emergency medical service, o
03/30/2020	05:58:05	841 OLD TUNNEL RD /Lobby/	320 Emergency medical service, o
03/30/2020	15:17:07	360 Crown Point CIR /210/	320 Emergency medical service, o
03/30/2020	18:47:30	14325 Anchor LN /Grass Va	611 Dispatched & cancelled en ro
03/31/2020	12:10:24	210 KING HIRAM DR /203/Ne	320 Emergency medical service, o
03/31/2020	12:45:00	300 RAILROAD AV AVE /Neva	321 EMS call, excluding vehicle
03/31/2020	15:51:43	841 OLD TUNNEL RD /52/Gra	554 Assist invalid
03/31/2020	18:40:40	150 SUTTON WY /Grass Vall	700 False alarm or false call, O
Total Incident Count		77	

Nevada County Consolidated Fire District

Nevada City Incident List

Alarm Date Between {03/01/2020} And {03/31/2020}

Alm Date	Alm Time	Location	Incident Type
03/01/2020	03:26:00	426 Commercial ST /Nevada	320 Emergency medical service, other
03/01/2020	22:03:00	338 Jordan ST /Nevada City,	320 Emergency medical service, other
03/03/2020	09:21:00	700 HOOVER LN /Nevada City,	715 Local alarm system, malicious
03/03/2020	14:00:00	821 Zion ST /Space B5/Nevada	320 Emergency medical service, other
03/03/2020	17:11:00	754 Zion ST /Nevada City, CA	320 Emergency medical service, other
03/03/2020	22:29:00	126 Orchard ST /Nevada City,	320 Emergency medical service, other
03/04/2020	18:39:00	925 Maidu Avenue /Nevada	320 Emergency medical service, other
03/05/2020	07:13:00	211 Spring ST /Nevada City,	320 Emergency medical service, other
03/05/2020	21:53:00	State Highway 20 HWY & Uren	324 Motor Vehicle Accident with no
03/08/2020	12:06:36	742 ZION ST /Nevada City, CA	320 Emergency medical service, other
03/08/2020	16:07:56	112 ORCHARD ST /Nevada City,	320 Emergency medical service, other
03/09/2020	17:10:55	330 Alexander ST /Nevada	554 Assist invalid
03/10/2020	11:18:55	112 Willow Valley RD /Nevada	320 Emergency medical service, other
03/10/2020	15:47:00	Nevada City Hwy & Ridge Road	320 Emergency medical service, other
03/11/2020	10:50:21	112 NEVADA CITY HWY /Nevada	735 Alarm system sounded due to
03/11/2020	11:58:42	112 NEVADA CITY HWY /Nevada	735 Alarm system sounded due to
03/11/2020	12:57:54	980 HELING WY /Nevada City,	320 Emergency medical service, other
03/11/2020	20:48:20	330 ALEXANDER ST /Nevada	554 Assist invalid
03/13/2020	11:25:29	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
03/13/2020	18:55:09	155 PARK AVENUE EXT /Nevada	320 Emergency medical service, other
03/14/2020	01:50:24	Zion ST & Sacramento ST	322 Motor vehicle accident with
03/15/2020	13:49:45	303 BROAD ST /Nevada City, CA	320 Emergency medical service, other
03/15/2020	13:53:06	201 BROAD ST	
03/16/2020	00:50:40	520 Nursery ST /Nevada City,	444 Power line down
03/17/2020	15:37:22	251 WILLOW VALLEY RD #8	320 Emergency medical service, other
03/18/2020	13:25:00	523 SACRAMENTO ST /Nevada	320 Emergency medical service, other
03/18/2020	21:16:49	821 Zion ST /B5/Nevada City,	320 Emergency medical service, other
03/20/2020	12:00:58	441 Washington ST /Nevada	611 Dispatched & cancelled en route
03/20/2020	16:07:49	145 S BOST AV /Nevada City,	743 Smoke detector activation, no
03/22/2020	17:30:47	728 Nevada ST /5/Nevada City,	320 Emergency medical service, other
03/26/2020	19:20:34	124 NEVADA ST /Nevada City,	320 Emergency medical service, other
03/31/2020	12:10:24	210 KING HIRAM DR /203/Nevada	320 Emergency medical service, other
03/31/2020	12:45:00	300 RAILROAD AV AVE /Nevada	321 EMS call, excluding vehicle

Total Incident Count 33

Nevada City Incident Type Summary

Alarm Date Between {03/01/2020} And {03/31/2020}

District	False	Fire	Good	Hazard	Overpressu	Rescue	Service	Special
01	2	0	0	0	0	0	0	0
02	0	2	2	0	0	9	2	0
54	1	1	3	2	0	17	5	0
84	0	0	1	5	0	5	1	0
86	0	0	2	0	0	1	0	0
87	0	0	0	0	0	1	0	0
GRS	0	0	1	0	0	2	0	0
NCCFD	0	0	0	0	0	1	0	0
NEV	3	0	0	0	0	9	0	0
OPH	0	0	1	0	0	0	0	0
	<u>6</u>	<u>3</u>	<u>10</u>	<u>7</u>	<u>0</u>	<u>45</u>	<u>8</u>	<u>0</u>

Nevada County Consolidated Fire District

NEV Year-to-date Incident Participation

**Activity Date Between {07/01/2019} And
{03/31/2020}**

Staff Id/Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Percent
NEV-I026 Banks, Tristin	19	20	13	0	0	0	0	0	0	1	0	1	54	3.43
NEV-I028 Carpenter, Walker	14	18	19	0	0	0	0	0	0	0	1	0	52	3.30
NEV-03 Cartzdafner, Kevin L	34	29	27	0	0	0	35	36	25	17	30	31	264	16.77
NEV-65 Chau, Michael	0	0	0	0	0	0	18	9	11	3	0	0	41	2.60
NEV-I023 Dambly, Trenton	35	63	26	0	0	0	28	31	22	33	24	26	288	18.29
NEV-019 Ellison, Connor	0	0	0	0	0	0	0	0	0	0	0	10	10	0.63
NEV-71 Ellison, Connor	64	53	25	0	0	0	0	1	8	45	39	55	290	18.42
NEV-72 Foster, Sean	57	37	55	0	0	0	0	0	11	55	56	43	314	19.94
NEV-09 Goodspeed, Samuel J	1	2	1	0	0	0	1	1	1	1	1	0	9	0.57
NEV-69 McDaniel, Jesse	0	0	0	0	0	0	40	25	17	9	0	0	91	5.78
NEV-70 Otani, Alex	0	0	0	0	0	0	28	29	15	0	0	0	72	4.57
NEV-15 Paulus, Daniel H	36	26	30	0	0	0	30	20	4	0	36	26	208	13.21
NEV-I024 Rodriguez, Ryan	0	0	0	0	0	0	22	38	48	37	18	20	183	11.62
NEV-I022 Rubinson, Jake	0	0	0	0	0	0	6	3	0	0	0	0	9	0.57
NEV-I027 Schaefer, Jack	31	17	18	0	0	0	0	0	0	0	0	0	66	4.19
NEV-74 Stark, Blake	53	41	63	0	0	0	0	1	0	1	56	54	269	17.09
NEV-I025 Tomlinson, Rodney	0	0	4	0	0	0	13	26	20	23	35	14	135	8.57

Total Runs by Month											
Jan	240	Feb	184	Mar	214	Apr	0	May	0	Jun	0
Jul	98	Aug	100	Sep	108	Oct	188	Nov	218	Dec	224

Grand Total Runs: 1,574

REPORT TO CITY COUNCIL

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

April 22, 2020

TITLE: Accounts Payable Activity Report – March 2020

RECOMMENDATION: Receive and file.

CONTACT: Loree' McCay, Administrative Services Manager

BACKGROUND / DISCUSSION:

The attached Accounts Payable Activity Report includes all the cash disbursements associated with the citywide expenditures for the month of March 2020.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Varies Monthly

ATTACHMENTS:

- ✓ Accounts Payable Activity Report – March 2020

REPORT.: Mar 30 20 Monday
 RUN...: Mar 30 20 Time: 17:04
 Run By.: Desirae Andresen

City of Nevada City
 Month End Payable Activity Report
 Report for 03-20

PAGE: 001
 ID #: PY-AC
 CTL.: NEV

Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
03-20	4LE01 (4LEAF, INC.)	J36520	02/20/20	/ /		832.50	NATIONAL HOTEL INSPECTIONS 01/01-01/31/20
		J3652P	03/17/20	/ /		1590.00	NATIONAL HOTEL INSPECTIONS 02/01-02/29/20
Vendor's Total ----->						2422.50	
03-20	ADV11 (ADVANTAGE GEAR, INC.)	1605	02/05/20	/ /		340.89	UNIFORM ALLOWANCE S.FOSTER
		1739	02/10/20	/ /		474.94	UNIFORM ALLOWANCE K.CARTZDAFNER
		30551	03/12/20	/ /		2.09	PATCH
Vendor's Total ----->						817.92	
03-20	ALB01 (ALBANESE WELDING, INC)	3446	03/01/20	/ /		690.00	MIXED LIQUOR PUMP DAVIT ARMS
03-20	ALH02 (ALHAMBRA & SIERRA SPRINGS)	030520	03/05/20	/ /		39.56	DPW WATER
03-20	ALS01 (ALSEA GEOSPATIAL INC)	2020020	03/02/20	/ /		580.00	MAPPING PROGRAM SUBSCRIPTION
03-20	AMA00 (SYNCB/AMAZON)	438843864C	01/24/20	/ /		48.31	UNIFORM ALLOWANCE RETURN J.HODGES
		439565466	03/02/20	/ /		42.21	VAULT CHECK BOX
		443979339	02/29/20	/ /		19.40	CITY BIRTHDAY
		444373545C	01/28/20	/ /		32.50	CASH BOX RETURN
		447743868	02/17/20	/ /		205.89	KITCHEN FAUCET
		453985793	01/28/20	/ /		34.85	MISC OFFICE SUPPLIES
		454954847	02/11/20	/ /		106.10	LOBBY SIGNAGE
		465878368	01/14/20	/ /		40.98	MISC OFFICE SUPPLIES
		467433458	01/25/20	/ /		32.50	CASH BOX
		467597678	02/07/20	/ /		90.76	PARKING PERMITS
		469893497	02/04/20	/ /		19.64	MISC OFFICE SUPPLIES
		498684873	01/28/20	/ /		15.16	MISC OFFICE SUPPLIES
		533434347	02/05/20	/ /		153.72	KEY BOX
		534667839	03/06/20	/ /		30.14	SCREEN PROTECTOR*RETURNED 03/09/20
		535366543	02/13/20	/ /		214.50	CH FLAGS
		538374687	01/30/20	/ /		19.48	MISC OFFICE SUPPLIES
		546946694	02/15/20	/ /		40.10	BATTERIES, CHARGER
		548667949	02/20/20	/ /		129.20	SEWER FLASHING
		549868484	01/31/20	/ /		35.92	HAND SANITIZER
		557333993	03/06/20	/ /		173.39	PARKS BBQ
		569869673	01/14/20	/ /		97.38	SEAMANS LDGE CANS
		583489778C	01/23/20	/ /		24.44	UNIFORM ALLOWANCE RETURN J.HODGES
		648398745	03/06/20	/ /		53.13	GLOVES
		659773588	02/20/20	/ /		74.59	HAND SANITIZER
		666843875	01/11/20	/ /		37.91	MISC OFFICE SUPPLIES
		689345784	02/27/20	/ /		64.98	CITY BIRTHDAY
		734976868	01/14/20	/ /		110.52	UNIFORM ALLOWANCE J.HODGES
748945864	01/14/20	/ /		125.87	KEYS		
776535365	01/13/20	/ /		41.93	KEYS/REPLACEMENT		
776878943	01/28/20	/ /		41.25	MISC OFFICE SUPPLIES		
845468754	01/18/20	/ /		142.90	UNIFORM ALLOWANCE J.HODGES		
853486338C	01/15/20	/ /		59.55	UNIFORM ALLOWANCE RETURN J.HODGES		
857674588	01/14/20	/ /		10.83	WRITING PADS		
863687577	01/28/20	/ /		6.98	HIGHLIGHTERS		
878545667C	03/05/20	/ /		74.59	HAND SANITIZER*REFUNDED		
893679664	02/01/20	/ /		14.08	BATTERIES		
946983455C	01/17/20	/ /		110.52	UNIFORM ALLOWANCE RETURN J.HODGES		
968655999	01/28/20	/ /		8.33	PENS		
998956966	01/13/20	/ /		17.29	KEYS/REPLACEMENT		
Vendor's Total ----->						1902.00	
03-20	AME19 (AMERICAN FIDELITY)	D138178	03/17/20	/ /		838.96	STD/LTD BENEFITS MAR 2020
03-20	AME24 (AMERICAN UNITED LIFE INSURA MAR 2020)		03/17/20	/ /		528.73	LIFE INS 03/01-03/31/20
03-20	AQU01 (AQUA SIERRA CONTROLS INC)	30395	02/18/20	03/19/20	A	14044.83	AUTOMATIC ELECTRICAL SWITCH
		30453	03/09/20	04/08/20	A	25000.00	EFFLUENT METER PROJECT DEPOSIT
		30461	03/16/20	04/15/20	A	611.04	240 GENERATOR REPAIR
		30463	03/16/20	04/15/20	A	505.59	SCADA WIRE
		30466	03/16/20	04/15/20	A	618.90	SCADA WORK INFLUENT VALVE
Vendor's Total ----->						40780.36	
03-20	ARA01 (ARAMARK)	637288126	02/06/20	/ /		58.09	MATS/LINENS
		637301004	02/13/20	/ /		58.09	MATS/LINENS
		637313699	02/20/20	/ /		58.09	MATS/LINENS
		637326771	02/27/20	/ /		71.69	CITY HALL/DPW MATS
		637326775	02/27/20	/ /		58.09	MATS/LINENS
		637339437	03/05/20	/ /		58.09	MATS/LINENS

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03-20	ARA01 (ARAMARK)	637352158	03/12/20	/ /		61.90	MATS/LINENS
		637365005	03/19/20	/ /		61.90	MATS/LINENS
		Vendor's Total ----->				485.94	
03-20	AT&15 (AT&T CALNET 3)	14436625	03/10/20	/ /		1017.46	02/10-03/09/20 BAN #9391023504
03-20	AT&16 (AT&T - WWTP)	22932820	02/28/20	/ /		102.50	WWTP INTERNET SVC 02/29-03/28/20
03-20	ATO01 (A TO Z SUPPLY)	367030	02/24/20	03/25/20	A	122.20	PVC PARTS #3 WATER REPAIR
		367062	02/25/20	03/26/20	A	253.29	MATER POLES
		367160	02/28/20	03/29/20	A	3.85	PVC PARTS
		367714	03/13/20	04/12/20	A	949.76	WTP LIME
		Vendor's Total ----->				1329.10	
03-20	B&C01 (B & C TRUE VALUE HOME CTR)	408018	02/07/20	03/08/20	A	200.14	FIRE HOUSE #1
		408492	02/11/20	03/12/20	A	28.59	PARK VANDALISM
		408677	02/12/20	03/13/20	A	25.36	PARK BATHROOMS
		408688	02/12/20	03/13/20	A	7.70	FENCE CHAIN
		409387	02/18/20	03/19/20	A	11.21	TOILET HANDLE-PARK
		409992	02/22/20	03/23/20	A	106.88	STATION SUPPLIES
		410147	02/24/20	03/25/20	A	12.35	VENT REPAIR
		410597	02/27/20	03/28/20	A	76.97	NEW ENGINE EQUIP
		411066	03/02/20	04/01/20	A	41.95	MANHOLE REPAIR
		411251	03/04/20	04/03/20	A	299.26	PPE
		411332	03/04/20	04/03/20	A	210.85	MISC TOOL/PPE
		411530	03/05/20	04/04/20	A	44.31	NC BIRTHDAY
		411618	03/06/20	04/05/20	A	48.27	PAINTING SUPPLIES
		411642	03/06/20	04/05/20	A	.00	CREDIT
		411891	03/09/20	04/08/20	A	23.38	MISC SUPPLIES
		412166	03/11/20	04/10/20	A	16.90	RAW TURBIDIMETER
		412268	03/12/20	04/11/20	A	25.36	PLASTIC VALVE
		412404	03/13/20	04/12/20	A	61.09	POWER CORDS
		412726	03/17/20	04/16/20	A	215.35	PPE, CHAINSAW MISC
		412810	03/17/20	04/16/20	A	41.98	COVID-19
		412928	03/19/20	04/18/20	A	160.22	CH RESTROOMS
		412934	03/19/20	04/18/20	A	53.13	PAINT, TRASH, PLUMBING
		412959	03/19/20	04/18/20	A	9.75	CH RESTROOM PAINTING
		412983	03/19/20	04/18/20	A	6.16	VEHICLE NUMBERS
		413066	03/20/20	04/19/20	A	12.87	PIPE PARTS, FILTERS
		413081	03/20/20	04/19/20	A	62.47	PPE
		413085	03/20/20	04/19/20	A	13.61	PARKING METERS
		413259	03/22/20	04/21/20	A	49.93	ENGINE EQUIP
		413386	03/23/20	04/22/20	A	64.23	STATION SUPPLIES
		413479	03/24/20	04/23/20	A	31.98	STATION SUPPLIES
		Vendor's Total ----->				1962.25	
03-20	BAN01 (JOHN PEKAREK, BANNER COMMUN	36828	03/01/20	03/31/20	A	50.00	WTP RADIO REPEATERS FEB 2020
03-20	BAN02 (TRISTIN BANKS)	0208-0221	02/24/20	/ /		120.00	FIRE INTERN SVCS 02/08-02/21/20
		0222-0306	03/09/20	/ /		120.00	FIRE INTERN SVCS 02/22-03/06/20
		0308-0320	03/23/20	/ /		150.00	FIRE INTERN SVCS 03/08-03/20/20
		Vendor's Total ----->				390.00	
03-20	BAR17 (BARSOTTI CONTRACTING)	021720	02/17/20	/ /		3100.00	WATER TANK ELECTRICAL REPAIR
		030120	03/01/20	/ /		1300.00	POOL OFFICE DOORS REPLACEMENT FROM BREAK-IN
		031920	03/19/20	/ /		14000.00	ADA IMPROVEMENTS PICNIC/RESTROOM
		Vendor's Total ----->				18400.00	
03-20	BEA01 (BEACH RETREAT & LODGE AT TA	031820	03/18/20	/ /		1417.12	PER CONTRACT 01/01-03/18/20
		031820u	03/30/20	/ /		1417.12	-Ck# 037240 Reversed
		Vendor's Total ----->				.00	
03-20	BEA02 (BEAM SECURITY SYSTEMS)	R204865	03/01/20	/ /		126.00	COMMERCIAL FIRE INSPECT/MONITOR 03/01-05/31/
		R205966	04/01/20	/ /		45.00	ALARM MONITOR 04/01-06/30/20
		Vendor's Total ----->				171.00	
03-20	BEA07 (BEAR YUBA LAND TRUST)	031820	03/18/20	/ /		2082.88	PER CONTRACT 01/01-03/18/20
		031820u	03/30/20	/ /		2082.88	-Ck# 037310 Reversed
		03182020	03/18/20	/ /		1417.12	PER CONTRACT 01/01-03/18/20
		Vendor's Total ----->				1417.12	

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03-20	BLA01 (JASON BLANSCET)	032620	03/26/20	/ /		200.16	BOOT REIMB
03-20	BLU05 (BLUE SHIELD OF CALIFORNIA)	APR 2020	03/16/20	/ /		56569.66	HEALTH INS APR 2020 INV #200760022322
03-20	BOR01 (BORGES & MAHONEY)	141764 302581	03/10/20 02/18/20	04/09/20 03/19/20	A A	840.01 77.75	CL2 REGULATOR REPAIR CL2 REGULATOR REPAIR
			Vendor's Total ----->			917.76	
03-20	BOY02 (BRUCE E. BOYD)	20-002-01 20-005-02	12/30/19 02/14/20	/ / / /		4200.00 2400.00	CONSULTING SVCS SPRING ST STRUCTURE 10/03-12 CONSULTING SVCS SPRING ST STRUCTURE 01/03-02
			Vendor's Total ----->			6600.00	
03-20	BRO02 (TIM BROWN)	0307-0320 0307-0320u 0307-0320y	03/19/20 03/19/20 03/19/20	/ / / / / /		226.92 226.92 226.92	LAYOFF CHECK PP 03/07-03/20/20 226.92-Ck# 037225 Reversed 226.92 Ck# 037227->037225 Replacement
			Vendor's Total ----->			226.92	
03-20	BUC01 (BUCKMASTER OFFICE SOLUTIONS)	389715 391325	02/28/20 03/27/20	/ / / /		189.14 153.45	CONTRACT USAGE 01/29-02/28/20 CONTRACT USAGE 02/29-03/28/20
			Vendor's Total ----->			342.59	
03-20	BUR07 (BURTON'S FIRE, INC.)	W78655	03/13/20	/ /		680.00	PUMP TESTING
03-20	BUS02 (BUSINESS CARD/B OF A VISA)	FEB 2020	03/06/20	/ /		3645.14	MISC DEPT PURCHASES 02/07-03/06/20
03-20	CAL10 (CA FIRE & RESCUE TRAIN AUTH INV02512)		03/09/20	/ /		360.00	B.STARK TRAINING
03-20	CAN03 (SYLVIA J. CANO)	030120	03/01/20	/ /		400.00	JANITOR VETS HALL FEB 2020
03-20	CAR03 (WALKER CARPENTER)	0209-0222 0222-0229 0307-0320	02/24/20 03/09/20 03/23/20	/ / / / / /		60.00 120.00 120.00	FIRE INTERN SVCS 02/09-02/22/20 FIRE INTERN SVCS 02/22-02/29/20 FIRE INTERN SVCS 03/07-03/20/20
			Vendor's Total ----->			300.00	
03-20	CAR09 (KEVIN CARTZDAFNER)	022220	02/22/20	/ /		89.00	APPLIANCE SERVICE REIMB
03-20	CAS04 (CASEYWOOD CORP.)	31881	02/21/20	03/22/20	A	542.53	BLEACHER REPAIR MATERIALS
03-20	CHA03 (CHABAD OF GRASS VALLEY)	031620	12/23/19	/ /		100.00	ROBINSON PLAZA 12/23/19 HONEYBOOK CHABAD OF
03-20	COM08 (COMCAST CABLE)	324120 22031920 32041920	02/27/20 02/15/20 03/15/20	/ / / / / /		90.16 32.14 32.14	DPW MNTHLY SVC INTERNET 03/02-04/01/20 MNTHLY TV CHG/MTG REC 02/20-03/19/20 MNTHLY TV CHG/MTG REC 03/20-04/19/20
			Vendor's Total ----->			154.44	
03-20	COM09 (COMMERCIAL PUMP SERVICE, IN)	10763 10838 10866	12/23/19 02/21/20 03/09/20	/ / / / / /		3903.73 1889.67 1510.00	DISK FILTER PUMP REPAIR PROCESS WATER PUMP REPAIRS HELISIEVE BAR SCREEN
			Vendor's Total ----->			7303.40	
03-20	CON02 (CONSOLIDATED ELECTRICAL)	608137	02/21/20	03/22/20	A	91.23	ELECTRICAL BOX FOR SCADA
03-20	COO01 (COOLER ZONE)	53197	03/01/20	/ /		49.00	COOLER RENTAL MAR 2020
03-20	COR01 (CORBIN WILLITS SYSTEMS)	C002151 C003151	02/15/20 03/15/20	03/16/20 04/14/20	A A	432.01 432.01	MNTHLY OPS SYS MAR 2020 MNTHLY OPS SYS APR 2020
			Vendor's Total ----->			864.02	
03-20	COT02 (JACLYN COTTON)	022020	02/20/20	/ /		100.00	SL 02/08/20 HONEYBOOK JACLYN COTTON

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03-20	COU06 (COUNTY OF NEVADA)	APR 2020	03/19/20	04/18/20	A	9489.07	DISPATCH SVCS APR 2020
03-20	COU23 (NEVADA COUNTY COLLECTIONS)	FEB 2020	03/17/20	04/16/20	A	4478.50	PARKING TIX/POC FEB 2020
03-20	CRA01 (CRANMER ENGINEERING, INC.)	GCB0605	02/29/20	03/30/20	A	137.50	WATER TESTS
		GCB0606	02/29/20	03/30/20	A	189.00	WATER TESTS
		GCB0607	02/29/20	03/30/20	A	2628.30	WASTEWATER TESTING
		GCB0608	02/29/20	03/30/20	A	9185.00	PRIORITY POLLUTANT SAMPLING
		Vendor's Total ----->				12139.80	
03-20	CUR03 (CURTIS BLUE LINE)	INV366736	02/28/20	/ /		37179.48	NEW ENGINE EQUIPMENT
		INV367217	03/03/20	/ /		14477.92	NEW ENGINE EQUIPMENT
		INV368446	03/09/20	/ /		9062.25	NEW ENGINE EQUIPMENT
		Vendor's Total ----->				60719.65	
03-20	DAT01 (DATA TICKET, INC.)	110446	03/13/20	04/12/20	A	1763.38	TICKET PROCESSING FEB 2020
		110446TS	03/13/20	04/12/20	A	1535.95	PARKING TICKET PAPER
		Vendor's Total ----->				3299.33	
03-20	DEL08 (DELTA INDUSTRIAL SOLUTIONS)	28119	02/19/20	/ /		1421.15	SUPPLIES
		28120	02/19/20	/ /		126.13	GARBAGE BAGS
		Vendor's Total ----->				1547.28	
03-20	DEP13 (DEPARTMENT OF JUSTICE)	415002	11/05/19	/ /		66.00	FINGERPRINT APPS OCT 2019
		435914	02/06/20	/ /		105.00	BLOOD & ALCOHOL ANALYSIS JAN 2020
		438880	03/03/20	/ /		179.00	FINGERPRINT APPS FEB 2020
		Vendor's Total ----->				350.00	
03-20	DMC01 (DMCE CONCRETE &)	4015	03/10/20	04/09/20	A	30375.00	BOULDER ST SIDEWALK & RAILING
03-20	DOK01 (DOKKEN ENGINEERING)	36264	02/10/20	/ /		1233.88	NEVADA ST BRIDGE DESIGN PROJ#2244 DEC19-JAN2
03-20	DUN02 (DUNDAS GEOMATICS, INC.)	0572	03/20/20	/ /		17500.00	MEASURE S MAPPING
03-20	ECO01 (ECONOMY PEST CONTROL INC)	185073	02/24/20	03/25/20	A	140.00	FIRE PEST CONTROL FEB, MAR & APR 2020
03-20	ELL03 (CHAD ELLIS)	030420	03/04/20	/ /		125.00	RED LIGHT BALL TICKET REIMB
03-20	ERS01 (ERS)	100405	03/23/20	04/22/20	A	3540.00	SAND FILTER, SAND
03-20	EVE01 (EVERGUARD SYSTEMS)	A66193	02/20/20	/ /		90.00	MUSEUM FIRE ALARM SVC 03/01-05/31/20
03-20	EWI00 (TIMOTHY EWING)	030520	03/05/20	/ /		70.53	TLO TRAINING REIMB FOWLER, CA 02/17-02/18/20.
03-20	EXT00 (EXTREME ROOFING)	022120	02/21/20	/ /		5000.00	ROOF REPAIR @ 420 BROAD ST FH#2
03-20	FER02 (FERRELLGAS)	111064453	02/19/20	03/20/20	A	17.68	THERMOL
03-20	FRE04 (LISA FRENCH)	031020	03/10/20	/ /		180.00	SL CANCEL COVID-19 04/01/20 CASH LISA FRENCH
03-20	GAE01 (GAETKE MEDICAL CORP)	1825075	03/17/20	/ /		525.00	ANNUAL PHYSICAL D.PAULUS
		1825227	03/17/20	/ /		525.00	ANNUAL PHYSICAL K.CARTZDAFNER
		1826444	03/17/20	/ /		598.77	ANNUAL PHYSICAL B.STARK
		Vendor's Total ----->				1648.77	
03-20	GEA01 (GEARED UP DRIVE TRAIN)	I001923	03/04/20	/ /		4808.89	NEW PATROL UNIT-FINAL BUILD*PROP 172*
03-20	GLO02 (GLOBAL EQUIPMENT COMPANY)	IN115711135	03/16/20	/ /		3959.17	WATER BOTTLE REFILL/DRINKING FOUNTAIN

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03-20	GLO05 (GLOBAL MACHINERY INT. WEST)	06035374	03/09/20	/ /		295.35	VACTRON
03-20	GOL15 (GOLD FLAT EXPRESS LUBE)	1945	03/26/20	/ /		244.60	OIL CHANGE/FLUIDS UNIT #U5400
03-20	GOL43 (GOLDEN STATE EMERGENCY VEHI	CC000755CE	02/21/20	/ /		840.13	SENT REPLACEMENT CREDIT
		CI021163	02/14/20	/ /		1346.17	SEAT REPLACEMENT #E5482
		CI021273	02/21/20	/ /		598.95	SEAT REPLACEMENT #E5482
		Vendor's Total ----->				1104.99	
03-20	GOO02 (SAM GOODSPEED)	021920	01/19/20	02/18/20	A	150.00	TRITON REIMB
		022620	02/26/20	03/27/20	A	127.31	AMMO REIMB
		031720	03/17/20	04/16/20	A	68.00	EMT RECERT
		Vendor's Total ----->				345.31	
03-20	GRA01 (GRAY ELECTRIC COMPANY)	051709	02/28/20	03/29/20	A	26.00	CITY HALL ALARM SVC MAR 2020
		051710	02/28/20	03/29/20	A	28.00	SEAMANS LDGE ALARM SVC MAR 2020
		Vendor's Total ----->				54.00	
03-20	GRA14 (CITY OF GRASS VALLEY FIRE	DFD1020001	02/24/20	03/25/20	A	1384.33	NEW ENGINE EQUIPMENT
		FD2120002	02/13/20	03/14/20	A	1332.26	SALARY NON-PERM TRAINING
		Vendor's Total ----->				2716.59	
03-20	GRE17 (GREAT AMERICA FINANCIAL SVC	26640583	03/09/20	/ /		384.46	COPIERS CONTRACT 03/01-03/31/20
03-20	HAC01 (HACH COMPANY)	11838847	02/13/20	03/14/20	A	2142.41	LAB TURBIDIMETER
		11842119	02/17/20	03/18/20	A	455.57	AMMONIA TEST KITS
		11843369	02/18/20	03/19/20	A	48.00	NITRATE TEST KITS
		11843417	02/18/20	03/19/20	A	1216.53	INFLUENT AUTO SAMPLER REPAIR
		11845644	02/19/20	03/20/20	A	1313.98	CHLORINE ANALYZER REPAIR
		11859007	02/28/20	03/29/20	A	1099.71	TURBIDIMETER BULBS
		11862116	03/02/20	04/01/20	A	507.68	PH PROBE PARTS
		Vendor's Total ----->				6783.88	
03-20	HAR03 (HARRIS & ASSOCIATES)	44141	03/13/20	/ /		1778.75	AB1600 STUDY 01/26-02/22/20
03-20	HI-01 (HI-TECH EMERGENCY VEHICLE)	166545	02/17/20	03/18/20	A	1429.25	EXTRACTION TOOL REPAIRS
03-20	HIL02 (HILLS FLAT LUMBER CO.)	621963/1	02/27/20	03/28/20	A	31.20	NEW ENGINE EQUIP
		623735/1	03/09/20	04/08/20	A	113.88	NEW ENGINE EQUIPMENT
		623787/1	03/10/20	04/09/20	A	74.15	WTP CLEAN-UP
		625271/1	03/20/20	04/19/20	A	53.78	COVID-19 MASK FOR J.GARRETT
		625305/1	03/20/20	04/19/20	A	67.27	PPE
		919806/1	02/25/20	03/26/20	A	3066.37	NEW ENGINE EQUIPMENT
		921275/1	02/25/20	03/26/20	A	320.70	RETAINING WALL BLOCKS
		921359/1	02/14/20	03/15/20	A	494.75	IMPACT WRENCH & SOCKETS
		Vendor's Total ----->				4222.10	
03-20	HIL10 (HILL BROTHERS CHEMICAL CO.)	07065663	03/03/20	/ /		5678.13	MAG
03-20	HOU03 (HOUSE OF PRINT & COPY)	88410	02/05/20	03/06/20	A	55.06	CITATION CORRECTION FORMS
03-20	INT07 (INTERSTATE SALES)	4872	03/10/20	04/09/20	A	372.69	STREET SIGN POST
		4873	03/10/20	04/09/20	A	2198.63	STREET SIGN POST
		Vendor's Total ----->				2571.32	
03-20	JAC03 (JACKSON LEWIS P.C.)	7497893	02/28/20	/ /		59.00	OUTSIDE ATTORNEY-INVESTIGATION C.HURST
03-20	JEN02 (JENSEN PRECAST)	CD9900394C	02/14/19	/ /		109.90	CREDIT TOWARDS INV#CD99047448 PAID ON BOFA
		CD9904744	02/06/20	/ /		3624.06	SEWER RINGS
		Vendor's Total ----->				3514.16	
03-20	JON00 (JONES & MAYER)	022920	02/29/20	/ /		8592.50	LEGAL SVCS FEB 2020

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03-20	KAM01 (KAMAN INDUSTRIAL TECHNOLOGI	H684389	02/28/20	/ /		3165.97	BAR SCREEN GEARBOX
03-20	KEC01 (DEEANNA KECK)	031820	03/18/20	/ /		325.00	SL 05/31/20 CANCEL HONEYBOOK DEEANNA KECK
03-20	KIM01 (KIMBALL MIDWEST)	7757718 7757903	02/24/20 02/24/20	/ / / /		110.54 721.78	WEDGE ANCHORS ELECTRICAL PARTS
			Vendor's Total ----->			832.32	
03-20	KNI01 (KNIGHTS PAINT STORE)	293783/1	03/19/20	04/18/20	A	119.59	CH RESTROOM PAINT
03-20	KYS01 (AMANDA KYSAR)	030220	03/02/20	/ /		293.48	CACEO TRAINING REIMB 02/24-02/28/20
03-20	LEA04 (LEAGUE OF CALIF. CITIES)	030320	03/03/20	/ /		350.00	2020 PLANNERS ACADEMY CONF J.RAINEY 03/05/20
03-20	LEO02 (CYNTHIA LEOS-COBAIN)	021920	02/19/20	/ /		100.00	SL 02/16/20 HONEYBOOK CYNTHIA LEOS-COBAIN
03-20	LES03 (LESTER ENTERPRISES)	10030	02/17/20	/ /		700.00	TREE REMOVAL HAZARD
03-20	LEW01 (CHRIS LEWIS)	022420	02/24/20	/ /		116.35	SELMA TRAINING REIMB 02/17-02/18/20
03-20	LEX01 (RELX INC. DBA LEXIS NEXIS)	309248594	02/29/20	/ /		115.00	ONLINE ATTORNEY SVC FEB 2020
03-20	LIF01 (LIFE ASSIST)	985104	03/23/20	04/22/20	A	226.57	MEDICAL SUPPLIES
03-20	LOP00 (WILLIAM LOPEZ)	0307-0320	03/19/20	/ /		398.70	LAYOFF CHECK PP 03/07-03/20/20
03-20	LOU00 (LOU'S GLOVES INC.)	033706	03/12/20	/ /		88.00	SAFETY GLOVES
03-20	MAR02 (MARATHON BUSINESS FORMS)	17494	03/10/20	04/09/20	A	623.53	BUSINESS LIC FORMS
03-20	MAT05 (MATTINGLY CONCRETE)	1011	03/12/20	/ /		78828.96	CDBG CURB RAMP REPLACEMENTS
03-20	MCA00 (BRYAN MCALISTER)	031220	03/12/20	/ /		692.51	MISC ENGINEERING REIMB
03-20	MIW01 (MIWALL CORPORATION)	8408 8457 8458	02/03/20 02/26/20 02/26/20	03/04/20 03/27/20 03/27/20	A A A	645.00 2203.75 161.25	TRAINING AMMO ARMORY AMMO TRAINING AMMO
			Vendor's Total ----->			3010.00	
03-20	MOU01 (MOULE PAINT AND GLASS INC)	3691	02/03/20	03/04/20	A	483.11	GLASS
03-20	MUN05 (MUNICIPAL EMERGENCY SERVICE	IN1428452 IN1430278 IN1430299 IN1438552	02/18/20 02/24/20 02/24/20 03/18/20	/ / / / / / / /		165.05 150.00 111.76 330.10	UNIFORM ALLOWANCE D.PAULUS RESPIRATOR TEST RESPIRATOR CARTRIDGE UNIFORM ALLOWANCE D.PAULUS
			Vendor's Total ----->			756.91	
03-20	NAT03 (NATIONAL CONCRETE CUTTING C	40335	02/25/20	/ /		2762.50	PP RESTROOMS-CDBG
03-20	NCT00 (NEVADA CO. DIGITAL MEDIA CE	1062 4Q 2019	03/03/20 02/20/20	/ / / /		900.00 2754.32	VIDEO SVCS FEB 2020 COMCAST PEG FEES OCT-DEC 2019
			Vendor's Total ----->			3654.32	
03-20	NEV02 (NEVADA IRRIGATION DISTRCT)	0204*0303 0204+0303 0204-0303 0204/0303	03/03/20 03/03/20 03/03/20 03/03/20	04/02/20 04/02/20 04/02/20 04/02/20	A A A A	20.90 34.23 60.34 19.60	WATER SVC 5 KIDDER 02/04-03/03/20 ACCT#38626 WATER SVC 5 KIDDER 02/04-03/03/20 ACCT#38493 WATER SVC 201 PROV 02/04-03/03/20 ACCT#37256 WATER SVC 201 PROV 02/04-03/03/20 ACCT#37398
			Vendor's Total ----->			135.07	

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03-20	NEV06 (NEVADA CITY ENGINEERING)	29040	03/03/20	04/02/20	A	2178.50	ANNEXATION MAPPING
		29041	03/03/20	04/02/20	A	1667.50	SEWER DESIGN
		Vendor's Total ----->				3846.00	
03-20	NEV11 (NEVADA COUNTY COLLECTIONS)	41709	02/28/20	/ /		253.00	REIMB PER DATA TICKET-ERROR IN PMNT
03-20	NEV40 (NEVADA COUNTY CONSOLIDATED)	201920139	I02/20/20	03/21/20	A	431.58	EMS MEDICAL DIRECTOR
03-20	NOR30 (NORTH STATE CONSULTING)	20-02	03/02/20	/ /		5088.00	ENGINEER CONSULT FEB 2020
03-20	NUN01 (A.E. NUNEZ BACKFLOW)	180/184	02/15/20	/ /		394.00	BACK FLOW TESTING
03-20	OFF06 (OFFICE DEPOT, INC.)	436423398	02/03/20	/ /		17.33	HODGES NAMEPLATE
		440142332	02/07/20	/ /		289.21	OFFICE PAPER
		445998937	02/20/20	/ /		5.57	MISC OFFICE SUPPLIES
		452800728	03/05/20	/ /		1.77	PENS
		Vendor's Total ----->				313.88	
03-20	PAC02 (PACIFIC GAS & ELECTRIC)	11621420	02/14/20	03/15/20	A	16378.87	GAS/ELECT SVC 01/16-02/14/20
		0104-0203	02/13/20	03/14/20	A	8.38	GAS SVC @ 214 MAIN ST 01/04-02/03/20
		0131-0229	03/03/20	04/02/20	A	1346.67	GAS SVC 01/31-02/29/20
		0215-0317	03/17/20	04/16/20	A	16869.86	GAS/ELECT SVC 02/15-03/17/20
		Vendor's Total ----->				34603.78	
03-20	PAR14 (PARKSON CORPORATION)	51027480	02/24/20	/ /		483.45	BAR SCREEN PARTS
03-20	PAU02 (DAN PAULUS)	021920	02/19/20	/ /		76.26	DOOR HANDLE REIMB
		030220	03/02/20	/ /		227.90	UNIFORM REIMB
		Vendor's Total ----->				304.16	
03-20	PET02 (PETER SCHACK CONSTRUCTION E	PW55	03/25/20	/ /		11226.00	WATERLINE REPLACEMENT BOULDER ST
		PW-53	02/28/20	/ /		6130.00	WATERLINE REPLACEMENT BOULDER ST
		PW-54	03/12/20	/ /		11273.00	WATERLINE REPLACEMENT BOULDER ST
		Vendor's Total ----->				28629.00	
03-20	PIT03 (PITNEY BOWES SUPPLIES)	101507432	02/19/20	/ /		70.00	POSTAGE METER SUPPLIES INV #1015074321
		101518571	03/09/20	/ /		113.79	EQUIP RENTAL #0040064476 12/30/19-03/29/20
		Vendor's Total ----->				183.79	
03-20	PIT04 (PITNEY BOWES POSTAGE BY PHO	030520	03/05/20	/ /		280.99	LATE NOTICES NOV/DEC 2019 & GENERAL POSTAGE
03-20	PLA01 (PLAZA TIRE CO., INC.)	3246683	01/29/20	02/28/20	A	20.00	TIRE REPAIR
		3247364	02/21/20	03/22/20	A	531.10	#34 DIAGNOSTIC & REPAIR
		3247440	02/24/20	03/25/20	A	20.00	#2-24 FLAT REPAIR
		3247442	02/25/20	03/26/20	A	816.51	#33 DISGNOSTICS & REPAIR
		3248004	03/13/20	04/12/20	A	761.11	TIRES #63
		3248006	03/13/20	04/12/20	A	948.33	TIRES #64
		Vendor's Total ----->				3097.05	
03-20	PLA13 (PLATT)	0D36219	02/19/20	/ /		154.93	SCADA LINES CONDUIT
		0D77754	02/25/20	/ /		154.76	WTP SCADA CONDUIT
		0E64816	03/06/20	/ /		140.28	VOLT METER
		0E79358	03/09/20	/ /		82.02	ELECTRICAL PARTS
		0F64139	03/19/20	/ /		126.04	ELECTRICAL PARTS
		Vendor's Total ----->				658.03	
03-20	PRE05 (PREMIER ACCESS INSURANCE CO APR 2020		03/11/20	/ /		3245.48	DENTAL BENEFITS APR 2020
03-20	PRO07 (PROFORCE LAW ENFORCEMENT)	400606	02/14/20	/ /		467.53	TASER CARTRIDGES
03-20	QUE01 (QUEST DIAGNOSTICS)	751061757	01/07/20	/ /		156.07	S.HOLLAND NEW HIRE BLOOD WORK 10/01/19
		751061759	01/07/20	/ /		156.07	T.BROKAW NEW HIRE BLOOD WORK 11/06/19
		Vendor's Total ----->				312.14	

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03-20	QUI03 (QUICK RESPONSE SEPTIC)	41889	02/26/20	/ /		185.32	TOILET RENTAL FOR FIRE/SAM
03-20	RAN03 (RANEY PLANNING & MGMT, INC.)	1984P-2	03/09/20	/ /		309.05	GALLELLI PROP GSR INVESTORS \$5K DEP
03-20	RAY01 (RAY MORGAN CO)	2896385	03/04/20	/ /		61.97	CONTRACT USAGE 02/01-02/29/20
03-20	REA00 (REAL GRAPHIC)	72280	02/15/20	/ /		108.50	MEASURE S PRINT
03-20	REE02 (REED'S LOCKSMITHING, INC.)	4360	02/11/20	03/12/20	A	123.69	LOCKS
		4387	02/20/20	03/21/20	A	8.68	KEYS FOR LOCK BOX
		4397	02/25/20	03/26/20	A	32.55	DOOR LOCK

						Vendor's Total ----->	164.92
03-20	REN01 (RENTAL GUYS)	751219-7	02/27/20	/ /		205.40	TRENCHER RENTAL
03-20	RIE02 (RIEBE'S NAPA AUTO PARTS)	166447	03/16/20	04/15/20	A	32.65	ENGINE EQUIP
		169020	03/21/20	04/20/20	A	39.07	ENGINE EQUIP
		169463	03/22/20	04/21/20	A	111.56	ENGINE EQUIP
		858016	01/14/20	02/13/20	A	31.36	WIPER BLADES #29
		859816	02/03/20	03/04/20	A	42.03	TRAIL LIGHT
		860683	02/11/20	03/12/20	A	13.64	BELT VACTRON
		860764	02/12/20	03/13/20	A	16.00	VACTRON
		860844	02/13/20	03/14/20	A	1.63	VEH/REP
		860914	02/13/20	03/14/20	A	89.19	FUEL JUG
		861419	02/19/20	03/20/20	A	48.16	EMERGENCY GENERATOR SERVICE

						Vendor's Total ----->	425.29
03-20	ROB03 (ROBINSON ENTERPRISES, INC.)	27352	02/28/20	03/29/20	A	5709.20	WWTP BIO-SOLIDS CUST #141130 INV #IN00027352
		20012376	01/31/20	03/01/20	A	1064.38	PD FUEL CUST#141120 INV#FI20012376
		20021375	02/15/20	03/16/20	A	779.00	DPW FUEL CUST #141100 INV #FI20021375
		20021376	02/15/20	03/16/20	A	1205.67	PD FUEL CUST #141120 INV #FI20021376
		20021377	02/15/20	03/16/20	A	168.77	WWTP FUEL CUST #141130 INV #FI20021377
		20021381	02/15/20	03/16/20	A	557.41	FD FUEL CUST #141217 INV #FI20021381
		20022390	02/29/20	03/30/20	A	367.00	DPW FUEL CUST #141100 INV #FI20022390
		20022391	02/29/20	03/30/20	A	1026.35	PD FUEL CUST #141120 INV #FI20022391
		20022392	02/29/20	03/30/20	A	121.12	WWTP FUEL CUST #141130 INV #FI20022392
		20022396	02/29/20	03/30/20	A	605.97	FD FUEL CUST #141217 CUST #FI20022396
		20031380	03/15/20	04/14/20	A	605.62	DPW FUEL CUST #141100 INV #FI20031380
		20031381	03/15/20	04/14/20	A	870.11	PD FUEL CUST #141120 INV #FI20031381
		20031382	03/15/20	04/14/20	A	79.38	WWTP FUEL CUST #141130 INV #FI20031382
		20031386	03/15/20	04/14/20	A	641.58	FD FUEL CUST #141217 INV #FI20031386

						Vendor's Total ----->	13801.56
03-20	SCH03 (JACK SCHAEFER)	0208-0221	02/26/20	/ /		120.00	FIRE INTERN SVCS 02/08-02/21/20
		0222-0306	03/04/20	/ /		91.25	FIRE INTERN SVCS 02/22-03/06/20
		0307-0320	03/21/20	/ /		120.00	FIRE INTERN SVCS 03/07-03/20/20

						Vendor's Total ----->	331.25
03-20	SEN01 (REINETTE SENUM)	031020	03/10/20	/ /		30.00	NOTARY PUBLIC/ENGINEERING
03-20	SIE67 (SIERRA STREAMS INST.)	021420	02/14/20	/ /		1047.00	BROWNSFIELD QUARTZ MILL SSI JAN 2020
		030520	03/05/20	/ /		480.00	BROWNSFIELD QUARTZ MILL SSI FEB 2020

						Vendor's Total ----->	1527.00
03-20	SMA02 (SMARTERBROADBAND, INC.)	87651	02/18/20	/ /		140.00	BROADBAND MNTHLY SVC MAR 2020
		91183	03/17/20	/ /		140.00	BROADBAND MNTHLY SVC APR 2020

						Vendor's Total ----->	280.00
03-20	SPD01 (SPD MARKETS)	8508628	02/01/20	03/02/20	A	6.49	CAMERA BATTERIES
		04583313	02/06/20	03/07/20	A	11.65	CITY ATTORNEY RETIREMENT
		05804347	02/06/20	03/07/20	A	53.00	CITY ATTORNEY RETIREMENT & STRATEGIC 02/10/2
		05804970	02/07/20	03/08/20	A	81.63	STRATEGIC PLANNING 02/10/20
		06887879	02/05/20	03/06/20	A	22.28	WATER SAMPLE BAGS
		07713530	02/05/20	03/06/20	A	8.66	LAUNDRY SOAP

						Vendor's Total ----->	183.71

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03-20	SPD02 (SPD SAW SHOP)	114907	01/29/20	02/28/20	A	36.79	WEEDEATER
		115019	02/15/20	03/16/20	A	54.68	SAW SUPPLIES
		Vendor's Total ----->				91.47	
03-20	SPE07 (SPECIAL T's)	5919	02/11/20	/ /		446.70	T-SHIRTS
03-20	SPR05 (SPRING STREET MARKET & DELI	021920	02/19/20	/ /		279.54	STRATEGIC PLANNING 02/10/20
03-20	STA48 (JEREMY STARNES)	032620	03/26/20	/ /		173.59	BOOT REIMB
03-20	STE12 (STERICYCLE, INC.)	300501681	03/01/20	/ /		22.32	SHARPS MNTHLY COLLECTION/MED WSTE MAR 2020
03-20	SUN01 (SUNRISE ENVIRONMENTAL)	105812	02/10/20	03/11/20	A	415.76	SUPPLIES
		105911	02/13/20	03/14/20	A	206.22	CLEANER
		106059	02/20/20	03/21/20	A	562.60	SUPPLIES
		106252	02/27/20	03/28/20	A	347.23	VANDALISM REMOVE
		106602	03/09/20	04/08/20	A	159.15	VIRUS SUPPLY
		106836	03/16/20	04/15/20	A	400.73	SUPPLIES
		Vendor's Total ----->				2091.69	
03-20	TAL03 (DAVID TALLITSCH)	101	02/29/20	/ /		100.00	DRAFTING MEASURE S 02/01-02/29/20
03-20	THA01 (THATCHER COMPANY OF CA., IN	273158	03/02/20	/ /		5301.33	CHLORINE
		273162C	03/02/20	/ /		2000.00	-CHLORINE RETURN
		Vendor's Total ----->				3301.33	
03-20	THE10 (THE AUTO SHOP)	28767	02/05/20	/ /		593.57	UNIT #24 REPAIR
		28889	02/21/20	/ /		518.02	UNIT #25 REPAIR
		29011	03/06/20	/ /		113.00	UNIT #26 DIAGNOSTIC
		Vendor's Total ----->				1224.59	
03-20	THE13 (THE RANGE)	022820	02/28/20	/ /		330.00	STA CLASS
03-20	TIM01 (KEVIN TIMMS)	030220	03/02/20	/ /		150.00	WORK BOOTS
03-20	UCR00 (UC REGENTS)	031020	03/10/20	/ /		100.00	RVETS 03/07/20 HONEYBOOK UC REGENTS
03-20	UNI01 (THE UNION)	I00547560	02/13/20	03/14/20	A	96.62	PH CC SWIMMING POOL PROGRAM FEES AD #547560-
		I00547566	02/13/20	03/14/20	A	170.42	PH CC ZONING TITLE 17 TELECOM AD #547566-01
		I00547570	02/13/20	03/14/20	A	100.15	PH CC PARKING PERMIT RATES AD #547570-01
		I00549314	02/13/20	03/14/20	A	134.61	CC ORD ADU UPDATE AD #549314-01
		I00551327	03/12/20	04/11/20	A	50.00	FACILITY RENTAL AD #551327-01
		I00552269	02/20/20	03/21/20	A	109.56	PED FRIENDLY COMM ST PROJ AD #552269-01
		I00553690	03/02/20	04/01/20	A	103.68	CC ORD SUMMARY BLDG STANDARDS AD#553690-01
		I00560785	03/12/20	04/11/20	A	109.56	CC ORD SUMMARY-WATER RATE/DELINQUENT AD#5607
		Vendor's Total ----->				874.60	
03-20	UPS01 (UPS STORE 5417/DJE CONSULTA	23291	01/03/20	/ /		4.49	APPLIED REFUND IN ERROR FROM STMNT 01/31/20
		23319	02/05/20	/ /		9.29	DOJ POSTAGE
		23424	02/11/20	/ /		63.78	CHLORINE REGULATOR SHIPPING
		23425	02/11/20	/ /		145.19	CL17 ANALYZER REPAIR
		23498	02/14/20	/ /		12.05	DOJ POSTAGE
		Vendor's Total ----->				234.80	
03-20	USA01 (USA BLUE BOOK)	138423	02/06/20	03/07/20	A	187.87	SLUDGE GAUGE
		155227	02/25/20	03/26/20	A	1238.78	LAB PH PROBE
		166437C	03/06/20	04/05/20	A	1224.64	-GAS DETECTOR
		167887	03/09/20	04/08/20	A	109.18	POLYMER CLEANER
		Vendor's Total ----->				311.19	
03-20	VAL08 (VALLEY TOXICOLOGY SERV)	3641	01/31/20	/ /		1710.00	BLOOD & ALCOHOL ANALYSIS JAN 2020
		3676	02/29/20	/ /		680.00	BLOOD & ALCOHOL ANALYSIS FEB 2020
		Vendor's Total ----->				2390.00	

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Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
03-20	VER01 (VERIZON WIRELESS)	FD FEB20	02/23/20	/ /		114.03	FD IPAD 01/24-02/23/20 INV #9849102721
		PD FEB20	02/23/20	/ /		695.14	PD CELL SVC 01/24-02/23/20 INV #9849102719
		DPW FEB20	02/23/20	/ /		76.02	DPW IPAD MAPPING 01/24-02/23/20 INV#98491027
		W-W FEB20	03/07/20	/ /		63.96	WWTP&WTP ON CALL CELL 2/8-3/7/20 INV#9849919
		W-W JAN20	02/07/20	/ /		63.96	WWTP&WTP ON CALL CELL 1/8-2/7/20 INV#9847835
		Vendor's Total ----->				1013.11	
03-20	VSP00 (VISION SERVICE PLAN-(CA))	MAR 2020	02/19/20	/ /		500.50	VISION BENEFITS MAR 2020
03-20	WAL01 (WALKER'S OFFICE SUPPLY)	2097257-0	02/18/20	03/19/20	A	6.90	OFFICE SUPPLIES
		2098250-0	02/21/20	03/22/20	A	172.32	OFFICE CHAIR
		2098892-0	02/27/20	03/28/20	A	30.61	MISC OFFICE SUPPLIES
		2099499-0	03/02/20	04/01/20	A	11.90	NC BIRTHDAY
		2099663-0	03/02/20	04/01/20	A	22.82	OFFICE SUPPLIES
		2099663-1	03/03/20	04/02/20	A	42.14	OFFICE SCALE
		2099750-0	03/03/20	04/02/20	A	164.28	DEPOSIT SLIP BANKERS BOXES
		2100235-0	03/05/20	04/04/20	A	133.35	PENS/OFFICE SUPPLIES
		2100990-0	03/09/20	04/08/20	A	41.16	PENS
		2102252-0	03/16/20	04/15/20	A	41.16	PENS
		2102896-0	03/18/20	04/17/20	A	15.49	PENS
		2103597-0	03/23/20	04/22/20	A	21.66	FILE LABELS
		Vendor's Total ----->				703.79	
03-20	WEI07 (WEISS LANDSCAPING)	16092	03/24/20	/ /		59273.17	S PINE ST-MEASURE S
03-20	WIL09 (DAN WILES)	030420	03/04/20	/ /		55.00	BOUNCE HOUSE DEPOSIT FOR CAMP FAIR 2020
03-20	YUB05 (YUBA DOCS MEDICAL GROUP)	1382	02/08/20	/ /		1465.00	NEW HIRE/PRE EMPLOY & DRUG SCREEN JAN 2020
03-20	ZYD02 (DAWN ZYDONIS)	031920	03/19/20	/ /		102.84	MISC REIMB JAN-MAR 2020
		Total of Purchases ->				627222.20	=====

REPORT TO CITY COUNCIL

City of Nevada City

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

April 22, 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 May 13, 2020.

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.

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.

At the March 25, 2020 City Council meeting this item was continued to April 22, 2020. This is an additional request of continuance of this item to a future meeting in order to avoid the expense of re-noticing this item. Staff recommends continuing this item to a date certain of May 13, 2020.

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. Baron Bettenhausen has spent 6.7 hours at \$175 per hour and Bob Ross has spent 4 hours at \$325 per hour on the above mentioned work on amendments. The implementation of these changes to the Ordinance will require approximately 5 more hours and the time is being written off by Jones and Mayer and CMS.

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.

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

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 be 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.

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.

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 directly 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.*

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/incommode> [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:

$$\text{Maximum Input Power (in Watts)} \times \text{Antenna-Gain (a unitless fraction)} = \text{Maximum Effective Radiated Power (in Watts ERP).}$$

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\text{W}/\text{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-

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.

- Cramping 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	<ul style="list-style-type: none"> • 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
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Data encoding standards	<ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • 800 Mbps @2.4GHz–256 QAM • 1733 Mbps @5 GHz 11ac
802.11 security	WPA2-PSK and WPA/WPA2
FCC Channels	<ul style="list-style-type: none"> • 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 ($\mu\text{V}/\text{m}$)	Measurement distance (meters)	Volts per meter (V/m)	Millionths of a volt per meter ($\mu\text{V}/\text{m}$)	Millionths of Watt per square meter ($\mu\text{W}/\text{m}^2$)
216 to 960	200	3	61.4	61,400,000	10,000,000
			6.14	6,140,000	100,000
			0.614	614,000	1,000
Above 960	500	3	0.0614	61,400	10
			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 as 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) C95.1-1992 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 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 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.**

- 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.

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 municipalities 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 INCLUDE 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 milliwatts 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.

Review Procedure

- 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 attachment.
- 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

April 22, 2020

TITLE: Resolution Declaring Results of March 3, 2020 Municipal Election

RECOMMENDATION: Pass Resolution 2020-XX declaring results of Municipal Election held March 3, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

Pursuant to the California Election Codes, the City Council by Resolution must declare the results of the Municipal Election held March 3, 2020. The declaration must show:

- The whole number of votes cast in the City
- The names of persons voted for
- The measures voted upon
- What office each person was voted for
- The number of votes for each person and for and against each measure.

The Municipal Election included the following candidates:

City Council Candidates

- David Parker
- Reinetta Senum
- Douglass Fleming
- Rick Ewald
- Daniela Fernandez
- Lorraine Reich

City Clerk Candidates

- Niel Locke

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Reciting the Fact of Election and Entering the Statement of March 3, 2020 Municipal Election Results.
- ✓ Certified Election Results

RESOLUTION 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY
RECITING THE FACT OF ELECTION AND ENTERING THE
STATEMENT OF MARCH 3, 2020 MUNICIPAL ELECTION RESULTS**

RECITALS:

1. A General municipal election was duly held in the City of Nevada City, State of California on March 3, 2020 for the purpose of electing two full-term (four-year) members of the City Council and one full-term (four Year) City Clerk; and
2. The returns of said election have been duly canvassed; and
3. The Elections Code of the State of California, pursuant to Sections 10264, 15372, and 15374 requires the City Council to pass a Resolution reciting the fact of the election and the matters enumerated in Section 10264.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL of the City of Nevada City, pursuant to Sections 10264, 15372, and 15374 of the California Elections Code the Election Results are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the following persons have been duly elected and are hereby declared elected to the following office:

TO THE OFFICE OF CITY COUNCIL MEMBER (FOUR-YEAR TERM)

Reinette Senum
Douglass Fleming
Daniela Fernandez

TO THE OFFICE OF CITY CLERK (FOUR-YEAR TERM)

Niel Locke

BE IT FURTHER RESOLVED that pursuant to Section 15374 of the Elections Code, Exhibit A is attached and hereby made a part of this resolution.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on the 22th day of April, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Reinette Senum, Mayor

Niel Locke, City Clerk

Canvass Results Report

Certified Official PP2020

Run Time 10:07 AM
Run Date 03/30/2020

COUNTY OF NEVADA

MARCH 3, 2020 PRESIDENTIAL PRIMARY ELECTION

3/3/2020

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Official Results

Registered Voters
46275 of 68382 = 67.67%

Precincts Reporting
46 of 46 = 100.00%

Member, Nevada City City Council - Nonpartisan Party - (Vote for THREE)

Precinct	LORRAINE A. REICH	RICK EWALD	DANIELA FERNÁNDEZ	DOUGLASS FLEMING	REINETTE SENUM	DAVID "SPARKY" PARKER	Cast Votes	Undervotes	Overvotes	Absentee Voting Ballots Cast	Election Day Voting Ballots Cast	Early Voting Ballots Cast	Provisional Ballots Cast
CP06	236	165	456	483	351	196	1,887	429	0	695	46	15	16
CP07	279	216	482	596	397	287	2,257	518	0	846	44	22	13
Totals	515	381	938	1,079	748	483	4,144	947	0	1,541	90	37	29

Canvass Results Report

Certified Official PP2020

Run Time 10:07 AM
Run Date 03/30/2020

COUNTY OF NEVADA

MARCH 3, 2020 PRESIDENTIAL PRIMARY ELECTION

3/3/2020

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Official Results

Registered Voters
46275 of 68382 = 67.67%

Precincts Reporting
46 of 46 = 100.00%

Member, Nevada City City Council - Nonpartisan Party - (Vote for THREE)

Precinct	Total Ballots Cast	Registered Voters	Turnout Percentage
CP06	772	1,003	76.97%
CP07	925	1,362	67.91%
Totals	1,697	2,365	71.75%

REPORT TO CITY COUNCIL

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

April 22, 2020

TITLE: Action Minutes March 25, 2020 City Council Meeting

RECOMMENDATION: Review and approve City Council Meeting Action Minutes of March 25, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The action minutes for the March 25, 2020 are attached for review.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ City Council Meeting Action Minutes March 25, 2020

**CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF MARCH 25, 2020**

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

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

CLOSED SESSION – None

REGULAR MEETING – 6:30 PM - Call to Order

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

Absent: Council Member Parker

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS:

BUSINESS FROM THE FLOOR:

1. PUBLIC COMMENT (Per Government Code Section 54954.3)

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

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

- A. Subject:** Fire Activity Report – February 2020
Recommendation: Receive and file.
- 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 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 2020-21, 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 2020-22 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 2020-23 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 2020-24, 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 Resolution 2020-25, 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.

Action: Motion by Strawser, seconded by Moberg to approve consent item 3A, 3C through 3H, 3J through 3L, a member of the public pulled item 3B, and Mayor Senum pulled item and 3I.
(Roll call vote, Minett-aye, Strawser-aye, Moberg-aye, Senum-aye, Approved 4 – 0, Absent 1)

Action: Item 3B was postponed until the next live meeting based on public comment that the item should not be heard until such time that Council is able to resume regular meetings where the public can be present to comment. Motion by Strawser, seconded by Moberg to postpone the item until the next live meeting.

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

Action: Mayor Senum commented on Item 3I. This item was moved until after item 4B was heard. After item, 4B was heard a motion by Moberg, seconded by Strawser to approve item 3I as presented.

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. Subject:** Cancellation of the April 8, 2020 City Council Meeting
Recommendation: Pass Resolution 2020-26, a Resolution of the City of Nevada City approving the cancellation of the April 8, 2020 City Council meeting.

Action: Motion by Strawser, seconded by Moberg to pass Resolution 2020-26, a Resolution of the City of Nevada City approving the cancellation of the April 8, 2020 City Council meeting.

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

- 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.

Action: Motion by Strawser, seconded by Moberg to waive the reading of Ordinance 2020-04 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 with two changes which included; (1) the effective date regarding evictions was changed to last 30 days and (2) the rental repayment period was changed to only 3 months.

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

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.

Action: Motion by Strawser, seconded by Moberg to waive reading of Ordinance 2020-05 and read by title only, and adopt an Urgency Ordinance of the City of Nevada City Municipal Code Chapter 2.44 “

(Approved 4-0, Absent 1, Roll call vote ayes - Minett, Strawser, Moberg and Senum)

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

7. NEW BUSINESS:

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER’S REPORT:

11. ADJOURNMENT: - 8:35 PM

AYES: SENUM, MOBERG, MINETT, STRAWSER

NOES:

ABSENT: PARKER

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

April 22, 2020

TITLE: City Support of the Nevada County Launch of Countywide Relief Fund with \$100,000 Challenge Grant

RECOMMENDATION: Review the Nevada County Relief Fund effort and structure, authorize Nevada City support of the development of the Nevada County Relief Fund and approve a budget re-allocation of the Community and Economic Support Program (CESP) funds of \$5,000 to the Countywide Relief Program.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

Faced with hardships that have left no one untouched, the newly formed “Nevada County Relief Fund” and the “Tahoe Truckee Emergency Response Fund” are coordinating on a countywide philanthropic response. The shared goal is to direct vital resources to our most vulnerable neighbors served by our nonprofit organizations as well as the countless small businesses forced to close their doors due to the shelter-in-place orders.

On April 14, 2020, the Nevada County Board of Supervisors unanimously allocated a \$100,000 “challenge grant.” These funds are intended to inspire generous community giving to fill the gaps not met by federal, state, or local government. With enough financial support, these two funds will offer:

- A flexible grants program to community-based nonprofit organizations in both Western and Eastern County initially focused on the rapid deployment of safety net services to the elderly, people with disabilities, and families struggling to find access to food, shelter, childcare, and other critical needs, with the ability to respond to other community needs as funds are available.
- A resilience micro-grants program to small business owners ordered to shut down and those struggling to survive. This program, to be managed by the Sierra Business Council, is intended to help establishments cover some of their key expenses until they can reopen or resume normal operation.

The new “Nevada County Relief Fund” has been established by a rapidly unfolding partnership between the County of Nevada, Sierra Nevada Memorial Hospital Foundation (SNMH Foundation), Tahoe Truckee Community Foundation (TTCF), and the Sierra Business Council (SBC) in consultation with the Center for Nonprofit Leadership (CNL) and the Economic Resource Council (ERC). By partnering with these established community organizations, newly raised funds will be streamlined, flexible, and able to address business and community needs. In the coming weeks, the Nevada County Relief Fund will extend a warm welcome to Grass Valley, Nevada City, Truckee, and all interested stakeholders.

Attached is a memo that additionally outlines the financial structure and the governance structure.

FISCAL IMPACT: The City annually budgets \$5,000 for the CESP the program which provides funding for special events, marketing activities or other economic development-related activities providing a public benefit to the City through an application and City Council approval process. The City, with much outreach, received only 5 applications, all of which were from the Nevada City Chamber of Commerce. It seems prudent, in the current climate, that these funds for FY 20/21 be re-allocated to support the entire Nevada County community during the COVID-19 crisis to the Nevada County Relief Fund.

ATTACHMENTS:

- ✓ Nevada County Relief Fund Memorandum



Coordinating Countywide Emergency Responses to Covid-19

Summary:

Faced with hardships that have left no one untouched, the newly formed “Nevada County Relief Fund” and the “Tahoe Truckee Emergency Response Fund” are coordinating on a countywide philanthropic response. The shared goal is to direct vital resources to our most vulnerable neighbors served by our nonprofit organizations as well as the countless small businesses forced to close their doors due to the shelter-in-place orders.

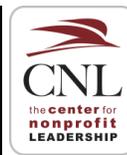
On April 14, 2020, the Nevada County Board of Supervisors unanimously allocated a \$100,000 “challenge grant.” These funds are intended to inspire generous community giving many times over to fill the gaps not met by federal, state, or local government. With enough financial support, these two funds will offer:

- A flexible grants program to community-based nonprofit organizations in both Western and Eastern County initially focused on the rapid deployment of safety net services to the elderly, people with disabilities, and families struggling to find access to food, shelter, childcare, and other critical needs, with the ability to respond to other community needs as funds are available.
- A resilience micro-grants program to small business owners ordered to shut down and those struggling to survive. This program, to be managed by the Sierra Business Council, is intended to help establishments cover some of their key expenses until they can reopen or resume normal operation.

The new “Nevada County Relief Fund” has been established by a rapidly unfolding partnership between the County of Nevada, Sierra Nevada Memorial Hospital Foundation (SNMH Foundation), Tahoe Truckee Community Foundation (TTCF), and the Sierra Business Council (SBC) in consultation with the Center for Nonprofit Leadership (CNL) and the Economic Resource Council (ERC). By partnering with these established community organizations, newly raised funds will be streamlined, flexible, and able to address business and community needs. In the coming weeks, the Nevada County Relief Fund will extend a warm welcome to Grass Valley, Nevada City, Truckee, and all interested stakeholders.



Sierra Nevada Memorial
Hospital Foundation



In Eastern County, TTCF's Tahoe Truckee Emergency Response Fund is focused on nonprofit organizations that serve Truckee and North Lake Tahoe. TTCF is a 22-year-old community foundation whose mission is to connect people and opportunities to generate resources for a caring, creative and effective community.

By investing in both Nevada County funds, we will have resilient community-supported structures in place while we navigate the current Covid-19 crisis, manage future Public Safety Power Shutoffs (PSPS), and recover from potentially catastrophic wildfires or other disasters. Over time, the Nevada County Relief Fund may also serve as a clearinghouse for other critical services and a forum for innovation.

Financial structure:

The entire County will be served by working with both Funds, providing donors with two ways to give:

1. For Western Nevada County focused donations, donors will be guided to a fund set up by the SNMH Foundation, who will act as a fiscal sponsor of the Nevada County Relief Fund.

Note that funds raised for small businesses *countywide* will be passed from the SNMH Foundation to the Sierra Business Council, who will administer the micro-grant program.

2. For Eastern Nevada County focused donations, donors will be guided to TTCF, who is the fiduciary of the Tahoe Truckee Emergency Response Fund.

Note that donations to both the SNMH Foundation and TTCF are tax-deductible. Partnering with these two organizations and SBC allows the Nevada County Relief Fund to minimize administrative activities and support existing infrastructure.

Governance structure:

The County recognizes that existing governance infrastructure is already in place in our Eastern County partners at the Tahoe Truckee Community Foundation.

For the new Nevada County Relief Fund, County staff will help set up structures to inform grantmaking for the SNMH Foundation acting as a fiscal sponsor.

Neither Relief Funds will be controlled by the County of Nevada, nor will its governance report to the Board of Supervisors. Oversight responsibility and reporting on the use of public funds and donations will reside with the SNMH Foundation and TTCF.

Community Advisory Council

In developing the strategy for the Nevada County Relief Fund, the concept of a Community Advisory Council was envisioned to inform countywide information and resource sharing related to the COVID-19 community needs and response.

In consultation with representatives from the County, SNMH Foundation, TTCF, SBC, CNL, and ERC, up to ten well-respected community volunteers will be recruited to serve on the "Community Advisory

Council” (Advisory Council) to engage partners, articulate community needs, and lead high-level fundraising efforts. Insights gained from these countywide leaders will inform strategy and grant making for both funds.

Working Group

The Nevada County Relief Fund, in consultation with nonprofit and business leaders, will also recruit community volunteers to serve on the Working Group.

The Working Group will meet as a body on a regular basis (weekly or as needed) to coordinate Nevada County Relief Fund operations. The Working Group will recommend grants to the Advisory Council, who will have final approval before submitting them to SNMH Foundation as fiscal sponsor.

The Working Group will form *ad hoc* teams to complete key tasks such as:

- Develop grant application guidelines and processes, review and score applications, and make awards recommendation to the Advisory Council;
- Develop a marketing and communication plan to encourage donations and awareness, develop branding, messaging, web and online presence, and media relations;
- Conduct comprehensive outreach to engage community participation in grassroots fundraising, seek widespread endorsement and active support from elected officials, community leaders, media, and members of civic, faith-based, service, business, and neighborhood associations; and
- Work with the Advisory Council to develop a fundraising plan, pitches, prospects lists, collateral materials, and more.

Prepared by County Executive Office – April 14, 2020

For more information, please contact Caleb Dardick: caleb.dardick@co.nevada.ca.us

REPORT TO CITY COUNCIL

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

April 22, 2020

TITLE: Senate Bill 2 Grant Award

RECOMMENDATION: Receive and file.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:

At the November 14, 2019 City Council Meeting, staff presented a grant application opportunity, known as Senate Bill (SB) 2, through the Department of Housing and Community Development (HCD) to help fund the implementation of plans and processes that have the effect of streamlining housing approvals and accelerating housing production. At that meeting, City Council approved a Resolution authorizing staff to submit an application. Staff worked with an assigned Technical Advisor and with an HCD representative on finalizing the application materials and submitted a final application to the agency on February 20, 2020.

GRANT APPLICATION RESPONSE:

HCD provided a tentative approval shortly after submittal. Staff received a formal approval letter on Thursday, April 9 that the City had been awarded the maximum grant award amount of \$160,000. No local match is required to receive the funds, though awarded grant funds must be spent by June 30, 2022. The approved application is attached to the staff report and activities authorized for funding are summarized as follows:

- 1) CEQA review for the City's draft "Cottage Dwelling Development Ordinance;"
- 2) Update the General Plan Safety Element pursuant to State Law;
- 3) Reimburse the City for staff time, including legal consultation expenses to update the City's Zoning Ordinance to be consistent with recent ADU legislation;
- 4) Reimburse the City for consultant work on the Housing Element update; and
- 5) Staff research and purchase of permit tracking software.

ENVIRONMENTAL CONSIDERATIONS: None

FISCAL IMPACT: The grant will cover all costs consistent with the approved application; no matching funds are required.

ATTACHMENTS:

- ✓ Approval Letter from HCD
- ✓ Final Application Submittal

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



April 10, 2020

Catrina Olson
City Manager
City of Nevada City
317 Broad Street
Nevada City, CA 95959

RE: 2019 Planning Grants Program Award

Dear Katrina Olson:

The Department of Housing and Community Development (Department) is pleased to announce that the City of Nevada City has been approved for funding underneath the SB 2 Planning Grants Program (Program). The Department has determined that the application submitted in response to the Notice of Funding Availability released on March 28, 2019, meets Program requirements. This letter, therefore, constitutes a conditional commitment of an award in the amount of \$160,000.

The Program reflects the State's commitment to work in partnership with local governments to address California's critical housing needs. Local governments are using the grant awards to accelerate housing production by streamlining the approval of affordable housing and promoting development consistent with the State's planning priorities, among other related activities.

Congratulations on your successful application. Staff will be contacting you shortly to initiate the process of preparing the Standard Agreement for fund distribution. For further information, please contact John Buettner, of our staff, at (916) 263-1500.

Sincerely,

Zachary Olmstead
Deputy Director

SB 2 Planning Grants Program Application



**State of California
Governor Gavin Newsom**

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

**Ben Metcalf, Director
Department of Housing and Community Development**

2020 West El Camino, Suite 500
Sacramento, CA 95833

Website: <http://www.hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml>

Email: sb2planninggrant@hcd.ca.gov

March 28, 2019

Revised July 10, 2019

SB 2 Planning Grants Application

Planning Grants Program Application Packaging Instructions

The applicant is applying to the Department of Housing and Community Development (Department) for a grant authorized underneath the Planning Grants Program (PGP) provisions of SB 2 (Chapter 364, Statutes of 2017). The PGP program is intended for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production. Please refer to the SB 2 Planning Grants Program Guidelines and Notice of Funding Availability (NOFA) for detailed information on eligible activities, applicants, and awards. If you have questions regarding this application or the PGP, email sb2planninggrant@hcd.ca.gov.

If approved for funding, this grant application will be a part of your Standard Agreement with the Department. In order to be considered for funding, all sections of this application, including attachments and exhibits if required, must be complete and accurate.

Pursuant to Section X of the NOFA, all applicants must submit a complete, signed, original application package and an electronic copy on CD or USB flash drive containing the following documentation, in the order listed below, to the Department by the specified due date in the Notice of Funding Availability (NOFA) in order to be considered for award:

- 1) A complete, signed, original application (the Department will only accept this **fillable pdf** as the application) with the following attachments:
 - a. **Attachment 1: State and Other Planning Priorities** (All applicants must submit this form to self-certify compliance)
 - b. **Attachment 2: Nexus to Accelerating Housing Production - NOTE:** if the applicant is proposing only Priority Policy Areas (PPA), as defined in section VIII, subsection (3) of the NOFA, do not fill out Attachment 2. However, if the applicant is proposing to fund PPAs AND other activities that are not considered PPAs, the application must demonstrate how these other activities have a nexus to accelerating housing production by filling out Attachment 2 of this application.
- 2) A fully executed resolution authorizing application for, and receipt of, PGP funds (see Attachment 3: Sample Resolution).
- 3) A fully executed Government Agency Taxpayer ID Form (available as a download from the SB 2 Planning Grants webpage at <http://www.hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml>).
- 4) If the applicant is partnering with another local government or other entity pursuant to Article II, Section 200 of the SB 2 Planning Grant Program Guidelines (the "Guidelines"), include a copy of the legally binding agreement.
- 5) Other documentation (e.g., letters of support, scope of work, etc.) if needed.

NOTE: All local governments must submit a separate, signed application package, notwithstanding whether it will partner with another form of government or entity. Only one application per locality will be accepted by the Department. Joint applications are not allowed.

SB 2 Planning Grants Application

A. Applicant Information

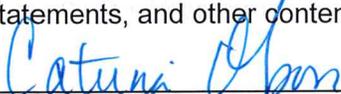
Pursuant to Article II, Section 200 of the Guidelines, local governments may partner through legally binding agreements with other forms of governments or entities. However, all local governments must submit separate, signed application packages that identify their respective responsibilities and deliverables, even if partnering with other entities.

Is the applicant partnering with another eligible local government entity?		
<input type="checkbox"/>	*Yes	*If Yes, the application package must include a fully executed copy of the legally binding agreement. Provide the partners' name(s) and type(s) below for reference only.
<input checked="" type="checkbox"/>	No	

Complete the following Applicant information			
Applicant's Name		City of Nevada City	
Applicant's Agency Type		City	
Applicant's Mailing Address		317 Broad Street	
City		Nevada City	
State	California	Zip Code	95959
County		Nevada	
Website		www.nevadacityca.gov	
Authorized Representative Name		Catrina Olson	
Authorized Representative Title		City Manager	
Phone	520-265-2496	Fax	
Email	catrina.olson@nevadacityca.gov		
Contact Person Name		Amy Wolfson	
Contact Person Title		City Planner	
Phone	520-265-2496 x130	Fax	
Email	amy.wolfson@nevadacityca.gov		
Partner(s) Name (if applicable)			
Partner Agency Type			
Partner(s) Name (if applicable)			
Partner Agency Type			
Proposed Grant Amount	\$	160,000	

B. Applicant Certification

As the official designated by the governing body, I hereby certify that if approved by HCD for funding through the Planning Grants Program (PGP), the _____ City of Nevada City _____ assumes the responsibilities specified in the 2019 Notice of Funding Availability and PGP guidelines, and certifies that the information, statements, and other contents contained in this application are true and correct.

Signature:  Name: _____ Catrina Olson

Date: 2/19/2020 Title: _____ City Manager

SB 2 Planning Grants Application

C. Threshold Requirements

Pursuant to Section 201(a) through (d) of the Guidelines, all applicants must meet the following threshold criteria in items 1-4 below to be eligible for an award.

1. Does the applicant have an adopted housing element found to be in substantial compliance by the Department on or before the date of the applicant's submission of their SB 2 Planning Grant application?		
<input checked="" type="checkbox"/>	Yes	Date of HCD Review Letter: <u>8/23/19</u>
<input type="checkbox"/>	No	
<input checked="" type="checkbox"/>	The Applicant requests HCD to consider housing element compliance threshold as met due to significant progress achieved in meeting housing element requirements.	

2. Has the applicant submitted to the Department the Annual Progress Report (APR) for the current or prior year on or before the date of submission of their SB 2 Planning Grant application?			
<input checked="" type="checkbox"/>	Yes	APR	Date Submitted
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2017 CY Report	6/17/19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2018 CY Report	6/17/19
<input type="checkbox"/>	No		

3. Is the applicant utilizing one of the Priority Policy Areas listed below (as defined in section VIII, subsection (3) of the NOFA)?						
<input type="checkbox"/>	*Yes	*If the applicant is proposing <u>only</u> Priority Policy Areas, <u>do not fill out Attachment 2</u> . However, if the applicant is proposing to fund PPAs AND other activities that are not considered PPAs, the application must demonstrate how these other activities have a nexus to accelerating housing production by filling out Attachment 2 of this application.				
	Rezone to permit by-right	Objective design and development standards	Specific Plans or form based codes coupled with CEQA streamlining	Accessory Dwelling Units or other low-cost building strategies	Expedited processing	Housing related infrastructure financing and fee reduction strategies
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	No	If an applicant is not proposing Priority Policy Areas, the application must include an explanation and document the plans or processes' nexus and impact on accelerating housing production based on a reasonable and verifiable methodology and must submit Attachment 2 in the Application pursuant to section VIII, subsection (3) of the NOFA.				
<input checked="" type="checkbox"/>	The applicant is proposing PPAs and other activities not considered PPAs and is demonstrating how these activities have a nexus to accelerating housing production by submitting Attachment 2.					

4. Does the applicant demonstrate that the locality is consistent with State Planning or Other Priorities, as certified in Attachment 1?	Yes	<input checked="" type="checkbox"/>	*No	<input type="checkbox"/>
*If No, consistency may be demonstrated through activities (not necessarily proposed for SB 2 funding) that were completed within the last five years, as certified in Attachment 1.				

5. Is a completed and signed resolution included with the application package? See Attachment 3, "Sample Resolution"	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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SB 2 Planning Grants Application

D. Proposed Activities Checklist (Section VI, items (1) through (17) of the NOFA)

Check all activities the locality is undertaking for their PGP efforts below. Activities must match **Section E. Project Description**, and **Section F. Timeline and Budget**.

1	<input checked="" type="checkbox"/>	updates to general plans, community plans, specific plans, local planning related to implementation of sustainable communities strategies, or local coastal plans
2	<input checked="" type="checkbox"/>	updates to zoning ordinances
3	<input checked="" type="checkbox"/>	environmental analyses that eliminate the need for project-specific review
4	<input checked="" type="checkbox"/>	local process improvements that improve and expedite local planning
5	<input type="checkbox"/>	a smaller geography with a significant impact on housing production including an overlay district, project level specific plan or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas
6	<input type="checkbox"/>	the creation or enhancement of a housing sustainability district pursuant to AB 73 (Chapter 371, Statutes of 2017)
7	<input type="checkbox"/>	workforce housing opportunity zone pursuant to SB 540 (Chapter 369, Statutes of 2017)
8	<input type="checkbox"/>	zoning for by-right supportive housing, pursuant to Government Code section 65651 (Chapter 753, Statutes of 2018)
9	<input checked="" type="checkbox"/>	zoning incentives for housing for persons with special needs, including persons with developmental disabilities
10	<input checked="" type="checkbox"/>	rezoning to meet requirements pursuant to Government Code Section 65583.2(c) and other rezoning efforts to facilitate supply and affordability
11	<input type="checkbox"/>	rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps)
12	<input type="checkbox"/>	pre-approved architectural and site plans
13	<input type="checkbox"/>	regional housing trust fund plans
14	<input checked="" type="checkbox"/>	funding plans for SB 2 Year 2 going forward
15	<input type="checkbox"/>	infrastructure financing plans
16	<input type="checkbox"/>	environmental hazard assessments; data collection on permit tracking; feasibility studies, site analysis, or other background studies that are ancillary and part of a proposed activity with a nexus to accelerating housing production
17	<input type="checkbox"/>	Other activities demonstrating a nexus to accelerating housing production

SB 2 Planning Grants Application

E. Project Description

*Provide a description of the project and the scope of work to be performed below. Use Appendix A for additional information if necessary. **Note:** If partnering with another local government or entity, be sure to clarify the responsibilities and deliverables of your locality pursuant to such partnership.*

The City is proposing to undertake 5 specific projects with funds made available through the grant process:

- 1) The City has a draft "Cottage Dwelling Development Ordinance" that will incentivize small residential unit production (at or under 1,000 square feet) in exchange for reduced or waived AB1600 fees and density increases within the City's multi-family zoning designation (R2 and R3 zones). It provides for unit size increases for units that are designed with specified universal design principals. The Ordinance has been drafted over a period of two years with public input coming from several special workshops and public meetings. All new structures, including those that would be developed under this Ordinance are subject to Architectural Review. As drafted, the Ordinance does not require discretionary review unless it is in conjunction with another discretionary project, such as a subdivision map. However, the Ordinance does allow an applicant to use the Cottage Dwelling Ordinance to automatically satisfy the City's 30% inclusionary Ordinance, resulting in a more streamlined review. Based on existing conditions of 2 acres of undeveloped R3, 1 acre of underdeveloped R3, 14.2 acres undeveloped R2, and 2.43 acres of undeveloped R2, and a potential doubling of the densities in the R2 and R3 designations, the Ordinance could result in between 238-395 small dwelling units. This would be a 17% to 28% increase to the current housing stock within City limits. The City has determined that the Ordinance is considered a "project" under CEQA and must undergo environmental review. The City seeks grant funds in the amount of \$52,000 to undergo an Initial Study and NOD process pursuant to CEQA.
- 2) Update the General Plan Safety Element pursuant to State Law to help City residents obtain needed insurance coverage. Standard safety mitigation could also reduce development processing applications by 4 to 6 weeks. The City seeks funds in the amount of \$38,000 to update the General Plan Safety Element.
- 3) Update the City's Zoning Ordinance to be consistent with recent ADU legislation. While the City currently implements the State law, an update to the Zoning Ordinance will provide a more transparent process for the public to follow. In addition to complying with State Law, the City's Ordinance will require ministerial review for those that meet specified architectural standards and will waive AB1600 and hook-up fees for those that are restricted to occupancy by low to moderate income households. Local and State regulations together will likely incentivize ADU construction throughout the City. The City seeks grant funds in the amount of \$12,000 to update the Zoning Ordinance as it relates to ADU regulations.
- 4) Update the City's Housing Element pursuant to State Law. Funds granted for this task would retroactively assist in repaying the City for the costs inured from the consultant hired to carry out the update. The City seeks \$41,400 to retroactively cover consultant invoices regarding the update to the Housing Element.
- 5) The City does not currently have processing software for land use permitting. The City contracts with Nevada County for building department services. Staff will work with the County's technology departments to determine compatible software and purchase necessary programs/software and come up with policies to streamline permitting. Staff anticipates that updated permit processing software can reduce processing time by two to eight weeks depending on the application type. The City seeks funds in the amount of \$16,600 in order to consult with the County's technology team, determine compatible

SB 2 Planning Grants Application

F. Project Timeline and Budget

Project Name							
Objective	Responsible Party	Est. Cost	Begin	End	Deliverable	*PPA	Notes
Cottage Dwelling Development (CDD) Ordinance CEQA document	Applicant	\$ 52,000	2/1/20	6/1/20	Consultant-prepared Draft Initial Study and Draft NOD	Yes	CDD-Assumed MND
CDD Staff and Legal Counsel review	Applicant	\$ 0	6/1/17	7/1/19	Adopted Ordinance and NOD	Yes	CDD- \$12,000 staff time
CDD Ordinance to Adoption Hearings	Applicant	\$ 0	7/23/20	8/26/20		N/A	CDD-\$2,000 staff time
Update Safety Element (USE) draft	Applicant	\$13,000	8/3/20	9/4/20	Consultant-prepared draft	N/A	USE
USE Public Workshops	Applicant	\$ 5,000	9/4/20	9/30/20	Consultant-led workshop	N/A	USE
USE CEQA	Applicant	\$ 18,000	10/1/20	10/15/20	Draft CEQA doc	N/A	USE-Assumed MND
USE Adoption Hearings	Applicant	\$ 2,000	10/15/20	11/11/20	Adopted Element	N/A	USE
ADU Ordinance Update draft	Applicant	\$ 8,000	12/1/19	12/31/19	Consultant-prepared draft	N/A	ADU- reimbursement
ADU workshops	Applicant	\$ 1,500	1/1/20	2/29/20	Consultant-led workshop	N/A	ADU- reimbursement
ADU CEQA	Applicant	\$ 500.00	3/1/20	3/19/20	Draft CEQA Doc	N/A	ADU-Exempt- - reimbursement
ADU Adoption Hearings	Applicant	\$ 2,000	3/19/20	4/22/20	Adopted ADU Updated Ordinance	N/A	ADU- reimbursement
Permit Software-Consult with County/research options	Applicant	\$ 6,000	1/1/21	6/30/21		N/A	Software
Permit Software-Purchase	Applicant	\$ 10,600	7/1/21	8/30/21		N/A	Software
Housing Element Update	Applicant	\$ 41,400	4/1/19	12/10/19	HCD Certified Housing Element	N/A	HEU-Reimbursement invoice Payment
	Total Est. Cost \$	160000					

*Priority Policy Area (PPA)

SB 2 Planning Grants Application

G. Legislative Information

District	#	Legislator Name
Federal Congressional District	1	Doug LaMalfa
State Assembly District	1	Megan Dahle
State Senate District	1	Brian Dahle

Applicants can find their respective State Senate representatives at <https://www.senate.ca.gov/>, and their respective State Assembly representatives at <https://www.assembly.ca.gov/>.

SB 2 Planning Grants Application

Attachment 1: State and Other Planning Priorities Certification (Page 1 of 3)

Pursuant to Section 201(d) of the Guidelines, all applicants must demonstrate that the locality is consistent with State Planning or Other Planning Priorities by certifying that at least one activity was completed in 1) State Planning Priorities (i.e., Infill and Equity, Resource Protection, Efficient Development Patterns) or 2) Other Planning Priorities (i.e., Affordability, Conservation, or Climate Change). Consistency may be demonstrated through activities (not necessarily proposed for SB 2 funding) that were completed within the last five years.

Complete the following self-certification by selecting one or more of the policy areas in the following tables by inserting the date completed for each applicable action, briefly describing the action taken, and certifying.

State Planning Priorities

Date Completed	Brief Description of the Action Taken
Promote Infill and Equity	
<i>Rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas.</i>	
8/3/19	Ongoing Measure S funds amounting to \$500,000 to \$600,000 annually for Nevada City Street and Sidewalk improvements. Last NOC dated 8/3/2019, projects ongoing
<i>Seek or utilize funding or support strategies to facilitate opportunities for infill development.</i>	
<i>Other (describe how this meets subarea objective)</i>	
<i>Promote Resource Protection</i>	
<i>Protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands; natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands; recreation lands such as parks, trails, greenbelts, and other open space; and landscapes with locally unique features and areas identified by the state as deserving special protection.</i>	
11/9/17	Annexation of Sugarloaf Mountain, 30-acres zoned as Open Space (11/9/17); Little Deer Creek Restoration Project; 12/26/18) Resurfaced City's only community pool (12/1/17)
<i>Actively seek a variety of funding opportunities to promote resource protection in underserved communities.</i>	
8/5/19	Currently seeking grant funds through concurrent grant for improvements to the City's only improved park (Application submitted August 5, 2019)
<i>Other (describe how this meets subarea objective)</i>	
Encourage Efficient Development Patterns	
<i>Ensuring that any infrastructure associated with development, other than infill development, supports new development that does the following:</i>	
<i>(1) Uses land efficiently.</i>	

SB 2 Planning Grants Application

Attachment 1: State and Other Planning Priorities Certification (Page 2 of 3)

	<i>(2) Is built adjacent to existing developed areas to the extent consistent with environmental protection.</i>
	<i>(3) Is located in an area appropriately planned for growth.</i>
	<i>(4) Is served by adequate transportation and other essential utilities and services.</i>
	<i>(5) Minimizes ongoing costs to taxpayers.</i>
	<i>Other (describe how this meets subarea objective)</i>

Other Planning Priorities

Affordability and Housing Choices	
<i>Incentives and other mechanisms beyond State Density Bonus Law to encourage housing with affordability terms.</i>	
7/18/19	Several public workshops/meetings on Cottage Dwell. Dev. Ord. over a period of two years. Determined after Planning Commission subject to CEQA review.
<i>Efforts beyond state law to promote accessory dwelling units or other strategies to intensify single-family neighborhoods with more housing choices and affordability.</i>	
<i>Upzoning or other zoning modifications to promote a variety of housing choices and densities.</i>	
<i>Utilizing surplus lands to promote affordable housing choices.</i>	
<i>Efforts to address infrastructure deficiencies in disadvantaged communities pursuant to Government Code Section 65302.10.</i>	
<i>Other (describe how this meets subarea objective)</i>	
9/6/19	Adopted Housing Element program directing staff to work with interest groups to develop universal design building standards

SB 2 Planning Grants Application

Attachment 1: State and Other Planning Priorities Certification (Page 3 of 3)

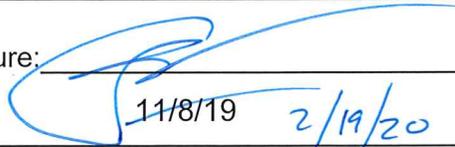
Conservation of Existing Affordable Housing Stock	
<i>Policies, programs or ordinances to conserve stock such as an at-risk preservation ordinance, mobilehome park overlay zone, condominium conversion ordinance and acquisition and rehabilitation of market rate housing programs.</i>	
<i>Policies, programs and ordinances to protect and support tenants such as rent stabilization, anti-displacement strategies, first right of refusal policies, resources to assist tenant organization and education and "just cause" eviction policies.</i>	
<i>Other (describe how this meets subarea objective)</i>	
Climate Adaptation	
<i>Building standards, zoning and site planning requirements that address flood and fire safety, climate adaptation and hazard mitigation.</i>	
3/27/19	Amended the City's Health and Safety Ordinance to add regulations pertaining to vegetation management and yard debris removal.
<i>Long-term planning that addresses wildfire, land use for disadvantaged communities, and flood and local hazard mitigation.</i>	
4/25/18	Adopted Resolution 2018-29, Nevada County Local Hazard Mitigation Plan
<i>Community engagement that provides information and consultation through a variety of methods such as meetings, workshops, and surveys and that focuses on vulnerable populations (e.g., seniors, people with disabilities, homeless, etc.).</i>	
<i>Other (describe how this meets subarea objective)</i>	

State and Other Planning Priorities Certification

I certify under penalty of perjury that all of the information contained in this PGP State Planning and Other Planning Priorities certification form (pages 9, 10, and 11 of this application) is true and correct.

Certifying Officials Name: Amy Wolfson

Certifying Official's Title: City Planner

Certifying Official's Signature: 

Certification Date: 11/8/19 2/19/20

SB 2 Planning Grants Application

Attachment 2: Application Nexus to Accelerating Housing Production

Fill out Attachment 2 only if the applicant answered “No” to item 3 in Section C or is utilizing Policy Priority Areas AND other activities not designated as such. Applicants answering “Yes” to question 3 in Section C and utilizing ONLY Priority Policy Areas are automatically deemed to demonstrate a nexus to accelerating housing production, and do not need to complete this form.

Pursuant to section VIII, subsection (4) of the NOFA, applicants shall demonstrate how the application includes a nexus to accelerating housing production. Please complete the following chart by providing information about the current conditions and expected outcomes with respect to the planned activity and housing production. Please attach documentation as necessary and see the NOFA for additional details.

Quantify how the activity accelerates production below and use Appendix B to explain the activity and its nexus to accelerating housing production if necessary.

Type (Select at least one)	*Baseline	**Projected	***Difference	Notes
Timing (e.g., reduced number of processing days)	Already subject	no change	none	Production hindered by building costs, not timing
Development cost (e.g., land, fees, financing, construction costs per unit)	Full AB1600 f	waived or red	500 sf du=0 f	
Approval certainty and reduction in discretionary review (e.g., prior versus proposed standard and level of discretion)	30% inclusionary requirement	automatically satisfies inclusionary requirement	less analysis/material submittal	
Entitlement streamlining (e.g., number of approvals)	NA	NA	NA	
Feasibility of development	7ac vacant R	Incentivizes p	Construction	
Infrastructure capacity (e.g., number of units)	8du/ac(R2);16	up to R2=16 c	max additional	
Impact on housing supply and affordability (e.g., number of units)	No size limita	Incentivizes s	Construction	
				Above responses: Cottage Dwelling Development ORD

**** Baseline – Current conditions in the jurisdiction (e.g. 6-month development application review, or existing number of units in a planning area)***

*****Projected – Expected conditions in the jurisdiction because of the planning grant actions (e.g. 2-month development application review)***

******Difference – Potential change resulting from the planning grant actions (e.g., 4-month acceleration in permitting, creating a more expedient development process)***

SB 2 Planning Grants Application

Attachment 3: Sample Resolution

**RESOLUTION NO. 2019-XX
A RESOLUTION OF THE [CITY COUNCIL/COUNTY BOARD OF SUPERVISORS] OF
[CITY, COUNTY NAME]
AUTHORIZING APPLICATION FOR, AND RECEIPT OF,
SB 2 PLANNING GRANTS PROGRAM FUNDS**

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for its Planning Grants Program (PGP); and

WHEREAS, the [City Council/County Board of Supervisors] of _____ (City/County) desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application as described in the Planning Grants Program NOFA and SB 2 Planning Grants Program Guidelines released by the Department for the PGP Program; and

WHEREAS, the Department is authorized to provide up to \$123 million under the SB 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 ([SB 2](#))) related to the PGP Program.

NOW, THEREFORE, THE [CITY COUNCIL/COUNTY BOARD OF SUPERVISORS] OF _____
RESOLVES AS FOLLOWS:

SECTION 1. The [City Council/County Board of Supervisors] is hereby authorized and directed to apply for and submit to the Department the 2019 Planning Grants Program application released March 28, 2019 in the amount of \$_____.

SECTION 2. In connection with the PGP grant, if the application is approved by the Department, the [insert designee title, e.g. City Manager, Executive Office, etc] is authorized to enter into, execute, and deliver a State of California Agreement (Standard Agreement) for the amount of \$_____, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the [City/County's] obligations related thereto, and all amendments thereto (collectively, the "PGP Grant Documents").

SECTION 3. The [City/County] shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by the Department. Funds are to be used for allowable expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The [City Council/County Board of Supervisors] hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and 2019 Planning Grants Program Application.

SECTION 4. The [insert the title of City Council/County Board of Supervisors Executive or designee] is authorized to execute the [City/County] of _____ Planning Grants Program application, the PGP Grant Documents, and any amendments thereto, on behalf of the [City/County] as required by the Department for receipt of the PGP Grant.

ADOPTED _____, 2019, by the [City/County] Board of Supervisors of the County of _____
by the following vote:

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

County Executive

ATTEST: APPROVED AS TO FORM:

County Clerk County Attorney

SB 2 Planning Grants Application

Appendix A

Use this area for additional information if necessary.

C. Threshold Requirements, Box 1: Staff has received a preliminary review letter from HCD on August 23, 2019 indicating that the draft Housing Element update is in compliance with State Law. Since receiving the letter, the Planning Commission has completed a final review and recommended adoption by the City Council. City Council was originally scheduled to review the draft at their October 9, 2019 meeting, but the recent PG&E power outages made it necessary to postpone their review until November 6, where Council adopted the draft without change. Staff will submit the final adopted 2019-2027 Nevada City Housing Element to HCD for final certification by December 1, 2019.

SB 2 Planning Grants Application

Appendix B

Use this page to explain the nexus to accelerating housing production or for project description.

1) Cottage Dwelling ORD: The City has a draft "Cottage Dwelling Development Ordinance" that will incentivize small residential unit production (at or under 1,000 square feet) in exchange for reduced or waived AB1600 fees and density increases within the City's multi-family zoning designation (R2 and R3 zones). It provides for unit size increases for units that are designed with specified universal design principals. The Ordinance has been drafted over a period of two years with public input coming from several special workshops and public meetings. All new structures, including those that would be developed under this Ordinance are subject to Architectural Review, though not discretionary land use review unless it is in conjunction with another discretionary project, such as a subdivision map. However, the Ordinance does allow an applicant to use the Cottage Dwelling Ordinance to automatically satisfy the City's 30% inclusionary Ordinance applicable to new single-family developments, resulting in a more streamlined review. Based on existing conditions of 2 acres of undeveloped R3, 1 acre of under-developed R3, 14.2 acres undeveloped R2, and 2.43 acres of under-developed R2, and a potential doubling of the densities in the R2 and R3 designations, the Ordinance could result in between 238-395 small dwelling units. This would be a 17% to 28% increase to the current housing stock within City limits. The City has determined that the Ordinance is considered a "project" under CEQA and must undergo environmental review.

2) Safety Element: Standard mitigation related to potential risk factors will reduce the uncertainty developers may need to implement before a project is submitted. An updated Safety Element will identify safer areas to build and automatically require conditions to mitigate potential safety impacts associated with development. The ability to tier off an adopted Safety Element in this way will reduce the amount of analysis required by the developer, resulting in potential reduced processing time of 60 to 90 days.

3) Update the City's Zoning Ordinance to be consistent with recent ADU legislation. While the City currently implements the State law, an update to the Zoning Ordinance will provide a more transparent process for the public to follow. Local and State regulations together will likely incentivize ADU construction throughout the City. Once the Ordinance amendments are adopted, the City will add an informational ADU webpage so that residents know how to get an application through the City in an expeditious manner.

4) Nevada City has just completed an update to its Housing Element for the 2019-27 planning period. The Housing Element update provides a timely and extensive process by which the City can collectively and comprehensively plan for the development of housing on specific sites throughout the City. Adopted programs will expedite future processing, identify and zone specific housing sites, and remove uncertainty and risk for property owners and developers, thereby expanding capacity and leading to greater housing production.

5) The City does not currently have processing software for land use permitting. The City contracts with Nevada County for building department services. Staff will work with the County's technology departments to determine compatible software and purchase necessary programs/software and come up with policies to streamline permitting. Staff anticipates that updated permit processing software can reduce processing time by two to eight weeks depending on the application type.

SB 2 Planning Grants Application

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3) Update the City's Zoning Ordinance to be consistent with recent ADU legislation. While the City currently implements the State law, an update to the Zoning Ordinance will provide a more transparent process for the public to follow. Local and State regulations together will likely incentivize ADU construction throughout the City. Once the Ordinance amendments are adopted, the City will add an informational ADU webpage so that residents know how to get an application through the City in an expeditious manner.

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B. One thousand (1000) square feet for an accessory dwelling unit that has two or more bedrooms.

17.72.026 - Accessory dwelling units—Development standards.

Any permit for an accessory dwelling unit shall be subject to the development standards listed below.

- A. Legal lot/residence. An accessory dwelling unit shall only be allowed on a lot within the city that contains a legal, single-family or multi-family residence as an existing or proposed primary unit on a lot.
- B. Number of accessory dwelling units per lot.
 - 1. For lots with proposed or existing single-family residences, no more than one (1) attached or detached accessory dwelling unit shall be permitted on the lot.
 - a. Notwithstanding the above, a lot with a single-family residence may have one (1) junior accessory dwelling unit and (1) detached accessory dwelling unit.
 - 2. For lots with existing multi-family residential dwellings:
 - a. No more than twenty-five percent (25%) of the number of the existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed within the non-livable space of the existing building provided that applicable building codes are met; or
 - b. No more than two detached accessory dwelling units, provided that no such unit shall be more than sixteen (16) feet in height, and have a minimum of four-foot side and rear yard setbacks. The maximum square footage of detached accessory dwelling units on lots with existing multi-family residential dwellings shall comply with the limits set forth in Section 17.72.024.
- C. Building Code Compliance. All new accessory dwelling units must satisfy the requirements contained in the building code and fire code as currently adopted by the city, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.
- D. Fees and Charges.
 - 1. City/public utilities.
 - a. All accessory dwelling units must be connected to public utilities, including water, electric, and sewer services.
 - b. Except as provided in subsection c below, the City may require the installation of a new or separate utility connection between the accessory dwelling unit and the utility. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on either its square feet or number of drainage fixture unit values.
 - c. No separate connection between the accessory dwelling unit and the utility shall be required for units created within a single-family dwelling, unless the accessory dwelling unit is being constructed in connection with a new single-family dwelling.

REPORT TO CITY COUNCIL

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

April 22, 2020

TITLE: Report Out of Closed Session Friends of Spring Street Versus the City of Nevada City, Mollie Poe, Declan Hickey, Real Parties in Interest

RECOMMENDATION: Receive and file.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

An unincorporated association ("Plaintiffs") filed suit ("the Complaint") in the above-referenced matter against the City of Nevada City ("the City"), Mollie Poe, and Declan Hickey ("Real Parties") challenging the City's decision to uphold the appeal of the Real Parties with respect to their B&B operation ("the dispute") as more fully set forth in Section 4.4 below. City and Real Parties further referred to collectively as "Defendants".

The case has been extensively litigated, and a writ was issued to the City to vacate its approval of the Real Parties appeal. The remaining unresolved issue was the Plaintiffs' right to attorney's fees and costs. The Plaintiffs, the City and Real Parties ("the parties"), while not admitting or denying the claim for attorney's fees and costs, have reached a settlement regarding this dispute. The parties have agreed to settle the dispute, dismiss the Complaint with prejudice and release claims on the following terms and conditions:

City's Agreement

1. To pay to Plaintiffs the sum of ONE HUNDRED THOUSAND Dollars (\$100,000.00) in and for attorney's fees and costs within 45 days of the execution of this Release and Settlement.
2. To relinquish any and all claims against Plaintiffs relating to the matters alleged in the pleadings on file herein or any matters related to the facts leading to said allegations, in a manner consistent with Article 4 below.
3. To bear their own costs and attorneys' fees and to make no claim against Plaintiffs for such fees and costs.

Real Parties' Agreement

1. To pay to the City the sum of FORTY THOUSAND Dollars (\$40,000.00) to help defray the City costs for its recent purchase of a fire truck, said sum to be paid in equal quarterly installments of TEN THOUSAND DOLLARS each (\$10,000.00), without interest, due April 15, 2020, July 15, 2020, October 15, 2020 and January 15, 2021.
2. To relinquish any and all claims against Plaintiffs relating to the matters alleged in the pleadings on file herein or any matters related to the facts leading to

said allegations, in a manner consistent with Article 4 below.

3. To bear their own costs and attorneys' fees and to make no claim against Plaintiffs for such fees and costs.

Plaintiffs' Agreement

1. To file a Request for Dismissal of their Complaint with prejudice, within 5 business days of the execution of this Release and Settlement Agreement.
2. Except as provided herein, to bear their own costs and attorneys' fees and to make no claim against Defendants for such fees and costs.
3. To relinquish any and all claims against Defendants relating to the matters alleged in the pleadings on file herein or any matters related to the facts leading to said allegations in a manner consistent with Article 4 below.

FISCAL IMPACT: The City is responsible for \$60,000, of which \$50,000 was included in the FY 19/20 budget. This settlement will require a budget adjustment the General Fund in Attorneys expenses of \$10k.

ATTACHMENTS:

- ✓ Mutual Release and Settlement Agreement Friends of Spring Street Versus City of Nevada City, Mollie Poe, Declan Hickey, Real Parties in Interest

MUTUAL RELEASE AND SETTLEMENT AGREEMENT

**RE: Friends of Spring Street v. City of Nevada City, Mollie Poe, Declan Hickey,
Real Parties in interest**

Superior Court, State of California
County of Nevada, Case No. CU 15-80911

WHEREAS, FRIENDS OF SPRING STREET, an unincorporated association (hereinafter "Plaintiffs") filed suit (hereinafter "the Complaint") in the above-referenced matter against the City of Nevada City ("the City") and Mollie Poe and Declan Hickey ("Real Parties") (challenging the City's decision to uphold the appeal of the Real Parties with respect to their B&B operation (hereinafter "the dispute") as more fully set forth in Section 4.4 below. City and Real Parties are hereinafter referred to collectively as "Defendants".

WHEREAS, the case has been extensively litigated, and a writ issued to the City to vacate its approval of the Real Parties' appeal; and

WHEREAS, the sole remaining unresolved issue is the Plaintiffs' right to attorney's fees and costs; and

WHEREAS, Plaintiffs, the City and Real Parties (hereinafter "the parties"), while not admitting or denying the claim for attorney's fees and costs, wish to settle this dispute in an expeditious manner.

NOW, THEREFORE, the parties agree to settle the above dispute, and to entry of an order dismissing the Complaint with prejudice and release claims on the following terms and conditions:

ARTICLE 1. Defendants' Obligations

In consideration of Plaintiffs' obligations pursuant to ARTICLE 2 of this Agreement, Defendants City and Real Parties agree as follows:

Section 1.1. **City's Agreement.**

- a. To pay to Plaintiffs the sum of ONE HUNDRED THOUSAND Dollars (\$100,000.00) in and for attorney's fees and costs within 45 days of the execution of this Release and Settlement.
- b. To relinquish any and all claims against Plaintiffs relating to the matters alleged in the pleadings on file herein or any matters related to the facts leading to said allegations, in a manner consistent with Article 4 below.
- c. To bear their own costs and attorneys' fees and to make no claim against Plaintiffs for such fees and costs.

Mutual Release and Settlement Agreement
RE: Friends of Spring Street v. City of Nevada City,
Superior Court, State of California, County of Nevada, Case No. CU 15-80911

Section 1.2. **Real Parties' Agreement**

- a. To pay to the City the sum of FORTY THOUSAND Dollars (\$40,000.00) to help defray the City costs for its recent purchase of a fire truck, said sum to be paid in equal quarterly installments of TEN THOUSAND DOLLARS each (\$10,000.00), without interest, due April 15, 2020, July 15, 2020, October 15, 2020 and January 15, 2021.
- b. To relinquish any and all claims against Plaintiffs relating to the matters alleged in the pleadings on file herein or any matters related to the facts leading to said allegations, in a manner consistent with Article 4 below.
- c. To bear their own costs and attorneys' fees and to make no claim against Plaintiffs for such fees and costs.

ARTICLE 2. Plaintiffs' Obligations

Section 2.1. **Plaintiffs' Agreement.** In consideration of Defendants' obligations pursuant to ARTICLE 1 of this Agreement, Plaintiffs agree:

- a. To file a Request for Dismissal of their Complaint with prejudice, within 5 business days of the execution of this Release and Settlement Agreement.
- b. Except as provided herein, to bear their own costs and attorneys' fees and to make no claim against Defendants for such fees and costs.
- c. To relinquish any and all claims against Defendants relating to the matters alleged in the pleadings on file herein or any matters related to the facts leading to said allegations in a manner consistent with Article 4 below.

ARTICLE 3. Mutual Representations

Section 3.1. **Plaintiffs' Representations.**

Plaintiffs represent that:

- a. There is no pending litigation in which Plaintiffs are asserting claims against Defendants, except for the above-described litigation;
- b. Plaintiffs have not sold, assigned or otherwise transferred any of their claims, property rights, causes of action or liabilities against Defendant to any third party and there is no party other than Plaintiffs with a right to make claims arising out of the same facts; and
- c. Plaintiffs as of the effective date of this Agreement own the entire right, title and interest in each claim, property right, cause of action, liability and demand in

Mutual Release and Settlement Agreement
RE: Friends of Spring Street v. City of Nevada City,
Superior Court, State of California, County of Nevada, Case No. CU 15-80911

any way associated with the above-described lawsuit including, but not limited to, those set forth in Section 4.1 below.

- d. Plaintiffs understand that the Association is liable for the acts of its officers and members pursuant to Corporations Code Section 18250.
- e. The individual members of Plaintiff have agreed to be bound by this settlement and shall not individually make claims relating to the dispute resolved by this settlement.
- f. Plaintiffs have been represented by counsel and have relied upon counsel in reaching this agreement. Plaintiffs understand that upon due execution, it becomes a legally binding and enforceable agreement.
- g. Plaintiffs understand that they are bound by the confidentiality of the mediation that occurred that resulted in this settlement and affirm that they and the individuals they brought to the mediation have not breached that confidentiality by any disclosures to others.

Section 3.2. **Defendants' Representations.**

Defendants hereby represent:

- a. There is no pending litigation in which Defendants are asserting claims against Plaintiffs or each other, except for the above-described litigation;
- b. Defendants have not sold, assigned or otherwise transferred any of their claims, causes of action or liabilities against Plaintiffs or each other to any third party; and
- c. Defendants as of the effective date of this Agreement own the entire right, title and interest in each claim, cause of action, liability and demand in any way associated with the above-described lawsuit and underlying real estate transaction, including, but not limited to, those set forth in Section 4.2 below.
- d. Defendants have been represented by counsel and have relied upon counsel in reaching this agreement. Defendants understand that upon due execution, it becomes a legally binding and enforceable agreement.
- e. Defendants understand that they are bound by the confidentiality of the mediation that occurred that resulted in this settlement and affirm that they and the individuals they brought to the mediation have not breached that confidentiality by any disclosures to others.

Mutual Release and Settlement Agreement
RE: Friends of Spring Street v. City of Nevada City,
Superior Court, State of California, County of Nevada, Case No. CU 15-80911

Section 3.3. Indemnification for Breach of Representations

Each party, Plaintiffs and Defendants agrees to indemnify, defend and hold the other harmless from any claim, liability or loss arising out of the breach or failure of any representation made as part of this Article.

Section 3.4. No Promise or Inducement.

No promise or inducement has been made other than those set out in this Settlement Agreement. This Settlement Agreement is executed by the parties after full review by the legal counsel for each party.

ARTICLE 4. Mutual Release

Section 4.1. **Plaintiffs' Release.** As additional consideration for the settlement, Plaintiffs, for themselves, members, agents and heirs do hereby fully release and discharge Defendants, their agents, heirs, employees, adjusters, attorneys, executors, administrators and assigns, from and against any and all suits, demands, and/or liabilities of whatever kind or nature, and in any way connected with and/or arising from and/or described or which might have been or could have been alleged and/or described in the above described Complaint or in any permitted cross-action or related subsequent action.

Section 4.2. **Defendants' Release.** As additional consideration for the settlement, Defendants for themselves, their agents and heirs do hereby fully release and discharge Plaintiffs, and each other, their members, agents, heirs, employees, attorneys, executors, assigns and administrators, from and against any and all suits, demands, and/or liabilities of whatever kind or nature, and in any way connected with and/or arising from and/or described in the above described Complaint [and Cross-Complaints] or in any permitted cross-action or related subsequent action.

Section 4.3. Releases Include Unknown Claims.

a. In releasing each of the parties hereto and those various entities above described, each of the parties waives all rights described in the Civil Code of the State of California, Section 1542, which reads as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO THE CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED THE SETTLEMENT WITH THE DEBTOR".

b. The parties hereto specifically acknowledge their understanding of the significance and consequences of the waiver as being a waiver of all unknown or unanticipated damages resulting from the above-described activities as well as

Mutual Release and Settlement Agreement
RE: Friends of Spring Street v. City of Nevada City,
Superior Court, State of California, County of Nevada, Case No. CU 15-80911

those which are now known, and that they have consulted with their own attorney regarding the legal effect of this release.

Section 4.4. Scope of Release.

This release is intended to cover the litigation between the parties to the time of settlement such that when it is duly completed the parties shall not have reason to make, continue or participate in any claim or action against the other for the actions challenged in the Complaint.

- a. This release is intended to cover all claims arising out of the following:
 - i) The actions of the City and Real Parties challenged in the Complaint.
 - ii) The actions of the parties towards each other in the litigation up to the time of execution of this settlement agreement.
- b. Notwithstanding the foregoing, this release shall not release any party from performance of their obligations under this Settlement Agreement, nor shall it affect the legal consequences of the issuance of the writ in this case or the parties' rights with respect thereto, nor shall it bind the parties with respect to any future actions to enforce or defend those rights.

ARTICLE 5. General Provisions

Section 5.1. **Binding Effect.** This Agreement shall inure to the benefit of and be binding upon the members, heirs, assigns, transferees, personal representatives and successors in interest, in any capacity, of the parties hereto.

Section 5.2. **Enforcement by Motion.** The parties agree that either party may file a motion pursuant to CCP 664.6 to enforce the terms of this settlement, and the Court shall thereafter have continuing jurisdiction to enforce the terms of this settlement. If a dismissal with prejudice has been included as part of this settlement, then the parties agree that either party may file a new action for the purpose of enforcement and immediately thereafter file an enforcement motion pursuant to CCP 664.6.

Section 5.3. **Attorneys' Fees.** If any party to this Agreement shall bring any action for any relief against the other, declaratory or otherwise, arising out of this Agreement, the losing party shall pay to the prevailing party a reasonable sum for attorney fees incurred in bringing such suit and/or enforcing any judgment granted therein, all of which shall be deemed to have accrued upon the commencement of such action and shall be paid whether or not such action is prosecuted to judgment. Any judgment or order entered in such action shall contain a specific provision providing for the recovery of attorney fees and costs incurred in enforcing such judgment. For the purposes of this section, attorney fees shall include, without limitation, fees incurred in the following: (1) postjudgment motions; (2) contempt proceedings; (3) garnishment, levy, and debtor and third party examinations; (4) discovery; and (5) bankruptcy litigation.

Mutual Release and Settlement Agreement
RE: Friends of Spring Street v. City of Nevada City,
Superior Court, State of California, County of Nevada, Case No. CU 15-80911

REAL PARTIES:

3/23/2020

Dated: _____, 2020

FA04C72F64404A0
Mollie Poe
DocuSigned By: Mollie Poe

Mollie Poe

DocuSigned by:
Declan Hickey

Declan Hickey

Approved as to form:

P. Scott Browne
Attorney for the City

John Bilheimer
Attorney for Real Parties

Michael Graf
Attorney for Plaintiffs

Mutual Release and Settlement Agreement
RE: Friends of Spring Street v. City of Nevada City,
Superior Court, State of California, County of Nevada, Case No. CU 15-80911

REAL PARTIES:

3/23/2020
Dated: _____, 2020

DocuSigned by: Mollie Poe
Mollie Poe
DocuSigned By: Mollie Poe

Mollie Poe

DocuSigned by: Declan Hickey
Declan Hickey
FA04G72F64404A0...

Declan Hickey

Approved as to form:

P. Scott Browne

P. Scott Browne
Attorney for the City

John Bilheimer

John Bilheimer
Attorney for Real Parties

Michael Graf
Attorney for Plaintiffs

Mutual Release and Settlement Agreement
RE: Friends of Spring Street v. City of Nevada City,
Superior Court, State of California, County of Nevada, Case No. CU 15-80911

REAL PARTIES:

Dated: _____, 2020

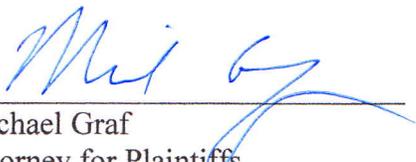
Mollie Poe

Declan Hickey

Approved as to form:

P. Scott Browne
Attorney for the City

John Bilheimer
Attorney for Real Parties



Michael Graf
Attorney for Plaintiffs

Section 5.4. **Construction.** It is hereby agreed by the parties hereto that the terms, covenants and conditions hereof have been agreed on by all parties hereto and that the language used in this Agreement shall not be construed in favor of or against any party hereto in any proceeding at law or equity.

Section 5.5. **Counterparts.**

- a. The parties may execute this Agreement in two or more counterparts, which shall, in aggregate, be signed by all the parties, and each counterpart shall be deemed an original instrument as against any party who signed it.
- b. This Agreement shall not be binding on any party hereto until fully executed by all persons shown on the signature page below.

Section 5.6. **Authority to Sign**

- a. This agreement has been entered into by the City, after due approval and authorization by the City Council for the Mayor to execute this agreement. City represents it will be legally bound by the terms of this settlement.
- b. This agreement has been entered into by the Friends of Spring Street, after due approval by the members and authorization for Stevee Duber acting as president of the association to execute this agreement. Friends of Spring Street represents it and its members will be legally bound by the terms of this settlement.

Section 5.7. **Entire Agreement.** This Agreement contains the entire agreement between the parties hereto and may only be modified in a writing executed by the parties.

PLAINTIFFS:
FRIENDS OF SPRING STREET

Dated: 3/18, 2020

By: S. Duber
Stevee Duber, President

DEFENDANTS:

CITY OF NEVADA CITY

Dated: _____, 2020

Mayor

Mutual Release and Settlement Agreement
RE: Friends of Spring Street v. City of Nevada City,
Superior Court, State of California, County of Nevada, Case No. CU 15-80911

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PLAINTIFFS:
FRIENDS OF SPRING STREET

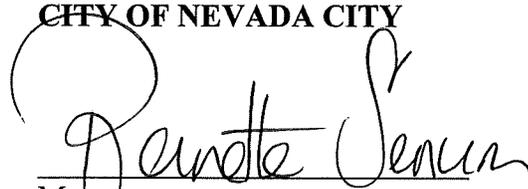
Dated: _____, 2020

By: _____
Stevee Duber, President

DEFENDANTS:

CITY OF NEVADA CITY

Dated: _____, 2020



Mayor

REPORT TO CITY COUNCIL

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

April 22, 2020

TITLE: City Dismissal from Jacquelyn Sakioka, Successor in Interest to the Estate of Ronson Sakioka Versus the State of California, County of Nevada, City of Nevada City, Genevieve Dungan Lawsuit

RECOMMENDATION: Receive and file.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

On September 10, 2018, the City received notification of a wrongful death lawsuit for Mr. Ronson Sakioka from the Superior Court of California County of Nevada. The City was named as one of several Defendants for the wrongful death that occurred during one of the Victorian Christmas events. The City immediately notified the City's liability pool, Public Agency Risk Sharing Authority of California (PARSAC). PARSAC appointed John Cotter from Diepen, Brock and Cotter as the City's Defense Attorney.

On March 25, 2020, Attorney John Cotter notified the City that he was successful in obtaining a dismissal of the City from the above-mentioned litigation. The City has reached the conclusion of its involvement in the Sakioka lawsuit.

FISCAL IMPACT: The City was named as additionally insured by the Chamber of Commerce for the Victorian Christmas events. The defense of the lawsuit was eventually tendered to the Chamber of Commerce's insurance carrier to be the legal defense for the City. With the City being named additionally insured and the claim being tendered, the City does not have any legal expense associated to this lawsuit.

ATTACHMENTS:

- ✓ Nevada County Superior Court Notice of Dismissal

Roger A. Dreyer*
Joseph J. Babich*
Robert A. Buccola*
Christopher W. Wood
Steven M. Campora
Craig C. Sheffer
Hank G. Greenblatt*
Joseph R. Yates
Robert B. Bale
Jonathan R. Hayes
Catia G. Saraiva
Jason J. Sigel
Noemi Nuñez Esparza

* Certified Specialist in Civil
Trial Advocacy by the
National Board of Trial
Advocacy

**DREYER | BABICH | BUCCOLA
WOOD | CAMPORA, LLP**

Trusted and Experienced

20 Bicentennial Circle, Sacramento, CA 95826
Phone: (916) 379-3500 | Fax: (916) 379-3599

Auburn Office:
(530) 889-1800

San Jose Office:
(408) 275-1300

Ryan L. Dostart
Robert M. Nelsen
Joshua T. Edlow
Larry Q. Phan
Kelsey J. Fischer
Sean D. Wisman
Marshall R. Way
Thomas J. Gray
Andrew G. Minney
Nolan R. Jones
Andrea R. Crowl
Anton J. Babich
Camnhung T. Le
David E. Castro
Anthony J. Garilli
J. Gage Marchini
Nathaniel A. Smith
Neil J. Ferrera
Natalie M. Dreyer
Miranda D. Flickinger

March 16, 2020

Nevada County Superior Court
201 Church Street
Nevada City, CA 95959

**Re: *Sakioka v. State of California, et al.*
Nevada County Case No: CU18--83228**

Dear Clerk:

Enclosed please find an original and one (1) copy of the Request for Dismissal in the above-referenced matter. Please file the original and return the endorsed filed copy to my office in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

**DREYER BABICH BUCCOLA
WOOD CAMPORA, LLP**

By



Terri Schneider,
Legal Secretary to Anthony J. Garilli

/ts
Enclosures

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ROGER A. DREYER/ANTHONY J. GARILLI SBN: 095462/280886 DREYER BABICH BUCCOLA WOOD CAMPORA, LLP 20 Bicentennial Circle Sacramento, CA 95826 TELEPHONE NO.: (916) 379-3500 FAX NO. (Optional): (916) 379-3599 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Nevada STREET ADDRESS: 201 Church Street, Suite 5 MAILING ADDRESS: CITY AND ZIP CODE: Nevada City, CA 95959 BRANCH NAME: Civil	
PLAINTIFF/PETITIONER: JACQUELYN SAKIOKA, Successor in Interest to ESTATE OF RONSON SAKIOKA and in her personal capacity DEFENDANT/RESPONDENT: STATE OF CALIFORNIA; COUNTY OF NEVADA; CITY OF NEVADA; GENEVIEVE DUNGAN	
REQUEST FOR DISMISSAL	CASE NUMBER: CU18-083228
A conformed copy will not be returned by the clerk unless a method of return is provided with the document. This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

1. TO THE CLERK: Please **dismiss** this action as follows:

a. (1) With prejudice (2) Without prejudice

b. (1) Complaint (2) Petition

(3) Cross-complaint filed by (name): _____ on (date): _____

(4) Cross-complaint filed by (name): _____ on (date): _____

(5) Entire action of all parties and all causes of action

(6) Other (specify):* **As to Defendant City of Nevada City only; each party to bear their own attorney's fees and costs.**

2. (Complete in all cases except family law cases.)
 The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: 3/16/20

Anthony J. Garilli.....
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

▶ 

(SIGNATURE)

Attorney or party without attorney for:

Plaintiff/Petitioner Defendant/Respondent

Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

▶ _____

(SIGNATURE)

Attorney or party without attorney for:

Plaintiff/Petitioner Defendant/Respondent

Cross-Complainant

(To be completed by clerk)

4. Dismissal entered as requested on (date): _____

5. Dismissal entered on (date): _____ as to only (name): _____

6. Dismissal **not entered** as requested for the following reasons (specify): _____

7. a. Attorney or party without attorney notified on (date): _____

b. Attorney or party without attorney not notified. Filing party failed to provide a copy to be conformed means to return conformed copy

Date: _____ Clerk, by _____, Deputy

PLAINTIFF/PETITIONER: JACQUELYN SAKIOKA, Successor in Int	CASE NUMBER: CU18-083228
DEFENDANT/RESPONDENT: STATE OF CALIFORNIA; COUNTY OF N	

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived fees and costs in this action for *(name)*:
2. The person in item 1 is *(check one below)*:
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and costs that were waived in this action have been paid to the court *(check one)*: Yes No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

 (TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

▶ _____
 (SIGNATURE)

REPORT TO CITY COUNCIL

City of Nevada City

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

April 22, 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 **June 10, 2020**.

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

BACKGROUND / DISCUSSION:

Staff initially 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 the March 25, 2020 City Council meeting. The item was continued from the March 25, 2020 agenda to April 22, 2020. Given the ongoing COVID-19 local emergency and global public health crisis, staff recommends continuing this Public Hearing again to June 10, 2020 to avoid the expenses of re-noticing this item. Evidence suggests that social distancing protocols may be in place through May 2020.

ENVIRONMENTAL CONSIDERATIONS: Not applicable at this time.

FINANCIAL CONSIDERATIONS: None.

REPORT TO CITY COUNCIL

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

April 22, 2020

TITLE: Urgency Ordinance Extending a Temporary Moratorium on Commercial 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 extending a temporary moratorium on evicting commercial 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.

The City Council under its the authority 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, adopted an Urgency Ordinance No. 2020-04 at its March 25, 2020, City Council meeting, creating a temporary moratorium on residential and commercial evictions within the City for tenants who qualified under the Ordinance as unable to pay rent due to financial impacts of the COVID-19 emergency and who meet the requirements set forth in the Ordinance. The Ordinance was effective immediately upon adoption, and is set to expire on April 25, 2020. The Ordinance stated that any order of the Governor issuing a residential and/or commercial eviction moratorium would supersede the Ordinance No. 2020-04 with respect to the category of evictions it covered (residential or commercial or both).

On March 27, 2020, the Governor issued Order N-37-20 which instituted a statewide moratorium on residential evictions effective through May 31, 2020. As per the terms of the Ordinance No. 2020-04, the Governor's Order N-37-20 superseded Ordinance No. 2020-04 with respect to residential tenant evictions only; Ordinance No. 2020-04 is still in effect to protect commercial tenants covered by its terms, until April 25, 2020, unless extended.

As the financial impacts of the COVID-19 persist, and commercial tenants within the City continue to suffer substantial financial losses due to the emergency, and in particular due to the Governor's order to close all non-essential businesses, and for residents to shelter-in-place. Therefore, staff recommends extending the City's Urgency Ordinance No. 2020-04, to protect commercial tenants from eviction for nonpayment for rent related to financial impacts of COVID-19 until May 31, 2020, which will extend the City protections for commercial tenants until the date that the Governor's Order protecting residential tenants expires.

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.

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:

- ✓ An Urgency Ordinance of the City of Nevada City to Extend a Temporary Moratorium on Evicting Commercial Tenants and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately upon Adoption

ORDINANCE NO. 2020-XX

**AN URGENCY ORDINANCE OF THE CITY OF NEVADA CITY
RELATING TO AN EXTENSION OF A TEMPORARY
MORATORIUM ON EVICTING COMMERCIAL 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 Council under its the authority 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 adopted an Urgency Ordinance No. 2020-04 at its March 25, 2020, City Council meeting, creating a temporary moratorium on residential and commercial evictions within the City for tenants who qualified under the Ordinance as unable to pay rent due to financial impacts of the COVID-19 emergency and who meet the requirements set forth in the Ordinance. The Ordinance was effective immediately upon adoption, and is set to expire on April 25, 2020. The Ordinance stated that any order of the Governor issuing a residential and/or commercial eviction moratorium would superseded the Ordinance No. 2020-04 with respect to the category of evictions it covered (residential or commercial or both); and

WHEREAS, on March 27, 2020, the Governor issued Order N-37-20 which instituted a statewide moratorium on residential evictions effective through May 31, 2020. As per the terms of the Ordinance No. 2020-04, the Governor’s Order N-37-20 superseded Ordinance No. 2020-04 with respect to residential tenant evictions only; Ordinance No. 2020-04 is still in effect to protect commercial tenants covered by its terms, set to expire April 25, 2020.

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. Extension of Commercial Tenant Eviction Moratorium in Ordinance No. 2020-04.

Section 1 (A) of City of Nevada City Urgency Ordinance No. 2020-04 which established a moratorium on evictions, and was superseded in part by Governor's Order N-37-20 (within respect to residential evictions) but still applies to commercial evictions shall be in effect until May 31, 2020. for thirty (30) days.

SECTION 2. Section 1 (B) of Nevada City Urgency Ordinance No. 2020-04 shall be amended to read as follows:

“This ordinance applies to all commercial tenants within the City of Nevada City.”

SECTION 3. Provisions of Nevada City Urgency Ordinance No. 2020-04 not specifically amended by this Ordinance, shall remain in effect.

SECTION 4. 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. As the COVID-19 crisis persists, it is necessary to extend commercial eviction protections originally adopted by the City Council in Urgency Ordinance No. 2020-04 from April 25, 2020, until May 31, 2020.

SECTION 5. 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 6. 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

REPORT TO CITY COUNCIL

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

April 22, 2020

TITLE: Urgency Ordinance Granting an Extension for Cannabis Business Permits

RECOMMENDATION: Waive reading of Ordinance and read by title only, and adopt an Urgency Ordinance of the City of Nevada City Granting a One-time Extension of Six Months to the Term of Annual Cannabis Business Permits 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.

At the March 25, 2020 City Council Meeting, the City Council received public comments from many of the City's permitted cannabis businesses seeking some relief in renewing their annual permits, because the fee of \$5,000 to process renewal permits was burdensome given the financial impacts these businesses have suffered during the COVID-19 crisis. The City Council directed staff to research options for providing the relief requested, and staff has determined the best approach is to grant cannabis businesses a one-time six month extension of their cannabis business permits. The normal term of cannabis business permits is twelve (12) months, so the ordinance would allow all cannabis business who had valid permits as of the date the City declared a local state of emergency, March 5, 2020, to continue operate under those permits for a total of eighteen (18) months before the business owners would have to apply for the annual renewal permit and pay the \$5,000 renewal fee.

It should be noted that the \$5,000 permit fee has been accepted as a deposit by the City, and after accounting for the actual staff time necessary to process the applications, staff has issued refunds for the balance of the deposit. So in some cases, businesses have not been required to pay the full \$5,000 annual permit renewal fee. However, in an effort to set a fixed, reasonable annual renewal permit fee for all cannabis business, staff will calculate the average processing times and bring back a resolution within six (6) months, to recommend lowering the annual renewal fee **if possible**.

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.

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:

- ✓ An Urgency Ordinance of the City of Nevada City to Extend a Temporary Moratorium on Evicting Commercial Tenants and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately upon Adoption

ORDINANCE NO. 2020-XX

**AN URGENCY ORDINANCE OF THE CITY OF NEVADA CITY
RELATING TO AN EXTENSION OF A TEMPORARY
MORATORIUM ON EVICTING COMMERCIAL 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, Nevada City Municipal Code Section 9.22.050, subdivision (B), provides cannabis business shall expire twelve (12) months after the date of its issuance.

WHEREAS, the City’s cannabis businesses have suffered financial impacts due to the COVID-19 emergency and associated governmental orders and directives, and unlike other businesses in the City, must pay a \$5,000 annual permit renewal fee.

WHEREAS, in order to ensure the continued operation of the City’s cannabis business, which provide an important sale tax base to the City, and which are subject to the Cannabis Business Tax, collection of which will be important in the City’s recovery from financial impacts of this emergency, the City Council desires to enact a one-time extension of the term of annual cannabis business of six (6) months, so that cannabis business owners may recover enough from the impacts of this emergency before they are required to pay for fee for their annual renewal permits.

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

SECTION 1. One-time extension of Annual Cannabis Business Permits from 12 months to 18 months.

The normal expiration of annual cannabis business permits of twelve (12) months as provided by Nevada City Municipal Code Section 9.22.050, subdivision (B) shall be extended to eighteen (18) months for all cannabis business permits that are set to expire between March 5, 2020, and September 30, 2020.

SECTION 2. 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 business closures of cannabis businesses legally operating with annual permits within the City who, without an extension of time, would be unable to pay their annual renewal fees and may lose substantial sums of moneys spent in business development and set-up and may have to lay-off workers. An emergency measure is necessary to protect cannabis businesses from going out of businesses during the COVID-19 crisis.

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. 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



The City of Nevada City is working hard on a variety of projects and activities to serve the community. This correspondence provides the City Council and citizens with a periodic update on citywide activities and events.

~ Catrina Olson, City Manager

FAREWELL

- **Nevada City Staff, City Council and Planning Commission**
Good job to all of you for all that you are doing to stay safe and keep our City safe during this unusual health crisis. Keep up all the hard work.
- **Nevada City Residents and Businesses**
Thank you to all of our residents and businesses for all that you are doing to stay safe and keep our City safe during this unusual health crisis. Know that Nevada City staff is still here to serve your needs in the safest capacity possible.
- **SB2 Planning Grant Funding**
The City received confirmation that we have been awarded \$160,000 in planning grant funding, good work Amy Wolfson for your efforts on the application process.
- **Firewise Community Groups**
Thank you to the members of the Firewise Community Groups for working with the City and around the City in to clean-up. There have been strong efforts by this group and vegetation mitigation that have occurred at Jordan Street, Champion Mine Road, Reward Street, Heilman Court, Railroad Avenue, Gold Flat Court and New Mowhawk. Keep up the good work. The City is looking great.

COMPLETED AND ONGOING CITY PROJECTS

- **Residential Chipping Program**
Division Chief Goodspeed is beginning to receive Chipping Program applications from members of the community.
- **PG&E Power Line Project**
Division Chief Goodspeed has continued working with PG&E regarding a power line that runs through the Deer Creek Canyon west of Nevada City that is lacking fire clearance and creating a hazard. Nevada City Fire Department has a working group consisting of PG&E, immediate property owners, City and County elected officials, local fire districts and Firewise Communities. They are currently working with affected property owners to get permission to do the clearing under the lines. This project is complete.
- **Police Department Activity**
Police Chief Ellis and the Police Department have been working mostly on COVID-19 related issues and pushing out communication. Chief Ellis has also been

involved in working issues during this health crisis with the homelessness occurring on Sugarloaf Mountain.

➤ **Providence Mine Vegetation Clean-Up**

Division Chief Goodspeed with the Washington Ridge Crew has completed 50% of the vegetation clearing for a fuel break at Providence Mine past the gate to the creek. The Washington Ridge Crew will be available again to start up more clean-up in May.

➤ **Unenforced Smoking Areas Pilot Project**

Signs and receptacles are in...the unenforced smoking area pilot project is in full swing. An update on this program is scheduled for the March 25, 2020 Council meeting.

➤ **Commercial Street and York Street One-Way Pilot Project**

At the January 8, 2020 meeting Council voted to permanently make Commercial Street and York Street one way. City Staff met with Architect Rebecca Coffman and Bethany, a member of FoNC, to discuss updating the Commercial streetscape rendering considering the feedback provided at the January 23, 2019 meeting. The underground utility work is due to begin the week of April 20, 2020. Building owners and tenants have been notified.

➤ **Wastewater Treatment Plant and Water Treatment Plant Activity**

As part of the Wastewater Treatment Compliance with the State Regional Water Board Administrative Civil Liability staff is working on several projects for plant modification. The projects that are happening such are; (1) mechanical clarifier weir washers, (2) activated sludge blower pipe repairs, (3) filtration process flow modulation/equalization basin repairs, (4) engineering consulting for treatment process optimization, (5) sludge wasting day tank, and (6) improvements to the belt press. BLM received notification of grant funding for vegetation management. Currently BLM is prioritizing projects and will be working with the City to clean-up the vegetation at the water treatment plant.

➤ **South Pine Street Railing, Sidewalks and Wall Rebuild**

This project is complete.

➤ **Solar at the Old Airport**

SEED/SEI continues to work with South Lake Tahoe and some of the other jurisdictions that are part of the collective RFP to finalize the language for the solar projects.

➤ **Planning**

Currently reviewing an application an existing cannabis manufacturing business that is moving to Gold Flat. LAFCo has provided the City with the EIR document that pertains partially to the City sphere which is under review by staff. City Planner, Amy Wolfson and City Manager, Catrina Olson have been working with the County and the Rural Housing Authority on an affordable housing project in Nevada City.

➤ **Proposition 64 Public Health and Safety Grant Program**

Police Chief Ellis continues to work on this grant application as the deadline has been extended to June 5, 2020 due to the COVID-19 virus.

- **Proposition 68 Per Capita Grant Program**
The City submitted a questionnaire in June 2019 to receive determination if the City is eligible for funding through this program. The City is eligible to receive recreational funds in the ratio of the City's population as to the combined total of the State's population with the minimum allocation of \$200,000. The City continues to wait to hear about the funding.
- **FEMA Firefighter Assistance Grant**
Division Chief Goodspeed is submitting a grant application to assist the Fire Department in replacing Self Contained Breathing Apparatus (SCBA). The grant was submitted March 13, 2020.
- **Picnic Area Bathroom Remodel**
This project has been started and a portion of the demolition has occurred. The walls will be cut out next week. Expected completion of the project June 1, 2020.
- **Community Development Block Grant (CDBG) Curb Cuts for American Disabilities Act (ADA)**
This project is complete.
- **Department of Public Works**
The replacement dump truck for the one that was stolen from the Corporation Yard on December 31, 2019 has been ordered along with a new snowplow and sander attachment.
- **Department of Public Works**
The Department of Public Works has been in full swing during the COVID-19 crisis. They have been busy with extra sanitizing, getting the pool prepared for when the City is able to open and painting throughout the City facilities. Their schedules have been changed so that there is coverage in the City 7 days a week.
- **Clampers Square**
The Nevada County Narrow Gauge Railroad Museum has done a lot of work installing the Rail Exhibit at Clampers Square. The rail is in, the sidewalk is complete, the Kiosk is being installed and the crosswalk will be completed within the next two weeks.
- **Boulder Street Sidewalk Replacement and Waterline**
Replacement of the Boulder Street sidewalk is complete. The rock wall is complete. Installation of the railing is about to begin.

UPCOMING CITY PROJECTS THAT HAVE BEEN PUT ON HOLD DUE TO THE CURRENT COVID-19 HEALTH CRISIS

- **Sign Committee**
Council Members, Valerie Moberg and Duane Strawser met with City Manager, Catrina Olson, to discuss "sprucing" up and adding new signage in Nevada City. Staff is working on reviewing intersections on Commercial Street to begin updating signage. Currently the Department of Public Works Superintendent, Bubba Highsmith is working on a phased plan to begin replacing City street signs and adding directional signage. This is scheduled to be presented to Council at the March 25, 2020 meeting. Stay tuned.

- **Tabletop Crosswalks**
At the Planning Commission, meeting on February 20, 2020 a design for tabletop crosswalks was approved at Railroad Avenue. The approved design will be used for slowing traffic on Zion Street and Sacramento Street. The focus will be on the crosswalk near the Tour of Nevada City Bike Shop, the crosswalk at Zion Street and Sacramento Street and the crosswalk at Forest Hill Charter School. Staff will be looking into tabletop crosswalks and flashing signage.

- **Water Bottle Station**
Coming before summer staff is working towards changing out the water fountain at the swimming pool with a water bottle filling station.

- **Parking Structure at Spring Street**
The City Council and the Parking Committee have reviewed a very initial design schematic for a parking structure at Spring Street. Staff has met with Bruce Boyd and has discussed next steps. The City will be putting out an RFQ for an architect as the City moves forward and the City Manager is researching funding avenues.
Bicycle Parking – Spring 2020

- **Nevada Street Bridge Rehabilitation**
The Bridge project will likely start this summer with City funded utility relocations (which can be reimbursed later when bridge is fully funded). This will ensure that the bridge is programmed for full funding in November 2020 (the strategy is to start construction which moves us to the front of the line for funding).

ADMINISTRATION

- **COVID-19**
 City staff have been communicating and working jointly with Grass Valley and Nevada County to keep the community and City staff updated on the COVID-19 virus, and how to mitigate the chances of contracting/coming into contact with the virus.

- **Budget**
 Budgeting season is here, and with the current economic situation that surrounds COVID-19 the budget will be heavily impacted. Work on the FY 20/21 budget is underway. The budget workshop will be held May 14, 2020 at 9am.

- **Fire Advisory Committee**
 The first Fire Advisory Committee meeting was held on April 15, 2020. An update will be given at the April 22, 2020 City Council meeting.

- **Parks and Recreation**
 Currently the City Parks have been closed due to the COVID-19 crisis. Online registration for summer programs will begin in May with just registration to hold spots. Collection of the money will be on hold until June when the City receives further information into when public facilities will be allowed to open.

COMING SOON....

➤ **Website Refresh...coming soon**

City Manager, Catrina Olson, Administrative Services Manager, Loree' McCay, and Parks & Recreation Manager, Dawn Zydonis, will be working with MunicipalCMS, LLC. on an update and "refresh" to the Nevada City website.

➤ **Ordinance for No Camping in Certain in City Locations – On Hold**

This Ordinance is on hold as other communities that have put this in place have now received lawsuits.

➤ **Pre-Treatment Discharge Ordinance for Wastewater – May 2020**

The City will be looking to setting regulations for discharge related to business/industry that have significant impacts on the Wastewater Treatment Plant. This will help create processing efficiencies for the City's plant facility. The City has sent letters to heavy commercial dischargers to begin the discussion about mitigating impacts on the Wastewater Treatment Plant. Currently the City is in sampling mode collecting data throughout Nevada City to help better inform.