



AGENDA

OCTOBER 4, 2022

REGULAR MEETING CITY COUNCIL CITY OF YUBA CITY

**5:00 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL**

**6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL**

MAYOR	• Dave Shaw
VICE MAYOR	• Wade Kirchner
COUNCILMEMBER	• Marc Boomgaarden
COUNCILMEMBER	• Grace Espindola
COUNCILMEMBER	• Shon Harris
CITY MANAGER	• Diana Langley
CITY ATTORNEY	• Shannon L. Chaffin

**1201 Civic Center Blvd
Yuba City CA 95993**

Wheelchair Accessible



*If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to assist you. Please contact City offices at (530) 822-4817 at least 72 hours in advance so such aids or services can be arranged. **City Hall TTY: 530-822-4732***

**AGENDA
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
OCTOBER 4, 2022
5:00 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL

6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL**

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

The Council Chambers will be open for public attendance and participation. The meeting will also be live streamed for public viewing, but not participation, at the following link:https://us06web.zoom.us/webinar/register/WN_Am1_E4H9QCOsaGIT2ZHCiQ. Emailed comments sent to cityclerk@yubacity.net at least 24 hours before the meeting will be distributed to the City Council prior to the meeting. Please identify the Agenda item(s) addressed by the comments.

Public Comment:

Any member of the public wishing to address the City Council on any item listed on the closed session agenda will have an opportunity to present testimony to the City Council in the Council Chamber prior to the City Council convening into closed session. Comments from the public will be limited to three minutes. No member of the public will be allowed to be present once the City Council convenes into closed session.

Closed Session

A. Conference with Legal Counsel – Pending Litigation (Pursuant to Government Code Section 54956.9(d)(2))

(Gross v. City of Yuba City et al.; Claim No. 4020102893-0001; claims regarding an arrest/incident on April 12, 2020 resulting in alleged damages or injury)

Regular Meeting

Call to Order

Roll Call

___ Mayor Shaw

- ___ Vice Mayor Kirchner
- ___ Councilmember Boomgaarden
- ___ Councilmember Espindola
- ___ Councilmember Harris

Invocation/Inspiration

Pledge of Allegiance to the Flag

City Attorney's Report on Closed Session Items, City Attorney Shannon Chaffin

Agenda Modifications/Approval of Agenda

Ceremonial Presentations

- 1. Geweke Pink October Recognition - 25 Years**
- 2. Domestic Violence Awareness Month Proclamation**

Public Communication

3. Appearance of Interested Citizens

You are welcome and encouraged to participate in this meeting. Public comment is taken on action items appearing on the Consent Calendar or Business Items on the Agenda when they are called. Public comment on any other items within the scope of the City's jurisdiction, including items not listed on the Agenda will be considered at this time. Public comment is limited to three minutes per speaker. Members of the public submitting written requests at least 24 hours prior to the meeting will be allotted five minutes to comment per speaker. Repetitive comments may be limited, and large groups are encouraged to select representatives to express the opinions of the group.

Consent Calendar

All matters listed under Consent Calendar are considered to be routine and can be enacted in one motion. There will be no separate discussion of these items prior to the time that Council votes on the motion unless members of the City Council request specific items to be discussed or removed from the Consent Calendar for individual action.

- 4. Minutes from the September 20, 2022 meeting**
Recommendation: Approve the September 22, 2022 meeting minutes
- 5. Assembly Bill 1276 Single-Use Foodware Accessories and Standard Condiments**
Recommendation: Adopt a Resolution authorizing the Public Works Department - Environmental Compliance Division, as the enforcement agency to enforce the requirements of AB 1276, Single-Use Foodware Accessories and Standard Condiments
- 6. Update to Agreement for City Attorney Services**
Recommendation: Adopt a Resolution Approving First Amendment to Contract for City Attorney Services, City of Yuba City
- 7. Appointments to City of Yuba City Boards and Commissions**
Recommendation: Approve the City Council Screening Committee Recommendations for Appointments to the Personnel Board

Business Items

- 8. Community Sponsorship Requests**

Recommendation: Consider the sponsorship requests from the Sutter County Community Memorial Museum Association, and if approved:

A. Adopt a Resolution to approve a monetary sponsorship request from the Sutter County Community Memorial Museum Association of up to \$1,000.00 for sponsorship of the Annual Trees & Traditions fundraiser event

9. Wastewater Treatment Facility (WWTF) Effluent Outfall Diffuser Relocation Project – State Revolving Fund grant/loan application

Recommendation: A. Adopt a Resolution designating and authorizing the Public Works Director or designee to execute the Clean Water State Revolving Fund Construction Financial Assistance Application and Amendments or Changes thereto, and to certify financing agreement disbursement on behalf of the City for the WWTF Effluent Outfall Diffuser Relocation Project upon future Council approval.

B. Adopt a Resolution stating the City's intent to comply with all conditions of the State Water Resources Control Board's Clean Water State Revolving Fund Loan Program Reimbursement Resolution requirements for the WWTF Effluent Outfall Diffuser Relocation Project.

10. Selective Traffic Enforcement Grant, to include DUI Enforcement and Education Efforts

Recommendation: A. Adopt a Resolution authorizing the Chief of Police to accept \$170,000 in grant funding from the 2022/2023 Selective Traffic Enforcement Program and approve expenditure recommendations

B. Authorize a supplemental appropriation in the amount of \$170,000 to Account No. 100-43409, 2169-61430, 2169-62801, and 2169-69201 and 2169-63801

11. Technical refinements to the Camping and Storage of Personal Property Ordinance

Recommendation: Introduce an Ordinance of the City Council of the City of Yuba City, California, Renumbering/Re-Lettering Yuba City Municipal Code Section 5.23.050 by title only, and waive the first reading

Future Agenda Items

12. Future Agenda Items

- Councilmember Boomgaarden
- Councilmember Espindola
- Councilmember Harris
- Vice Mayor Kirchner
- Mayor Shaw

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

13. City Manager's Report

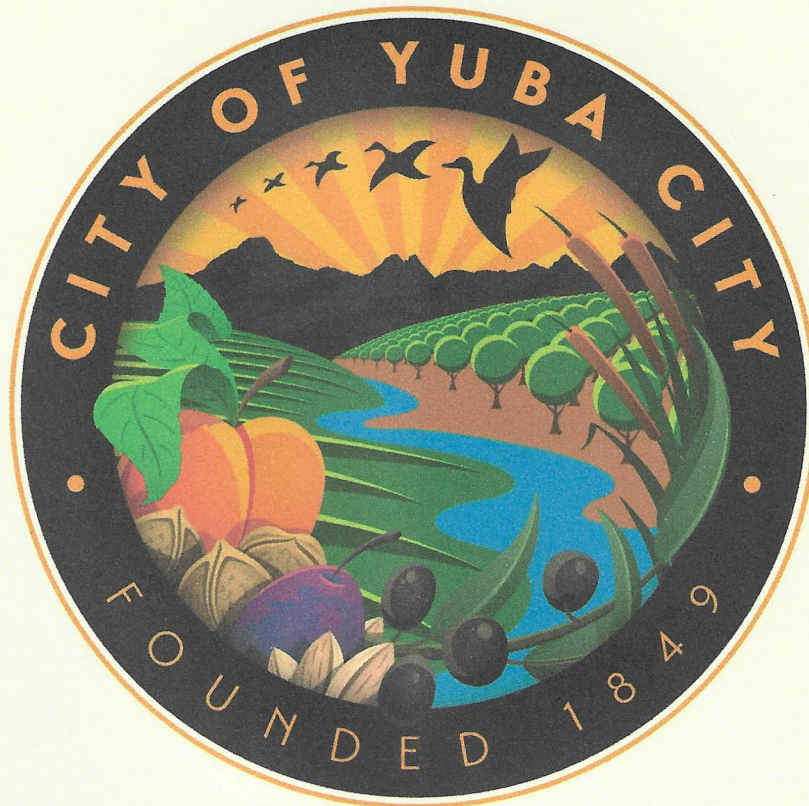
14. City Council Reports

- Councilmember Espindola
- Councilmember Harris
- Councilmember Boomgaarden
- Vice Mayor Kirchner
- Mayor Shaw

Adjournment

PINK OCTOBER

GEWEKE'S CARING FOR WOMEN FOUNDATION



*On behalf of the City of Yuba City we celebrate
your 25 years of success and your contributions to
our community's economic prosperity.*

Congratulations!

Dave Shaw, Mayor of Yuba City
October 4, 2022



Proclamation

of the City Council

DOMESTIC VIOLENCE AWARENESS MONTH

OCTOBER 2022

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security and humanity due to the systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and

WHEREAS, domestic violence leaves an imprint of fear and hostility; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, affectional preference and social barriers, thereby affecting society as a whole; and

WHEREAS, in the City of Yuba City, adults and children are victims of violence each year; and

WHEREAS, research shows that by creating communities where people are connected, supported and care for one another can reduce incidents of domestic violence; and

WHEREAS, the City of Yuba City is committed to restoring the right to freedom from fear in our own homes and our communities; and

WHEREAS, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence and their children who often suffer grave financial, physical, and psychological losses.

NOW, THEREFORE, BE IT RESOLVED, I, Dave Shaw, Mayor of the City of Yuba City and on behalf of the entire City Council, do hereby proclaim the month of October 2022 as Domestic Violence Awareness Month. We urge all citizens, agencies, and businesses to WORK TOGETHER AS A TEAM IN OUR COMMUNITY THROUGH PREVENTION, INTERVENTION AND EDUCATION PROGRAMS, TO TAKE A STAND until society has zero tolerance for domestic violence.

Done on this 4th day of October 2022 in the City of Yuba City, County of Sutter, State of California.

CITY OF YUBA CITY

Public Communication

Members of the public may address the City Council on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements.

Procedure

You are welcome and encouraged to participate in this meeting. Complete a Speaker Card located in the lobby and give to the Clerk, public comment is taken on action items appearing on the Consent Calendar or Business Items on the Agenda when they are called. Public comment on any other items within the scope of the City's jurisdiction, including items not listed on the Agenda, will be considered at this time.

When a matter is announced, wait to be recognized by the Mayor to provide your comments to the Council. Comments should begin by providing your name and place of residence. A three minute limit is requested when addressing Council.

Request for additional time to address Council

Members of the public submitting written requests at least 24 hours prior to the meeting will be allotted 5 minutes to comment per speaker. Repetitive comments may be limited, and large groups are encouraged to select representatives to express the opinions of the group.

Procedure

When requesting to comment, please indicate your name and the topic and mail to:

City of Yuba City
Attn: City Clerk
1201 Civic Center Blvd
Yuba City CA 95993

Or email to:
Jackie Sillman, City Clerk
cityclerk@yubacity.net

CITY OF YUBA CITY
STAFF REPORT

Date: October 4, 2022
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Minutes from the September 20, 2022 meeting
Recommendation: Approve the September 22, 2022 meeting minutes
Fiscal Impact: None

Attachments:

1. 09-20-22 - Regular Meeting Minutes (DRAFT)

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

MINUTES (DRAFT)
CITY COUNCIL - CITY OF YUBA CITY
SEPTEMBER 20, 2022
5:00 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL
6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL

Call to Order

The Closed Session Meeting of the City Council was called to order by Mayor Shaw at 5:01 PM

Roll Call

Present: Mayor Shaw, Vice-Mayor Kirchner, and Councilmembers Boomgaarden, Espindola, and Harris

Absent: None

Closed Session

A. Conference with real property negotiator (Govt. Code § 54956.8) Property:

APN: 59-010-119, approximately 2 acres generally located at the northwest corner of Poole Boulevard and Civic Center Field, Yuba City, CA 95993

Negotiator: Diana Langley, City Manager

Negotiating parties: Robert Leal, Ron Scott and Holly Shackelford

Under negotiation: Price and terms of payment

B. Conference with real property negotiator (Govt. Code § 54956.8)
Properties:

APN: 51-62-026, 1.58 acres generally located on Providence Court, west of Clark Avenue and south of Kensington Way, Yuba City, CA 95991

APN: 51-660-084, 0.19 acres generally located on Providence Court, west of Clark Avenue and south of Kensington Way, Yuba City, CA 95991

APN: 57-150-001, 0.47 acres located at 217 S Walton Avenue, Yuba City, CA 95991

APN: 57-150-050, 1.0 acres located at 211 S Walton Avenue, Yuba City, CA 95991

APN: 57-220-065, 0.11 acres generally located on S Walton Avenue between 211 and 217 S Walton Avenue, Yuba City CA 95991

Negotiator: Diana Langley, City Manager

Negotiating parties: Habitat for Humanity

Under negotiation: Price and terms of payment

C. Public Employee Performance Evaluation (Pursuant to Government Code §54957(b)(1).)

Position: City Attorney

Mayor Shaw recused himself from items related to Providence Court

No public comment received

Regular Meeting

The Regular Meeting and the Successor Agency to the Redevelopment Agency Meeting was called to order by Mayor Shaw at 6:05 PM

Roll Call

Present: Mayor Shaw, Vice-Mayor Kirchner, and Councilmembers Boomgaarden, Espindola, and Harris

Absent: None

Invocation/Inspiration

Pastor Ron Fortenberry, YCPD Chaplain

Pledge of Allegiance to the Flag

Shon Harris, Councilmember

City Attorney's Report on Closed Session

No reportable action

Agenda Modifications/Approval of Agenda

No changes were made

Ceremonial Presentations

1. Paul Hatfield Retirement Proclamation

Mayor Shaw presented a proclamation to Paul Hatfield, Police Sergeant

2. Senior Center Proclamation

Mayor Shaw presented a proclamation to Senior Commissioners John Boyer, Tony Kurlan, and Recreation Supervisor Jessica Chiechi

3. Emergency Preparedness Proclamation

Mayor Shaw presented a proclamation to Jesse Alexander, Yuba City Fire Chief

4. Kristel Martin, Downtown Business Association Certificate of Appreciation

Mayor Shaw presented a Certificate of Appreciation to Kristel Martin, formerly of our Downtown Business Association via MS Teams

5. SACOG Blueprint Project Presentation

SACOG Executive Director, James Corless gave a presentation

6. Zonehaven - County Zach Hamill Presentation

Sutter County Emergency Operations Manager, Zach Hamill gave a presentation

Public Communication

7. Appearance of Interested Citizens

Amarjit Kaur spoke
John Nicoletti spoke

Consent Calendar

No public comments were received on Consent Calendar items 8-10

Councilmember Espindola moved and Vice-Mayor Kirchner seconded the motion to:

8. Minutes from the September 2 and 6, 2022 meetings

Approve the September 2 and 6, 2022 meeting minutes

9. Acceptance of 2021 Assistance to Firefighter Grant

A. Adopt **Resolution 22-140** authorizing the Fire Chief to accept the 2021 Assistance to Firefighters Grant in the amount of \$35,360.60

B. Authorize the Finance Director to make a supplemental budget appropriation for grant revenues to 100-43120 and grant expenditures to 2327-63404 in the amount of \$35,360.60, and transfer the 10% match from unallocated general funds

10. Rezone 22-01 to remove the X8 District Overlay located East of the Intersection of Sutter and Market Street

Adopt **Ordinance 010-22** of the City Council rezoning Accessor's Parcel Numbers 51-550-029, -030, -040, -041, -042-and -043, located east of the intersection of Sutter and Market Street to remove the X8 District Overlay, and waive the second reading

The motion was passed with a unanimous vote

Business Items

11. City Housing Loan Programs Administration - Agreement with Habitat for Humanity

Vice-Mayor Kirchner moved and Councilmember Espindola seconded the motion to:

Adopt **Resolution 22-141** authorizing the City Manager to enter into the Subrecipient Agreement with Habitat for Humanity Yuba/Sutter for the administration of the City's housing loan programs with the finding that entering into the Agreement is in the best interest of the City

The motion was passed with a unanimous vote

12. 2021 CDBG - Consolidated Annual Performance and Evaluation Report

Mayor Shaw opened a Public Hearing

No public comment

Mayor Shaw closed the Public Hearing

Councilmember Espindola moved and Councilmember Boomgaarden seconded the motion to:

B. Adopt **Resolution 22-142** approving the 2021 CAPER and authorizing staff to submit all necessary documents to the U.S. Department of Housing and Urban Development (HUD)

The motion was passed with a unanimous vote

13. Emergency Operations Plan-Draft

Received a presentation on the draft Emergency Operations Plan

No action taken

Future Agenda Items

14. Future Agenda Items

No suggestions

Reports and Communications

15. City Manager's Report

16. City Council Reports

- Councilmember Espindola
- Councilmember Harris
- Councilmember Boomgaarden
- Vice Mayor Kirchner
- Mayor Shaw

Adjournment

Mayor Shaw adjourned the Regular Meeting of the City Council at 8:12 PM

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: October 4, 2022
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Assembly Bill 1276 Single-Use Foodware Accessories and Standard Condiments

Recommendation: Adopt a Resolution authorizing the Public Works Department - Environmental Compliance Division, as the enforcement agency to enforce the requirements of AB 1276, Single-Use Foodware Accessories and Standard Condiments

Fiscal Impact: Minor fiscal impact associated with printing and distributing educational materials related to AB 1276 to food establishments within Yuba City

Purpose:

To comply with AB 1276, a new law established to reduce single-use foodware and standard condiments in the waste stream.

Council's Strategic Goal:

While this item does not necessarily align with Council's goals, it is necessary to comply with the law.

Background:

Single-use foodware accessories (e.g. utensils, straws, stirrers, etc.) and standard condiments are very common in the waste stream, and are often automatically given to customers without their specific request. AB 1276 - Single-use Foodware Accessories and Standard Condiments - was signed into law by Governor Newsom on October 5, 2021. AB 1276 restricts restaurants and other food establishments from providing single-use foodware accessories and standard condiments to a consumer unless requested by the consumer. A Fact Sheet prepared by the California Department of Public Health is included as an attachment.

AB 1276 is codified in the California Public Resource Code, Sections 42270 through 42273, and requires that a city or county authorize an enforcement agency to enforce the requirements. Sutter County has designated the Development Services Department - Environmental Health Division as the enforcement agency for the unincorporated areas of Sutter County. Sutter County staff will distribute an educational handout detailing the requirements of AB 1276 to facilities including those facilities within the City limits as part of the current food facility inspections. Included is a copy of Sutter County's

informational flyer related to AB 1276.

Analysis:

Staff recommends that City Council designate the Public Works Department - Environmental Compliance Division as the enforcement agency for Yuba City. The Environmental Compliance Division makes contact with food establishments throughout the year as part of the Fats, Oils, and Grease (FOG) Program, and will coordinate with Sutter County to help provide educational materials related to AB 1276 to affected establishments.

AB 1276 provides for penalties in which first and second violations will receive a notice of violation, and any additional violations will carry a \$25 fine for each day in violation, not to exceed \$300 annually.

Staff will take an "education first" approach to make sure that the food establishments are aware of the requirements, and will only use the violation process as a last resort for ongoing or blatant violation of the law.

Fiscal Impact:

Minor fiscal impact associated with printing and distributing educational materials related to AB 1276 to food establishments within Yuba City.

Alternatives:

The City Council may authorize a different Division or Department to serve as the enforcement agency.

Recommendation:

Adopt a Resolution authorizing the Public Works Department - Environmental Compliance Division, as the enforcement agency to enforce the requirements of AB 1276, Single-Use Foodware Accessories and Standard Condiments

Attachments:

1. Attachment 1 - AB 1276 Resolution
2. Attachment 2 - CDPH Fact Sheet AB 1276
3. Attachment 3 - Sutter County Information Flyer AB 1276

Prepared By:
Diana Langley
City Manager

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING THE PUBLIC WORKS DEPARTMENT –
ENVIRONMENTAL COMPLIANCE DIVISION, AS THE ENFORCEMENT
AGENCY TO ENFORCE THE REQUIREMENTS OF AB 1276 –
SINGLE-USE FOODWARE ACCESSORIES AND STANDARD
CONDIMENTS**

WHEREAS, Assembly Bill 1276 – Single-Use Foodware Accessories and Standard Condiments intends to reduce the generation and disposal of single-use foodware accessories in certain food facilities; and

WHEREAS, AB 1276 required a city, county, or city and county, to authorize an enforcement agency in accordance with Public Resources Code section 42272.

NOW, THEREFORE, the City Council of the City of Yuba City, does hereby resolve as follows:

Section 1. The City of Yuba City's Public Works Department – Environmental Compliance Division is hereby authorized as the enforcement agency to enforce AB 1276, specifically Chapter 5.2 Single-Use Foodware Accessories and Condiments of Part 3 of Division 30 of Public Resources Code, within the City of Yuba City.

Section 2. Enforcement may be provided per Public Resources Code Section 42272 where the first and second violations may result in a notice of violation and any subsequent violation shall constitute an infraction punishable by a fine of \$25 for each day in violation, not to exceed \$300 annually.

Section 3. This Resolution is effective until rescinded by the City Council.

Section 4. This Resolution is effective on the day of its adoption.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 4th day of October 2022.

AYES:

NOES:

ABSENT:

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2



TOMÁS J. ARAGÓN, MD, DrPH
Director and State Public Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

Assembly Bill 1276 Fact Sheet

Governor Gavin Newsom signed into law AB 1276. The new law changes the **Public Resource Code** in the area of single-use food accessories and standard condiments. This is an addition to the single-use plastic straws law. The law will take effect January 1, 2022.

SUMMARY OF THE CHANGES:

Public Resource Code

Chapter 5.2 Single-Use Foodware Accessories and Condiments

Sec. 2. 42270 – new definitions

(e) “Single-use foodware accessory” means all of the following single-use items provided alongside ready-to-eat food:

1. Utensils, which is defined as forks, knives, spoons, and sporks
2. Chopsticks
3. Condiment cups and packets
4. Straws
5. Stirrers
6. Splash sticks
7. Cocktail sticks

(f) “Standard Condiment” means relishes, spices, sauces, confections, or seasoning that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt pepper, sugar, and sugar substitutes.

Important Information for Retail Food Industry by Section

Sec.3. 42271

In order to reduce the amount of waste created from single-use items the retail food industry is now required to:

1. Only provide single-use accessories to consumers upon request
2. Only provide single-use accessories required to eat the ready-to-eat food

3. No bundling of single-use accessories or condiments
4. Only offer those single-use items needed to eat or prevent spillage of the ready-to-eat food at a drive-through as well as in a public use airport
5. A third-party delivery platform shall provide consumers with the option to request single-use accessories
6. A food facility that uses a third-party platform shall customize their menu with a list of available single-use accessories or condiment. Only those items chosen by the consumer will be delivered. If no single-use accessories or condiments are requested non will be provided
7. Unwrapped single-use foodware accessories that are self-serve, standard condiments that are self-serve, and/or bulk dispensed condiments may still be used

Sec. 4. 42272

1. A city, county, or city and county have until June 1, 2022 to authorize an enforcement agency for the law
2. First and second violations results in a notice of violation, any additional violation carries a \$25 fine not to exceed \$300 annually

Sec. 5. 42273

The law does not apply to the following:

1. Correctional institutions
2. Licensed health care facilities
3. Residential care facilities
4. Public and private school cafeterias

ATTACHMENT 3



SUTTER COUNTY

DEVELOPMENT SERVICES DEPARTMENT

Building Inspection
Code Enforcement

Engineering/Water Resources
Environmental Health

Planning
Road Maintenance

SINGLE-USE PLASTIC AND CONDIMENT REQUIREMENTS

In order to reduce the amount of waste created by single use utensils and condiments, California law **prohibits** restaurants from providing these items to customers unless *requested*.

Retail Food Industry Requirements:

1. Provide single-use accessories to consumers only upon request
2. Provide only the single-use accessories required to eat the ready-to-eat food
3. No bundling of single-use accessories or condiments
4. Only those single-use items needed to eat or prevent spillage of the ready-to-eat food at a drive-through may be offered
5. A third-party delivery platform shall provide consumers with the option to request single-use accessories
6. A food facility that uses a third-party platform shall customize its menu with a list of available single-use accessories or condiments. Only those items chosen by the consumer may be delivered. If no single-use accessories or condiments are requested none may be provided

Note: Unwrapped single-use foodware accessories that are self-serve, standard condiments that are self-serve and/or bulk dispensed condiments may still be used



*Single-use foodware accessories include forks, knives, spoons, sporks, chopsticks, straws, stirrers, condiments, cups and packets, splash sticks, or cocktail sticks.

*"Standard condiment" means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.

CITY OF YUBA CITY
STAFF REPORT

Date: October 4, 2022
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Diana Langley, City Manager

Summary

Subject: Update to Agreement for City Attorney Services
Recommendation: Adopt a Resolution Approving First Amendment to Contract for City Attorney Services, City of Yuba City
Fiscal Impact: Rate increases for legal services

Purpose:

To amend the agreement with Aleshire & Wynder, LLP for City Attorney and other legal services.

Background:

On November 15, 2018, the City entered into an Agreement with the law firm of Aleshire & Wynder, LLP ("Firm") to provide City Attorney and other legal services to the City. Since then the rates have not been adjusted from those originally approved in 2018. However, in more recent years there have been higher than expected inflation and other factors which were not originally anticipated. The City Attorney has requested rate adjustments to address these issues, which are proposed to be phased in next year.

Analysis:

Like other cities and businesses, the City has experienced higher than expected inflation and other factors. This has resulted in a general increase in costs from service providers and suppliers across the board, including for legal services other than those provided by the City Attorney's Office.

Here, the proposed First Amendment would adjust rates for legal services as detailed in the Amendment. Certain categories of services are proposed to increase, while some others are proposed to decrease. Except as amended, all other terms and conditions would remain the same. Shannon Chaffin would continue to serve as the City Attorney, with the Firm to render legal services as directed by the City consistent with the Agreement.

Fiscal Impact: Rate increases for legal services

Alternatives:

1. Direct further negotiations
2. Do not approve the First Amendment

Recommendation:

Adopt a Resolution Approving First Amendment to Contract for City Attorney Services, City of Yuba City.

Attachments:

1. Resolution - City Attorney Agreement Amendment

Prepared By:
Diana Langley
City Manager

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION APPROVING FIRST AMENDMENT TO CONTRACT FOR CITY
ATTORNEY SERVICES, CITY OF YUBA CITY**

WHEREAS, on November 15, 2018, the parties entered into a “Contract Services Agreement for City Attorney Services, City of Yuba City” hereinafter referred to as the (“Agreement”) with the law firm of Aleshire & Wynder, LLP (hereinafter the “Firm”), (“Agreement”); and

WHEREAS, rates have not been adjusted from those approved in 2018, and the parties desire to update the rates to address inflation, living costs, and etc., which rate adjustments shall not take effect until 2023; and

WHEREAS, the City Council desires to continue to retain Shannon L. Chaffin as the City Attorney with the Firm to render legal services as directed by the City consistent with the Agreement, and that all other terms and conditions of the Agreement to remain the same.

NOW, THEREFORE, the City Council of the City of Yuba City does resolve as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. The City Council approves the First Amendment to the Contract Services Agreement For City Attorney Services and authorizes the City Manager to execute the same on behalf of the City.

SECTION 3. This Resolution is effective immediately.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 4th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dave Shaw, Mayor
City of Yuba City

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM:

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment: First Amendment To Contract For City Attorney Services, City Of Yuba City

**FIRST AMENDMENT TO CONTRACT FOR CITY ATTORNEY SERVICES,
CITY OF YUBA CITY**

This FIRST AMENDMENT TO CONTRACT FOR CITY ATTORNEY SERVICES, CITY OF YUBA CITY (the "First Amendment") is effective as of January 1, 2023, by and between the law firm of ALESHIRE & WYNDER, LLP, a California limited liability partnership ("A&W" or the "Firm"), and the CITY OF YUBA CITY ("City"). The term "City" shall also include all boards, commissions, financing authorities, and other bodies of the City.

Recitals

1. On November 15, 2018, the parties entered into a "Contract Services Agreement for City Attorney Services, City of Yuba City" hereinafter referred to as the ("Agreement") with the Firm.

2. The Parties now desire to further amend the Agreement by adoption of this First Amendment.

3. Rates have not been adjusted from those approved in 2018, and the Parties desire to update the rates to address inflation, living costs, and etc., which rate adjustments shall not take effect until 2023.

Agreement

Now, therefore, the Parties agree as follows:

1. Exhibit "A," entitled "Compensation" is hereby replaced in its entirety with the revised Exhibit "A," attached hereto. The first of the phased rate adjustments will take effect on January 1, 2023.

3. Except as expressly provided in this First Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto executed this First Amendment to be effective as of the January 1, 2023.

Dated: _____

"CITY"
CITY OF YUBA CITY,
A municipal corporation

By _____
Dave Shaw, Mayor
City of Yuba City

ATTEST:

Ciara Wakefield, Deputy City Clerk

Dated: _____

“ALESHIRE & WYNDER, LLP”

By _____
Shannon L. Chaffin

[END OF SIGNATURES]

Exhibit A: Compensation.

EXHIBIT A

Compensation

Compensation Table:

		January 1, 2023	July 1, 2023
City General Rate	Associate	\$220	\$230
	Partner	\$230	\$250
City Special Services / Litigation	Associate	\$229	\$235
	Partner	\$268	\$275
City Risk Management, Code Enforcement, and Employment	Associate	\$230	\$245
	Partner	\$240	\$250
Reimbursable for Developers	Associate	\$290	\$290
	Partner	\$315	\$325
Reimbursable for Citizens	Associate	\$285	\$290
	Partner	\$295	\$300
Bond Financing (Non-contingent)	Attorney	\$385	\$400
	Paralegal	\$185	\$200
	Doc Clerk	\$100	\$100
Paralegal		\$140	\$150
Law Clerk		\$140	\$150
Document Clerk		\$85	\$100

1. General Legal Services Defined

General Legal Services are defined as:

- (i) Providing routine legal advice, consultation, and opinions to City Council and staff;
- (ii) Assisting in the preparation and review of ordinances, agreements, contracts and related documents, forms, notices, certificates, deeds, and other documents required by the City.
- (iii) Attending all City Council, Planning Commission and other meetings of Board and Commissions of the City as deemed necessary.
- (iv) Attend weekly staff meeting as needed.

- (v) Consulting with Councilmembers, City Manager and City staff as needed.
- (vi) Rendering legal advice and opinions concerning legal matters that affect the City, including new legislation and court decisions.
- (vii) Performing research and interpreting laws, court decisions and other legal authorities to prepare legal opinions and to advise the city Council and management staff on legal matters pertaining to City operations.
- (viii) Monitoring pending and current state and federal legislation and case law as appropriate.
- (ix) Coordinating the work of outside counsel as needed and as directed by the City Council and City Manager.
- (x) Preparing code enforcement notices, abatement and inspection warrants, abatement liens and special assessments upon property tax. Advising on code enforcement matters.
- (xi) Legal analysis of Public Records Act requests and preparation of responses on behalf of the City.
- (xii) Preparation and legal analysis of routine City contracts.

A&W shall not charge for travel time or mileage to and from City Hall, but A&W shall charge for travel to attend administrative and judicial proceedings. A&W shall not charge for brief, routine telephone calls with the City Manager and City employees.

2. Special Services Defined

Special Legal Services are defined as:

- (i) Code enforcement.
- (ii) Civil proceedings to appoint a receiver pursuant to the Health and Safety Code.
- (iii) Administrative hearings and appeals involving labor and employment, administrative citations, code enforcement, permit and conditional use permit denials.
- (iv) Preparing and conducting investigations, representing City staff during investigations.
- (v) Preparation and attendance at *Pitchess* motions.
- (vi) Preparation for and attendance at third party depositions of City staff.
- (vii) Labor negotiations and preparation of personnel rules and procedures.
- (viii) Labor Commissioner hearings.
- (ix) Legal analysis of use of force incidents.
- (x) On-call response to use of force incidents.
- (xi) Preparation for and attendance at *Skelly* hearings.
- (xii) Preparing and advising on employment items including employment notices such as interview notices, notice of intended disciplinary action and notice of disciplinary action.

In addition, the following constitute special legal services: Successor Agency matters, rent control, housing, enterprise funds, franchise negotiations, major contract negotiations, municipal finance matters (other than bonds and similar financial services), environmental and toxics,

water, energy, franchises, utilities and telecommunications, solid waste, mobile home matters, and similar matters requiring special expertise.

3. Litigation Legal Services

Litigation legal service rates apply to the following:

- (i) Civil litigation commenced by or filed against the City in state or federal court.
- (ii) Writ of mandate, eminent domain, unlawful detainer, and small claims actions.
- (iii) Mediations, arbitrations, PERB and OAH hearings.
- (iv) Injunctions, restraining orders, judgment liens, and protective orders.
- (v) State or federal court appellate proceedings.

The litigation services rates provided within this proposal do not include any fees or costs charged by an expert witness or specially retained counsel.

4. Fees Reimbursable by a Third Party

For legal services performed on matters where the City is reimbursed by a third party, such as development agreements, A&W shall charge a rate as set forth in the Compensation Table.

5. Public Financing Defined

For public finance services include the issuance or potential issuance of debt, loans, certificates of participation including formation of assessment or community facilities districts, etc. Rates shall be as set forth in the Compensation Table. Expenses shall be charged at the cost thereof, which expenses shall include the cost of special tax counsel, if applicable, in an amount not to exceed \$5,000.00 and not to exceed other expenses fee (excluding special tax counsel) of \$2,500.00 per bond transaction.

6. Reimbursable Expenses

In addition to the hourly rates, A&W shall be reimbursed for out-of-pocket expenses such as photocopies (\$0.20 per page) and other reproduction costs, facsimile charges, messengers and couriers, court reporters, mileage costs to court and administrative proceedings, travel expenses outside of the City, and other costs and expenses incurred on behalf of the City. Notwithstanding the foregoing, A&W shall not charge for word processing, routine computer-assisted legal research, local calls or mileage to City Council meetings, City Hall or City offices. When on site, A&W shall have the ability to use City copiers and telephones without charge.

A&W shall charge for travel outside of the City in connection with administrative or judicial proceedings, or when traveling outside of Sutter County. Travel costs include mileage (current IRS rate), parking, airfare, lodging, meals, and incidentals. Travel time may also be charged in connection with such proceedings. In addition, the City will be responsible for paying the fees of consultants and other outside experts who are retained after consultation with the City.

Registration fees for attorneys attending conferences and seminars shall be paid by A&W and are never charged to the City unless attendance is expressly requested by the City.

7. Adjustments

The rates provided here will become effective starting January 1, 2023. On July 1st of each year, the rates will adjust by the consumer price index (CPI) increase over the previous twelve (12) months, including CPI for the rates of July 1, 2023, in the Compensation Table. Any increase will be rounded to the nearest dollar. The CPI shall be set by the Consumer Price Index West Region for All Urban Consumers as published by the United States Government Bureau of Labor Statistics. A&W reserves the right to unilaterally reduce or defer any CPI increase at any time.

CITY OF YUBA CITY
STAFF REPORT

Date: October 4, 2022
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Appointments to City of Yuba City Boards and Commissions
Recommendation: Approve the City Council Screening Committee Recommendations for Appointments to the Personnel Board
Fiscal Impact: None

Purpose:

To fill vacancies on the City of Yuba City Personnel Board.

Background:

The City Council Screening Committee, consisting of Mayor Shaw and Vice-Mayor Kirchner, held interviews on September 22 and 23, 2022 for vacancies on the Personnel Board.

The following recommendations are being made at this time:

Recommendation	Commission	Term Ending
Anthony Kurlan	Personnel Board	06/30/2026
David Koll	Personnel Board	06/30/2026

Fiscal Impact: None

Recommendation:

Approve the City Council Screening Committee Recommendations for Appointments to the Personnel Board.

A recommendation for the remaining Personnel Board vacancy will be made at a subsequent meeting.

Attachments:

None

Prepared By:

Ciara Wakefield
City Clerk Administrator

Submitted By:

Dave Shaw
Mayor

CITY OF YUBA CITY
STAFF REPORT

Date: October 4, 2022
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: George Barlow, Management Analyst

Summary

Subject: Community Sponsorship Requests
Recommendation: Consider the sponsorship requests from the Sutter County Community Memorial Museum Association, and if approved:

A. Adopt a Resolution to approve a monetary sponsorship request from the Sutter County Community Memorial Museum Association of up to \$1,000.00 for sponsorship of the Annual Trees & Traditions fundraiser event
Fiscal Impact: Monetary Sponsorship in the amount of up to \$1,000.00 - Account No. 4220-66015 (Community Events)

Council's Strategic Goal:

The overarching strategic goal of "Quality of Life."

Purpose:

City sponsorships reflect support of specific programs or events by an organization. The intent is that the public will receive some intrinsic cultural, economic, educational, or entertainment value from the program or event.

Background:

On January 18, 2022, Council adopted an Amended Community Sponsorship Policy which specifies the following factors that will be considered during the approval process:

- The City Council will approve all monetary sponsorship requests at a public meeting.
- Resources available (e.g., budget, staff, workload capacity, etc.)
- Compatibility with the strategic goals of the City Council and the mission of Yuba City.
- Impact of an event on City Facilities.
- Risk to the City.
- The ability of the organization to obtain liability insurance naming the City as an additional insured.

- The overall benefit to the community.

The following sponsorship requests were received from:

Sutter County Community Memorial Museum Association

The Museum is a partnership between Sutter County and the Community Memorial Museum Association, a non-profit 501(c)(3) organization. The Association supports all of the public programming aspects of the Museum, including education programs, fundraising events, temporary exhibits, updates to permanent exhibits, and the Museum Store.

The Sutter County Museum shares local stories to strengthen community bonds, inspire the celebration of our diverse cultural heritage, and demonstrate how understanding the past prepares us for the future.

Analysis:

The Amended Community Sponsorship Policy states, "The budget for the Community Sponsorship Program shall be established by City Council each year during the annual budget process," and "applications will be presented to Council quarterly on a first-come, first-serve basis." Through the FY 22/23 Budget, Council established the following.

Account Number	Description	Funding Budgeted	Funding Available
4220-66010	Community Contributions	\$15,000	\$11,250
4220-66015	Community Events	\$10,000	\$7,500

As noted above, the budgeted funds are to be considered and allocated on a quarterly basis, which provides \$3,750 quarterly for Community Contributions and \$2,500 quarterly for Community Events. On July 19, 2022, Council authorized a Community Contribution of \$3,750 to the Alliance for Hispanic Advancement and a Community Events sponsorship of \$2,500 to Yuba Sutter Arts & Culture.

Fiscal Impact:

Monetary Sponsorship in the amount of up to \$1,000.00 from Account No. 4220-66015 (Community Events).

Recommendation:

Consider the sponsorship request from the Sutter County Community Memorial Museum Association, and if approved:

- A. Adopt a Resolution to approve a monetary sponsorship request from the County Community Memorial Museum Association of up to \$1,000.00 for the sponsorship of the annual Trees & Traditions fundraiser event.

Attachments:

1. RESOLUTION - Community Sponsorship Request Sutter County Community Memorial Museum Assoc
2. Sponsorship Application Sutter Community Memorial Museum Assoc

Prepared By:
George Barlow
Management Analyst

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING
COMMUNITY SPONSORSHIP REQUEST FOR, THE SUTTER COUNTY COMMUNITY
MEMORIAL MUSEUM ASSOCIATION**

WHEREAS, The Sutter County Community Memorial Museum Association, a 501(c)(3) non-profit organization, is requesting community sponsorship funds for their ongoing public program; and,

WHEREAS, the City Council of the City of Yuba City ("City Council") finds that the Sutter County Community Memorial Museum Association, a nonprofit organizations that serves an important public purpose to the community insofar as the public will receive cultural, and educational enrichment from the program; and

NOW, THEREFORE, the City Council of the City of Yuba City does hereby resolve as follows:

Section 1. That the City Council finds the above recitals true and correct.

Section 2. The City Council finds that the Sutter County Community Memorial Museum Association provides events that benefit Yuba City residents. The requested fundraising event is for a qualified non-profit organization that primarily serves Yuba City residents, is open to the general public, and will contribute positively to the recognition and image of the city. Proceeds from the event will help bring innovative, education programs to inspire and celebrate the community's diverse population. Accordingly, the City Council approves the sponsorship request of up to \$1,000 for the Sutter County Community Memorial Museums Association's "Trees and Traditions: Home for Christmas.

Section 3. This Resolution shall take effect immediately and that the Deputy City Clerk shall certify the adoption of this Resolution.

The foregoing Resolution of the City Council of the City of Yuba City is duly introduced, PASSED AND ADOPTED at a regular meeting thereof held on this 4th day of October, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Dave Shaw, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney

ATTACHMENT 2



April 29th, 2022

Diana Langley
City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993

Dear Diana,

After a two-year hiatus, we are thrilled to announce the return of our 41st annual fundraising event! *Trees and Traditions: Home for Christmas* is scheduled for Friday, December 2nd. We hope you'll join us for an evening filled with delicious hors d'oeuvres, festive drinks, live music, and, of course, holiday trees and traditions. All proceeds from this event—through silent auction, live auctions (new this year!) & fabulous raffle prizes—benefit the Community Memorial Museum Association and help us to continue bringing innovative, educational programs to the Sutter County Museum that inspire and celebrate our community's diverse population.

We have recently completed a Master Plan that builds on the Museum's strong foundation and will guide us through redeveloping our permanent exhibitions in the coming years. The planning process identified themes that every visitor should experience, drawing inspiration from our cultural heritage and its impact on the future growth of our region. Donations and sponsorships raised from *Trees and Traditions* will directly help us implement our Master Plan.

You graciously provided \$1,000 sponsorship for our past Trees & Traditions gala—thank you! Please consider renewing your contribution. The exclusive benefits of becoming a sponsor are included with this letter.

If you are unable to be a sponsor this year, we would love to have a contribution in the form of an in-kind gift, or multiple in-kind gifts, to be used as auction or raffle prizes. We are asking that these gifts be at least a \$100 value to ensure that every guest feels that they won something absolutely fantastic.

Thank you for your consideration. A member of the Association will be in touch to follow-up on this letter after July 31st. If you have any questions or would like to donate, please contact Marika Garcia, our Development Officer, at (530) 443-3797 or megarcia@co.sutter.ca.us. More information about the Museum can be found on our website at suttercountymuseum.org.

Warm regards,

A handwritten signature in blue ink that reads "Molly Bloom".

Thank you for your support!

Molly Bloom
Museum Director and Curator

Trees & Traditions 2022: Sponsor Levels & Benefits

\$250 – Sugar Cookies

- ✧ Name in Appeal Democrat ad*
- ✧ Name listed on event signage*
- ✧ Name listed on event promotions*

\$500 – Silver Bells

- ✧ Name in Appeal Democrat ad
- ✧ Listing on our website
- ✧ Name listed on event signage*
- ✧ Name listed on event promotions*
- ✧ 2 tickets to Trees & Traditions

\$750 – Gold Rings

- ✧ Name in Appeal Democrat ad*
- ✧ Listing on our website
- ✧ Listing on our Facebook page
- ✧ Name listed on event signage*
- ✧ Name listed on event promotions*
- ✧ 4 tickets to Trees & Traditions
- ✧ Business Basic Membership

\$1,000 – Shining Stars

- ✧ Logo in Appeal Democrat ad*
- ✧ Logo on our website
- ✧ Logo on our Facebook page
- ✧ Name listed on event signage*
- ✧ Name listed on event promotions*
- ✧ 6 tickets to Trees & Traditions
- ✧ Name listed on event ticket**
- ✧ Business Basic Plus Membership

\$2,500 – It's A Wonderful Life

- ✧ Logo in Appeal Democrat ad*
- ✧ Logo on our website
- ✧ Logo on our Facebook page
- ✧ Logo on event signage*
- ✧ Logo on event promotions*
- ✧ 10 tickets to Trees & Traditions
- ✧ Logo on event ticket**
- ✧ Opportunity to display Company Banner at event
- ✧ Business Sustaining Membership

*Confirmation of sponsorship must be received by September 2, 2022 to guarantee this benefit

**Confirmation of sponsorship must be received by August 2, 2022 to guarantee this benefit



COMMUNITY SPONSORSHIP APPLICATION FORM

Name of Organization Sutter County Community Memorial Museum Assoc. Non-Profit ID/ 501 C# 94-2427735
Address 1333 Butte House Rd. City/State/Zip Yuba City, Ca. 95992
Contact Person Molly Bloom Phone 530 822 7171 Email mbloom@suttercountymuseum.org
Organization Purpose/Mission Sutter County Museum

Type of Organization:

- ☒ Non-Profit (located or primarily serves residents within the City of Yuba City)
☐ Educational Institution
☐ Local business (located within City of Yuba City city limits)

Type of Event:

- ☐ Local Celebration ☐ Athletic ☐ Cultural ☐ Educational
☒ Fundraiser ☐ Entertainment ☐ Other

Program or Event Name Trees & Traditions
Event Location Sutter County Museum
Event Date/Time December 2, 2022 5pm
Expected Number of Participants 200+

Open to the Public? ☒ Yes ☐ No

Please explain how your program or event meets one or more of the sponsorship criteria below:

- Boosts the local Yuba City economy: _____
- Provides an opportunity to help build community, foster a sense of pride within our community, and engage our community: Highlights the history of the city and community.
- Contributes positively to the recognition and image of the City of Yuba City: _____

Type of Sponsorship Requested:

☐ In-kind services – Amount requested: _____

Provide a description of the in-kind services requested: _____

☐ Facility Waiver – Amount requested: _____

☒ Monetary Funding – Amount requested: \$ 1,000

☐ Fundraiser Gift Basket – Amount requested: _____

Other Considerations:

☒ I understand that if the City agrees to sponsor the event, I will acknowledge the sponsorship on all printed information or advertising related to the event using a message approved by the City and provide any written marketing material to the City before distribution of event materials.

☒ If the City agrees to sponsor the event, I understand that appropriate ADA accessibility and other permit requirements will be provided.

☒ I understand that sponsorship is optional, and the City can deny this sponsorship application.

Signature of Applicant Wade Kirchner Date 9.16.2022

Print Name of Applicant Wade Kirchner

CITY OF YUBA CITY
STAFF REPORT

Date: October 4, 2022
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Wastewater Treatment Facility (WWTF) Effluent Outfall Diffuser Relocation Project – State Revolving Fund grant/loan application

Recommendation: A. Adopt a Resolution designating and authorizing the Public Works Director or designee to execute the Clean Water State Revolving Fund Construction Financial Assistance Application and Amendments or Changes thereto, and to certify financing agreement disbursement on behalf of the City for the WWTF Effluent Outfall Diffuser Relocation Project upon future Council approval.

B. Adopt a Resolution stating the City's intent to comply with all conditions of the State Water Resources Control Board's Clean Water State Revolving Fund Loan Program Reimbursement Resolution requirements for the WWTF Effluent Outfall Diffuser Relocation Project.

Fiscal Impact: Staff time managing existing consultant contracts and supporting the application process. The total project cost and funding terms are dependent on the level of funding success through the program, which is yet to be determined.

Purpose:

To submit an application to acquire grant and low-interest loan funds for the design and construction of the WWTF Effluent Outfall Diffuser Relocation Project. The project is necessary to assure continuous and reliable discharge of treated water from the Wastewater Treatment Facility to the Feather River in compliance with permit requirements.

Council's Strategic Goals:

This project addresses the City Council's goal for infrastructure by identifying and addressing the City's infrastructure financial needs.

Background:

The City of Yuba City Wastewater Treatment Facility (WWTF) treats wastewater from the City's collection system and disposes of the treated effluent. Operation of the WWTF and discharge of treated effluent to the Feather River is regulated by the Central Valley Regional Water Quality Control Board (CVRWQCB) through amended Order No. R5-2019-0017-01 and National Pollution Discharge

Elimination System (NPDES) Permit No. CA0079260 (WWTF Permit).

Historically, the WWTF has had two options to dispose of treated effluent: (1) discharge directly into the Feather River via an outfall diffuser pipe located upstream of Shanghai Falls; or (2) discharge into percolation/evaporation ponds located on the east side of the main river channel just downstream of Shanghai Falls. Use of the outfall diffuser pipe is only permitted when river depths are sufficient to allow the treated effluent to adequately mix with river water to meet NPDES permit dilution requirements.

In 2011, the bed of the Feather River scoured in close proximity to the existing outfall diffuser pipe, cutting a deep channel to the east. This redirected a large portion of the river flow to the newly formed channel, leaving the outfall diffuser pipe exposed under normal river flows. The outfall diffuser pipe is currently unavailable for use at river flows of less than approximately 10,000 cubic feet per second (cfs), effectively rendering it unable to meet permit requirements except during high flow events.

Currently, the City's only option to reliably discharge treated effluent has been to the effluent disposal ponds. These ponds are limited in capacity for continuous use and require routine monitoring and maintenance. Additionally, the ponds are vulnerable to damage during times of high water and can subsequently become unavailable to use for an extended period of time.

Since the scour event in 2011, the City has actively been studying potential replacement options for the outfall diffuser pipe, including assessment studies performed by the City's consultant, Environmental Science Associates, in 2013 and 2017. Additionally, another City consultant, CH2M Hill Engineers Inc. of Sacramento, CA, now Jacobs Engineering Group, Inc. (Jacobs), has been providing professional services necessary for the WWTF Effluent Outfall Diffuser Relocation Project (Project), including predesign, design, environmental, permitting, and easement acquisition services.

The Fiscal Year 2022-2027 Capital Improvement Program Budget anticipates a total project cost of \$41 million for the Project. Staff have been researching various grant and loan opportunities to support this significant cost.

The State Water Resources Control Board (SWRCB) provides grant and loan funding to local public agencies for water and wastewater infrastructure projects through the Clean Water State Revolving Fund (SRF). The Project is eligible for this funding.

Analysis:

The SRF program provides a mechanism for distributing a variety of federal and State funds to local agencies in the form of grants, low-interest loans, and low-interest loans with principal forgiveness. This includes federal funding approved as part of the Bipartisan Infrastructure Law.

To complete the SRF financial assistance application, the SWRCB requires a resolution authorizing a representative of the City to sign and submit the financial assistance application, negotiate and execute a financial assistance agreement and certify financing agreement disbursements on behalf of the City. Staff is recommending that the Public Works Director be authorized to sign these documents on behalf of the City.

The City would not be obligated to borrow the full amount approved by the State through the SRF application process. Thus, the City can continue to pursue alternate sources of funding, such as other grant funding, different loan sources, or revenue bonds.

The deadline for applying for SRF funding for the 2023-2034 fiscal year is December 31, 2022. State review and approval is anticipated by March or April of 2023. If the financial assistance application is approved, staff will return to Council with the grant/loan terms and request further direction related to

acceptance of the financial assistance agreement conditions.

Staff is also exploring other funding alternatives, including funding through the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA). WIFIA provides a separate track for seeking federal funding.

Fiscal Impact:

Staff has been coordinating the preparation and submission of the SRF application to determine possible State funding options. Submitting the application does not commit the City to a financial obligation at this time. The current interest rate on a 30-year SRF loan is 2.00%. Assuming no principal forgiveness, a \$35,000,000 amount will have an estimated repayment of approximately \$3.1 million per year.

Project funding alternatives need to be fully analyzed prior to moving forward with entering into a funding agreement and/or bidding the project due to the substantial project cost, current utility needs, and recent cost increases for operations. Staff anticipates presenting Council with a project funding strategy that will include options related to any potential awarded grants, State and Federal funding program options, and the use of rate payer funds prior to moving forward with any funding agreements for the project.

Funding activities will be ongoing as staff concurrently works through finalizing the project design, big package, and obtaining necessary permits over the next 9-12 months.

Alternatives:

1. Do not adopt the recommended Resolutions.
2. Direct staff to pursue other means of financing.

Recommendation:

- A. Adopt a Resolution designating and authorizing the Public Works Director or designee to execute the Clean Water State Revolving Fund Construction Financial Assistance Application and Amendments or Changes thereto, and to certify financing agreement disbursement on behalf of the City for the WWTF Effluent Outfall Diffuser Relocation Project upon Council approval.
- B. Adopt a Resolution stating the City's intent to comply with all conditions of the State Water Resources Control Board's Clean Water State Revolving Fund Loan Program Reimbursement Resolution requirements for the WWTF Effluent Outfall Diffuser Relocation Project.

Attachments:

1. Resolution - Wastewater Treatment Facility (WWTF) Effluent Outfall Diffuser Relocation Project Authorizing Public Works Director Actions
2. Resolution - Wastewater Treatment Facility (WWTF) Effluent Outfall Diffuser Relocation Project Designating Reimbursement

Prepared By:
Katherine Willis
Environmental Compliance Manager

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
DESIGNATING AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO
EXECUTE THE CLEAN WATER STATE REVOLVING FUND CONSTRUCTION
FINANCIAL ASSISTANCE APPLICATION AND AMENDMENTS OR
CHANGES THERETO AND CERTIFY FINANCING AGREEMENT
DISBURSEMENTS ON BEHALF OF THE CITY OF YUBA CITY FOR THE
WASTEWATER TREATMENT FACILITY EFFLUENT OUTFALL DIFFUSER
RELOCATION PROJECT**

WHEREAS, the City of Yuba City (City) has applied for funding with the State Water Resources Control Board (SWRCB) for the construction of the Wastewater Treatment Facility (WWTF) Effluent Outfall and Diffuser Relocation Project; and

WHEREAS, prior to the SWRCB executing a Clean Water State Revolving Fund Construction Loan Agreement (Agreement), the City is required to adopt a Resolution authorizing an officer to execute said Agreement and amendments, designating a person or persons to approve claims for reimbursement, designating a person or persons to sign the Budget and Expenditure Summary, designating a person or persons to sign a Certification of Project Completion, designating a person or persons to review and approve claim forms, and designating a person to sign the Final Release form;

NOW, THEREFORE, be it resolved and ordered by the City Council of the City of Yuba City as follows:

1. The Public Works Director (the "Authorized Representative") is hereby authorized to sign the Initial Clean Water State Revolving Fund Construction Loan Funding Agreement, and any amendments made thereof, from the SWRCB for the construction of the WWTF Effluent Outfall and Diffuser Relocation Project.
2. The Authorized Representative is designated to provide the assurances, certifications and commitments required for the executing of the agreement from the SWRCB and any amendments thereto.
3. The Authorized Representative is designated to represent the City in carrying out the City's responsibilities under the agreement, including certifying disbursement requests on behalf of the City and in compliance with applicable state and federal laws.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 4th day of October, 2022.

AYES:

NOES:

ABSENT:

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
STATING ITS INTENTION TO COMPLY WITH ALL CONDITIONS OF THE
STATE WATER RESOURCE CONTROL BOARD'S CLEAN WATER STATE
REVOLVING FUND LOAN PROGRAM REIMBURSEMENT RESOLUTION
REQUIREMENTS FOR THE WASTEWATER TREATMENT FACILITY
EFFLUENT OUTFALL DIFFUSER RELOCATION PROJECT**

WHEREAS, the City of Yuba City (the "Agency") desires to finance the costs of constructing certain public facilities and improvements relating to its wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (the State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"); and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, be it resolved by the City Council of the City of Yuba City as follows:

Section 1. The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

Section 2. The reasonably expected maximum principal amount of the Project Funds is \$35,000,000.

Section 3. This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the construction portion of the Project costs to be reimbursed with Project Funds.

Section 4. Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

Section 5. To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

Section 6. This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation §1.150-2 and any other regulations of the internal Revenue Service relating to the qualification for reimbursement of Project costs.

Section 7. All the recitals of this Resolution are true and correct and this Agency so finds, determines, and represents.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 4th day of October, 2022.

AYES:

NOES:

ABSENT:

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

CITY OF YUBA CITY
STAFF REPORT

Date: October 4, 2022
To: Honorable Mayor & Members of the City Council;
From: Police Department
Presentation By: Dennis Hauck, Police Sergeant

Summary

Subject: Selective Traffic Enforcement Grant, to include DUI Enforcement and Education Efforts

Recommendation: A. Adopt a Resolution authorizing the Chief of Police to accept \$170,000 in grant funding from the 2022/2023 Selective Traffic Enforcement Program and approve expenditure recommendations

B. Authorize a supplemental appropriation in the amount of \$170,000 to Account No. 100-43409, 2169-61430, 2169-62801, and 2169-69201 and 2169-63801

Fiscal Impact: The City will be reimbursed \$170,000 from the California Office of Traffic Safety. No matching funds are required for this grant. Funds will be drawn down through Account No. 2168-61430 (\$105,695) for personnel overtime costs, No. 2168-62801 (\$3,846) for travel and training, No. 2169-69201 (\$45,000) for equipment and No. 2168-63801 (\$15,459) for direct costs associated with the grant

Purpose:

Reduce the number of persons killed and injured in traffic collisions.

Council's Strategic Goal:

This meets the Council's goal of Public Safety as the purpose of the program is to increase traffic safety for our community.

Background:

In January 2022, the Yuba City Police Department submitted a grant application to the Selective Traffic Enforcement Program Grant offered by the California Office of Traffic Safety. In September 2022 the Department received award notification for the grant with authorization to receive funds in the amount of \$170,000. No matching funds are required by the City of Yuba City to accept the grant. This grant runs in accordance with the Federal Fiscal year 10/01/22-09/30/23.

Analysis:

For many years, the Department has had a positive working relationship with the California Office of Traffic Safety. Again this year, we were selected for funding to maintain an aggressive stance towards those individuals who continue to operate a motor vehicle in our community while under the influence of alcohol or other drugs. This grant will allow the department to continue to combat impaired drivers in our community. While having an impaired driving portion, this grant also allows for other directed enforcement operations. These operations deploy officers within the City with a primary goal of reducing injury collisions through targeting primary collision factors such as speed and red light enforcement in areas with a high frequency of collisions.

The goal of the grant is to reduce the number of persons killed and injured in traffic collisions. "Best practice" strategies will be conducted on an overtime basis. The funded strategies include DUI saturation patrols, speed enforcement, red light running and distracted driver enforcement. These strategies are designed to earn media attention thus enhancing the overall deterrent effect. The California Office of Traffic Safety has designed these operations and the funding for them to be done in addition to our daily duties, thus making an additional impact on traffic safety. A portion of this grant will be used to replace an old DUI Checkpoint trailer with a new one.

The grant will fund training and certification for two officers to become Drug Recognition Experts (DRE). DRE personnel enhance the Department's ability to investigate and assist in prosecution of DUI drug offenders.

The grant will fund training for one officer to become a DRE Instructor and one officer to become a Standardized Field Sobriety Test Instructor (ARIDE). Both courses are fully funded by POST and will result in no costs to the department. DUI arrests have risen sharply in recent years and remains a priority for the police department in reducing alcohol and / or drug related collision deaths and injuries. Having two additional instructors on staff will better serve the department to do in-house training for Advanced Roadside Impaired Driver Enforcement (ARIDE) and SFST's.

The grant will fund overtime and materials to conduct six DUI/License Checkpoints, fourteen general traffic enforcement operations and twenty-two DUI saturation patrols over the course of the grant.

Fiscal Impact:

The City will be reimbursed \$170,000 from the California Office of Traffic Safety. No matching funds are required for this grant. Funds will be drawn down through Account No. 2168-61430 (\$105,695) for personnel overtime costs, No. 2168-62801 (\$3,846) for travel and training, No. 2169-69201 (\$45,000) for equipment and No. 2168-63801 (\$15,459) for direct costs associated with the grant.

Alternatives:

Do not accept the grant and / or direct staff to research alternatives.

Recommendation:

A. Adopt a Resolution authorizing the Chief of Police to accept \$170,000 in grant funding from the 2022/2023 Selective Traffic Enforcement Program and approve expenditure recommendations

B. Authorize a supplemental appropriation in the amount of \$170,000 to Account No. 100-43409, 216p-61430, 2169-62801, and 2169-69201 and 2169-63801

Attachments:

1. Resolution
2. OTS Grant

Prepared By:
Dennis Hauck
Traffic Sergeant

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING RECEIPT, ALLOCATION AND EXPENDITURE, OF THE FY
2022-2023 CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT “SELECTIVE
TRAFFIC ENFORCEMENT PROGRAM”**

WHEREAS, the Yuba City Police Department submitted for the Selective Traffic Enforcement Program Grant offered by the California Office of Traffic Safety, and received an award notification for the grant with authorization to receive funds in the amount of \$170,000.

WHEREAS, the goal of the grant is to reduce the number of persons killed and injured in traffic collisions, and will be used to cover the cost of new DUI Checkpoint trailer, educational materials, DUI checkpoint supplies; and

WHEREAS, the grant will also fund training and certification for two officers to become a Drug Recognition Expert (DRE); and

WHEREAS, the grant will fund training for one officer to become a Drug Recognition Expert (DRE) Instructor and one officer to become a Standardized Field Sobriety Test Instructor (SFST).

WHEREAS, the Yuba City Council desires to undertake the projects designated as the Selective Traffic Enforcement Program to be funded in part from funds made available through the California Office of Traffic Safety (OTS).

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

1. The Chief of Police of the City of Yuba City is authorized, on its behalf, to execute a contract, including any extensions or amendments thereof and any subsequent contract with the State and the OTS in relation thereto, to effectuate acceptance of the grant for the Selective Traffic Enforcement Program, subject to approval as to legal form by the City Attorney.

2. The City agrees that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OTS disclaim responsibility for any such liability.

3. Grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

4. This award is not subject to local hiring freezes.

I hereby certify that the foregoing is a true copy of the resolution adopted by the Yuba City Council of Yuba City in a meeting thereof held on October 4, 2022, by the following vote:

AYES:

NOES:

ABSENT:

David Shaw, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2

1. GRANT TITLE Selective Traffic Enforcement Program (STEP)	
2. NAME OF AGENCY Yuba City	3. Grant Period From: 10/01/2022 To: 09/30/2023
4. AGENCY UNIT TO ADMINISTER GRANT Yuba City Police Department	
5. GRANT DESCRIPTION Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving alcohol and other primary crash factors. The funded strategies may include impaired driving enforcement, enforcement operations focusing on primary crash factors, distracted driving, night-time seat belt enforcement, special enforcement operations encouraging motorcycle safety, enforcement and public awareness in areas with a high number of bicycle and pedestrian crashes, and educational programs. These strategies are designed to earn media attention thus enhancing the overall deterrent effect.	
6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$170,000.00	
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: • Schedule A – Problem Statement, Goals and Objectives and Method of Procedure • Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) • Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable) • Exhibit A – Certifications and Assurances • Exhibit B* – OTS Grant Program Manual • Exhibit C – Grant Electronic Management System (GEMS) Access *Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov. We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions. IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.	
8. Approval Signatures	
A. GRANT DIRECTOR NAME: Dennis Hauck TITLE: Sergeant EMAIL: dhauck@yubacity.net PHONE: [REDACTED] ADDRESS: 1545 Poole Boulevard Yuba City, CA 95993  _____ (Signature) Aug 31, 2022 _____ (Date)	B. AUTHORIZING OFFICIAL ADDRESS: Brian Baker Chief of Police bbaker@yubacity.net [REDACTED] 1545 Poole Boulevard Yuba City, CA 95993  _____ (Signature) Aug 31, 2022 _____ (Date)
C. FISCAL OFFICIAL ADDRESS: Spencer Morrison Finance Director smorriso@yubacity.net [REDACTED] 1201 Civic Center Blvd. Yuba City, CA 95993  _____ (Signature) Aug 31, 2022 _____ (Date)	D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY ADDRESS: Barbara Rooney Director barbara.rooney@ots.ca.gov [REDACTED] 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758  _____ (Signature) Sep 6, 2022 _____ (Date)

E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	9. SAM INFORMATION REGISTERED ADDRESS: 1201 Civic Center Boulevard Yuba City CA 95993 CITY: Yuba City ZIP+4: 95993-2615
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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
164AL-23	20.608	0521-0890-101	2022	43/22	BA/22	\$125,000.00
402PT-23	20.600	0521-0890-101	2022	43/22	BA/22	\$45,000.00
				AGREEMENT TOTAL		\$170,000.00
				AMOUNT ENCUMBERED BY THIS DOCUMENT		\$170,000.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		\$ 0.00
				TOTAL AMOUNT ENCUMBERED TO DATE		\$170,000.00
OTS ACCOUNTING OFFICER'S SIGNATURE <i>Carolyn Vu</i>			DATE SIGNED Aug 31, 2022			

1. PROBLEM STATEMENT

In 2021 we had 5 traffic fatalities, 3 of which were pedestrians and 1 motorcyclist. Speed continues to be the leading contributor to injury crashes in Yuba City. Speed as a PCF accounted for 22.5% of injury crashes in 2021. Yuba City is positioned at the intersection of two State Route Highways, State Route 99 and State Route 20. Both highways bring a large volume of commuter traffic through the city. Both State Routes are multi-lane highways where radar enforcement is a challenge. Speed is the leading PCF for crashes on both state routes. State Route 20 has consistently remained the roadway with the most crashes per year. Additionally, speeding vehicles is a common call for service to the police department in neighborhoods creating a quality of life issue in our community.

Turning movement violations accounted for 13.2% of injury crashes in 2021 and was the second leading PCF in Yuba City. Turning movements are a product of distracted driving and driver's inattention to those around them. In order to efficiently enforce these violations on our busy roadways, the traffic unit uses police motorcycles. The traffic unit is also responsible for handling injury and non-injury crashes during their regular duties. To effectively enforce these violations, most often the enforcement occurs on overtime when officers are not handling the duties of traffic officers outside of making stops and issuing citations.

Red light violations accounted for 8.4% of injury crashes in 2021 making them the third leading PCF in Yuba City. Red lights are a concern because studies have shown about 39% of crashes involving red light violations result in an injury. A large percentage of the injury red light crashes occur on the State Routes that contain the highest volume of traffic in Yuba City. Red light enforcement requires significant staffing due to traffic volume, roadway design on the State Routes and the difficulty for an officer to witness the color of the light and the positioning of the violator when the light changed. To overcome these challenges, red light enforcement tends to require more than one officer to safely work a red light operation. Reducing red light violations is imperative toward reducing injury crashes in Yuba City.

Pedestrian and Bicycle crashes have been a problem and our numbers reflect a significant increase in the number of crashes in this category. Since 2013, pedestrian injury crashes remained consistent at 33 for 2013 and 2014. 2015 saw a reduction to 23 pedestrian crashes but 2016 we were back up to 33 injuries and 2017 mirrored 2016 at 29. There were 3 pedestrian fatalities in each 2013, 2014 and 2017. During 2017 pedestrians were found at fault in two fatal pedestrian crashes. Two of the pedestrian fatalities involved a pedestrian crossing the road during darkness outside of a crosswalk on or adjacent to a state highway. In 2019 pedestrian injury crashes were up from previous years at 24 and 2021 saw a decrease in pedestrian crashes of 19, two of which were fatalities.

Many of the bicycle related crashes involved adults riding the wrong way on the road or failing to stop for stop signs. Recognizing this trend related to pedestrian and bicycle crashes, the Police Department began educational and directed enforcement efforts to address this issue. Ongoing efforts are needed to continue improvement toward decreasing pedestrian and bicyclist injuries.

DUI Crashes are the fourth leading primary crash factor for our department. At the same time DUI arrests have increased in 2018. DUI arrests decreased from 227 in 2016 compared to 219 in 2017 but increased in 2018 with 283 arrests, 2019 saw a decrease to 268 DUI arrests compared to 2018 and in 2020 with COVID 19 concerns we saw another decrease to 193 arrests. DUI drugs, which tend to be more challenging for officers to identify, accounted for more than 17% of all DUI arrests in 2015 and in 2018 more than 18% of DUI arrest were for drugs or drugs and alcohol, 2019 there was an increase to 21% of all DUI arrests were for drugs or a combination and in 2020 23% of DUI arrest were for drugs or drugs and alcohol. In 2021 compared to 2020 we saw a slight decrease in DUI arrests from 193 to 192. 2021 showed a marked increase in DUI related injury crash at 29, up from 21 in 2020.

One possible contributing factor to the increase of both DUI crashes and arrests may be an emphasis placed in DUI related training. The department has trained more than 2/3rds of its personnel in SFST and ARIDE since 2010 and gained eight DRE certified personnel. We are also focusing on training in house personnel to be instructors in both Standardized Field Sobriety Testing and Drug Recognition Experts. The

increased training may contribute to officer's ability to better identify impaired drivers and manifest as an increase in alcohol related crashes. The coinciding increase in DUI arrests and alcohol related crashes demonstrates Yuba City is starting to receive positive results at addressing the problem of impaired driving. However, ongoing efforts are needed to continue to reduce the number of alcohol and drug related crashes and associated injuries and deaths.

In 2018 and 2019 hit and run injuries have remained steady at 24 for 2018 and 27 for 2018 and for 2020 there were 21 hit and run injury crashes. Studies have shown many hit and run offenders are unlicensed, uninsured or intoxicated. Hit and run crashes continue to be a problem for Yuba City and general enforcement along with impaired driving enforcement will help reduce these types of crashes.

Motorcycle crashes have been a traffic safety problem in Yuba City. In 2018 we had 16 injury related motorcycle crashes, which remains consistent with previous years. In 2020 we saw that number decrease to only 12 and in 2021 we saw a slight increase to 13 motorcycle injury crashes. Historically, the department had not treated or even tracked motorcycle crashes separately from other motor vehicles. Department personnel have begun education efforts to reach out to motorcyclists, this effort needs to be expanded and supported by relevant crash research data to be effective.

Street racing and sideshow activity has become a huge issue for Yuba City over 2021. While no deaths have occurred to date, we had 1 serious roll over crash resulting in two serious injuries in 2021. The pressure put on the Street Racing scene from area enforcement in Sacramento has pushed them north to Yuba City. Most weekends see upwards of 400 cars descending on the city and gathering in empty parking lots such as the abandoned Kmart property, the Yuba City Mall, Kohl's and Yuba Community College parking lots. They have even taken over local roadways and blocked intersections with their illegal activity.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. Reduce the number of pedestrians killed in traffic crashes.
4. Reduce the number of pedestrians injured in traffic crashes.
5. Reduce the number of bicyclists killed in traffic crashes.
6. Reduce the number of bicyclists injured in traffic crashes.
7. Reduce the number of persons killed in alcohol-involved crashes.
8. Reduce the number of persons injured in alcohol-involved crashes.
9. Reduce the number of persons killed in drug-involved crashes.
10. Reduce the number of persons injured in drug-involved crashes.
11. Reduce the number of persons killed in alcohol/drug combo-involved crashes.
12. Reduce the number of persons injured in alcohol/drug combo-involved crashes.
13. Reduce the number of motorcyclists killed in traffic crashes.
14. Reduce the number of motorcyclists injured in traffic crashes.
15. Reduce hit & run fatal crashes.
16. Reduce hit & run injury crashes.
17. Reduce nighttime (2100 - 0259 hours) fatal crashes.
18. Reduce nighttime (2100 - 0259 hours) injury crashes.

B. Objectives:

1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
2. Participate and report data (as required) in the following campaigns; Quarter 1: National Walk to School Day, National Teen Driver Safety Week, NHTSA Winter Mobilization; Quarter 3: National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Bicycle Safety Month, National Click it or Ticket Mobilization; Quarter 4: NHTSA Summer Mobilization, National Child Passenger Safety Week, and California's Pedestrian Safety Month.

Target Number

1

10

3. Develop (by December 31) and/or maintain a "DUI BOLO" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated DUI BOLOs should be distributed to patrol and traffic officers monthly.	12
4. Send law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.	2
5. Send law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.	2
6. Send law enforcement personnel to the Drug Recognition Expert (DRE) training.	2
7. Send law enforcement personnel to the DRE Recertification training.	3
8. Send law enforcement personnel to SFST Instructor training.	1
9. Send law enforcement personnel to DRE Instructor training.	1
10. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to 1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.	6
11. Conduct DUI Saturation Patrol operation(s).	22
12. Conduct Warrant Service operation(s) targeting multiple DUI offenders who fail to appear in court.	2
13. Conduct Traffic Enforcement operation(s), including but not limited to, primary crash factor violations.	14
14. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.	4
15. Conduct highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or crashes resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary crash factor violations by motorcyclists and other drivers.	3
16. Conduct highly publicized pedestrian and/or bicycle enforcement operation(s) in areas or during events with a high number of pedestrian and/or bicycle crashes resulting from violations made by pedestrians, bicyclists, and drivers.	3
17. Conduct Traffic Safety educational presentation(s) with an effort to reach community members. Note: Presentation(s) may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seat belts and child passenger safety.	2
18. Conduct Know Your Limit campaigns with an effort to reach members of the community.	2
19. Participate in highly visible collaborative DUI Enforcement operations.	1
20. Participate in highly visible collaborative Traffic Enforcement operations.	2
21. Conduct specialized enforcement operations focusing specifically on street racing and sideshow activities.	4
3. METHOD OF PROCEDURE	
A. Phase 1 – Program Preparation (1st Quarter of Grant Year)	
- The department will develop operational plans to implement the "best practice" strategies outlined in the objectives section. - All training needed to implement the program should be conducted this quarter. - All grant related purchases needed to implement the program should be made this quarter. - In order to develop/maintain the "DUI BOLOs," research will be conducted to identify the "worst of the worst" repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver's name, last known address, DOB,	

description, current license status, and the number of times suspended or revoked for DUI. DUI BOLOs should be updated and distributed to traffic and patrol officers at least monthly.

- Implementation of the STEP grant activities will be accomplished by deploying personnel at high crash locations.
- Media Requirements Issue a press release approved by the OTS PIO announcing the kick-off of the grant by November 15, but no sooner than October 1. The kick-off release must be approved by the OTS PIO and only distributed after the grant is fully signed and executed. If you are unable to meet the November 15 deadline to issue a kick-off press release, communicate reasons to your OTS coordinator and OTS PIO.

B. Phase 2 – Program Operations (Throughout Grant Year)

- The department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

Media Requirements

The following requirements are for all grant-related activities:

- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the Coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at pio@ots.ca.gov and your OTS coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff press releases are an exception to this policy and require prior approval before distribution to the media and public.
- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at pio@ots.ca.gov for approval and copy to your OTS Coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your Coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at pio@ots.ca.gov and your Coordinator with embargoed date and time or with "INTERNAL ONLY: DO NOT RELEASE" message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at pio@ots.ca.gov for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints,

etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.

- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS Coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.
- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- Contact the OTS PIO or your OTS Coordinator for consultation when changes from any of the above requirements might be warranted.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

1. Prepare and submit invoice claims (due January 30, April 30, July 30, and October 30)

2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)

- Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
- Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
- Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT	
164AL-23	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$125,000.00	
402PT-23	20.600	State and Community Highway Safety	\$45,000.00	
COST CATEGORY	FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
A. PERSONNEL COSTS				
<u>Straight Time</u>				\$0.00
<u>Overtime</u>				
DUI/DL Checkpoints	164AL-23	\$3,960.00	6	\$23,760.00
DUI Saturation Patrols	164AL-23	\$1,980.00	22	\$43,560.00
Warrant Service Operations	164AL-23	\$1,204.00	2	\$2,408.00
Know Your Limit	164AL-23	\$1,204.00	2	\$2,408.00
Collaborative DUI Enforcement	164AL-23	\$602.00	1	\$602.00
Benefits- 164 OT @ 4.22%	164AL-23	\$71,922.00	1	\$3,035.00
Traffic Enforcement	402PT-23	\$990.00	14	\$13,860.00
Distracted Driving	402PT-23	\$990.00	4	\$3,960.00
Pedestrian and Bicycle Enforcement	402PT-23	\$990.00	3	\$2,970.00
Motorcycle Safety	402PT-23	\$990.00	3	\$2,970.00
Street Racing and Sideshow Enforcement Operations	402PT-23	\$990.00	4	\$3,960.00
Collaborative Traffic Enforcement	402PT-23	\$495.00	2	\$990.00
Benefits- 402 OT @ 4.22%	402PT-23	\$28,710.00	1	\$1,212.00
Category Sub-Total				\$105,695.00
B. TRAVEL EXPENSES				
In State Travel	402PT-23	\$3,846.00	1	\$3,846.00
				\$0.00
Category Sub-Total				\$3,846.00
C. CONTRACTUAL SERVICES				
				\$0.00
Category Sub-Total				\$0.00
D. EQUIPMENT				
DUI Trailer	164AL-23	\$45,000.00	1	\$45,000.00
Category Sub-Total				\$45,000.00
E. OTHER DIRECT COSTS				
DUI Checkpoint Supplies	164AL-23	\$4,227.00	1	\$4,227.00
Radar Device	402PT-23	\$3,744.00	3	\$11,232.00
Category Sub-Total				\$15,459.00
F. INDIRECT COSTS				
				\$0.00
Category Sub-Total				\$0.00
GRANT TOTAL				\$170,000.00

BUDGET NARRATIVE	
PERSONNEL COSTS	
DUI/DL Checkpoints - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	
DUI Saturation Patrols - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	
Warrant Service Operations - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	
Know Your Limit - Overtime for grant funded traffic safety presentations or campaigns conducted by appropriate department personnel.	
Collaborative DUI Enforcement - Overtime for grant funded Collaborative DUI Enforcement operations conducted by appropriate department personnel	
Benefits- 164 OT @ 4.22% - Workers Compensation: 1.45% Medicare: 2.77% Total: 4.22%	
Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	
Distracted Driving - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	
Pedestrian and Bicycle Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	
Motorcycle Safety - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	
Street Racing and Sideshow Enforcement Operations - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	
Collaborative Traffic Enforcement - Overtime for grant funded Collaborative Traffic Enforcement operations conducted by appropriate department personnel	
Benefits- 402 OT @ 4.22% - Workers Compensation: 1.45% Medicare: 2.77% Total: 4.22%	
TRAVEL EXPENSES	
In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.	
CONTRACTUAL SERVICES	
-	
EQUIPMENT	
DUI Trailer-Fully equipped trailer to transport DUI checkpoint supplies and to serve as a communication and command post during OTS operations. Costs may include the trailer, sales tax, delivery, installation costs, and other modifications and accessories or other items necessary to make the trailer usable for grant purposes, such as a generator, lighting, paint and graphics. The trailer cannot include any furniture or fixtures not affixed to the trailer.	
OTHER DIRECT COSTS	
DUI Checkpoint Supplies - On-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS Device/Calibration Supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed. Each item must have a unit cost of less than \$5,000 (including tax and shipping).	

Radar Device - To measure the speed of motor vehicles. This device will be used for speed enforcement.

INDIRECT COSTS

-

STATEMENTS/DISCLAIMERS

There will be no program income generated from this grant.

Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives here under.

Benefits for personnel costs can only be applied to straight time or overtime hours charged to the grant.

CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS
(23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

GENERAL REQUIREMENTS

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

NONDISCRIMINATION

(applies to all subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The Subgrantee-

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non- Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:
 - "During the performance of this contract/funding agreement, the contractor/funding recipient agrees—
 - a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
 - b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
 - c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
 - d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
 - e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Subgrantee will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The grantee's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 - 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 - 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - 1. Abide by the terms of the statement;
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an

- employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)

(applies to all subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to all subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The signed certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to all subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to all subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment

rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to all subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to all subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

INSTRUCTIONS FOR ADDING OR UPDATING GEMS USERS

1. Each agency is allowed a total of **FIVE (5) GEMS Users**.
2. GEMS Users listed on this form will be authorized to login to GEMS to complete and submit Quarterly Performance Reports (QPRs) and reimbursement claims.
3. Complete the form if adding, removing or editing a GEMS user(s).
4. The Grant Director must sign this form and return it with the Grant Agreement.

GRANT DETAILS

Grant Number:	PT23203
Agency Name:	Yuba City Police Department
Grant Title:	Selective Traffic Enforcement Program (STEP)
Agreement Total:	\$170,000.00
Authorizing Official:	Brian Baker
Fiscal Official:	Spencer Morrison
Grant Director:	Dennis Hauck

CURRENT GEMS USER(S)

1. Dennis Hauck

Title: Sergeant

Media Contact: No

Email: dhauck@yubacity.net

2. Diona Pope

Title: Accounting Manager

Media Contact: No

Email: dpope@yubacity.net

Complete the below information if adding, removing or editing a GEMS user(s)

GEMS User 1 Add/Change ☐ Remove Access ☐		Add as a media contact? Yes ☒ No ☐
Name Dennis Hauck	Job Title Traffic Sergeant	
Email address	Phone number	
GEMS User 2 Add/Change ☐ Remove Access ☐		Add as a media contact? Yes ☐ No ☐
Name	Job Title	
Email address	Phone number	
GEMS User 3 Add/Change ☐ Remove Access ☐		Add as a media contact? Yes ☐ No ☐
Name	Job Title	
Email address	Phone number	
GEMS User 4 Add/Change ☐ Remove Access ☐		Add as a media contact? Yes ☐ No ☐
Name	Job Title	
Email address	Phone number	
GEMS User 5 Add/Change ☐ Remove Access ☐		Add as a media contact? Yes ☐ No ☐
Name	Job Title	
Email address	Phone number	
Form completed by: <u>Dennis Hauck</u> Dennis Hauck (Aug 30, 2022 09:14 PDT)		Date: Aug 30, 2022
As a signatory I hereby authorize the listed individual(s) to represent and have GEMS user access.		
<u>Dennis Hauck</u> Dennis Hauck (Aug 31, 2022 09:14 PDT)		Dennis Hauck
Signature Aug 31, 2022	Name Grant Director	
Date	Title	

Grant Agreement - PT23203

Final Audit Report

2022-09-06

Created:	2022-08-30
By:	Jim Owens (jim.owens@ots.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAArR2hWz1PWLSkVKvS7v3FLnnKe5kuHqNN

"Grant Agreement - PT23203" History

-  Document created by Jim Owens (jim.owens@ots.ca.gov)
2022-08-30 - 6:31:19 PM GMT
-  Document emailed to dhauck@yubacity.net for signature
2022-08-30 - 6:31:25 PM GMT
-  Email viewed by dhauck@yubacity.net
2022-08-30 - 11:27:10 PM GMT
-  Signer dhauck@yubacity.net entered name at signing as Dennis Hauck
2022-08-30 - 11:29:26 PM GMT
-  Document e-signed by Dennis Hauck (dhauck@yubacity.net)
Signature Date: 2022-08-30 - 11:29:27 PM GMT - Time Source: server
-  Document emailed to dhauck@yubacity.net for signature
2022-08-30 - 11:29:29 PM GMT
-  Email viewed by dhauck@yubacity.net
2022-08-31 - 6:33:31 AM GMT
-  Signer dhauck@yubacity.net entered name at signing as Dennis Hauck
2022-08-31 - 4:14:28 PM GMT
-  Document e-signed by Dennis Hauck (dhauck@yubacity.net)
Signature Date: 2022-08-31 - 4:14:29 PM GMT - Time Source: server
-  Document emailed to smorriso@yubacity.net for signature
2022-08-31 - 4:14:31 PM GMT
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2022-08-31 - 4:45:20 PM GMT

-  Signer smorriso@yubacity.net entered name at signing as Spencer Morrison
2022-08-31 - 4:46:44 PM GMT
-  Document e-signed by Spencer Morrison (smorriso@yubacity.net)
Signature Date: 2022-08-31 - 4:46:45 PM GMT - Time Source: server
-  Document emailed to bbaker@yubacity.net for signature
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2022-08-31 - 5:25:10 PM GMT
-  Signer bbaker@yubacity.net entered name at signing as Brian Baker
2022-08-31 - 5:26:03 PM GMT
-  Document e-signed by Brian Baker (bbaker@yubacity.net)
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-  Document emailed to Carolyn Vu (carolyn.vu@ots.ca.gov) for signature
2022-08-31 - 5:26:07 PM GMT
-  Email viewed by Carolyn Vu (carolyn.vu@ots.ca.gov)
2022-08-31 - 5:28:45 PM GMT
-  Document e-signed by Carolyn Vu (carolyn.vu@ots.ca.gov)
Signature Date: 2022-08-31 - 5:28:55 PM GMT - Time Source: server
-  Document emailed to Barbara Rooney (barbara.rooney@ots.ca.gov) for signature
2022-08-31 - 5:28:57 PM GMT
-  Email viewed by Barbara Rooney (barbara.rooney@ots.ca.gov)
2022-09-06 - 10:48:55 PM GMT
-  Document e-signed by Barbara Rooney (barbara.rooney@ots.ca.gov)
Signature Date: 2022-09-06 - 10:49:51 PM GMT - Time Source: server
-  Agreement completed.
2022-09-06 - 10:49:51 PM GMT

CITY OF YUBA CITY
STAFF REPORT

Date: October 4, 2022
To: Honorable Mayor & Members of the City Council;
From: Police Department
Presentation By: James Runyen, Police Commander

Summary

Subject: Technical refinements to the Camping and Storage of Personal Property Ordinance

Recommendation: Introduce an Ordinance of the City Council of the City of Yuba City, California, Renumbering/Re-Lettering Yuba City Municipal Code Section 5.23.050 by title only, and waive the first reading

Fiscal Impact: No fiscal impact. The Ordinance is already in place and needs amendment

Purpose:

Renumber/re-letter existing Municipal Code Chapter 5.23.050 to allow effective enforcement of Ordinance. Improving the quality of life through a regionally consistent Camping and Storage of Personal Property Ordinance while preserving the rights of all citizens.

Council's Strategic Goal:

This meets the Council's goal of Public Safety as the purpose of the Ordinance is to provide enforcement of unauthorized camping and storage.

Background:

In January of 2019, a Camping and Storage of Personal Property Ordinance was adopted to assist in the enforcement efforts of the City in reducing the public health and safety issues associated with unauthorized camping. The proliferation of unauthorized camping has continued to be an issue in the City since the adoption of the Ordinance. The proposed refinements to the existing Ordinance will provide greater clarity and will allow for greater ease of enforcement as was intended by the City Council.

Analysis:

The current Ordinance has proven a reasonable regulation that applies to all citizens that camp or store personal property within the incorporated area of Yuba City. The overall purpose of this Ordinance is to preserve the rights of all citizens within the City so as to maintain certain areas of land for the purpose for which they were intended to be used, to maintain the integrity of the levee

system that protects Yuba City residents, businesses and environment, protect the health of riparian habitats and waterways as well as to protect the rights of individuals that may be subject to personal property removal. The amendment to the existing Ordinance will allow the City to enforce the ordinance already in place.

Environmental:

No new environmental impacts

Fiscal Impact:

No fiscal impact. The Ordinance is already in place and needs amendment.

Alternatives:

1. Provide direction to staff as to changes which should be incorporated into the Ordinance.
2. Take no action on the Ordinance.

Recommendation:

Introduce an Ordinance of the City Council of the City of Yuba City, California, Renumbering/Re-Lettering Yuba City Municipal Code Section 5.23.050 by title only, and waive the first reading

Attachments:

1. Proposed Amendment - Chapter 5.23.050- Camping and Storage of Personal Property on Private and Public Property

Prepared By:

Jim Runyen
Police Commander

Submitted By:

Diana Langley
City Manager

Attachment AATTACHMENT 1

ORDINANCE _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
YUBA CITY, CALIFORNIA, RENUMBERING/RE-LETTERING
YUBA CITY MUNICIPAL CODE SECTION 5.23.050**

WHEREAS, Yuba City Municipal Code ("YMC") Section 5.23.050 contains inadvertent typographical errors relating to the numbering/lettering thereof which require correction; and

WHEREAS, therefore, the City Council desires to adopt this Ordinance in order to correct such inadvertent errors.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

SECTION 1. Recitals. The recitals set forth above are incorporated herein by this reference.

SECTION 2. Renumbering/Re-lettering of Section 5.23.050. Section 5.23.050 of Chapter 23 of Title 5 of the Yuba City Municipal Code is hereby amended in its entirety as follows:

Section 5.23.050. - Unlawful camping.

(a) With the exception of authorized camping at a private or public campground or recreational vehicle park or camping authorized under any other ordinance, law, or regulation, no person shall camp in the following areas:

- (1) Any private property unless:
 - (i) The person camping (aa) is the owner or tenant of the private property; (ab) is a family member or relative of an owner or tenant of the private property; (ac) is accompanied by an owner or tenant of the private property; or (ad) has written permission in his or her possession from an owner or tenant of the private property and the written permission includes the owner's or tenant's name, address, and phone number, or
 - (ii) The camping is not prohibited under Chapter 5.20 or any other ordinance, law, or regulation;
- (2) Any City Park or trail facility, except in locations designated for such purposes or pursuant to a lawfully issued permit;
- (3) Any City airport;
- (4) Any City cemetery;
- (5) Any property that is within or below 200 feet above the Ordinary High Water Mark of any lake, waterway, river, stream, pond, or reservoir;
- (6) Any levee or within 50 feet of the landside levee toe; and

Commented [RK1]: Officer Koski: should this be an AND or should this be an OR?

- (7) Any City right-of-way including but not limited to public highways, roadway shoulders, sidewalks, or alleys so as to in any manner hinder or obstruct the free passage therein or thereon of any persons or vehicles passing or attempting to pass along the same right-of-way.

- (b) Permitting of camping in City parks shall be governed by Chapter 5.20.

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance 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. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 4. Effective Date and Publication. This Ordinance shall take effect 30 days after its adoption. The City Clerk, or duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 4th day of October, 2022, and passed and adopted at a regular meeting held on the 4th 18th day of October, 2022.

AYES:
NOES:
ABSENT:
ABSTAIN:

Dave Shaw, Mayor
City of Yuba City

ATTEST:

Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY

Future Agenda Items

- Councilmember Boomgaarden
- Councilmember Espindola
- Councilmember Harris
- Vice Mayor Kirchner
- Mayor Shaw

CITY OF YUBA CITY

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

City Manager's Report

CITY OF YUBA CITY

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

City Council Reports

- Councilmember Espindola
- Councilmember Harris
- Councilmember Boomgaarden
- Vice Mayor Kirchner
- Mayor Shaw

Adjournment