

**AGENDA FOR THE REGULAR MEETING  
DUNSMUIR CITY COUNCIL  
COUNCIL CHAMBERS  
5902 DUNSMUIR AVE, DUNSMUIR, CA  
NOVEMBER 5, 2015  
CLOSED SESSION: 5:30 PM  
REGULAR SESSION: 6:00 PM**

As a courtesy, please turn off cell phones and electronic devices while the meeting is in session. Thank you.

1. CALL TO ORDER 5:30 PM
2. ROLL CALL
3. PUBLIC COMMENT ON CLOSED SESSION ITEMS
4. CLOSED SESSION
  - A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Section 54956.8  
Property: Engine House  
Agency Negotiator: Interim City Manager  
Negotiating party: Benson Roofing  
Under negotiation: Lease terms, price, terms of payment
  - B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
Subdivision (a) of Section 54956.9  
Name of Case: DART and Leslie Wilde v. Dunsmuir City Council
5. REPORT FROM CLOSED SESSION
6. FLAG SALUTE
7. APPROVAL OF AGENDA
8. APPROVAL OF MINUTES
  - A. Minutes of October 15, 2015 regular meeting
9. COMMITTEE REPORTS
  - a. Economic Development/Tourism
  - b. Finance
  - c. Public Facilities and Services
  - d. Public Safety
  - e. Airport
  - f. Solid Waste
10. CITY TREASURER REPORT
11. ANNOUNCEMENTS AND PUBLIC COMMENT

Regular City Council meetings are televised on Channel 15 to keep the City residents informed of City Council actions and deliberations that affect the community. Meetings are scheduled to be televised on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month. Meetings that take place on dates other than the 1<sup>st</sup> and 3<sup>rd</sup> Thursday will not be televised.

This time is set aside for citizens to address the City Council on matters listed on the Consent Agenda as well as other items **not** included on the Regular Agenda. If your comments concern an item noted on the Regular Agenda, please address the Council when that item is open for public comment. **Each speaker is allocated three (3) minutes to speak. Speakers may not cede their time to another speaker.** Comments should be limited to matters within the jurisdiction of the City. Speaker forms are available from the City Clerk, 5915 Dunsmuir Ave, Dunsmuir, on the City's website, or on the podium. The City Council can only take action on matters that are on the Agenda, but may place matters brought to their attention at this meeting on a future Agenda for consideration. If you have documents to present to members of the City Council, please provide a minimum of seven (7) copies.

## **12. ANNOUNCEMENTS AND REPORTS FROM COUNCIL AND STAFF:**

Members of the Council or staff may ask questions, request reports for a later meeting, or ask that an item be placed on a future agenda on any subject within the Council's jurisdiction.

## **13. CONSENT AGENDA**

The Consent Agenda consists of proposed actions on business matters which are considered routine and for which approval is based on previously approved City policy or practice. The Consent Agenda will be approved by a single motion to "Adopt the Consent Agenda" and Council Members will vote without debate. Council Members may remove a Consent Agenda matter for any reason and request that it be placed on the Agenda for discussion and consideration. Matters removed from the Consent Agenda will be placed on the agenda as an item of "New Business" for discussion and consideration.

- A. Consider and authorize removal of left-over items in Engine House that are not tires or possible hazardous waste**
- B. Receive and file updated list of appointments and assignments**
- C. Consider and adopt Resolution No. 2015-31 authorizing signers for CDBG grant fund requests**
- D. Receive and file new medical marijuana laws update from City Attorney**
- E. Consider and authorize purchase and installation of replacement decorative light pole damaged near Florence Avenue loop**
- F. Consider and approve Check Register dated October 16, 2015**
- G. Consider and approve Check Register dated October 23, 2015**
- H. Consider and approve Check Register dated October 29, 2015**

## **14. PUBLIC HEARING**

Public Hearing Protocol:

- a. Mayor will describe the purpose of the Public Hearing.
- b. City Staff will provide the Staff Report.
- c. City Staff will respond to questions from the City Council.
- d. Mayor will open the Public Hearing.
- e. Citizens wanting to comment will come to the podium, provide the City Clerk with their name and address and provide their comments.
- f. Mayor will close the Public Hearing.

## **15. OLD BUSINESS**

- A. Consider draft Resolution establishing rates for water service**
- B. Consider draft Resolution establishing rates for garbage service**

**16. NEW BUSINESS**

- A. Consider and introduce and pass first reading of Ordinance No. 551, An Ordinance amending Section 15.40.130 and Section 15.40.140 regarding banners, pennants and signs in commercial and manufacturing zones**
- B. Consider new arrangement for housing for Interim City Manager**
- C. Consider and authorize member of Council to request appointment to serve on the Board of Directors of the Siskiyou County Air Pollution Control District**
- D. Consider and approve consultant agreement with Carol Ford of Ford Aviation Consulting for assistance with grants for City of Dunsmuir's Mott Airport**

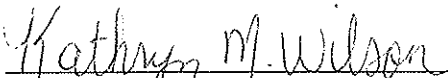
**17. ADJOURNMENT:**

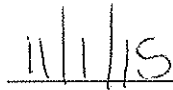
**Copies of this agenda were posted at City Hall, Dunsmuir City Library, Dunsmuir Recreation and Parks District Office and at the Post Office on or before 6:00 PM on Sunday, November 1, 2015.**

The City of Dunsmuir does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disability or any other legally protected classes in employment or provision of services. Persons who need accommodations for a disability at a public meeting may call City Hall at (530) 235-4822 for assistance. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to accommodate participation in the meeting.

**CERTIFICATION**

This is the official Dunsmuir City Council Agenda, created and posted in accordance with the Dunsmuir City Council Protocols.

  
\_\_\_\_\_  
Kathryn Wilson, City Clerk

  
\_\_\_\_\_  
Date

**CITY OF DUNSMUIR  
CITY COUNCIL MEETING MINUTES  
OCTOBER 15, 2015**

**CALL TO ORDER:**

Meeting was called to order at 6:00 pm by Mayor Keisler.

**ROLL CALL:**

Council members present: Craig, Spurlock, Deutsch, Keisler. Council member Syrrist arrived at 6:10 pm.

City staff present: Johnsen

City official present: Wilson

**Flag Salute**

**APPROVAL OF AGENDA:**

Motion to approve the agenda by Deutsch, second by Spurlock. Voice vote:

Ayes: Craig, Spurlock, Deutsch, Keisler

Noes: 0

Abstain: 0

Absent: Syrrist            Motion carried, 4-0-0-1.

**APPROVAL OF MINUTES: October 1, 2015**

Motion to approve by Craig, second by Deutsch. Voice vote:

Ayes: Craig, Spurlock, Deutsch, Keisler

Noes: 0

Abstain: 0

Absent: Syrrist            Motion carried, 4-0-0-1.

**COMMITTEE REPORTS:**

**a. Economic Development/Tourism** Council member Deutsch stated the date of the next meeting is to be determined; that the committee will continue to pursue fiber optic; and committee working with other cities in a joint effort to explore fiber optic options. Review provided of process of fiber optic and challenges that will have to be overcome.

**b. Finance**-Has not met.

**c. Public Facilities and Services**-Has not met. The next meeting is set for October 22.

**d. Public Safety**-met October 7. Interim City Manager Johnsen reported that there was discussion on downtown cameras, contract with Siskiyou County Sheriff for law enforcement services excepting animal control services, enforcement of speeding, code enforcement at address on Sacramento and address on Elinore.

**e. Airport**-ICM Johnsen stated that the gate at the airport is now being locked. He stated that the City has received \$20,000 to support operations at the airport, and has applied for another \$10,000. He stated that he believes that the City will be receiving money in the coming year for improvement projects. Review and brief discussion.

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**CITY OF DUNSMUIR MEETING MINUTES**  
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f. **Solid Waste**-Council member Craig reviewed meeting and recommended that the City Council direct staff to conduct a rate study to determine justification of the solid waste rates. Discussion. Motion to direct staff to explore rates, determine on what basis the rates were established, and come up with a more equitable structure by Craig, second by Deutsch. Roll call vote:

Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist

Noes: 0

Abstain: 0

Absent: 0 Motion carried, 5-0-0-0.

Council member Craig stated that the committee did not feel it would be appropriate for Solid Waste to fund cameras for the downtown. Brief discussion, no action, regarding clean-up days and a green-waste program.

**ANNOUNCEMENTS AND PUBLIC COMMENT:**

Executive Director for the River Exchange, Phil Detrich, gave a report on the river cleanup, stating there were approximately 50 participants who gathered 475 pounds of trash. He stated the most problematic areas were transient camp sites and a dump site at the end of Financial Avenue. He explained that a burning campfire was also located, and recommended that the City consider better enforcement.

Dunsmuir High School science teacher Spencer Adkisson reviewed the date of this year's GIS day, and explained that the program will be looking for community support.

Audience member Peter Arth asked about the 2015/16 allocation for sidewalks, stating it has traditionally been \$10,000. He stated there are a lot of dangerous sidewalks that are a liability to the City. Mr. Arth also stated that the Veteran's Fountain should be repaired by Veteran's Day next month. He also stated he is pleased that the City is embracing the airport, and recommended that general transportation be looked into for the area. Mr. Arth spoke regarding Proposition P, and expressed concern that the money goes into the General Fund with no commitment to where it goes. He recommended that the Council sign a Resolution to commit the money to the library and pool.

**ANNOUNCEMENTS AND REPORTS FROM COUNCIL AND STAFF:**

Council member Craig discussed the general tax that Proposition P proposed, explaining that it cannot be set aside for any particular group. Discussion regarding special versus general tax, and whether or not a Resolution would be an appropriate course of action. ICM Johnsen stated he would speak to a tax attorney, and reiterated that Council would have to consider all requests for funds or be open to legal challenge. Discussion.

Staff directed to look into the legality of a Resolution regarding Proposition P monies. Council member Craig requested that an item regarding sidewalks be added to the Public Facilities and Services agenda, and for staff to contact PACE to acquire a report regarding the item. Discussion.

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**CONSENT AGENDA:**

A. Approve Check register dated October 9, 2015  
Motion to approve by Deutsch, second by Craig. Roll call vote:  
Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist  
Noes: 0  
Abstain: 0  
Absent: 0 Motion carried, 5-0-0-0.

**PUBLIC HEARING:**

A. Consider, pass second reading, and adopt Ordinance No. 549 Adopting Dunsmuir City Code Review by ICM Johnsen.  
**Public Hearing Open: 7:13 pm**  
**Public Hearing Closed: 7:13 pm**  
Motion to read Ordinance No. 549 by number and title only by Deutsch, second by Syrrist. Roll call vote:  
Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist  
Noes: 0  
Abstain: 0  
Absent: 0 Motion carried, 5-0-0-0.  
Motion to pass second reading and adopt Ordinance No. 549, An Ordinance of the City Council of Dunsmuir adopting the Dunsmuir City Code by Deutsch, second by Craig. Roll call vote:  
Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist  
Noes: 0  
Abstain: 0  
Absent: 0 Motion carried, 5-0-0-0.

B. Consider, pass second reading, and adopt Ordinance No. 550 repealing Chapter 8.08 of the Dunsmuir City Code and enacting new Chapter 8.08 creating new regulations for refuse collection and disposal  
ICM Johnsen reviewed and answered clarifying questions.

**Public Hearing Open: 7:16 pm**

Audience member Peter Arth stated that seniors depend on curbside service, but there are many items that are not picked up, including newspaper, cardboard, and plastic. He stated there is ample space to engage in green wasting, and suggested the City look into getting a consultant to advise what could be done to collectively reduce solid waste.

**Public Hearing Closed: 7:20 pm**

ICM Johnsen explained that the solid waste flyer referred to by Mr. Arth was for the County recycling program, and not for the City's refuse and garbage pick-up. ICM Johnsen read into record a statement from the Dunsmuir Association of Rate and Taxpayers and reviewed attachments. See attached item titled 'Public Comment Against Ordinance 550.'

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Discussion. ICM Johnsen stated that the opinion of the City Attorney is to proceed, and the intent of the Ordinance is to clarify the issue.

Motion to read Ordinance No. 550 by number and title only by Craig, second by Deutsch. Roll call vote:

Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist

Noes: 0

Abstain: 0

Absent: 0 Motion carried, 5-0-0-0.

Motion to pass second reading and adopt Ordinance No. 550, An Ordinance of the City Council of the City of Dunsmuir, repealing Chapter 8.08 to Title 8 of the City of Dunsmuir City Code, and enacting a new Chapter 8.08, concerning refuse collection and disposal by Craig, second by Spurlock. Roll call vote:

Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist

Noes: 0

Abstain: 0

Absent: 0 Motion carried, 5-0-0-0.

**OLD BUSINESS:**

A. Consider and discuss Water Master Plan update and Water Rate recommendation presented October 1.

Report by ICM Johnsen.

Audience member Peter Arth stated that the City needs to act urgently and immediately to repair the rate structure and complete main line replacements. He asked about lifeline rates for the poor within the community, and again encouraged Council to make policy decisions to advance the change that is urgently needed.

Council member Deutsch reviewed the process that the ad-hoc committee had utilized, policy issues that were discussed, and attempts to engage the public.

Council member Craig reviewed the suggested changes to the base rate units and increase over five years. He reviewed the current structure versus changes.

Council discussion regarding more public involvement, how to get information out to public.

Motion to direct staff to prepare a Resolution for the next meeting based on the recommendation of the committee, and with options available by Deutsch, second by Spurlock.

Voice vote:

Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist

Noes: 0

Abstain: 0

Absent: 0 Motion carried, 5-0-0-0.

B. Consider and authorize Mayor to execute MOU for Law Enforcement Services with County of Siskiyou

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ICM Johnsen reviewed annual process. He explained there are still changes to be made, and that the Sheriff's Office has promised it will continue to work with staff to resolve issues.

**Recess: 8:07 pm – 8:17 pm**

Discussion. Council member Deutsch expressed concern about speeding in town, and asked about a radar gun. Mayor Keisler explained that the City is working on getting a gun, and that the Sheriff's Office is working on training. Brief discussion.

Motion by Deutsch to authorize the Mayor to execute MOU for Law Enforcement Services between County of Siskiyou and City of Dunsmuir dated September 28, 2015, and direct staff to continue working with County staff to resolve all concerns about the contract as raised by City Attorney, Risk Manager, and City Manager. Second by Syrrist. Roll call vote:

Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist

Noes: 0

Abstain: 0

Absent: 0 Motion carried, 5-0-0-0.

C. Review and discuss rules for burning of leaves

ICM Johnsen reviewed Fire Department regulations, and Mayor Keisler gave the phone number to call for burn day information.

Audience member Barbara Cross stated that burning regulations should be tied not to dates, but to precipitation. She asked that Council look at how much burning is allowed as it creates pollutants, and leaves are compostable.

Audience member Linda Gnesa agreed with Ms. Cross.

Dunsmuir Fire Chief Dan Padilla explained that the Siskiyou County Air Pollution Control Board dictates whether or not outdoor yard burning is allowed each day, and that they take heat and wind into consideration. He explained that Cal-Fire determines if no outdoor yard burning is allowed. He suggested having a permit process in the future in order to allow for education.

Discussion. Council decision to send the item to the Public Safety Committee to look into a permit process and to bring the item back to Council.

D. Review and discuss and provide direction regarding code enforcement of Historic District ordinance provisions.

Review by ICM Johnsen, explaining lack of enforcement of Historic District codes in the downtown area. Review of history of code enforcement, and previous Council's decision to attempt a 'kinder, gentler approach.'

Planning Commissioner Barbara Cross stated that the Historic District is the core of the City, and that the last meaningful inspection took place in 2009. She requested that Council resurrect the previous inspection committee to perform inspections. Ms. Cross read sections of the Historic Preservation Chapter of City Code regarding reasonable maintenance of historical structures and violations and penalties.

Audience member Peter Arth stated that he has invested a large amount of money in the Historic District relying on the fact that it is listed in the National Registry of Historic Places. He



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expressed disappointment that absentee owners whose buildings fall into disrepair are not penalized. He requested that the committee be reinstated. Audience and former inspection committee member Helen Cartwright agreed with Ms. Cross and Mr. Arth, stating that the Historic District is starting to backslide due to lack of enforcement. She reviewed the process taken by the committee in the past. Chamber of Commerce Director Richard Dinges stated that it is important to keep the Historic District built up for economic development.  
Discussion.

Motion by Craig to re-appoint the Historic District Committee, and reach out to former members. Motion failed for lack of a second.

Motion to authorize Interim City Manager to work with Planning Commission Historic District delegates to develop review/inspection process for historic district properties by Keisler, second by Syrrist. Voice vote:  
Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist  
Noes: 0  
Abstain: 0  
Absent: 0            Motion carried, 5-0-0-0.

**NEW BUSINESS:**

A. Consider and authorize purchase of new heaters for Police/Sheriff office. Review by ICM Johnsen. Brief Council discussion.  
Motion to authorize D and J Maintenance Co. to remove monitor heaters from Police/Sheriff office and replace with new Laser 730 heaters at a cost of \$3,439.00 including taxes, labor, and parts by Keisler, second by Craig. Roll call vote:  
Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist  
Noes: 0  
Abstain: 0  
Absent: 0            Motion carried, 5-0-0-0.

Motion to adjourn by Deutsch, second by Spurlock. Voice vote:  
Ayes: Craig, Spurlock, Deutsch, Keisler, Syrrist  
Noes: 0  
Abstain: 0  
Absent: 0            Motion carried, 5-0-0-0.

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ADJOURNMENT: 9:12 pm

\_\_\_\_\_  
Mayor Keisler

ATTEST:

\_\_\_\_\_  
City Clerk Wilson

RECEIVED  
OCT 14 2015  
CITY OF DUNSMUIR

## Public Comment Against Ordinance 550

Honorable Mayor and Dunsmuir City Council,

We, the Dunsmuir Association of Rate & Taxpayers, or DART, request the following written comment be incorporated as part of the public record as it pertains to the Public Hearing scheduled for October 15, 2015, at 6:00 p.m., on the issue of adopting Ordinance 550.

The mission of the Dunsmuir Association of Rate & Taxpayers (DART) is as follows:

“DART fosters and advances the interest of residents, ratepayers and taxpayers within the City of Dunsmuir and immediately adjacent areas, by providing research, analysis and education on matters of interest to said rate and taxpayers while advocating fiscal responsibility, accountability and best practices in local government.”

Our association has many concerns surrounding the issue of the solid waste enterprise fund, current garbage rates and fees, and the adoption of Ordinance 550. They can be summarized in 3 areas.

1) The current garbage rates and fees are excessive and should be lowered so that they are in compliance with California Constitution Article XIII D (6)(b) which states “Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service;” and “The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel ;” and “No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted.”

In 2004 when the current garbage fees were increased to what they still are today, the fees and rates were not based on a rate study of any kind but instead were allegedly based on the anticipated “tripling of the dump fees.” Staff reports and council statements from 2004 reflect the council voted to increase residential and commercial garbage service fees to pay for anticipated higher costs for curb-side garbage pick-up and the “tipping fees” the dump charges the garbage service franchisee Clemmons Waste Removal to dump the garbage. Council statements also reflect the garbage fees collected from ratepayers would only cover garbage pick-up and not be used for annual city-wide clean-ups or any future recycling, compost or green-waste disposal programs, etc.

However, because the dump fees did not triple and yet the rates went up significantly a surplus accrued in the solid waste enterprise fund in contradiction with California Constitution Article XIII D (6)(b.) In a 2012-2013 financial audit the performed by the accounting firm AGT estimated Dunsmuir’s solid waste enterprise fund was carrying a surplus of approximately \$467,000.

DART believes the city is overcharging ratepayers for garbage service and should reduce the rates to only cover curb-side garbage pick-up and the limited administrative costs to oversee the billing of the garbage service.

DART believes the disparity between the residential rates and commercial rates is not based on the proportional cost to provide the property-related service and instead the higher fees imposed on commercial users is really a revenue device designed to generate money for the city to use in other areas of its budget.

2) Once a surplus began to accrue in the solid waste enterprise fund the council and city routinely used the funds for items, expenses and purchases unrelated to what the garbage fees were collected from ratepayers to pay for. This included council approval of a transfer of \$225,000 from the solid waste fund to the water fund on December 15, 2011. (Promissory Note attached.)

DART believes the City of Dunsmuir's use of solid waste enterprise garbage fees to pay for items other than curb-side garbage pick-up and the associated administration costs, and for uses by other departments and city-controlled enterprises is not in accordance with California Constitution Article XIID (6)(b) which states "Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed."

3) In 2004 the council voted to amend DMC section 8.08.100 to read "Persons subject to collection (now include) A. Every person who maintains a residence within the city shall be subject to garbage and refuse service under this chapter, and is required to subscribe to such service. B. Every person who maintains within the city any place of business or a commercial property shall be subject to service under this chapter and is required to subscribe to such service."

This added approximately 199 new ratepayers for whom the garbage and refuse fees would be a property-related "new fee" or a "new tax." In other words, the "imposition" of a fee or tax.

Additionally, at the same time in 2004, the council voted to adopt Resolution 2004-26 which was accompanied by an "Attachment A" which consisted of proposed garbage and refuse rates and fees. The rates and fees listed in "Attachment A" were higher fees than what ratepayers were being charged at the time. This means the council adoption of Resolution 2004-26 "increased garbage and refuse rates" for a mandatory "property-related fee" as defined in DMC 8.08.100, for people who were already residential and commercial garbage service customers. In other words, an "increase" in fees or taxes.

"On November 5, 1996, the California electorate approved Proposition 218, the self-titled "Right to Vote on Taxes Act." Proposition 218 added articles XIIC and XIID to the California Constitution. Article XIID, Section 6 imposes certain procedural requirements when property-related fees are imposed or increased. Prop 218 takes a two-tiered approach. Fees for "sewer, water, and refuse collection services" are subject to the notice, hearing and majority protest procedures. Other fees for property-related services are subject to these same procedures plus they are subject to a voter-approval procedure." –League of California Cities "Proposition 218 Implementation Guide."\*

\*The court in *McBrearty v. City of Brawley*, (1997) 59 Cal. App. 4<sup>th</sup> 1441 cited as authoritative the *Proposition 218 Implementation Guide* issued in January 1997. This will permit use of that document as authority in future cases involving Proposition 218.

DART has attached the pertinent section of the Proposition 218 Implementation Guide, page 62.

The City of Dunsmuir has demonstrated it knows and understands the Article XIID Section 6 requirements to raise sewer, water and refuse collection services because in 2010 when the City of Dunsmuir sought to increase water and sewer fees it provided every residential and commercial water/sewer customer, whether owner or tenant, a notice of hearing and protest form. DART has attached the Notice of Public Hearing and Protest Form used in 2010.

DART believes in 2004 the City of Dunsmuir failed to provide its residential and commercial garbage and refuse ratepayers a proper notice of hearing and protest form when it created a new property-related garbage service fee for some ratepayers, and increased a property-related garbage service fee for other ratepayers. This is a violation of California Constitution Article XIID and makes the 2004 garbage service rates and specifically the fee increases unconstitutional and invalid as a matter of law.

DART believes the City of Dunsmuir failed to publish or post the amended DMC ordinance section 8.08.100, within fifteen (15) days pursuant to Government Code §36933(a) thus rendering the amended sections of the ordinance invalid and unenforceable as a matter of law in accordance with Government Code §36933(b.)

DART believes the City of Dunsmuir failed to provide its residential and commercial garbage and refuse ratepayers a proper notice of hearing and protest form before it adopted Ordinance 550 on September 24, 2015, and again before it scheduled a Public Hearing and 2<sup>nd</sup> reading of Ordinance 550 for October 15, 2015. This is a violation of California Constitution Article XIID.

DART requests the City of Dunsmuir cancel the public hearing for adoption and 2<sup>nd</sup> reading of Ordinance 550 from the council's October 15, 2015 agenda.

#### Summary:

DART believes the garbage and refuse rate increases from 2004 are unconstitutional and invalid as a matter of law. DART believes the garbage and refuse fees collected from the unconstitutional rate increases are excessive and have been used in a manner contrary to California Constitution Article XIID (6)(b.)

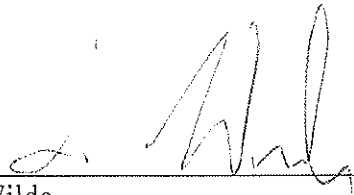
DART believes the garbage and refuse fees have not been legally established by the City of Dunsmuir as a property-related fee and the City of Dunsmuir should stop enforcing the fees as if they were.

DART believes the City of Dunsmuir should immediately adjust the garbage rates and fees to back to what they were prior to the 2004 increases and refund the current surplus back to the ratepayers who were clearly overcharged.

DART believes the City of Dunsmuir should conduct a forensic audit of the solid waste enterprise fund going back to 2003 to determine if and how a deficit occurred, and how and when any funds were misappropriated or misspent in the years since the illegal increases were enacted.

DART reserves the right to challenge the City of Dunsmuir in any a legal setting or legal proceeding on any issue, whether mentioned or addressed directly, or not, in this written public comment.

I make these statements under penalty of perjury under the laws of the State of California, on October 14, 2015, in Dunsmuir, California.

A handwritten signature in black ink, appearing to read 'L. Wilde', is written over a horizontal line.

Leslie Wilde  
Officer of the Dunsmuir Association of Rate & Taxpayers

## Procedural Requirements

Article XIID, section 6 imposes certain procedural requirements when property-related fees are imposed or increase. It takes a two-tiered approach. Fees for “sewer, water, and refuse collection services” are subject to the notice, hearing and majority protest procedures. Other fees for property-related services are subject to these same procedures plus they are subject to a voter-approval procedure. The substantive requirements apply to fees for all property-related services that are otherwise subject to section 6.

The procedures in Section 6(a) to impose or increase a “fee or charge” are as follows:

- ✓ Identify the parcels upon which a fee or charge is proposed for imposition.
- ✓ Calculate the amount of the fee proposed to be imposed on each parcel.
- ✓ Provide written notice by mail to the “record owner of each identified parcel.”
- ✓ Conduct a public hearing on the proposed fee not less than 45 days after the mailing.
- ✓ Consider “all protests against the proposed fee or charge.”
- ✓ If written protests against the fee are presented by a “majority of owners of the identified parcels,” the fee cannot be imposed.

*Practice Tip: Note that one factor in determining whether a fee is “property-related” is whether the parcels can be identified (Richmond v. Shasta Community Services District (2004) 32 Cal.4th 409, 420, fn. 2.)*

Implementation of the procedural requirements outlined above requires consideration of several questions, particularly as to who must receive notice of the hearing, and who is entitled to protest the fee and how are protests counted.

### **Notifying the “record owner of each identified parcel”**

Proposition 218 requires an agency to identify the parcels upon which a fee for a property-related service will be imposed, and then to send notice of its proposal to impose or increase a fee for a

## Notice of Public Hearing

DEAR CUSTOMER: The purpose of this notice is to explain the proposed utility adjustments for the City of Dunsmuir water and solid waste utilities. The adjustments will be considered by the City Council at the February 19, 2010, City Council meeting and if approved, the first rate increase will go into effect on or about July 1, 2010. This notice also provides information on the reason for the adjustments and how the additional revenue will be used. Rather than repeating the cost of this mailing and hearing annually, the City is proposing to adjust rates over a three year period and combining the water and solid waste utilities at the same time for economy. Unless further notice is given, rates will not exceed the adjustments noted.

NOTICE OF PUBLIC HEARING: The Dunsmuir City Council will hold a public hearing on proposed rate adjustments. The hearing will be held at Council's Chambers located at 5902 Dunsmuir Avenue in Dunsmuir during the Council's regular meeting on Friday, February 19, 2010 at 5:00 p.m. The hearing will cover proposed rate adjustments for the City's wastewater and water utilities in order to fund capital improvements necessary to effectively operate the systems, to meet commitments to existing improvement lenders, and to pay increased operating expenses. If adopted, the proposed rate adjustments will become effective with each City utility billing cycle, beginning with the first utility billing cycle in July 2010.

WHO RECEIVES NOTICE: This notice is being sent to all property owners in the City who currently receive any of these two City of Dunsmuir utility services and to property owners outside of the City limits that receive these services. This Notice also describes how to file a protest against the proposed rate adjustments. If a majority of property owners protest, the rates will not be changed. As a result revenues will not keep up with cost increases for operations, materials, and capital improvement costs.

BACKGROUND INFORMATION: The table on the top of the next page summarizes the proposed rate changes. These changes represent the monthly impact to the typical residential customer. The full rate tables for all customer classes are available at City Hall, 5915 Dunsmuir Avenue. If the service is metered, your rate adjustment will be directly affected by the amount of usage.

In order to be cost effective as possible, the Utilities are managed using a three-year cash flow projection to project revenues and expenditures. Rates are implemented using the lowest percent adjustment spread over a number of years that does not result in a utility operating at a loss or without an emergency reserve.



## Proposed Rates 2011-2013 for single family dwelling

Service	Existing Rate	Proposed		Proposed		Proposed	
		Rate 7/1/10	Percent Increase	Rate 7/1/11	Percent Increase	Rate 7/1/11	Percent Increase
Water – service/month 5/8"	\$13.00	\$17.00	29%	\$21.00	22%	\$25.00	18%
Wastewater/month	\$30.08	\$40.08	33%	\$50.08	25%	\$60.08	20%

- Rate changes go into effect on July 1st of each year
- Parcels on septic tanks do not receive wastewater service

WHY ARE RATES PROPOSED TO BE ADJUSTED? Revenues from rates pay for maintenance and operation of utilities and for many capital replacement costs or upgrades. Each utility is treated as a stand-alone entity in order to account for expenditures. Several factors have contributed to the increase in costs. In general for all utilities, increased costs for materials, chemicals, labor and equipment, fuel, and unfunded State and Federal mandates increase costs. Mandates add to the cost of operation and cover preparation of plans for security of plants and facilities, waste diversion, and water distribution.

### Identified Capital Improvement Projects (CIP)

#### Wastewater Collection and Treatment Improvements Project (\$7.5 million)

- Correct existing collection system deficiencies
  - Patricia Way
  - Alpine Drive
  - Needham Avenue
  - Dunsmuir Avenue
  - Hemlock Street
  - Pioneer Way
  - Ash Street
- Infiltration and Inflow (I&I) reduction projects
  - Castle/Willow Area
  - Vernie/Edyth Area
  - Scherrer Avenue Area
  - Dunsmuir/Cedar Area
  - Shasta/Branstetter Area
  - Grover/Rose Area
  - Dunsmuir/Stagecoach Area
  - Dunsmuir/Oak Area
  - Pine/Cedar Area
- Wastewater Treatment Plant Improvements
  - New secondary clarifier
  - New head works comminutor
  - Replace scum baffle in Aerated Grit Tank
  - Replace six existing motor starters
  - Add emergency standby generator

Water System Improvement Projects (\$4 million)

- North Dunsmuir water main replacements
- Dunsmuir Elementary School pressure and fire flow improvements
- Downtown water storage tank and pipeline replacement
- Blackberry Hill water pressure and fire flow improvements, including Scherrer Avenue pipeline replacement

HOW DO I PROTEST THE PROPOSED RATE ADJUSTMENT? The Dunsmuir City Council will consider these proposed adjustments at a public hearing at 5:00 p.m., Friday, February 19, 2009, at Dunsmuir City Council Chambers located 5902 Dunsmuir Avenue. Under State law, if you are the owner of record of a parcel or parcels subject to the proposed rate changes you may submit a protest against any or all of the proposed rate changes by filing a written protest with the City Clerk at or before the time set for the public hearing. If a written protest is filed by a majority of the affected parcel owners, the proposed rate change will not be imposed.

A written protest must contain a description of the parcel or parcels in which the party signing the protest has an interest, sufficient to identify the parcel(s). If the party signing the protest is not shown on the last equalized assessment role of Siskiyou County as the owner of the parcel(s), the protest must contain or be accompanied by written evidence that such party is the owner of the parcel(s). Protest should also indicate which proposed utility adjustments are being protested – water or wastewater (sewer). For your convenience, a form is provided herein.

**Protest Form**

If you object to the proposed adjustment in the monthly service charges, you may complete this form, detach it, and mail it to the Dunsmuir City Clerk, 5915 Dunsmuir Avenue, Dunsmuir, California 96025 or hand delivery it to City Hall at the same address. In order for this form to be counted as a valid protest, against a proposed rate adjustment, the form must be signed and delivered to the City Clerk no later than the end of the public hearing noticed above on February 19, 2009. Only one protest is permitted per property.

-----  
Assessor's Parcel Number \_\_\_\_\_ Parcel Address: \_\_\_\_\_

I protest the proposed rate adjustment of fund the operation, maintenance, capital improvement costs related to providing the following utility service: Check which service(s) are being protested.

- Water Rate Adjustment
- Wastewater Rate Adjustment

I hereby declare under penalty of perjury that I am the owner of the above listed property or the authorized representative of the owner of the above listed property.

Please sign here: \_\_\_\_\_

Please print the name of the property owner here: \_\_\_\_\_

## Treasurer Report

Date: October 28, 2015

To: Mayor and City Council

From: City Treasurer

**Sub: September Cash Balance Report**

The attached Cash Balances Report provides information as of September 30 2015. The report shows that the City's Total cash balance as of at that time was \$2,510,213.38. As of October 1 2015 the City had \$1,927,567.65 invested in LAIF. LAIF is a pooled investment Fund managed by the California State Treasurer that provides maximum liquidity for the City. City funds invested in LAIF are principally funds that are not required to meet current obligations. The following Funds are the major cash source of the LAIF investment: General Fund \$125,771.63, Sewer Enterprise and Sewer Increase \$772,729.57, Solid Waste Enterprise \$416,939.47, Water Enterprise and Water increase \$558,476.54

**Report on Bank Accounts**

As of 9.30.2015

Institution	Type of Account	Date of Report	Balance	
<b>U.S. Bank</b>				
2080	Municipal Investor Checking	9.30.15	366,737.86	
6024	Water - Debt Service Reserve	9.23.15	5,653.51	0.92200%
9567	CWSRF Debt Service Reserve	9.30.15	104,960.46	0.00997%
<b>America West Bank</b>				
49	Sewer	9.30.15	41,432.16	0.2%
<b>Premiere Bank - now America West Bank</b>				
Certificates of Participation				
1994 Water System Improvements Fund				
1510	Debt Service Reserve	4.2.15	30,063.60	
1994 Sewer System Improvements Project				
1528	Debt Service Reserve	5.1.15	33,798.65	
<b>Local Agency Invest Fund (LAIF)</b>				
	Investment	9.30.15	1,927,567.14	investment from several funds
<b>Total Cash Balance</b>			<b>2,510,213.38</b>	

# City Council Agenda Item

## Interim City Manager Staff Report

### Consent Calendar

**Item No:** 13.A.  
**Date:** November 5, 2015  
**Subject:** Consider and Authorize removal of left-over items in Engine House

Staff has asked prior occupants to remove their items from Engine House so it can be fully evaluated for any possible future use. Over a period of time a lot of items have been removed. Antique cars and antique railroad items have been returned to owners. Clemens Waste Disposal removed storage of their items. School districts have removed their items.

There are many left-over items remaining. Public Works Supervisor has walked building with representative from Clemens Waste Disposal and received bid for \$2,500 to clean out the building. This does not include over a dozen tires that will be taken to dump by city crew. This does not include metal barrels of unknown materials that may have to be removed as possible hazardous waste.

**Recommendation:** Move to authorize staff to execute \$2,500 estimate from Clemens Waste Disposal to remove trash and debris and all other items that are not tires or possible hazardous waste from Engine House.

CLEMENS WASTE REMOVAL, LLC

P.O. BOX 12  
450 SOUTH 2ND ST.  
DUNSMUIR, CA 96025

# Estimate

Date	Estimate #
10/14/2015	3

Name / Address
CITY OF DUNSMUIR 5915 DUNSMUIR AVE. DUNSMUIR, CA 96025

			Project
Description	Qty	Cost	Total
TRASH REMOVAL old bus barn on Sacramento Ave  Does not include removal of tires, hazardous material, and large tanks per discussion with Bill of Public Works Dept,		2,500.00	2,500.00
This estimate good for 72 hours.		<b>Total</b>	\$2,500.00

U.P. Engine House

10/7/15

Building in state of disrepair several holes in roof, roofing materials gone in places, windows are broken out and attempts have been made to board them up.

There are several containers/barrels ranging in size from 1 gal. up to 55 gal., some empty others full. 14 to 16 tires some still mounted on wheels others not. 1 500 gal. (?) storage tank with pump.

Automotive items

A. Two transmissions

B. wood splitter ?

C. partial lift boom

Noted several storage bins with misc. metal, plumbing and electrical supplies, lots of garbage.

Clemens waste removal received permission from Bruce Petty to remove most of the automotive items (old truck, hoods, fenders etc.), most of these items should be gone this week. I will inspect again next week for final report.

*Bulet*

**City of Dunsmuir  
Elected, Appointed and Assigned  
As of November 5, 2015**

**ELECTED**

**City Council**

Meets twice monthly, currently on 1<sup>st</sup> and 3<sup>rd</sup> Thursdays

Dave Keisler	elected November, 2012	term ends December, 2016
Josh Spurlock	elected November, 2014	term ends December, 2018
Bryce Craig	elected November, 2014	term ends December, 2018
Bruce Deutsch	appointed June 4, 2015	term ends December, 2016
Nick Syrrist	elected November, 2014	term ends December, 2018

**City Clerk**

Kathryn Wilson	elected November 2012	term ends December, 2016
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**City Treasurer**

Mario Rubino	appointed June 4, 2015	term ends December, 2016
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**APPOINTED**

**Planning Commission**

Meets once monthly currently on 1<sup>st</sup> Wednesday

Kenna Conway	appointed January, 2014	term ends June, 2016
Barbara Cross	appointed May, 2013	term ends June, 2016
Paul Martin	appointed July 16, 2015	term ends June, 2018
Don Harley	appointed January, 2014	term ends June, 2016
Forrest Lamb	appointed September, 2014	term ends June, 2016
John Poston	appointed September, 2014	term ends June, 2018
Ann Powers	appointed September, 2014	term ends June, 2018

**Committees:**

**Economic Development/Tourism**

Purpose: To develop an economic development strategy and incentive program

Councilmembers: Spurlock, Deutsch

Staff: Director of Dunsmuir Chamber of Commerce, City Manager

Meets as needed

City Manager documents/Council appointments as of 2015 11.5.15

**Finance**

Purpose: To provide oversight of city finances and debt management, bond ratings, grants and loans

Councilmembers: Craig, Deutsch

Officials: City Treasurer

Staff: City Manager, Finance Director

Meets as needed

**Public Facilities and Services**

Purpose: To develop and monitor policy and operations of Utilities (water, sewer), Historic District, and Railroad.

Councilmembers: Craig, Spurlock

Staff: City Manager

Meets as needed

**Public Safety**

Purpose: To address local and regional policing issues, fire service issues, emergency plan, code enforcement, and animal control

Councilmembers: Keisler, Spurlock

Staff: City Manager, Sheriff, Fire Chief

Meets as needed

**Airport**

Purpose: To consider and review all activities of Mott airport including the feasibility of municipal solar farm or public/private partnership of same, new business park

Councilmember: Deutsch, Spurlock

Citizen Members: Denham, Dinges, Miller

Meets as needed

**Solid Waste**

Purpose: To consider and review all operations and activities related to solid waste, including green waste recycling, state mandates regarding recycling, possible grants, biweekly pickup, and smaller can pickup

Councilmembers: Craig, Deutsch

Citizen Members: Steele, Mulvaney

Contractor: Clemens

Meets as needed

**CDBG Loan Committee**

Purpose: To review and approve applications for business and residential loans funded by CDBG and program income

Councilmember: Keisler

Members:

Staff: City Manager and Finance Director

Meets on call in executive session



### **Beautification Committee**

Purpose:

Members: Helen Cartwright, Barbara Cross, Tim Holt

Meets as needed

### **Ad Hoc Committees**

Purpose: To review and report findings and recommendations to City Council and once project is completed the committee will cease

### **Mossbrae Falls trail**

Purpose: To assist stakeholders in obtaining, constructing and maintaining an ADA compliant public access to Mossbrae Falls.

Councilmembers: Keisler, Craig

Staff: City Manager

Meets as needed

### **Protocols**

Purpose: To develop and maintain protocols for conduct of Council business

Councilmembers: Craig, Spurlock

Staff: City Manager

Meets as needed

### **Audio and Video system in Council Chambers**

Purpose: To develop recommendation(s) for improvements to audio and video systems to allow televising of City Council and other meetings held in Council Chambers

Councilmembers: Spurlock, Deutsch

Meets as needed

### **Assignments:**

Purpose is to represent City and report back findings and recommendations to the City Council.

### **League of Local Agencies (LOLA)**

Purpose: Mayors' select committee makes appointments of Councilmembers to serve on County Boards/Commission representing City interests, LOLA meets in open session to discuss Countywide concerns of cities

Councilmembers: Keisler/Spurlock

Staff: City Manager

**IRWMP (Integrated Regional Water Management Plan)**

Purpose: To attend Board, TAC, and other meetings of IRWMP and oversee city's participation in concert with other governmental and non-governmental agencies and tribes

Councilmembers: Craig, Syrrist

Staff: City Manager

Citizen Member: Ed Steele

Meets on call of IRWMP Board and TAC chairperson

**SCORE (Small Cities Organized Risk Effort)**

Purpose: To participate in SCORE quarterly meetings to discuss risk management and insurance issues, pooled risk and financial information.

Board member: City Manager

Alternate member: Craig

**Neighborhood Watch**

Purpose: To attend monthly meetings of Neighborhood Watch in Dunsmuir

Councilmembers: Keisler, Spurlock

Staff: Sheriff's Department representative

Meets second Thursday of month

**City Web Site**

Purpose: To improve and maintain the City's web site

Councilmembers: Craig, Deutsch

Reports to Council as needed.

**Local Agency Formation Commission (LAFCo)**

Purpose: To represent the City of Dunsmuir and other cities of Siskiyou County in considering planning matters that affect County and Cities

Councilmember: appointed by LOLA

Meets second Tuesday of the month.

**Siskiyou County Local Transportation Commission**

Purpose: To review and approve matters related to transportation and street needs throughout Siskiyou County and its Cities often involving grant funding. Membership is three Supervisors and three City representatives with one city alternate.

Councilmember: no Dunsmuir member at the moment, appointments are made by LOLA

Staff: City Manager, Public Works Supervisor attend TAC meetings

Commission meets first Tuesday of the month. TAC meets as called.

**Weed/Mt. Shasta/Dunsmuir Trail Committee**

Purpose: To create a non-motorized trail connecting Weed, Mt. Shasta and Dunsmuir.

Councilmembers: Syrrist, Keisler

Meets as called

**Regional Integrated Waste Management Council**

Purpose: Consider solid waste and recycling matters often to seek compliance with State mandates.

This Council is still forming and appointments have yet to be made.

Councilmember: Craig, Alternate Deutsch

Staff:

Meets as called

**Dunsmuir Recreation and Parks District, Board of Directors**

Mayor and Council appoint citizens to serve and represent City and report to City Council

Three appointments: Guy Shoop, Jerry Totten, Brian Wilson

Terms expire June 30, 2016

**Big Fish/Trophy Trout**

Mayor and Council appoint citizens to organize Big Fish program

Councilmember: Keisler

Citizens: Richard Dinges; Mike Robinson; Carol Rivard; Brian Wilson

Meets as called

## City Council Agenda Item Interim City Manager Staff Report Consent Calendar

**Item No:** 13.C.  
**Date:** November 5, 2015  
**Subject:** Consider and adopt Resolution No. 2015-31 authorizing signers for CDBG grant fund requests

Staff has been advised that an updated resolution is needed to replace the authorizing City Manager Brenda Bains and Alternate Ed Steele to execute CDBG documents related to Community Center portion of current grant. The proposed resolution designated City Manager by position, not name, and Councilmember designees. The signature card include with the resolution lists Mayor, Vice Mayor and Councilmember Craig as optional signers. Any future change is list of signers can be done by amending the signature card without requiring a new resolution.

**Recommendation:** Move to adopt Resolution No. 2015-31 providing list of authorized signers of CDBG documents, and direct authorized signers to execute signature card for submission to HCD.

## RESOLUTION NO. 2015-31

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR APPROVING THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE COMMUNITY DEVELOPMENT ALLOCATION OF THE STATE CDBG PROGRAM

**BE IT RESOLVED** by the City Council of the City Dunsmuir as follows:

**SECTION 1**

The City has been awarded a grant from the Community Development Block Grant Program 13-CDBG-8968

**SECTION 2:**

The City hereby authorizes and directs the City Manager or Councilmember designee, to sign this application and act on the City's behalf in all matters pertaining to this application.

**SECTION 3:**

Since the application has already been approved, the City Manager, or Councilmember designees, is authorized to enter into and sign the grant agreement and any subsequent amendments with the State of California for the purposes of this grant.

**SECTION 4:**

The City Manager, or Councilmember designees, is authorized to sign Funds Requests and other required reporting forms.

\* \* \* \* \*

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Dunsmuir held on November 5, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Dave Keisler, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn Wilson, City Clerk

I, Kathryn Wilson, City Clerk of the City of Dunsmuir, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said City Council on this 5<sup>th</sup> day of November, 2015.

## COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

<b>Authorized Signature Card for Request for Funds</b>	
CDBG Grant Number: 13-CDBG-8968	
Grantee Name: City of Dunsmuir	Issued By: California Dept. of Housing and Community Development 1800-3 <sup>rd</sup> Street, Suite #330 Sacramento, CA 95811
(1) Typed Name of Signer, Signature and Title: Randy L. Johnsen  Interim City Manager	(2) Typed Name of Signer, Signature and Title: Dave Keisler  Mayor
(3) Typed Name of Signer, Signature and Title: Josh Spurlock  Vice Mayor	(4) Typed Name of Signer, Signature and Title: Bryce Craig  Council Member
I certify that the signatures above are of the individuals authorized to request payment of funds under the grant cited above.	
<u>    Dave Keisler    </u> Typed or Printed Name of Authorizing Official (Grantee)	<u>    Mayor    </u> Title
_____ Signature of Authorizing Official (Grantee)*	_____ Date

### Instructions

Funds requests require two signatures--the preparer and any one of the authorized signers listed on the signature card.

The name and/or title of the **authorizing official** must be identified in the resolution passed by the city council or governing body. **The resolution must be submitted along with the signature card.**

The authorizing official is certifying that persons listed on the signature card are authorized to sign the funds request.

A signature card must be completed for each grant. A new signature card must be submitted when there is a change in the name and/or title of the authorizing official. No erasures or corrections may appear on this signature card.

**STATE OF CALIFORNIA**  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FUNDS REQUEST FORM



**PREPARER'S INFORMATION**

Preparer's Name: Jim Cook E-mail: jimcook@snowcrest.net  
Preparer's Organization Name: City of Dunsmuir  
Jurisdiction Name: City of Dunsmuir Phone: 530 598-5693

**PROJECT INFORMATION**

Project Name: Dunsmuir Community Center Renovation CDBG Contract #  
Project Address: 4841 Dunsmuir Ave, Dunsmuir 13-CDBG-8968  
IDIS Activity # CDBG Project #

FUNDS REQUEST #	2	Total Expended (from prior requests)	Total PI expended (from prior requests)	Total Expended (this & prior requests)	Total PI expended (this & prior requests)	Available Balance (before/after this request)
Activity Code and Description (03) Public Facilities & Improvements (General)	Total Allocation \$372,093			\$24,304	\$0	\$347,789

REQUEST FOR REIMBURSEMENT		Program Income Certification	
Date Prepared: 9/21/15	Project Completed? <input checked="" type="checkbox"/> No	Program Income DATE: 9/21/15	Amount: \$10,000
Type of Request: Original	Total Activity Expenses: \$24,304	<b>RLFs PI Certification</b>	
PI USED for reimbursement on this Activity	CDBG process funds request greater than \$1000 only (unless is last request)	Revolving Loan Funds DATE: 9/21/15	Amount: \$0
Total GRANT Funds Request: \$24,304		Housing RLF	\$0
Total Project Balance before/after this request: \$347,789		ED RLF	\$152,093

**PROJECT PROGRESSION BAR**



Notes

**STATE OF CALIFORNIA**  
**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**  
**FUNDS REQUEST CERTIFICATION**

Preparer's Name:	Jim Cook	E-mail:	jimcook@snowcrest.net
Preparer's Organization Name:		City of Dunsmuir	
Jurisdiction Name:	City of Dunsmuir	Phone:	530 598-5693
Project Name:	Dunsmuir Community Center Renovation	Funds Request #	2
Project Address:	4841 Dunsmuir Ave, Dunsmuir	CDBG Contract #	
IDIS Activity #	CDBG Project #	13-CDBG-8968	Total Request: \$24,304

The undersigned certifies that the following with respect to the above-named project or activity is accurate.

- 1 That the funds being requested have been awarded to the State of California from the US Department of Housing and Urban Development, and
- 2 That the funds being requested is for work for the above-identified project or activity, and
- 3 That the work represented by this funds request has been completed, and
- 4 That the work represented by the funds request has been inspected and or verified that the services were done and
- 5 That all invoices for the expenses represented in this payment request have been received, and
- 5 That the funds being requested are reimbursement of costs and
- 7 That all construction contractors or subcontractors being paid with the proceeds of this payment request are licensed and in good standing with the California State Contractor's License Board, and are not listed on the Federal Consolidated List of Debarred, Suspended and Ineligible Contractors, and
- 8 For construction activities, that there are no mechanics liens recorded against the property from previous payment requests (this is not applicable for public works projects that fall under sovereign immunity), and
- 9 That I am specifically authorized to sign documents of this nature for the CDBG Program on behalf of the Jurisdiction named above and that proof of such authorization was submitted to the Department prior to this funds request or is attached to this request.

Jim Cook  
 \_\_\_\_\_  
 PREPARER NAME

Grant Manager  
 \_\_\_\_\_  
 TITLE

\_\_\_\_\_  
 PREPARER SIGNATURE

\_\_\_\_\_  
 DATE

Randy Johnsen  
 \_\_\_\_\_  
 AUTHORIZED SIGNER NAME

City Manager  
 \_\_\_\_\_  
 TITLE

\_\_\_\_\_  
 AUTHORIZED SIGNER SIGNATURE

\_\_\_\_\_  
 DATE

*Title 19, Section 1001 of the United States Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statement to any department or agency of the United States. Making false statements is also a felony under laws of the State of California (Penal Code Sections 115, 118, 487, 532).*



**City Council Agenda Item  
Interim City Manager Staff Report  
Consent Calendar**

**Item No:** 13.D.  
**Date:** November 5, 2015  
**Subject:** Receive and file new medical marijuana laws update from City Attorney

**Recommendation:** Move to receive and file new medical marijuana laws update provided by City Attorney's office.

JOHN SULLIVAN KENNY  
KELLY J. SNOWDEN\*  
JONZ NORINE  
LINDA R. SCHAAF  
ROB J. TAYLOR


**KENNY, SNOWDEN & NORINE**  
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[www.lawksn.com](http://www.lawksn.com)

REDDING LANDING  
2701 PARK MARINA DRIVE  
REDDING, CA 96001  
530-225-8990  
FAX 530-225-8944

\*Member - American Board  
Of Trial Advocates

MEMORANDUM

TO: Randy Johnsen, Interim City Manager  
CITY OF DUNSMUIR

FROM: Rob J. Taylor, Assistant City Attorney 

DATE: October 13, 2015

RE: New Medical Marijuana Laws

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Recently, Governor Brown signed into law three bills that comprise the newly enacted California Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA is composed of Assembly Bill Nos. 266, 243 and Senate Bill No. 643. Their provisions are summarized below.

Assembly Bill 266

AB266 focuses on medical marijuana business licensing and distribution. The main purposes of AB 266 are (1) to create a new agency called the Bureau of Medical Marijuana Regulation under the supervision and control of the Director of Consumer Affairs; (2) to require the Board of Equalization to adopt a system for reporting the movement of commercial cannabis and cannabis products; (3) to create a system of fines and civil penalties for specified violations of the act, with those fines and civil penalties being deposited into the newly created Medical Cannabis Fines and Penalties Account; and (4) to do away with the identification card permitted collective or cooperative cultivation system in favor of a new system of legalization of all “commercial cannabis activity” undertaken pursuant to a state medical marijuana operational license that otherwise complies with the act and local ordinances.

(1) The Bureau of Medical Marijuana Regulation (“BMMR”) – The BMMR is a new State agency vested with the power and authority to develop and implement any and all rules necessary to enforce the MMRSA. The Department of Consumer Affairs, Department of Food and Agriculture, and State Department of Public Health are also given power to promulgate and pass any rules necessary to implement the MMRSA.

(2) Movement of Commercial Cannabis and Cannabis Product – The MMRSA sets forth requirements for legal marijuana deliveries within the State, and creates a licensing system to help monitor movement.

(3) Fines and Civil Penalties – Failure to comply with the MMRSA can result in loss of licensure, fines, and civil penalties. The fairly steep fines and civil penalties are placed in the Medical Cannabis Fines and Penalties Account. All accusations against licensees are required to be filed by the licensing authority within 5 years after the performance of the act or omission alleged, except in cases of fraud or misrepresentation which claim does not accrue until discovery.

(4) Licensing System – AB 266 sets up 17 different kinds of medical marijuana operational license types and generally prohibits vertical integration of medical marijuana operations. Licensees can be for profit. A licensee can hold a state license in no more than 2 separate categories out of the 17, and only certain combinations of 2 are permitted. For growers, no more than 4 acres of total canopy can be cultivated, regardless of the license combination.

(5) Other – AB 266 expressly permits local agencies to regulate beyond the requirements of the MMRSA or to otherwise ban medical marijuana businesses within their borders. Local agencies are also expressly permitted to assess fees and taxes on licensed facilities and the business activities of those licensees. If licensees are permitted to operate within the local agencies borders, it is the licensee’s burden to first obtain separate license or permission from the local jurisdiction in accordance with local statute prior to commencing activity. Finally, AB 266 contains a cost reimbursement provision in favor of local agencies for any costs that might be mandated by the bill’s provisions.

### Assembly Bill 243

AB 243 focuses on regulating medical marijuana cultivation and environmental concerns regarding cultivation. It requires the Department of Food and Agriculture, Department of Pesticide Regulation, State Department of Public Health, Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards regarding medical marijuana and its cultivation. AB 243 further helps set up the operating parameters of the Medical Marijuana Regulation and Safety Act Fund, requires fines and civil penalties under AB 243 be deposited into the Fund, and provides an initial \$10,000,000 loan from the Fund to the Department of Consumer Affairs to begin operations.

AB 243 further provides a sunset provision for local agencies to choose to regulate or prohibit cultivation. It states, “[i]f a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the [state] shall be the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.”

Finally, the provisions of AB 243 do not apply to qualified patients engaged in personal cultivation if the cultivation area does not exceed 100 square feet and if the qualifying patient does not otherwise sell, distribute, donate or provide marijuana to any other

person or entity. It also does not apply to designated primary care givers growing for qualifying patients if the cultivation area does not exceed 500 square feet, and cultivation is exclusively for the personal use of no more than five qualified patients for whom he or she is primary caregiver, and he or she does not receive remuneration except for compensation provided in full compliance with Health and Safety Code section 11362.765(c).

### Senate Bill 643

The focus of SB 643 is on regulation and oversight, with a particular focus on licensed medical physicians and doctors of osteopathy who recommend marijuana for medical use. It tasks the California Medical Board with prioritizing investigation of physicians who excessively recommend cannabis for medical use, fail to have a bona-fide patient relationship with those persons prescribed cannabis, or fail to adhere to sufficient record-keeping regarding cannabis recommendations. It further makes it a misdemeanor for a physician to recommend medical cannabis to a patient and then to accept, solicit, or offer any form of remuneration from or to a state-licensed medical marijuana business if the physician or his or her immediate family have a financial interest in that business. It finally requires fingerprinting and criminal background checks of medical marijuana licensees and sets forth various criteria for denying a license. Of interest to public agencies is a requirement that the applicant to provide the State with evidence that their proposed location for operation is at least 600 feet from a school.

We will continue to monitor this new legal scheme to see how the various California state agencies use their newfound authority. For example, it is yet to be determined how advertising will be treated under this new regime. However, for now, local agencies can rest assured that the MMRSA has not entirely preempted the field of medical marijuana regulation. Local regulations regarding distribution and cultivation are still in effect. Local regulations regarding licensing are still in effect. Local taxes are still in effect.

As for moving forward, the MMRSA expressly permits local agencies to tax, regulate and even ban medical marijuana businesses from operating within their borders. Local agencies have until March 1, 2016 to decide whether or not they want to regulate or ban cultivation in their borders.

**City Council Agenda Item**  
**Interim City Manager Staff Report**  
**Consent Calendar**

**Item No:** 13.E.  
**Date:** November 5, 2015  
**Subject:** Consider and authorize purchase and installation of replacement decorative light pole damaged near Florence Avenue Loop

Public Works Supervisor recently found decorative light pole at south end of 800 foot bridge had been bent over and substantially damaged. It is assumed it was backed into by a large vehicle. The pole was removed and it took some time to find a new source for the light pole. Bids were requested from installers. Two were received. It is recommended the bid be awarded to the low bidder, Diversified Electric, Inc. of Redding. Their all inclusive bid is \$2,750.

**Recommendation:** Move to authorize Interim City Manager to execute proposal from Diversified Electric, Inc, for replacement of decorative light pole at south end of 800 foot bridge.

Randy, here are the proposals  
for replacing the light pole at Florence  
Suop.

Thanks,  
Bill



Diversified Electric, Inc.  
 7036 Granada Dr  
 Redding, Ca. 96002

# PROPOSAL

DATE Proposal #  
 9/17/2015 2934

City of Dunsmuir  
 Elaine Cantrell  
 5915 Dunsmuir Ave.  
 Dunsmuir, CA. 96025

City of Dunsmuir  
 Bill Willman  
 5915 Dunsmuir Ave.  
 Dunsmuir, CA. 96025

PROJECT	
Light Pole	
DESCRIPTION	TOTAL
Supply and replace the HAPCO 13896P342 29' ALUMINUM LIGHT POLE. (Numbers from Bill Willman) Repair the bent anchor bolts in the base. Assemble the replacement pole with the existing parts from the damaged pole and wire the light through the new pole. Set and anchor the replacement pole and energize.	2,750.00
All Labor, Materials, Tax and Freight included	
Sales Tax	0.00
<p>VISA/MASTERCARD/AMEX ACCEPTED                      1.5% per month finance charge may be added to any balance 30 days past due.                      Any Questions Call (530) 222.1321 or Fax (530) 222.7605 LIC C10 743483</p>	
<b>TOTAL</b>	<b>\$2,750.00</b>



RE: Damaged Light Pole

Bid Date: 9/16/2015

To: City of Dunsmuir

Attn: Bill

Total Base Bid Including Tax: ..... \$ 4,916.00

Pole Only including Tax..... \$ 2,096.00

Remove and Reinstall..... \$ 2,820.00

Scope:

1. To Supply Pole Only
2. To Remove Existing Pole, Deliver to City Yard and Install new Pole including existing Fixture.

EXCLUDES:

1. Permits or Fees of any kind

Note:

This Quote is based on using existing Pole Base and Bolts. If bolts are bent severely an engineer will need to approve them at an extra cost or a new foundation will need to be poured.

Sincerely,

Eric Bullert



Check Register Report

Item No. 13F

10-16-15 A/P

Date: 10/15/2015

Time: 3:15 pm

Page: 1

City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>U.S. BANK Checks</b>							
47435	10/16/2015	Printed		10265	BRUCE DEUTSCH	REIMB FOR S.LAKE TAHOE A/P MTG	371.47
47436	10/16/2015	Printed		10264	DOBBY'S LOCK SHOP	PROB W/SAFE, NO SVC REQ	154.00
47437	10/16/2015	Printed		9999999442	EVERSON FLOORING	REMV OLD CRPT & INSTL NEW CRPT	3,000.00
47438	10/16/2015	Printed		47100	S.C.O.R.E.	PROPERTY INSURANCE	141,428.00
<b>Total Checks: 4</b>						<b>Checks Total (excluding void checks):</b>	<b>144,953.47</b>
<b>Total Payments: 4</b>						<b>Bank Total (excluding void checks):</b>	<b>144,953.47</b>
<b>Total Payments: 4</b>						<b>Grand Total (excluding void checks):</b>	<b>144,953.47</b>

Check Register Report

Item No. 13G

10-23-15 A/P

Date: 10/22/2015

Time: 3:38 pm

Page: 1

City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>U.S. BANK Checks</b>							
47439	10/23/2015	Printed		1223	ADAMS ASHBY GROUP, INC.	13-CDBG-8968 9-1-15/9-30-15	2,700.00
47440	10/23/2015	Printed		10267	ASSOCIATION OF CALIF AIRPORTS	MEMBRSH&CONF 7-1-15/6-30-16	85.00
47441	10/23/2015	Printed		2635	BASIC LABORATORY, INC.	MONTHLY TESTING	2,663.20
47442	10/23/2015	Printed		2800	BAXTER AUTO PARTS, INC.	2-MAXI FUSE BLADE	8.60
47443	10/23/2015	Printed		10266	BEN MEADOWS	REPLMNT PH ELECTRODE	60.04
47444	10/23/2015	Printed		3572	BLUE CROSS OF CALIF	11-1-15/12-1-15 LIF INS PREM	162.90
47445	10/23/2015	Printed		48731	DEPARTMENT OF TRANSPORTATION	SIGNLS,LIGT 7-15/9-2015	252.83
47446	10/23/2015	Printed		47610	FISCHER'S SISKIYOU BACKHOE	RNTL HNDICP TOILET T. PARK	291.82
47447	10/23/2015	Printed		53813	U.S. BANK CORP PAYMENT SYSTEMS	APC BATTERY BCKUP	626.91
47448	10/23/2015	Printed		50840	UNION PACIFIC RAILROAD CO	11-1-15/10-31/16LEASE STRG&PRK	7,034.43
<b>Total Checks: 10</b>						<b>Checks Total (excluding void checks):</b>	<b>13,885.73</b>
<b>Total Payments: 10</b>						<b>Bank Total (excluding void checks):</b>	<b>13,885.73</b>
<b>Total Payments: 10</b>						<b>Grand Total (excluding void checks):</b>	<b>13,885.73</b>

Check Register Report

Item No. 13H

11-1-15 A/P

Date: 10/29/2015

Time: 3:08 pm

Page: 1

City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>U.S. BANK Checks</b>							
47449	11/01/2015	Printed		1225	ACME COMPUTER	AGRMNT FPA 7-1-15-6-30-17	833.00
47450	11/01/2015	Printed		1215	ALSCO	PW&WWTP CVRALLS RNTLS	32.00
47451	11/01/2015	Printed		10263	SARA J. ANNA	OCT 1THRU 25, 2015 SVCS	4,943.75
47452	11/01/2015	Printed		1910	AT&T	SEPT '15 PHONE SVCS	1,776.94
47453	11/01/2015	Printed		9447	AUS SMALL BUSINESS	C.H.MATS, WKLY LNDRY 10-21-15	186.32
47454	11/01/2015	Printed		2635	BASIC LABORATORY, INC.	QUARTERLY EFFLUENT	233.40
47455	11/01/2015	Printed		2800	BAXTER AUTO PARTS, INC.	KREW 400 WIPERS	29.26
47456	11/01/2015	Printed		9999999174	BENSON ROOFING	CHILDREN'S PARK RNT OCT '15	625.00
47457	11/01/2015	Printed		9437	BLUE STAR GAS	G ANNUAL TANK RENT -1	1.08
47458	11/01/2015	Printed		10076	CHRISTOPHER D. BROWN	JULY,AUG,,SEPT '15 CALL OUTS	74.50
47459	11/01/2015	Printed		9245	JERRY A BROWN	JULY,AUG,SEPT '15 CALL OUTS	29.00
47460	11/01/2015	Printed		5221	CANTRELL, E. PETTY CASH	COFFEE-2	124.57
47461	11/01/2015	Printed		5240	CASCADE FIRE EQUIPMENT CO	1 2.5"X11' HOSE	38.32
47462	11/01/2015	Printed		5325	REBECCA CATLETT	CLN SVC 10-17,18,25,26,27-15	165.00
47463	11/01/2015	Printed		6325	CLEMENS WASTE REMOVAL	RECYCLING/SORTING	4,433.50
47464	11/01/2015	Printed		10268	RACHAEL CLINE	REFND DEP R. CLINE #150960	150.00
47465	11/01/2015	Printed		6630	ANTHONY CONGI	JULY, AUG, SEPT '15 CALL OUTS	549.00
47466	11/01/2015	Printed		10269	RICK & LUCE CORY	REFND DEP R&L CORY #11037	150.00
47467	11/01/2015	Printed		7899	JOHN A. DELGADO	JULY,AUG,SEPT '15 CALL OUTS	104.00
47468	11/01/2015	Printed		10185	ARLENE DINGES	9-21-15/10-13-15 PLN SVCS	281.25
47469	11/01/2015	Printed		9830	DUNSMUIR VOL. FIREMAN'S ASSOC	JULY,AUG,SEPT '15 ASSOC DUES	600.00
47470	11/01/2015	Printed		10081	ECMS	BARTACK,INSTL KNEE PADDING	580.73
47471	11/01/2015	Printed		12122	EMERGENCY MEDICAL PRODUCTS,INC	MICROFLEX SUPRENO SE GLOVES	161.99
47472	11/01/2015	Printed		5219	FERGUSON ENTERPRISES INC,1423	REPR CPLGS, CLAMPE	1,090.99
47473	11/01/2015	Printed		10270	MIKE&JOLENE FLANAGAN	REFND DEP M&J FLANAGAN #351732	150.00
47474	11/01/2015	Printed		10096	ANTONIO D. FLORES	JULY,AUG,SEPT '15 CALL OUTS	19.50
47475	11/01/2015	Printed		9999999244	GOOD MEDICINE A MEDICAL CORP	TOM HONEY (DFD PE)	120.00
47476	11/01/2015	Printed		9273	RONALD L. GRIFFITH	JULY,AUG,SEPT '15 CALL OUTS	92.00
47477	11/01/2015	Printed		18600	JOSEPH HATTEN	JULY,AUG,SEPT '15 CALL OUTS	185.00
47478	11/01/2015	Printed		18610	A.C. HEILMAN	JULY, AUG, SEPT '15 CALL OUTS	256.50
47479	11/01/2015	Printed		9246	JERRY L HILL	JULY,AUG,SEPT '15 CALL OUTS	42.00
47480	11/01/2015	Printed		19590	ED HINES	JULY,AUG,SEPT '15 CALL OUTS	13.00
47481	11/01/2015	Printed		19592	MARLENE HINES	JULY,AUG,SEPT '15 CALL OUTS	16.00
47482	11/01/2015	Printed		19597	MARTIN HINES	JULY,AUG,SEPT '15 CALL OUTS	81.00
47483	11/01/2015	Printed		19595	PATRICK J. HINES	JULY,AUG,SEPT '15 CALL OUTS	26.00
47484	11/01/2015	Printed		19500	TOM HONEY	JULY,AUG,SEPT '15 CALL OUTS	315.00
47485	11/01/2015	Printed		22145	INTERSTATE SALES	6CS ORANGE BAGS	574.46
47486	11/01/2015	Printed		22620	JULIE ISKRA	REIMB FOR HALLOWEEN CANDY	29.82
47487	11/01/2015	Printed		26425	KEN ELGIN	LUBE & OIL CHANGE	250.02
47488	11/01/2015	Printed		25317	KENNY, SNOWDEN & NORINE	SEPT '15 LEGAL SVCS	2,530.24
47489	11/01/2015	Printed		28650	RON LA RUE	JULY,AUG, SEPT '15 CALL OUTS	158.00
47490	11/01/2015	Printed		10214	MEYER FAMILY TRUST	SEPT 22 TO OCT 31 RENT	264.00
47491	11/01/2015	Printed		31605	EUGENE MEYER	JULY,AUG,SEPT '15 CALL OUTS	367.00
47492	11/01/2015	Printed		31610	LOU MEYER	JULY,AUG,SEPT '15 CALL OUTS	120.00
47493	11/01/2015	Printed		33120	MOUNTAIN COUNTIES SUPPLY CO.	SEPT '15 VEH FUEL	1,670.33
47494	11/01/2015	Printed		9870	MT SHASTA AREA NEWSPAPERS	LEGAL #7404 ORD #549	570.95
47495	11/01/2015	Printed		33130	MT SHASTA CITY	PADILLA, LIVE SCAN	74.00
47496	11/01/2015	Printed		33151	MT SHASTA RECREATION	SEPT '15 SENIOR NUTRITION	159.00
47497	11/01/2015	Printed		9176	MUNICIPAL CODE CORPORATION	ANL WEB HOSTING 10-15/9-30-16	650.00
47498	11/01/2015	Printed		9316	NOR-CAL REWINDING INC	1800RPM PMP MOTOR&PUMP	906.72
47499	11/01/2015	Printed		35505	NORTHLAND CABLE TELEVISION	NOV '15 HIGH SPEED INTERNET	140.67
47500	11/01/2015	Printed		9274	WILLIAM R. O'CONNOR	JULY,AUG,SEPT '15 CALL OUTS	54.00
47501	11/01/2015	Printed		37106	OFFICEMAX CONTRACT INC.	CR ROLLER 2-PK	207.64
47502	11/01/2015	Printed		39005	PACE ENGINEERING, INC.	NO DUNS WATER MAIN REPLC	31,497.00

Check Register Report

11-1-15 A/P

Date: 10/29/2015

Time: 3:08 pm

Page: 2

City of Dunsmuir

BANK: U.S. BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>U.S. BANK Checks</b>							
47503	11/01/2015	Printed		39015	PACIFIC POWER & LIGHT	SEPT 15 TO OCT 14, 2015 ELEC S	7,769.61
47504	11/01/2015	Printed		39825	PITNEY BOWES, INC	JUL 30TO OCT 30-2015 RNTL CHRG	143.61
47505	11/01/2015	Printed		45110	MARIO J. RUBINO	OCT `15 TREASURER STIPEN	50.00
47506	11/01/2015	Printed		10206	PAMELA RUSSELL	OCT8/OCT22-2015 FIN SVCS	1,837.50
47507	11/01/2015	Printed		10271	CAROL SCIALDONE	REFND DEP C. SCIALDONE #18026	190.00
47508	11/01/2015	Printed		47520	SHASTA AUTO SUPPLY	TANK RNTL OCT 15	15.09
47509	11/01/2015	Printed		58030	SHASTA CO. TREASURER -TAX	014-060-003-000 PROP TAX	147.64
47510	11/01/2015	Printed		9918	SISKIYOU MEDIA COUNCIL	2-PUB BRODCST/CCMTG10-1,15-15	400.00
47511	11/01/2015	Printed		48255	SOUSA READY MIX, LLC.	24.46TONS BASE ROCK	392.19
47512	11/01/2015	Printed		10077	JOSHUA M. SPURLOCK	JULY,AUG,SEPT `15 CALL OUTS	224.00
47513	11/01/2015	Printed		9497	MATTHEW A. STANFORD	JULY,AUG,SEPT `15 CALL OUTS	107.00
47514	11/01/2015	Printed		9413	STATEWIDE TRAFFIC SAFETY	24-28" CONES/16-3-WAY LIT,24-B	1,323.24
47515	11/01/2015	Printed		48729	SWRCB ACCOUNTING OFFICE	LRG WA SYS FEE 7-1-14/6-30-15	1,393.25
47516	11/01/2015	Printed		21016	BRIAN A. TAYLOR .	JULY,AUG,SEPT `15 CALL OUTS	29.00
47517	11/01/2015	Printed		5050	THOMPSON, DAVE	JULY,AUG,SEPT `15 CALL OUTS	172.00
47518	11/01/2015	Printed		10272	HAO TRAN	REFND DEP H. TRAN #23061	150.00
<b>Total Checks: 70</b>						<b>Checks Total (excluding void checks):</b>	<b>73,077.58</b>
<b>Total Payments: 70</b>						<b>Bank Total (excluding void checks):</b>	<b>73,077.58</b>
<b>Total Payments: 70</b>						<b>Grand Total (excluding void checks):</b>	<b>73,077.58</b>

Item 15. A

## City of Dunsmuir Proposed 5-Year Water Rates

Meter Size	Consumption Units	Current Rates		PROPOSED RATES			
		(FY 2015-16)	(FY 2016-17)	(FY 2017-18)	(FY 2018-19)	(FY 2019-20)	(FY 2020-21)
5/8" Meter	5 Units		\$28.80	\$21.60	\$34.40	\$37.20	\$40.00
	10 Units	\$26.00					
	6 - 30 Units		\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	11 - 30 Units	\$2.92					
	31 - 120 Units	\$2.07	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	121+ Units	\$1.15	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
3/4" Meter	5 Units	\$47.24	\$43.20	\$47.20	\$51.60	\$55.80	\$60.00
	6 - 30 Units	\$2.92	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	31 - 120 Units	\$2.07	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	121+ Units	\$1.15	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
1" Meter	5 Units	\$76.24	\$72.00	\$79.00	\$86.00	\$93.00	\$100.00
	6 - 30 Units	\$2.92	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	31 - 120 Units	\$2.07	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	121+ Units	\$1.15	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
1-1/2" Meter	5 Units	\$143.37	\$144.00	\$158.00	\$172.00	\$186.00	\$200.00
	6 - 30 Units	\$2.92	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	31 - 120 Units	\$2.07	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	121+ Units	\$1.15	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
2" Meter	5 Units	\$219.35	\$230.40	\$252.80	\$275.20	\$297.00	\$320.00
	6 - 30 Units	\$2.92	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	31 - 120 Units	\$2.07	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	121+ Units	\$1.15	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
3" Meter	5 Units	\$387.28	\$432.00	\$474.00	\$516.00	\$558.00	\$600.00
	6 - 30 Units	\$2.92	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	31 - 120 Units	\$2.07	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	121+ Units	\$1.15	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
4" Meter	5 Units	\$575.24	\$720.00	\$790.00	\$860.00	\$930.00	\$1,000.00
	6 - 30 Units	\$2.92	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	31 - 120 Units	\$2.07	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
	121+ Units	\$1.15	\$2.10	\$2.20	\$2.30	\$2.40	\$2.50
Flat Rate		\$27.60	\$30.58	\$33.55	\$36.53	\$39.49	\$42.45
(Applies to 49 homes in Shasta Retreat, 1 home at Airport)							
Lifeline Rate for 5/8" Meter, 5 Units			\$23.04	\$25.28	\$27.52	\$29.76	\$32.00

# City Council Agenda Item

## Interim City Manager Staff Report

### Old Business

**Item No:** 15.B.  
**Date:** November 5, 2015  
**Subject:** Consider draft Resolution establishing rates for refuse collection services

At your previous meeting staff was directed to prepare draft resolution to update refuse collection rates. With the adoption of Ordinance No. 550 updating provisions for mandatory service, staff had recommended that current rates be evaluated.

The draft resolution included in your packet shows categories of service, current rates, proposed new rates, and numbers of customers affected.

In bringing this draft resolution forward, staff has eliminated the differing rates for residential and commercial zoned services, and has eliminated apparent discounts for multiple cart or service pickups. Progressive discounts were common many years ago but have been eliminated in most refuse collection rates schedules in an attempt to encourage conservation, recycling, reuse, etc.

There is an appearance that rates in some of the commercial codes may not have been updated in years as there were/are no customers in those categories. They have been updated in this draft to provide for the option of enrolling a new customer in the future.

An additional page is included that evaluates financial impact of these new rates. The net difference is a positive \$1,284.62 per month. The reductions are mostly residential accounts while the increases are overwhelmingly in commercial accounts. Staff feels that some of these increases in commercial accounts could be softened and the net difference from adjusted rates be reduced.

**Recommendation:** Move to direct staff to continue review of rates and create equitable rate structure with proceeds necessary to support solid waste operations for the immediate future.

**RESOLUTION NO. 2015-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR  
SETTING RATES FOR REFUSE COLLECTION SERVICES**

**WHEREAS**, in 2015 the City of Dunsmuir passed Ordinance No. 550 repealing Chapter 8.08 to Title 8 of the City of Dunsmuir Municipal Code and enacting a new Chapter 8.08, concerning refuse collection and disposal; and

**WHEREAS**, the old Chapter 8.08 set forth rates by way of ordinance, but the new Chapter 8.08 permits the City Council to set rates by way of resolution; and

**WHEREAS**, the City Council wishes to provide a new rate structure based on former rates, cost of service, and needs of the solid waste fund.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Dunsmuir as follows:

The City of Dunsmuir sets refuse collection rates as follows:

	<u>New</u>		<u>Current</u>	Customers
1 65 gal, 1 week	23.48	code 300/301	(23.48/37.01)	847/67
2 65 gal, 1 week	46.96	code 333/302	(46.97/62.03)	28/
3 65 gal, 1 week	70.44	code 334/303	(70.45/86.19)	4/
4 65 gal, 1 week	93.92	code 335/304	(93.93/110.71)	8/
5 65 gal, 1 week	117.40	code 336/305	(117.41/134.49)	1/
6 65 gal, 1 week	140.88	code 337	(140.90)	
7 65 gal, 1 week	164.36	code 338	(164.38)	
8 65 gal, 1 week	187.84	code 339	(187.86)	1
1 65 gals, 2 week	46.96	code 308	(45.93)	
2 65 gals, 2 week	93.92	code 309	(94.24)	2
3 65 gals, 2 week	140.88	code 310	(142.57)	
4 65 gals, 2 week	187.84	code 311	(190.89)	1
5 65 gals, 2 week	234.80	code 312	(239.22)	
1 65 gals, 3 week	70.44	code 315	(54.00)	1
2 65 gals, 3 week	140.88	code 316	(126.46)	1
3 65 gals, 3 week	211.32	code 317	(198.93)	
4 65 gals, 3 week	281.76	code 318	(271.41)	1
5 65 gals, 3 week	352.20	code 319	(343.88)	
1 65 gals, 5 week	117.40	code 322	(70.10)	
2 65 gals, 5 week	234.80	code 323	(110.35)	
3 65 gals, 5 week	352.20	code 324	(150.62)	
4 65 gals, 5 week	469.60	code 325	(190.88)	
5 65 gals, 5 week	587.00	code 326	(231.13)	
6 65 gals, 5 week	704.40	code 327	(271.39)	

1 95 gal, 1 week	34.32	code 400/415	(34.55/38.44)	17/3
2 95 gal, 1 week	68.64	code 407/416	(69.10/76.68)	4
3 95 gal, 1 week	102.96	code 409/417	(73.61/72.64)	
4 95 gal, 1 week	137.28	code 411/419	(98.15/89.79)	1/
5 95 gal, 1 week	171.60	code 421	(106.94)	
6 95 gal, 1 week	205.92	code 414/423	(147.22/124.09)	
1 95 gals, 2 week	68.64	code 425	(55.49)	7
2 95 gals, 2week	137.28	code 426	(110.98)	1
3 95 gals, 2week	205.92	code 427	(124.11)	1
4 95 gals, 2week	274.56	code 429	(158.43)	
5 95 gals, 2week	343.20	code 431	(192.74)	
6 95 gals, 2 week	411.84	code 433	(227.05)	
1 95 gals, 3 week	102.96	code 435	(72.64)	
2 95 gals, 3 week	205.92	code 446	(113.52)	1
3 95 gals, 3 week	308.88	code 437	(175.56)	
4 95 gals, 3 week	411.84	code 439	(227.03)	
5 95 gals, 3 week	514.80	code 441	(278.49)	
6 95 gals, 3 week	617.76	code 443	(329.95)	
Dumpster rental is \$20 per month per dumpster				
1 yard, 1 week	79.06	code 352	(79.06)	2
1 yard, 2 week	158.12	code 353	(128.30)	
1 yard, 3 week	237.18	code 354	(177.52)	
1 yard, 4 week	316.24			
1 yard, 5 week	395.30	code 355	(275.98)	
1½ yard, 1 week	105.41	code 348	(103.68)	1
1½ yard, 2 week	210.82	code 349	(177.53)	1
2 yard, 1 week	158.12	code 307	(128.30)	9
2 yard, 2 week	316.24	code 314	(226.75)	3
2 yard, 3 week	474.36	code 321	(325.21)	1
2 yard, 5 week	790.60	code 328	(522.12)	
Medical Dumpster	128.44	code 440	(32.11 per office)	1
3 yard, 1 week	237.18	code 356	(192.47)	
3 yard, 3 week	711.54	code 344	(517.74)	1
3 yard, 4 week	948.72	code 362	(620.59)	
2 2 yard, 1 week	316.24	code 314	(226.75)	
2 2 yard, 2 week	632.48	code 346	(423.66)	1
2 2 yard, 3 week	948.72	code 341	(620.59)	
2 2 yard, 4 week	1,264.96	code 447	(820.59)	
2 2 yard, 5 week	1,581.20	code 343	(1,014.41)	1



3 2 yard, 1 week	474.36	code 359	(325.21)	1
3 2 yard, 3 week	1,423.08	code 370	(945.80)	

The above rates for commercial establishments shall be deemed to be rates for curbside pickup. A further surcharge shall be charged for other than curbside pickup, at rates to be set by the City Council upon application by individual commercial establishments.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dave Keisler, Mayor

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
Kathryn Wilson, City Clerk

\_\_\_\_\_  
John Sullivan Kenny, City Attorney

Impacts of rate adjustments as proposed:

1,018 customer accounts

850 no change	0.00
67 down 13.53	(906.51)
28 up one cent	0.28
13 down one cent	(0.13)
1 down two cents	(0.02)
1 down thirty-two cents	(0.32)
1 down 3.05	(3.05)
1 up 16.44	16.44
1 up 14.42	14.42
1 up 10.35	10.35
17 down twenty-three cents	(3.91)
3 down 4.12	(12.36)
4 down forty-six cents	(1.84)
1 up 39.13	39.13
7 up 13.15	92.05
1 up 26.30	26.30
1 up 81.81	81.81
1 up 92.40	92.40
1 up 1.73	1.73
1 up 33.29	33.29
9 up 29.82	268.38
3 up 89.49	268.47
1 up 149.15	149.15
1 up 193.80	193.80
1 up 208.82	208.82
1 up 566.79	566.79
1 up 149.15	<u>149.15</u>
	1,284.62

**City Council Agenda Item**  
**Interim City Manager Staff Report**  
**New Business**

**Item No:** 16.A.  
**Date:** November 5, 2015  
**Subject:** Introduction of Ordinance No. 551 amending Section 15.40.130 and Section 15.40.140 of City Code regarding banners, pennants and signs in commercial and manufacturing zones

The Planning Commission has been concerned with temporary signs that have been on display lately in Dunsmuir. It became apparent that existing Code provisions were unclear as it pertains to pennants, banners and temporary signs in different zones. In an attempt to develop provisions that are clear and predictable and enforceable the provisions in the draft Ordinance were prepared and recommended unanimously by the Planning Commission after several meetings and extended deliberations. Several surrounding cities were consulted by staff and their code provisions reviewed by the Planning Commission for reference.

**Recommendation:** Move to read by title and number only.

Move to introduce and pass first reading of Ordinance No. 551, An Ordinance of the City Council of the City of Dunsmuir amending Section 15.40.130 and Section 15.40.140 of the Dunsmuir City Code Regarding Banners, Pennants and Signs in Commercial and Manufacturing Zones, and set November 19, 2015 for public hearing, second reading and adoption thereof.

## ORDINANCE NO. 551

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR AMENDING SECTION 15.40.130 AND SECTION 15.40.140 OF THE DUNSMUIR CITY CODE REGARDING BANNERS, PENNANTS AND SIGNS IN COMMERCIAL AND MANUFACTURING ZONES

**Whereas**, Title 17 of the Dunsmuir City Code authorizes the Planning Commission to recommend to City Council Zoning Text amendments; and

**Whereas**, the Planning Commission has found that certain language in the existing code is vague, incomplete, contradictory and inadequate with regard to banners, signs and pennants; and

**Whereas**, the Planning Commission held a public hearing to review draft amendments, and recommends revised language.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Dunsmuir as follows:

**Section 1. Subsection F is added to Section 15.40.130 of the Dunsmuir City Code to read as follows:**

- F. Banners advertising a special sale or temporary situation are permitted in the (C-1) Neighborhood Commercial District and the (C-2) Central Commercial District including the Historic District, and the (C-M) Commercial Services District by filing an application with the City for a fee as listed on the approved Fee Schedule. Such permits shall be approved for a specific period of time not to exceed thirty (30) days. Each storefront shall be allowed three (3) such permits annually, with a minimum of 30 days in between permits. The location and size of such banner shall not obstruct the view of the neighboring property and shall not be mounted above the roofline. Materials shall be sturdy so as not to rip or tear. No fluorescent colors are to be used. Staff has the authority to review and approve such applications. Where staff is uncertain of their appropriateness, staff may refer the application to the Historic Delegates and/or the Planning Commission. The permit shall contain reasonable conditions such as fines and other code enforcement regulations guaranteeing removal of such banners, pennants or signs at the end of the permit period. Where any such permit is denied by staff, the applicant may appeal to the Planning Commission, and where denied by the Planning Commission, the applicant may appeal to the City Council. Any appeals shall be made in conformance with Section 17.20.060.

**Section 2. Subsection F of Section 15.40.140 of the Dunsmuir City Code is amended to read as follows:**

- F. Banners and pennants advertising a special sale or temporary situation are permitted in the (L-M) Light Industrial, and (M) Industrial zones (but not in the Historic District overlay district), by filing an application with the City for a fee as listed on the approved Fee Schedule. Such permits shall be approved for a period of time not to exceed sixty (60) days. Each storefront shall be allowed

three (3) such permits annually, with a minimum of 30 days in between permits. The location and size of such banners and pennants shall not obstruct the view of the neighboring property and shall not be mounted above the roofline. Materials shall be sturdy so as not to rip or tear. Staff has the authority to review and approve such applications. Where staff is uncertain of their appropriateness, staff may refer the application to the Planning Commission. The permit shall contain reasonable conditions such as fines and other code enforcement regulations guaranteeing removal of such banners, pennants or signs at the end of the permit period. Where any such permit is denied by staff, the applicant may appeal to the Planning Commission, and where denied by the Planning Commission, the applicant may appeal to the City Council. Any appeals shall be made in conformance with Section 17.20.060.

**Section 3. CEQA.** This ordinance is not a “project” subject to the California Environmental Quality Act (CEQA). “Project” does not include “general policy and procedure making” or “organization or administrative activities of governments that will not result in direct or indirect physical changes in the environment” pursuant to CEQA Guidelines 15378(b).

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The City Council of the City of Dunsmuir hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

**Section 5. Publication.** The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code section 36933 and shall certify to the adoption of this Ordinance.

**Section 6. Effective Date.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

\* \* \* \* \*

**Introduced** and first read at a regular meeting of the City Council on the 5<sup>th</sup> day of November, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ordinance No. 551

Page 3 of 3

**FINAL PASSAGE AND ADOPTION** by the City Council of the City of Dunsmuir occurred at a regular meeting thereof held on the 19<sup>th</sup> day of November, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

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Dave Keisler, Mayor

ATTEST:

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Kathryn Wilson, City Clerk

Item 16. B.

## City Manager

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**From:** Julie Iskra  
**Sent:** Tuesday, October 27, 2015 4:47 PM  
**To:** bill@norcalglassproducts.com  
**Cc:** City Manager  
**Subject:** Gleaves rental agreement 10.27.15  
**Attachments:** Gleaves rental agreement 10.27.15.pdf

Hi Bill,

I'm sending you a month-to-month rental agreement for the house at 4425 Gleaves. If it looks all right to you, please sign and send back to us. As soon as it has been approved by the City Council, we'll have it signed by Dave Keisler and get a fully executed copy back to you.

Thanks very much.

Sara J. Anna  
Interim Administrative Assistant  
City of Dunsmuir

The City of Dunsmuir and Bill Place hereby enter into a month to month rental agreement for the property and house at 4425 Gleaves in Dunsmuir. Occupancy to be provided as of November 1, 2015. This agreement can be terminated upon 30-days advance notice by either renter or owner.

The City of Dunsmuir will pay rent of \$1,000.00 per month, to be paid on or about the first of each month. Owner will pay all utilities. Tenant is not responsible for upkeep of the outside of the house, i.e. mowing or leaf removal, etc. Owner presents that the house is fully furnished and that bedding and towels, etc. are provided along with furnished kitchen. Owner further presents that internet is provided along with TV service.

Accepted by

Accepted by City of Dunsmuir

Bill Place

Dave Keisler





# COUNTY OF SISKIYOU

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## AIR POLLUTION CONTROL DISTRICT

PATRICK J. GRIFFIN  
*Air Pollution Control Officer*

525 SOUTH FOOTHILL DRIVE  
YREKA, CALIFORNIA 96097-3090  
PHONE: (530) 841-4029  
FAX: (530) 842-6690

### MEMORANDUM

**To:** City Councils of the Cities of Dorris, Dunsmuir, Etna, Ft. Jones, Montague, Mt. Shasta, Tulelake, Weed, and, Yreka

**From:** Patrick Griffin, Air Pollution Control Officer, Siskiyou County Air Pollution Control District

**Date:** October 21, 2015

**Subject:** City Participation on Air District Board of Directors

This memorandum is to invite and request that the cities located within Siskiyou County appoint a total of two city council members to serve on the board of directors of the Siskiyou County Air Pollution Control District.

The California Health & Safety Code was revised a number of years ago to increase the representation of incorporated cities on the boards of directors of air pollution control districts. Section 40100.5(f)(1) provides that the default composition in a county where the population is divided between the cities and the unincorporated county in the proportion that it is in Siskiyou will have a governing board that is one-third mayors or city council members and two-thirds county supervisors.

Given the relatively high air quality in Siskiyou County, the responsibilities of the air district board are minimal compared to the more populated areas in the state.

Please note that the air district has a separate hearing board that will be appointed by the board of directors. Decisions by the hearing board are subject to judicial review but are not appealable to the board of directors.

The Health & Safety Code provides that a city selection committee shall select the city representatives on the board of directors. We request that a representative from each city contact Air Pollution Specialist Kim Sumner at 841-4030 or [ksumner@co.siskiyou.ca.us](mailto:ksumner@co.siskiyou.ca.us), who will coordinate the initiation of this process and provide any support requested by the cities to facilitate conference calls or meetings. We are also happy to answer any questions you may have.

Thank you.

**City Council Agenda Item**  
**Interim City Manager Staff Report**  
**New Business**

**Item No:** 16.D.  
**Date:** November 5, 2015  
**Subject:** Consider and approve consultant agreement with Carol Ford of Ford Aviation Consultants for assistance with grants for City of Dunsmuir Mott Airport

The Airport Committee has been attempting to get information to allow City to pursue grants for improvements/maintenance of Mott airport. There is a significant amount of materials to deal with for federal grants. It is believed the City must update engineering reports/plans, capital improvement plans, and more to enable City to start receiving annual grants available from FAA to support airports.

In pursuing this with area airport managers, it has been found that many use consulting services to assist with this process. The cost of consultant services is reimbursable from grant proceeds. Of course there is a matching share to the grants, 95% FAA, 5% State, and 5% City. The City's share must come from revenues received from operating the airport, i.e. hangar rentals, landing fees, tie down fees, use by Forestry, and more.

Carol Ford once provided this service for City of Dunsmuir and continues to provide the service for several other airports. She has been asked to provide a proposal and it is included in your packets. Her profile and resume and proposed agreement have been reviewed and are recommended for City Council approval. It is strongly felt by committee members that this is needed to get things going.

**Recommendation:** Move to authorize Interim City Manager to execute professional services agreement with Carol Ford and Ford Aviation Consultants for assistance with FAA grants, project programming, project management, grant reporting, etc.

## Professional Services Agreement

This Professional Services Agreement is entered into on October \_\_, 2015 between Client, City of Dunsmuir, 5915 Dunsmuir Avenue, Dunsmuir, CA 96025 and Consultant, Ford Aviation Consultants, Inc., 360 Bowsprit Dr., Redwood Shores, CA 94065

**Services to be Provided:** Client retains Consultant to perform the professional services described in the attached Exhibit A - Statement of Work. If Client requests additional services not included in the Statement of Work, the scope of such additional services will be agreed to, in writing, prior to Consultant commencing work on the additional services.

**Fees:** In consideration for the professional services outlined in the Statement of Work to be performed for Client by Consultant, Client agrees to pay the fees described in the attached Exhibit B – Fees and Payment.

**Expenses:** Client will reimburse Consultant for all reasonable travel and living expenses incurred by Consultant in the performance of the professional services outlined in the Statement of Work, including but not limited to: standard IRS mileage rate, lodging, meals, phone, parking and incidentals.

**Independent Consultant:** Consultant is an independent Consultant and not an employee, agent, joint-venturer or partner of Client. Consultant will determine the method, details, means and location of performing the professional services outlined in the Statement of Work.

**State and Federal Taxes:** Consultant is not Client's employee; Consultant is responsible for paying all required state and federal taxes. Client will not withhold state or federal income tax or FICA (Social Security) from Consultant's payment and will not make state or federal unemployment insurance contributions or disability insurance contributions on behalf of Consultant.

**Cooperation:** Client agrees to comply with all reasonable requests of Consultant and provide access to all documents and key personnel necessary for Consultant to perform the professional services outlined in the Statement of Work.

**Use of Client Name:** Consultant will have the right, upon completing the Statement of Work, to reference Client and the general nature of the work on Consultant's web site and in presentations to prospects and clients.

**Assignment:** Neither party will assign or transfer the rights, duties and obligations under this Agreement unless the other party consents to such assignment in writing.

**Termination by Client for Default by Consultant:** If Consultant fails to complete the professional services outlined in the Statement of Work, Client may terminate this Agreement by giving written notification to Consultant: In the event of such termination, Client will pay Consultant for services performed prior to date of termination.

**Termination by Consultant for Default by Client:** If Client fails to provide access to documents and key personnel for Consultant to perform the professional services outlined in the Statement of Work, Consultant may terminate this Agreement by giving written notice to Client. In the event of such termination, Client will pay Consultant for services satisfactorily performed prior to date of termination.

**Termination for Delinquencies:** If Client fails to pay Consultant any part of the compensation outlined in Exhibit B on the date due, Consultant may terminate this Agreement if the failure is not remedied by Client within 15 days of the date payment was due.

**Termination:** Either Client or Consultant may terminate this agreement with a thirty (30) day notice in writing.

**Notices:** Any notices to be given by either party to the other must be in writing and may be delivered personally or by registered or certified mail. Mailed notices will be addressed to the parties at the addresses appearing in the introductory paragraph of this Agreement. Notices delivered personally will be deemed communicated as of actual receipt; mailed notices will be deemed communicated three days after mailing.

**Entire Agreement:** This Agreement constitutes the entire Agreement between the parties and supersedes all prior negotiations, representations or agreements.

**Severability:** If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will continue in full force.

**Limitation of Liability:** Consultant warrants that the services outlined in the Statement of Work will be provided in a professional manner. Other than this warranty, Consultant makes and Client receives no express or implied warranties. Client agrees that any liability of Consultant regarding the Statement of Work will be limited to the amount of fees actually received by Consultant in connection with the Statement of Work.

**Governing Law:** This Agreement will be governed by and construed under the laws of the State of California.

Client: City of Dunsmuir

Consultant: Ford Aviation Consultants, Inc.

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: City Manager

Title: President

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

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

## Exhibit A – Statement of Work

### For Grant Administration

Based on discussions in June, September 2015 with Interim City Randy Johnsen and Bruce Deutsch, for the City of Dunsmuir, Ford Aviation Consultants (FAC) understands that the City of Dunsmuir wishes to develop Dunsmuir Muni-Mott Airport to its fullest potential as an economic engine for the City.

Ford Aviation Consultants proposes the following Grant Administration Services:

1. Given the firm's participation in numerous Airport Administration Conferences including Association of California Airports (ACA), Southwest Chapter of the American Assoc. of Airport Executives (SWAAAE) and our excellent relationship with the FAA and the Caltrans, Division of Aeronautics, FAC will keep City of Dunsmuir informed of the continually changing requirements and deadlines of the FAA and Caltrans regarding preparation and submittal of grant applications.

2. Develop with the City an Airport Capital Improvement Program (ACIP) for years 2016 through 2021 under the guidelines promulgated by the FAA Airports District Office, in Brisbane, California. Consultant will work with the City of Dunsmuir to estimate the amount of funding required for each project. FAC will oversee the submittal of the document to the FAA.

3. The ACIP, along with the Airport Layout Plan (ALP), the Exhibit A property map and the Airport Master Plan are guiding documents for Dunsmuir Muni-Mott Airport. Once the status of these documents has been clarified further from FAA, Ford Aviation Consultants will work with the City from these documents to apply for grants for updated replacement documents as necessary.

4. Review other documents relevant to Dunsmuir Muni Mott Airport, including the most recent Master Plan.

5. Provide guidance on the types of funding available. Though the FAA is the main source of funding for airports, there are many different types of funding programs available to the City of Dunsmuir *including but not limited to*:

- **Economic Development Administration (EDA) for a *Public Works Program*** Investments from the EDA can be used to support improvements such as water and sewer system improvements, industrial access roads and industrial and business parks
- **U.S. Department of Agriculture (USDA) Rural Development** This *Loan Program* can be used to improve essential community facilities for healthcare and, as such, would be important in attracting businesses and residents to the

area. This can include costs to acquire the land needed for such a facility. Further the *Loan Program* can also be used to finance hangars or equipment needed for public safety at the Airport.

- U.S. Department of Agriculture (USDA) The *Rural Business Enterprise Grant (RBEG) Program* has funds to be used for the financing or development of small and emerging businesses. These grant funds could be used to provide technical assistance to businesses located on or adjacent to an airport or to develop the necessary infrastructure on airport property to support the relocation of the business to an airport.
- U.S. Department of Agriculture (USDA) *Rural Development Community Facilities Grant Program* There is a essential community facilities for healthcare, public safety and public services. This can include purchase of capital equipment required for a facility's operation of i.e. fire trucks. These essential community services such as, hospitals, clinics and the fire stations must meet all of the following criteria:
  - a. Provide an essential public service to the local community. This service should be a service that is typically provided by a local unit of government.
  - b. Be needed for the orderly development of the rural community and must be considered a public improvement.
  - c. Does not include private, commercial or business undertakings.
  - d. Must include significant community support.

This Grant has various uses including **potentially, to cover the match required on FAA Airport Improvement Program (AIP) Grants**. It could also be used to finance hangars or equipment needed for public safety.

6. Ford Aviation Consultants will work in close coordination with the FAA and other funding sources on an ongoing basis to determine that all outstanding requirements have been met.

7. Prepare and submit the following documents required by Caltrans Division of Aeronautics:

- California Aid to Airports Program (CAAP) – Certification
- California Aid to Airports Program – Annual Grant Disbursement Request
- State Matching Grant for FAA Airport Improvement Program (AIP) Application

8. Decide with the City of Dunsmuir if other Caltrans Division of Aeronautics programs are appropriate for the City such as State Loan Program for revenue generating projects such as Hangars or Fuel Farms.

## For Grant Writing

1. After developing with the City (Client) an Airport Capital Improvement Plan (ACIP) Ford Aviation Consultants (FAC) will aid in preparing for the FAA Airports District Office the FY 2015 Airport Improvement Program (AIP) Grant Application with all supporting documentation for Dunsmuir Muni Mott Airport.
2. Consultant will complete the Standard Form 424 Application for Federal Assistance, including Project Approval Information, Budget Information, Program Narrative and Cost Estimate for projects identified in Step 2 (above, the ACIP) for FAA and other funding sources. The City of Dunsmuir understands that successful completion of the Application for Federal Assistance may require City to provide supporting documentation including, but not limited to: Standard DOT Title VI Assurance, and Sponsor Certifications.
3. Ford Aviation Consultants will aid the City in applying for planning grants, for various projects, if deemed necessary.
4. Upon completing the Grant Application, FAC will assemble copies of the Grant Application package.
5. FAC will submit to the FAA Airports District Office or other funding source, the completed Grant Application and 2-4 copies.





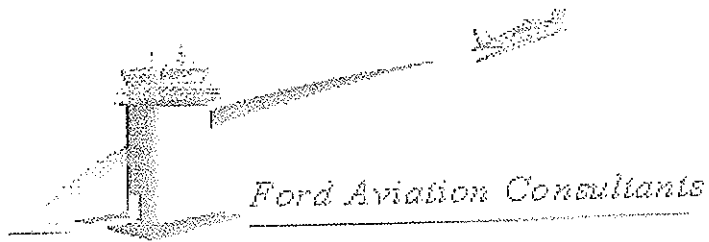


Presented  
to the  
City of Dunsmuir



Ford Aviation Consultants, Inc.

September, 2015



## *Ford Aviation Consultants Profile and Resume of Principal*

Ford Aviation Consultants (FAC) was founded by Carol Ford, a pilot and businesswoman dedicated to saving airports and enabling the national air transportation system of the future. The establishment of FAC was inspired by a landmark piece of national legislation, the Aviation Investment and Reform Act for the 21st Century (AIR 21). Signed into law on April 5, 2000, AIR 21 immediately increased Federal Aviation Administration (FAA) Airport Improvement Program (AIP) funding for airport development through fiscal year 2003 and has been reauthorized every year since.

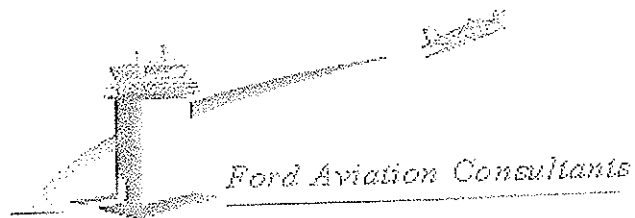
In spite of AIR 21's fiscal impact and significance, many airports did not apply for their AIP grant allocations, primarily because they were administered by overworked Public Works Directors and/or Airport Managers who did not have the time or resources to prepare FAA AIP grant applications nor keep up with the paperwork. Realizing that there were numerous airports that were in danger of losing their AIP grant allocations, Ford Aviation Consultants was founded to help government entities that own airports to navigate the complex AIP process and receive the grants to which they were and are entitled. (Fees paid to FAC are reimbursable by the Grant.)

After establishing a successful track record writing AIP grants and concluding that many airports were underutilized assets, Ford Aviation Consultants began to research other sources of grants that would help airport owners develop their general aviation airports into a valuable engine for economic growth and job creation. These grants not only benefit airports, but entire communities as well. We would welcome the opportunity to assist Dunsmuir Municipal Airport.

Ford Aviation Consultants, Inc. specializes in assisting small to medium sized airports with grants and funding issues throughout the United States. Some of those areas include:

- Helping airports successfully navigate the complex Federal Airport Improvement Program (AIP) process.
- Utilizing an excellent relationship with the FAA Airports District Offices.
- Guides airports on a continuing basis in grant management to insure milestones are met throughout the year, including Airport Capital Improvement Program (ACIP) forms.
- Aiding Airports in receiving State Funding and Matching Grants.
- Has experience educating City, County, State and Federal elected officials on the importance of various facets of aviation to the community.
- Represented the California Pilots Association, along with the Association of California Airports, AOPA and the National Business Aircraft Association urging support for implementation of the California Transportation Commission (CTC) recommendations to the Legislature.
- Consulted for the Idaho Air Transportation Investment Forum Steering Committee on behalf of the Idaho Division of Aeronautics.

Ford Aviation Consultants, Inc. is a certified DBE/100% woman owned firm.



## Carol Ford

Bachelor of Arts Degree  
Federal Aviation Administration, Private Pilot Certificate

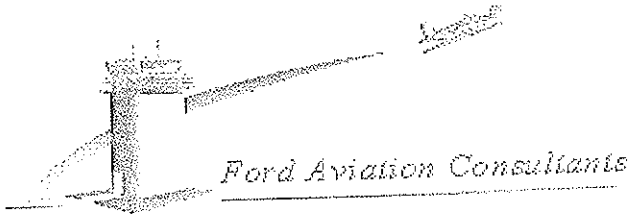
- Active Member of the Association of California Airports (ACA)
- Member of the Southwest Chapter of the American Association of Airport Executives (SWAAAE)
- Awarded Airport Defender of the Year by the California Pilots Association in 1997
- Vice President of Region 3 for the California Pilots Association
- Current and a past President of the San Carlos Airport Pilots Association
- Past Chapter Chairperson, International Organization of Licensed Women Pilots

### *Relevant Recent Experience*

FAC experience includes aiding in preparation of numerous FAA AIP Grant Applications for the Cities of Avalon, Oakdale, Turlock, Rio Vista, Dunsmuir and Hoopa Valley Tribe as well as an Airport Capital Improvement Plan (ACIP) and State paperwork regarding Grants for each airport and DBE programs for San Luis Obispo, Oakdale and South Lake Tahoe and Merced. All of which are served by the FAA's Western Pacific Region.

The City of Oakdale has engaged FAC since 2009 to aid the Airport in obtaining funding. This year Oakdale received two Grants; ALP and Design for Fence and Runway Rehabilitation.

FAC has guided the City of Rio Vista through the grant process to obtain a FAA Grant for three studies; Electrical, Drainage and Pavement to better understand the airport's needs.



The City of Avalon, on the Island of Santa Catalina, along with the Santa Catalina Island Conservancy, has employed Ford Aviation Consultants (FAC) for almost 10 years to obtain FAA funding for an Airport Feasibility Study for Catalina. FAC wrote the successful Grant Application. FAC has aided the City with the RFQ and Consultant Selection process.

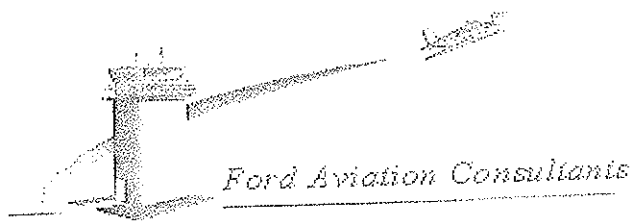
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Ford Aviation Consultants wrote the "Funding Resource Manual for Nevada's Publicly Owned General Aviation Airports" in 2003 for the State of Nevada. This manual outlined more than 10 types of (predominantly Federal) Grants for which airports could be eligible in the state of Nevada. Many of these Grants are also available in California.

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Carol Ford of FAC appeared in Caltrans Division of Aeronautics Video: "California's General Aviation Airports: Links to Vitality".

<http://www.dot.ca.gov/hq/planning/aeronaut/airportVitality.html>



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