AGENDA

JULY 16, 2024

REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY

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

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

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

*The City has adopted a Reasonable Accommodations Policy that provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. Please visit yubacity.net ADA & Accessibility Resources page. 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 help. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation; 72 hours in advance is suggested. Please contact City offices at (530) 822-4817 or **(TTY: 530-822-4732)**, so such aids or services can be arranged. Requests may also be made by email at cityclerk@yubacity.net or citymanager@yubacity.net or mail City Clerk, 1201 Civic Center Blvd, Yuba City, CA 95993.*

AGENDA
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
JULY 16, 2024

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://yubacity-net.zoom.us/webinar/register/WN_Hm2H07dWTJe7KY-2TD8dZA. 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.

Regular Meeting

Call to Order

Roll Call

__ Mayor Harris
__ Vice Mayor Shaw
__ Councilmember Boomgaarden
__ Councilmember Kirchner
__ Councilmember Pasquale

Invocation/Inspiration

Pledge of Allegiance to the Flag

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

Agenda Modifications

Ceremonial Presentations

1. Downtown Business Association Summer Stroll Presentation

2. Proclamation Recognizing Parks and Recreation Month

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 July 2, 2024 Regular Meeting of the Successor Agency to the Redevelopment Agency and City Council

Recommendation: Approve the minutes of the July 2, 2024 Regular Meeting of the Successor Agency to the Redevelopment Agency and City Council

5. 2023 Ford F-550 - Capital Acquisition

Recommendation: Adopt a Resolution authorizing Finance Director to record a supplemental appropriation of $5,000 to account 6610-69410 for the additional cost to purchase a Ford F- 550 Regular Cab or equivalent for the Parks Department

Business Items

6. Richland Waterline Extension Project (Contract Award)

Recommendation: Adopt a Resolution taking the following actions:

A. Accepts the bid withdrawal of the apparent low bidder, Newland Entities, Inc. of Yuba City, without forfeiting its bid security on the basis that documentation complying with Section 5103 of the California Public Contract Code has been provided affirming that a material and clerical error was made in assembling the bid
B. Awards a construction contract to LaFleur Engineering, Inc of Roseville, CA in the amount of their total bid of $1,314,417.00 and authorizes the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

7. Consideration of Inclusion of Delinquent Charges and Penalties for Water and Wastewater Services on Secured Tax Roll

Recommendation: Take the following action:

A. Conduct a Public Hearing, and after consideration
B. Adopt a Resolution for the inclusion of delinquent charges and penalties for water and wastewater services on the secured tax roll in the same manner as the general taxes and directing that a lien also be placed on the subject

properties

8. Consideration of Inclusion of Code Enforcement Citation Fines on Secured Tax Roll

Recommendation: Take the following action:

A. Conduct a Public Hearing, and after consideration
B. Adopt a Resolution for the inclusion of unpaid Code Enforcement citation fines on the secured tax roll in the same manner as the general taxes and directing that a lien also be placed on the subject properties

9. Consideration of November 2024 Ballot Measure to Authorize One-Cent Sales Tax

Recommendation: A. Receive public comment;

B. Adopt, with any amendments, a Resolution calling for the placement of a general tax measure on the ballot for the November 5, 2024, general municipal election for the submission to the voters of an ordinance to enact a general transaction and use tax (sales tax) at the rate of one-cent

Future Agenda Items

10. Future Agenda Items

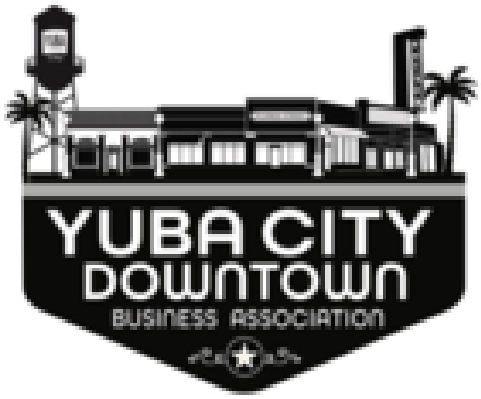
Reports and Communications

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

11. City Manager's Report

12. City Council Reports

Adjournment



Summer Stroll Presentation

Proclamation

of the City Council

July is Parks and Recreation Month

WHEREAS, Parks and Recreation are vitally important to promoting and maintaining the quality of life in our community, and contributing to the economic, aesthetic and environmental well-being of the region; and

WHEREAS, residents value Parks and Recreation as it provides positive alternatives for children and youth to reduce crime and mischief, while promoting the arts, increasing social connections, aid in therapy, and promote lifelong learning; and

WHEREAS, through the hard work and dedication of our Park Maintenance staff, our parks provide access to the tranquility and stimulation of nature and the outdoors, as well as allow residents access to outdoor spaces for children and adults to play and be active; exercise and hold group sports; and

WHEREAS, the residents of all ages within our City, and including businesses, community organizations, and visitors benefit from the wide range of parks, trails, open space, facilities, and Recreation programs, including Blackburn Talley Sports Complex, Gauche Aquatic Park, Feather River Parkway, Sam Brannan's Pickleball, Tennis, and Bocce Courts, the Senior Center, and Youth and Adult Sports provided by the City of Yuba City Recreation Department; and

WHEREAS, the City Council urges all its residents to recognize that Parks and Recreation enriches the lives of residents and visitors, builds healthy, active communities by aiding in the prevention of chronic disease, such as obesity; improves the mental and emotional health of all citizens, as well as adding value to the community's homes and neighborhoods; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month,

NOW, THEREFORE, BE IT RESOLVED, that I, Shon Harris, Mayor of the City of Yuba City and on behalf of the entire City Council of the City of Yuba City do hereby proclaim July 2024 as **Parks and Recreation Month** and in doing so, ask that the citizens of Yuba City use and enjoy its parks, trails, open spaces, facilities, and recreation opportunities.

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: July 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Minutes from the July 2, 2024 Regular Meeting of the Successor Agency to the Redevelopment Agency and City Council

Recommendation: Approve the minutes of the July 2, 2024 Regular Meeting of the Successor Agency to the Redevelopment Agency and City Council

Fiscal Impact: None

Attachments:
1. 07-02-2024 Regular Meeting Minutes (DRAFT)

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

MINUTES (DRAFT)
REGULAR MEETING OF THE SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY AND
CITY COUNCIL - CITY OF YUBA CITY

JULY 2, 2024

5:30 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 Harris at 5:30 PM

Roll Call

Present: Mayor Harris and Councilmembers Boomgaarden, Kirchner, Shaw, and Pasquale

Absent: None

Closed Session

[Councilmember Boomgaarden recused himself]

1. **Confer with Real Property Negotiator (Government Code § 54956.8)**
   Property: Portion of 806 Gray Avenue, 824 Clark Avenue, Yuba City, California 95991, and 1545 Poole Boulevard, Yuba City California 95993 (cell tower use) Negotiator: Diana Langley, City Manager
   Negotiating parties: TowerPoint and
   AT&T Under negotiation: Price and
   terms of payment

No public comment received

Regular Meeting

The Regular Meeting of the City Council was called to order by Mayor Harris at 6:12 PM

Roll Call

Present: Mayor Harris and Councilmembers Boomgaarden, Kirchner, Shaw, and Pasquale

Absent: None

Invocation/Inspiration

Wade Kirchner, Councilmember

Pledge of Allegiance to the Flag

Shon Harris, Mayor

City Attorney's Report on Closed Session Items

Shannon Chaffin, City Attorney

Agenda Modifications

No changes were made

Ceremonial Presentations

2. Yuba City Welcome Sign Design Winner Proclamation - Raveena Sroya

Mayor Harris presented a proclamation to Raveena Sroya

3. Quarterly Development Update Presentation by Ashley Potocnik, Development Liaison

Ashley Potocnik, Development Liaison gave a presentation

Public Communication

4. Appearance of Interested Citizens

No public comment

Consent Calendar

Councilmember Boomgaarden recused himself on Item 8

Vice-Mayor Shaw moved and Councilmember Pasquale seconded the motion to approve Consent Calendar items 5-8

5. Minutes from the June 18, 2024 Regular Meeting of the Successor Agency to the Redevelopment Agency and City Council

Approve the minutes of the June 18, 2024 Regular Meeting of the City Council

6. Harter and Sanborn Booster Pump Station Improvements Project

Adopt **Resolution 24-091** awarding the purchase of four (4) Rockwell Automation manufactured Variable Frequency Drives to Rexel USA, Incorporated of Sacramento, CA in the amount of $106,130.15 for the Harter and Sanborn Booster Pump Station Improvements Project, with the finding that it is in the best interest of the City, and authorize the Finance Director to make the necessary supplemental appropriations to Water Fund 507

to receive WaterSMART grant funds

7. Downtown Noise Ordinance Exception

Adopt **Ordinance 008-24** of the City Council of the City of Yuba City to promote business opportunities in the downtown area by amending section 4-17.20 of Chapter 17, Title 4 of the Yuba City Municipal Code by title only, waive the second reading, and approve an exemption under CEQA Guidelines Section 15061(b)(3)

8. Letter of Intent for two (2) City-owned Cell Tower Leases into a 50-year easement

Authorize the City Manager to enter into a letter of intent agreement with TowerPoint of Atlanta, GA for conversion of two City-owned leases to a 50-year easement, and authorize the City Manager to extend the same by up to 60 days.

The motion for items 5-7 was passed unanimously
The motion for item 8 passed with 4 votes [Boomgaarden recused]

Business Items

9. RFP23-03 Enterprise Resource Planning (ERP) Systems & Implementation Services Bid Award

Councilmember Pasquale moved and Councilmember Boomgaarden seconded the motion to:

Adopt **Resolution 24-092** which takes the following actions:

Awards the RFP23-03 bid for Enterprise Resource Planning (ERP) Systems & Implementation Services to Tyler Technologies, Inc., with the finding it is in the best interests of the City. Approves an Agreement for the project, attached as Exhibit "A," in the amount of $1,256,370 with Tyler Technologies, Inc. of Yarmouth, ME, and authorizes the City Manager to execute the same on behalf of the City. The City Manager is further authorized to make any non-material, technical, and clerical edits and corrections to the Agreement

The motion was passed unanimously

10. 442 B Street Environmental Assessment - Contract Award (RFP1334-24)

Councilmember Boomgaarden moved and Councilmember Kirchner seconded the motion to:

Adopt Joint Resolution **24-093** awarding the 442 B Street Environmental Assessment contract to EKI Environment & Water in the amount of $1,575,000 with the finding that it is in the best interest of the City, and authorizing the City Manager to approve optional tasks therein upon concurrence of the appropriate regulatory agency

The motion was passed unanimously

11. Yuba City Landscape District No. 1 and Yuba City Lighting and Landscape

District No. 2 - Public Hearing

[Councilmembers Boomgaarden & Pasquale recused themselves]

Mayor Harris opened a Public Hearing

No public comment

Mayor Harris closed the Public Hearing

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

Adopt **Resolution 24-094** confirming and ordering the annual levy of assessments for Fiscal Year 2024-25 for the Yuba City Landscape Maintenance District No. 1 and Lighting and Landscape Maintenance District No. 2 (Town Center), pursuant to the Landscaping and Lighting Act of 1972

The motion passed with 3 votes [Boomgaarden and Pasquale recused]

12. Yuba City Lighting and Landscape District Nos. 3-4 - Public Hearing

[Vice-Mayor Shaw recused himself]

Mayor Harris opened a Public Hearing

No public comment

Mayor Harris closed the Public Hearing

Councilmember Kirchner moved and Councilmember Pasquale seconded the motion to:

Adopt **Resolution 24-095** confirming and ordering the annual levy of assessments for Fiscal year 2024-25 for the Yuba City Lighting and Landscape Maintenance District Nos. 3 and 4

The motion passed with 4 votes [Shaw recused]

13. Yuba City Lighting and Landscape District Nos. 5-6 - Public Hearing

[Mayor Harris & Councilmember Pasquale recused themselves]

Mayor Harris opened a Public Hearing

No public comment

Mayor Harris closed the Public Hearing

Councilmember Boomgaarden moved and Councilmember Kirchner seconded the motion to:

Adopt **Resolution 24-096** Confirming and ordering the annual levy of assessments for Fiscal Year 2024-25 for the Yuba City Lighting and Landscape Maintenance District Nos. 5 & 6 pursuant to the Landscaping and Lighting Act of 1972

The motion passed with 3 votes [Harris and Pasquale recused]

14. Yuba City Residential Street Light Maintenance Districts - Public Hearing

Mayor Harris opened a Public Hearing

No public comment

Mayor Harris closed the Public Hearing

Councilmember Boomgaarden moved and Vice-Mayor Shaw seconded the motion to:

> Adopt **Resolution 24-097** confirming and ordering the annual levy of assessments for Fiscal Year 2024-25 within Yuba City Residential Street Light Maintenance District No. 1 (Tierra Buena) and Residential Street Light Maintenance District No. 1 (Walton Area)

The motion passed unanimously

15. Homekey 3.0 – Merriment Village Status Update

Discussed project status, received current information from Habitat for Humanity Yuba/Sutter, and provided direction to staff regarding next steps

Future Agenda Items

16. Future Agenda Items

No suggestions were made

Reports and Communications

17. City Manager's Report

18. City Council Reports

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

Adjournment

Mayor Harris adjourned the Regular Meeting of the City Council at 9:15 PM

_____

Shon Harris, Mayor

ATTEST:

_____

Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: July 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Community Services Department
Presentation By: Ann Gillen, Community Services Director

Summary

Subject: 2023 Ford F-550 - Capital Acquisition
Recommendation: Adopt a Resolution authorizing Finance Director to record a supplemental appropriation of $5,000 to account 6610-69410 for the additional cost to purchase a Ford F- 550 Regular Cab or equivalent for the Parks Department
Fiscal Impact: $5,000 in additional costs for the purchase of a Ford F-550 Regular Cab or equivalent

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Purpose:

To approve additional funding of $5,000 to purchase the Ford F-550 that was approved in the 24/25 Budget

Council's Strategic Goal:

This item addresses the Council's Strategic Goal of Public Safety by providing the necessary equipment to support the Parks Department in the field.

Background:

The Parks Department included a capital acquisition in the 24/25 budget process to purchase a Ford F-550 to help maintain the parks including Feather River Parkway. The Parks Department does not have a flat rack and continues to have to borrow from the Public Works Department when available. This puts a strain on both departments.

Analysis:

The truck purchase was approved in the 24/25 budget process at $95,000 which included $10,000 in contingency. However, when trying to obtain a final quote to purchase the vehicle, the Parks Department was notified that the Ford F-550 gas flat rack was no longer available to order. After receiving a new quote for a Ford F-550 diesel flat rack, the quote came in about $2,300 over what was approved.

Fiscal Impact:

Authorize Finance Director to do a supplemental appropriation of $5,000 for the purchase of a Ford F-550 Regular cab or equivalent to account 6610-69410. No impact to the General Fund. The Parks Department has sufficient pooled cash within the Vehicle Replacement Fund.

Alternatives:

Do not approve the additional funds.

Recommendation:

Authorize the Finance Director to do a supplemental appropriation of $5,000 to account 6610-69410 for the purchase of a Ford F- 550 Regular Cab or equivalent.

Attachments:
1. Resolution
2. Quote

Prepared By:
Maddy Laffond
Administrative Assistant

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. ___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY TO APPROVE ADDITIONAL FUNDING TO PURCHASE THE FORD F550 APPROVED IN THE FY 2024-25 BUDGET

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY AS FOLLOWS:

WHEREAS**,** the City approved the purchase of a gas-powered Ford F-550 flat rack capital acquisition through the FY 24/25 Budget adoption in the amount of $95,000, which included a $10,000 contingency; and

WHEREAS, a gas flat rack is no longer available to order from dealer stock or from the manufacturer, so the more costly and more reliable diesel version of the vehicle is now the department's best option; and

WHEREAS, the Parks department received a government rate quote from Geweke Ford of Yuba City, CA for a Ford F-550 diesel flat rack and the new quote came in above budget by about $2,300; and

WHEREAS, three (3) dealers were contacted by City staff and only Geweke Ford responded with a government price quote with a vehicle in stock, preventing an 18-month delay to order from the factory; and

WHEREAS, the government rate, in-stock quote from the local dealer is the only responsive quote and therefore in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City hereby

1. The City Council authorizes the Finance Director to make a supplemental appropriation from the vehicle replacement fund in the amount of $5,000.

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 16th day of July 2024.

AYES:

NOES:

ABSENT:

_____

Shon Harris, Mayor

ATTEST:

_____

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2

LARRY GEWEKE FORD • KIA

GIVE-A-KEY

871 E ONSTOTT RD
YUBA CITY, CA 95991
(530)821-2121

Invoice No. 48100

QUOTE

Customer

Name	CITY OF YUBA CITY		
Address	1185 MARKET STREET		
City	YUBA CITY	State CA	ZIP 95991
Phone			

Misc

Date	6/27/2024
Order No.	48100
Rep	
FOB	

Qty	Description	Unit Price	TOTAL
1	2023 FORD F550 REGULAR CAB CHASSIS DIESEL RETAIL PRICE		$66,125.00
1	DEALER NET INVOICE		$62,586.00
1	SCELZI DUMP BODY		$27,420.00
1	SUB TOTAL		$90,006.00
1	GOVERNMENT PRICE CONCESSION		($600.00)
1	YOUR PRICE		$89,406.00
1	GEWEKE 1.5 PERCENT		
1	TOTAL ON TRUCK		$90,747.00
		TIRE AND DMV	$41.75
		Tax Rate(s) 7.25%	$6,579.16
		TOTAL	$97,371.41

Payment Check

Comments
Name
CC #
Expires

Office Use Only

Contact

CITY OF YUBA CITY
STAFF REPORT

Date: July 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Public Works
Presentation By: Ben Moody, Public Works & Development Services Director

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Summary

Subject: Richland Waterline Extension Project (Contract Award)

Recommendation: Adopt a Resolution taking the following actions:

A. Accepts the bid withdrawal of the apparent low bidder, Newland Entities, Inc. of Yuba City, without forfeiting its bid security on the basis that documentation complying with Section 5103 of the California Public Contract Code has been provided affirming that a material and clerical error was made in assembling the bid
B. Awards a construction contract to LaFleur Engineering, Inc of Roseville, CA in the amount of their total bid of $1,314,417.00 and authorizes the City Manager to execute the contract on behalf of the City, subject to review and approval as to legal form by the City Attorney

Fiscal Impact: $1,531,295.81 – Total Project Cost
$1,314,417.00 - Contract Award Amount
$197,162.55 - Construction Contingency (15%)
$19,716.26 - City Administration (1.5%)

Purpose:

To facilitate the construction of the Richland Waterline Extension Project to provide reliable water service to Yuba City residents.

Council's Strategic Goal:

This project addresses City Council's Strategic Goals of improving the City's Infrastructure and operating our City government in a fiscally responsible manner.

Background:

The existing water distribution system in Yuba City is aging. In some cases, pipelines are beyond their service life, at or near failure, undersized, and/or located in backyard easements (backlot). In an ongoing effort to replace failing and undersized water distribution pipelines (watermains), a list of priority locations has been developed. This list combines pipeline segments highlighted on the 2020 Water Master Plan and pipeline segments actively monitored by the City's maintenance crews.

Public Works maintenance crews respond to multiple water leaks throughout the City. The watermains in the area around Richland Road and Littlejohn Road west of Highway 99 (Attachment 4) have had numerous repairs and are now in need of complete replacement. Many of these watermains are located in backlots making repairs extremely difficult or impossible due to very poor access.

The subject project proposes the following improvements:

- Extend the existing 10-inch watermain on Richland Road approximately 911 linear feet (LF)
- Construct approximately 942 LF of 6-inch watermain on Littlejohn Road
- Construct approximately 564 LF of 6-inch watermain on Camino Cortez
- Abandon all existing 4-inch watermains and service connections, including backlot watermains and water service connections, on Littlejohn Road, Camino Cortez, Cortez Court, and Richland Road
- Extend and relocate all affected water services to new watermains as required
- Provide water service stubs to properties not currently connected to City water, for possible future connection

Analysis:

The Richland Waterline Extension Project (Project) was advertised for bids beginning May 16, 2024. Plans and specifications were posted on publicpurchase.com and provided to local builder/contractor exchanges. On June 10, 2024, nine (9) bids were received and opened by the City Clerk. A list of the bids received and the Engineer's Estimate are shown below.

Company	Total Bid
Newland Entities, Inc.	$ 990,592.50
LaFleur Engineering, Inc.	$1,314,417.00
Flowline Contractors, Inc.	$1,372,285.00
McGruire and Hester	$1,414,830.00
West Valley Construction Company, Inc.	$1,534,971.50
North Star Construction and Engineering, Inc.	$1,594,421.00
Lund Construction	$1,623,628.00
Lamon Construction Co., Inc.	$1,659,188.40
JPB Designs, Inc.	$2,409,335.00
Engineer's Estimate	*$1,418,834.00*

Relief of Bid Request

Newland Entities, Inc. (Newland) is the apparent low bidder. However, on June 13, 2024, Newland submitted a request to withdraw their bid due to an inadvertent clerical mistake in their bid (Attachment 2). Public Contract Code § 5103 establishes terms that a bidder must satisfy to withdraw their bid, including demonstrating: (a) a mistake was made; (b) the bidder gave the City written notice of the mistake within 5 working days after bid opening, specifying in detail how the mistake occurred; (c) that the mistake made the bid materially different than intended; and (d) that the mistake was made filling out the bid rather than an error in judgment, site inspection, or reading the plans or specifications. Newland notified the City of its desire to be relieved of its bid within 5 working days. Newland's letter characterizes the error as "inadvertent" and a "clerical mistake" in the amount of $185,002. After the bid relief request was received, staff immediately notified Newland to provide additional details for evaluation of the request. Newland provided staff with a letter of explanation detailing the clerical error made (Attachment 3). Newland demonstrated a good faith effort to comply with the timeliness provisions of Section 5103. Given this good faith effort, the magnitude of the error, and demonstrating compliance with Section 5103, staff recommends their request for bid relief be granted.

Award Options

The options to move the project forward are either to reject all bids and rebid the project or to award the contract to the next lowest responsible bidder. If the project is rebid, State law precludes Newland from submitting a bid on the project. Staff does not recommend rebidding the project for the following reasons:

- Rebidding the project may result in higher bids due to current bid numbers entering the public record, recent material price increases from inflation, and ongoing supply chain disruptions.
- Rebidding the project may jeopardize favorable construction conditions and delay the project, risking further deterioration of existing pipelines.
- Delays from rebidding the project may risk obtaining fewer bids as a result of other competing projects.

Staff recommends awarding the contract to LaFleur Engineering, Inc. at $1,314,417. The City's Public Works Department will perform construction management and inspection.

Contract administration, including construction management and inspection, will be performed by Public Works Department staff.

Fiscal Impact:

The estimated total project cost is approximately $1,531,295.81 which consists of the following components:

Construction Contract	$1,314,417.00
Construction Contingency (15%)	$ 197,162.55
City Administration (Includes CM & Inspection) (1.5%)	$ 19,716.26
	Total: $1,531,295.81

After a segment of new water main has been installed and tested, backyard service connections must be expeditiously abandoned and transferred from the old backlot water main to the new water main in the street. Staff has worked with property owners to accurately detail and map existing service pipeline connections on their property. However, most property owners do not have accurate records of the existing plumbing on their property. The inability to completely and accurately map existing service pipeline connections presents the risk of unforeseen construction conditions and unidentified work. Staff therefore requests a construction contingency of 15% ($197,162.55) to account for the complicated nature of performing work on consumer service connections.

The project includes a combination of extending water mains where none currently exist and replacing existing water mains. Staff proposes utilizing CIP Account 1092 (Waterline Extension Project & Distribution Piping Enhancement) and CIP Account 1093 (Replacement and Major Maintenance of Water Lines) as follows:

Account No. 1092:	$ 701,907.84
Account No. 1093:	$ 829,387.97
Total:	$1,531,295.81

Account No. 1092 has approximately $1,120,717.00 and Account No. 1093 has approximately $2,361,999.00.

Environmental:

On September 5, 2023, City Council adopted a California Environmental Quality Act (CEQA) Class 1 Categorical Exemption. There has not been any substantial new information acquired nor changes to the project since it was evaluated, and no further evaluation for this portion of the project is required under CEQA.

Alternatives:

1. Reject all bids and rebid the project.
2. Provide other direction.

Attachments:

1. Attachment 1 - Richland Waterline Extension Project Award Resolution
2. Attachment 2 - Newland Entities Request Letter
3. Attachment 3 - Newland Entities Letter of Explanation
4. Attachment 4 - Richland Waterline Project Exhibit

Prepared By:
Nick Menezes
Associate Civil Engineer

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AWARDING A CONSTRUCTION CONTRACT TO LAFLEUR ENGINEERING, INC IN THE AMOUNT OF THEIR TOTAL BID OF $1,314,417.00 (RICHLAND WATERLINE EXTENSION PROJECT CONTRACT NO. 18-11)

WHEREAS, the City of Yuba City (City) advertised for bids for the City's Richland Waterline Extension Project (Project); and,

WHEREAS, in response to the advertisement, the City received nine (9) bids for the Project in the following bid amounts:

Newland Entities, Inc.	$990,592.50
LaFleur Engineering, Inc.	$1,314,417.00
Flowline Contractors, Inc.	$1,372,285.00
McGruire and Hester	$1,414,830.00
West Valley Construction Company, Inc.	$1,534,971.50
North Star Construction and Engineering, Inc	$1,594,421.00
Lund Construction	$1,623,628.00
Lamon Construction Co., Inc.	$1,659,188.40
JPB Designs, Inc.	$2,409,335.00; and

WHEREAS, the City Public Works Department reviewed the nine (9) bids, and examined the apparent low bid form Newland Entities, Inc.; and

WHEREAS, Public Contract Code § 5103 establishes terms that a bidder must satisfy to withdraw their bid, including demonstrating:

(a) A mistake was made;
(b) The bidder gave the City written notice of the mistake within 5 working days after bid opening, specifying in detail how the mistake occurred;
(c) That the mistake made the bid materially different than intended; and
(d) That the mistake was made filling out the bid rather than an error in judgment, site inspection, or reading the plans or specifications.; and

WHEREAS, the City Public Works Department received a letter and supporting documentation from Newland Entities, Inc. requesting to be relieved of its bid and determined the request meets the requirements of Public Contract Code § 5103; and

WHEREAS, the City Public Works Department has reviewed and examined the next apparent low bid, LaFleur Engineering, Inc. of Orangevale, CA and its bid response, found it to be both the lowest qualified responsive and responsible bidder; and

WHEREAS, the City desires to award the bid to LaFleur Engineering, Inc. of Orangevale, CA and enter into an agreement with LaFleur Engineering, Inc. to construct the Richland Waterline Extension Project

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

1. The City Council of the City of Yuba City finds that all of the facts set forth in the recitals above are true and current and incorporated herein.

2. The City Council of the City of Yuba City does hereby accept Newland Entities, Inc. request for bid relief.

3. The City Council of the City of Yuba City does hereby accept the nine (9) bids received as noted above, finds that LaFleur Engineering, Inc., next low bidder, is the lowest responsive and responsible bidder, and awards the construction contract to LaFleur Engineering, Inc. in their total amount bid of $1,314,417 for the Richland Waterline Extension Project. Said contract agreement shall substantially comply with the terms and conditions presented in the draft agreement attached to this Resolution, shall be subjected to review and approval as to legal form by the City Attorney, and the City Manager shall be authorized to execute the same on behalf of the City of Yuba City.

4. The City Council adopted a Class 1 Categorical Exemption under CEQA Guidelines Section 15301. There has not been any substantial new information acquired nor changes to the project since it was evaluated, and no further evaluation for this portion of the project is required under CEQA.

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 16th day of July, 2024.

AYES:

NOES:

ABSENT:

_____
Shon Harris, Mayor

ATTEST:

_____
Ciara Wakefield, City Clerk Administrator

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit(s):

A. (Draft) Agreement – LaFleur Engineering, Inc. Contract No. 18-11

EXHIBIT A
CITY OF YUBA CITY
DEPARTMENT OF PUBLIC WORKS

DRAFT CONTRACT AGREEMENT

BARRY WATERLINE EXTENSION PROJECT
CONTRACT NO. 18-11

THIS AGREEMENT, made and concluded this ____ day of _____ 20___, between the City of Yuba City, party of the first part, and _____, Contractor, party of the second part.

ARTICLE I. – WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned to be made and performed by the said party of the first part under the conditions expressed in the two bonds bearing even date with these presents and hereunto annexed, the said party of the second part agrees with the said party of the first part, at his own proper cost and expense, to do all the work and furnish all the materials, except such as are mentioned in the specifications to be furnished by said party of the first part, necessary to construct and complete in a good, workmanlike and substantial manner and to the satisfaction of the Department of Public Works, construction on various roads, all in accordance with the Special Provisions hereto annexed and also in accordance with the State of California Department of Transportation dated 2018, the Standard Plans dated 2018, the "Labor Surcharge" and "Equipment Rental Rates" in effect on the date the work is accomplished, and the "General Prevailing Wage Rates" of the State of California Department of Transportation, which said Special Provisions, Standard Plans, Standard Specifications are hereby specially referred to and by such reference made a part hereof.

The Special Provisions and the project plans for the work to be done are entitled:

RICHLAND WATERLINE EXTENSION PROJECT

Which are hereby made part of this contract.

ARTICLE II. – The said Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this Agreement; also for all loss or damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City of Yuba City and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the plans and specifications and the requirements of the Engineer under them, to wit.

ARTICLE III. – The said party of the first part hereby promises and agrees with the said Contractor to employ, and does hereby employ, the said Contractor to provide the materials and to do the work according to the terms and conditions herein contained and referred to, for the

prices hereinafter set forth, and hereby contracts to pay the same at the time, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE IV. – By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE V. – It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VI. – The City of Yuba City hereby employs Contractor to provide material and to do the work according to the terms and conditions herein contained and referred to for the following prices to be paid at the time, in the manner and upon the conditions hereinafter set forth.

ARTICLE VII. – The improvement contemplated in the performance of this contract is an improvement over which the City of Yuba City shall exercise general supervision.

ARTICLE VIII. – The statement of prevailing wages appearing in the General Prevailing Wage Rates is hereby specifically referred to and by this reference is made a part of this contract. It is further expressly agreed, by and between the terms of this instrument and the bid or proposal of said Contractor, that this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

RICHLAND WATERLINE EXTENSION PROJECT
CONTRACT NO. 18-11

Item No.	Item Description	Est. Qty.	Unit of Measure	Unit Price	Total Amount
Bid Schedule A (Richland Road 10-Inch)					
1	Mobilization and Demobilization	1	LS	$47,758.00	$47,758.00
2	Jobsite Photos/Videos	1	LS	$1,137.00	$1,137.00
3	Construction Area Signs/Traffic Control	1	LS	$5,686.00	$5,686.00
4	Trench Shoring/Bracing	1	LS	$5,117.00	$5,117.00

5	10-inch Class 350 Ductile Iron Pipe (Includes Install)	911	LF	$211.00	$192,221.00
6	6-inch Class 350 Ductile Iron Pipe Fire Hydrant Run (Includes Install & Restoration)	70	LF	$199.00	$13,930.00
7	6-inch Fire Hydrant (Includes Install)	3	EA	$11,289.00	$33,867.00
8	Connect to Existing 10-inch DIP Water Line on Richland Road	1	LS	$20,332.00	$20,332.00
9	6-inch Gate Valve w/cover (Includes Install)	3	EA	$2,737.00	$8,211.00
10	10-inch Gate Valve w/Cover (Includes Install)	2	EA	$4,985.00	$9,970.00
11	1-inch Copper Water Service Lateral w/New Meter Box & Lid (1344, 1360, 1378, 1396, 1405, 1421, 1433, 1449) (No Meter) (Includes Install)	8	EA	$4,961.00	$39,688.00
12	1-inch Copper Water Service Lateral w/New Meter Box & Lid (1341, 1357, 1373, 1389) (Includes Install, Setting Salvaged Meter & Reconnecting to Meter)	4	EA	$5,236.00	$20,944.00
13	1-Inch PVC Customer Water Service Line (Includes Install)	4	EA	$1,572.00	$6,288.00
14	Trench Restoration (Type A)	913	LF	$67.00	$61,171.00
15	Testing Block(s) and Bypass(s) (Includes Install)	1	LS	$9,305.00	$9,305.00
16	Misc. Thermo Pavement Markings	1	LS	$7,705.00	$7,705.00
17	Restore Concrete Driveway – Sawcut to Conform	2	EA	$9,919.00	$19,838.00
18	Restore Asphalt Street/Driveways - Grind to Conform (STA 8+30 to STA 12+25)	2,340	SF	$10.00	$27,820.00
19	Abandon Existing 4-inch Water Main Service Connection per Plan (Includes locating existing services)	4	EA	$2,650.00	$10,600.00

20	Misc. Site Restoration (Includes landscaping and concrete work in ROW and private property)	1	LS	$12,193.00	$12,193.00
Total Bid Schedule A = $553,581.00					
Item No.	**Item Description**	**Est. Qty.**	**Unit of Measure**		
Bid Schedule B (Littlejohn Road 6-Inch)					
1	Mobilization and Demobilization	1	LS	$5,685.00	$5,685.00
2	Jobsite Photos/Video	1	LS	$1,137.00	$1,137.00
3	Construction Area Signs/Traffic Control	1	LS	$5,686.00	$5,686.00
4	Trench Shoring/Bracing	1	LS	$5,117.00	$5,117.00
5	6-inch Class 350 Ductile Iron Pipe (Includes Install)	942	LF	$187.00	$176,154.00
6	6-inch Class 350 Ductile Iron Pipe Hydrant Run (Includes Install & Restoration)	86	LF	$177.00	$15,222.00
7	6-inch Fire Hydrant (Includes Install)	3	EA	$11,288.00	$33,864.00
8	Connect to Existing 10-inch DIP Water Line on Richland Road	1	LS	$19,821.00	$19,821.00
9	Connect to Existing 6-inch DIP Water Line on LittleJohn Road)	1	LS	$19,325.00	$19,325.00
10	6-inch Water Gate Valve w/Cover (Includes Install)	3	EA	$2,737.00	$8,211.00
11	1-inch Copper Water Service Lateral (498, 508, 514, 527, 530, 537, 553, 585) (Includes Install & Reconnecting to Existing Meter)	8	EA	$4,870.00	$38,960.00
12	1-inch Copper Water Service Lateral w/ New Meter Box & Lid (1489) (No Meter) (Includes Install)	1	EA	$4,753.00	$4,753.00
13	Trench Restoration (Type A)	928	LF	$67.00	$62,176.00

14	Misc. Thermo Pavement Markings	1	LS	$11,235.00	$11,235.00
15	Testing Block(s) and Bypass(s) (Includes Install)	1	LS	$5,409.00	$5,409.00
16	Abandon Existing 4-inch Water Main Service Connection (Includes locating existing service)	8	EA	$2,650.00	$21,200.00
17	Misc. Site Restoration (Includes landscaping and concrete work in ROW and private property)	1	LS	$12,193.00	$12,193.00
Total Bid Schedule B = $446,148.00					
Item No.	**Item Description**	**Est. Qty.**	**Unit of Measure**		
Bid Schedule C (Camino Cortez 6-Inch)					
1	Mobilization and Demobilization	1	LS	$5,686.00	$5,686.00
2	Jobsite Photos/Videos	1	LS	$1,137.00	$1,137.00
3	Construction Area Signs/Traffic Control	1	LS	$5,686.00	$5,686.00
4	Trench Shoring/Bracing	1	LS	$2,843.00	$2,843.00
5	6-inch Class 350 Ductile Iron Pipe (Includes Install)	564	LF	$84.00	$103,776.00
6	6-inch Water Gate Valve w/Cover	2	EA	$2,566.00	$5,132.00
7	Connect to Existing 6-inch DIP Water Line on Camino Cortez	1	LS	$19,782.00	$19,782.00
8	6-inch Class 350 Ductile Iron Pipe Fire Hydrant Run (Includes Install)	14	LF	$181.000	$2,534.00
9	6-inch Fire Hydrant (Includes Install)	1	EA	$11,288.00	$11,288.00
10	1-inch Copper Water Service Lateral (519, 568, 575, 582, 589, 596, 610) (Includes Install & Reconnecting to Existing Meter)	7	EA	$4,830.00	$28,980.00

11	1-inch Copper Water Service Lateral w/New Meter Box & Lid (589) (Includes Install, Setting Salvaged Meter & Reconnecting to Meter)	1	EA	$5,187.00	$5,187.00
12	1-Inch PVC Customer Water Service (589) (Includes Install)	1	EA	$1,502.00	$1,502.00
13	Trench Restoration (Type A)	538	LF	$64.00	$34,432.00
14	Misc. Thermo Pavement Markings	1	LS	$4,867.00	$4,867.00
15	Abandon Existing Water Service Connection (Includes locating existing service)	7	EA	$2,964.00	$20,748.00
16	Misc. Site Restoration (Includes landscaping and concrete work in ROW and private property)	1	LS	$12,193.00	$12,193.00
Total Bid Schedule C = $265,773.00					
Item No.	**Item Description**	**Est. Qty.**	**Unit of Measure**		
Bid Schedule D (Cortez Ct.)					
1	Mobilization and Demobilization	1	LS	$2,843.00	$2,843.00
2	Jobsite Photos/Videos	1	LS	$569.00	$569.00
3	Construction Area Signs/Traffic Control	1	LS	$2,843.00	$2,843.00
4	Trench Shoring/Bracing	1	LS	$569.00	$569.00
5	1-inch Copper Water Service Lateral w/New Meter Box & Lid (576) (Includes Install, Setting Salvaged Meter & Reconnecting to Meter)	1	EA	$6,000.00	$6,000.00
6	1-inch Copper Water Service Reconnection (575, 580) (Includes Install & Reconnecting to Existing Meter)	2	EA	$5,191.00	$10,382.00
7	1-inch PVC Customer Water Service (576) (Includes Install)	1	EA	$1,562.00	$1,562.00

8	6-inch Water Main Blow-Off (Includes Install)	1	EA	$7,109.00	$7,109.00
9	Abandon Existing Water Service Connection (Includes Locating Existing 576 Service)	1	LS	$9,236.00	$9,236.00
10	Misc. Site Restoration (Includes landscaping and concrete work in ROW and private property)	1	LS	$7,802.00	$7,802.00
Total Bid Schedule D = $48,915.00					
TOTAL AMOUNT BID SCHEDULE A, B, C, & D: $1,314,417.00					

City Attorney, City of Yuba City

CITY OF YUBA CITY

Diana Langley
City Manager

Date

CONTRACTOR

Company Name

By and Title (signature)

Date

By and Title (printed)

Address

Telephone Number

ATTACHMENT 2

EXHIBIT A

NEWLAND ENTITIES INC.

PO Box 3102
Yuba City, CA 95992
Bus# 530-682-2780

June 13, 2024

City of Yuba City
Department of Public Works
1201 Civic Center Blvd
Yuba City, CA 95993

RE: RICHLAND WATERLINE EXTENSION PROJECT 18-11

To whom it may concern:

Newland Entities, Inc submitted the winning bid on 6/10/2024 which was understated by $185,000.00 due to a clerical error. Therefore, Newland Entities, Inc would like to withdraw their bid for the above-mentioned project.

Sincerely,

Robert Cervantes
President
Newland Entities, Inc

ATTACHMENT 3

EXHIBIT B

NEWLAND ENTITIES INC.

PO Box 3102
Yuba City, CA 95992
Bus# 530-682-2780

June 14, 2024

City of Yuba City
Department of Public Works
1201 Civic Center Blvd
Yuba City, Ca 95993

Re: Richland Waterline Extension Project 18-11

Nicolas Menezes

Section 5103- Bidders proof of explanation

Newland Entities, Inc Submitted a bid on 6/10/2024 which was understated by a clerical error. This error was not due to an error in judgment or carelessness but an error in the populating of the markups and G&A cost for the final bid total. This left the bid understated by approximately $185,002. Newland Entities would like to withdraw their bid for the Richland Waterline Extension Project. Newland Entities apologize for any inconvenience.

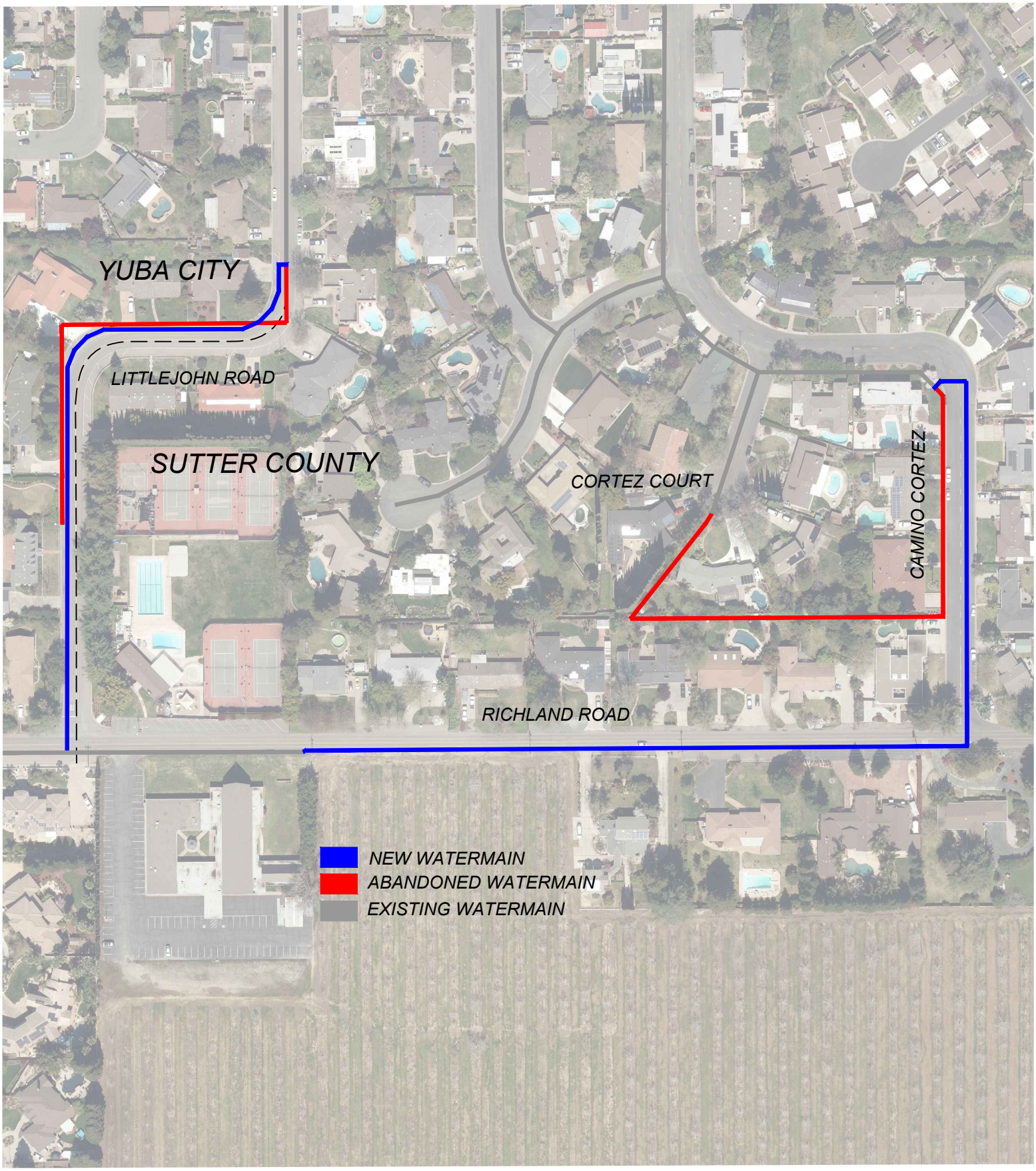
Sincerely,

Robert Cervantes
President
Newland Entities, INC

5,500.00	1	5,500.00			NEW BID	10,000.00	1	10,000.00	
1,800.00	1	1,800.00				2,125.00	1	2,125.00	
25,200.00	1	25,200.00				29,736.00	1	29,736.00	
7,200.00	1	7,200.00				8,495.00	1	8,495.00	
142.00	911	129,362.00				168.00	911	153,048.00	
185.00	70	12,950.00				218.00	70	15,260.00	
11,600.00	3	34,800.00				13,688.00	3	41,064.00	
4,200.00	1	4,200.00				4,855.00	1	4,855.00	
3,800.00	3	11,400.00				3,800.00	3	11,400.00	
5,250.00	2	10,500.00				5,250.00	2	10,500.00	
6,300.00	8	50,400.00				7,450.00	8	59,600.00	
6,600.00	4	26,400.00				7,800.00	4	31,200.00	
1,400.00	4	5,600.00				1,650.00	4	6,600.00	
43.00	913	39,259.00				51.00	913	46,563.00	
5,400.00	1	5,400.00				6,372.00	1	6,372.00	
3,300.00	1	3,300.00				3,894.00	1	3,894.00	
1,800.00	2	3,600.00				1,800.00	2	3,600.00	
4.25	2782	11,823.50				5.00	2782	13,910.00	
2,200.00	4	8,800.00				2,600.00	4	10,400.00	
5,800.00	1	5,800.00	403,294.50	A		6,850.00	1	6,850.00	475,472.00 A
5,500.00	1	5,500.00				15,500.00	1	15,500.00	
3,500.00	1	3,500.00				4,150.00	1	4,150.00	
21,600.00	1	21,600.00				25,488.00	1	25,488.00	
3,200.00	1	3,200.00				3,800.00	1	3,800.00	
126.00	942	118,692.00				149.00	942	140,358.00	
184.00	86	15,824.00				218.00	86	18,748.00	
11,600.00	3	34,800.00				13,688.00	3	41,064.00	
4,200.00	1	4,200.00				4,200.00	1	4,200.00	
5,200.00	1	5,200.00				5,200.00	1	5,200.00	
3,800.00	3	11,400.00				3,800.00	3	11,400.00	
6,100.00	8	48,800.00				7,200.00	8	57,600.00	
5,200.00	1	5,200.00				6,150.00	1	6,150.00	
28.00	928	25,984.00				33.00	928	30,624.00	
9,800.00	1	9,800.00				11,565.00	1	11,565.00	
5,800.00	1	5,800.00				6,850.00	1	6,850.00	
2,800.00	8	22,400.00				3,310.00	8	26,480.00	
3,800.00	1	3,800.00	345,700.00	B		4,485.00	1	4,485.00	413,662.00 B
4,200.00	1	4,200.00				6,200.00	1	6,200.00	
3,100.00	1	3,100.00				3,675.00	1	3,675.00	
10,800.00	1	10,800.00				12,744.00	1	12,744.00	
4,200.00	1	4,200.00				5,000.00	1	5,000.00	
140.00	564	78,960.00				165.00	564	93,060.00	
3,800.00	2	7,600.00				3,800.00	2	7,600.00	
5,100.00	1	5,100.00				5,100.00	1	5,100.00	
271.00	14	3,794.00				320.00	14	4,480.00	
11,400.00	1	11,400.00				13,688.00	1	13,688.00	
6,600.00	6	39,600.00				7,800.00	6	46,800.00	
5,800.00	1	5,800.00				6,850.00	1	6,850.00	
1,400.00	1	1,400.00				1,675.00	1	1,675.00	
38.00	538	20,444.00				45.00	538	24,210.00	
2,200.00	1	2,200.00				2,600.00	1	2,600.00	
900.00	7	6,300.00				1,100.00	7	7,700.00	
1,900.00	1	1,900.00	206,798.00	C		2,250.00	1	2,250.00	243,632.00 C
1,500.00	1	1,500.00				3,500.00	1	3,500.00	
600.00	1	600.00				708.00	1	708.00	
2,400.00	1	2,400.00				2,835.00	1	2,835.00	
800.00	1	800.00				950.00	1	950.00	
6,800.00	1	6,800.00				8,025.00	1	8,025.00	
6,200.00	2	12,400.00				7,320.00	2	14,640.00	
1,800.00	1	1,800.00				2,125.00	1	2,125.00	
5,400.00	1	5,400.00				6,375.00	1	6,375.00	
1,200.00	1	1,200.00				1,420.00	1	1,420.00	
1,900.00	1	1,900.00	34,800.00	D		2,250.00	1	2,250.00	42,828.00 D
			990,592.50						1,175,594.00

ATTACHMENT 4

RICHLAND WATERLINE PROJECT EXHIBIT



CITY OF YUBA CITY
STAFF REPORT

Date: July 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Finance
Presentation By: Spencer Morrison, Finance Director

Summary

Subject: Consideration of Inclusion of Delinquent Charges and Penalties for Water and Wastewater Services on Secured Tax Roll

Recommendation: Take the following action:

A. Conduct a Public Hearing, and after consideration
B. Adopt a Resolution for the inclusion of delinquent charges and penalties for water and wastewater services on the secured tax roll in the same manner as the general taxes and directing that a lien also be placed on the subject properties

Fiscal Impact: $31,303.83 and 28 accounts in utility revenues will be collected through the County property tax roll

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Purpose:

To recover delinquent water and wastewater charges through the placement of a lien on the secured property tax roll of subject properties.

Council's Strategic Goal:

This item addresses Council's Strategic Goals of *Fiscal Responsibility* and *Quality of Life*.

Background:

The Finance Department actively manages utility receivables and pursues delinquent service charges within the limits allowed by State law, and is consistently researching new tools for successful collections. Closed accounts with a remaining balance are attempted to be collected through various efforts. Some tools used for collection include the following:

- Billing notices – Updating billing addresses to ensure bills are being delivered to the correct locations. Upon closing of a tenant occupied property, a dual notice is mailed to the property owner on file as well. Property owners are also made aware of debt on tenant accounts through the requirement set in Municipal Code Sec. 6-6.10, which states that no new account can be established for service at a property with a delinquent balance. At such time, a property owner is contacted and is required to establish services in their name until the debt is resolved.

- Transfers – If a customer listed on the utility bill resides at a Yuba City property receiving a utility bill, unpaid balances can be transferred to the current residence.
- Demand letters – Unpaid accounts receive up to three demand letters notifying the customer of unpaid balances and repercussions if the utility bill is not paid in full, or a payment plan is not established during an allotted amount of time. After the initial billing period for the final bill, a balance reminder is mailed to the customer, giving a two-week timeline for response. Upon conclusion of this time frame, a collections notice is sent to the customer, allowing for a ten-day window for response. After the ten days, phone calls are made to each customer with a balance due to attempt to resolve the balance before progressing to external collection agency efforts. A dual collections notification is also sent to the property owner on file at this time.
- Tax Intercept – Unpaid accounts are reported to the Franchise Tax Board annually for tax interception.

On June 21, 2016, Council adopted a municipal code update that allows for unpaid accounts to be included on the County property tax bill. The option of inclusion on the property tax bill and the placement of a lien on the properties is another tool that staff can utilize for collection efforts.

Analysis:

In June, a list of accounts was prepared with unpaid service charges on final (closed) accounts, as well as active accounts with exceptionally high balances. Notices were mailed to each property owner with a delinquent account, encouraging them to pay, announcing an administrative hearing held on July 9, 2024, on the delinquent accounts, and the Public Hearing before the City Council on July 16, 2024. A Public Notice was also posted for two consecutive weeks prior to the July 16th hearing date.

Payments are recorded daily. The report listing the delinquent accounts is attached as Exhibit B and lists delinquencies as of July 15, 2024. Some accounts may be paid before a final delinquent list is prepared and transferred to Sutter County.

Fiscal Impact:

Every year a number of accounts go uncollected for various reasons. The Finance Department exhausts all collection efforts, both internally and through external agencies. By including the delinquent water and wastewater charges on the secured property tax roll and placing a lien on subject properties, staff ensures that all attempts have been made to collect monies that are owed to the City. If accounts are not collected, other utility customers will absorb the cost through rates in order to fill the void of revenue. This becomes an issue of fair and reasonable treatment of customers.

The attached list of properties is recommended to have liens placed on the tax bills for 28 accounts totaling $31,303.83 in unpaid utility revenues.

Alternatives:

The Council may modify the report listing the delinquent accounts attached as Attachment 2 - 2024 Assessment List or provide staff with alternative direction based on testimony received at the Public Hearing or based on any other information.

Recommendation:

A. Conduct a Public Hearing, and after consideration.
B. Adopt a Resolution for the inclusion of delinquent charges and penalties for water and wastewater services on the secured tax roll in the same manner as the general taxes and

directing that a lien also be placed on the subject properties.

Attachments:

1. Resolution - Delinquent Utilities Collection
2. 2024 Assessment List

Prepared By:	Submitted By:
Samantha Benzel	Diana Langley
Customer Service Manager	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING COLLECTION OF DELINQUENT WATER AND/OR WASTEWATER CHARGES ON THE TAX ROLL WITH GENERAL TAXES

WHEREAS, Section 5473 of the Health and Safety Code of the State of California and the Yuba City Municipal Code Sections 6-5.706 and 6-6.10 authorize the City to make an election to collect delinquent water and wastewater charges on the tax roll along with general taxes; and

WHEREAS, the City has exhausted other methods of collection of delinquent water and wastewater charges; and

WHEREAS, the City of Yuba City's Municipal Code, Sections 6-5.706 and 6-6.10 assign the payment responsibility as the property owners, stating, *Notwithstanding any provisions of this chapter, the property owner shall be additionally responsible for payment of all unpaid water/sewer bills and other fees owed to the City. Any agreement between landlords and tenants to the contrary will not relieve the landlord or record owner of the property of the responsibility for payment of the water and/or sewer service charges to the City*; and

WHEREAS, the City provided citizens an opportunity to review and protest the amount of delinquent charges scheduled for collections through the property tax roll. Notices were publicly posted two weeks prior to the hearing, and individual notices were mailed to each customer with a delinquent account, encouraging them to pay and announcing the public hearing, which was held on July 16, 2024.

WHEREAS, the report listing the delinquent water and sewer charges is attached as Exhibit "B" ("Report") and a notice of the report's filing and hearing schedule was published once a week for two successive weeks prior to the hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY RESOLVE AS FOLLOWS: The City elects to collect delinquent water and wastewater charges on the tax roll. The Report listing the delinquent charges attached as Exhibit "B" is approved and adopted. The City Clerk is authorized to file the approved Report with the Finance Director for submittal to Sutter County to include the delinquent charges on the tax roll against the properties described in the attached report. The delinquent charges shall constitute a lien against each of the properties.

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 16th day of July 2024.

AYES:

NOES:

ABSENT:

_____
Shon Harris, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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

ATTACHMENT 2

ATTACHMENT 2 - City of Yuba City Delinquent Utility Accounts		
Account #	**Balance Due**	**APN**
642090-00	$886.96	052301002000
762333-03	$650.14	053312014000
602499-01	$2,213.75	052213005000
102006-04	$1,348.45	057071003000
601447-07	$751.00	052063013000
605289-14	$128.77	052461017000
801029-14	$4,029.03	053232010000
103330-08	$543.23	056080046000
641081-06	$101.28	052082013000
200496-12	$48.83	051210027000
801013-05	$795.12	053232004000
400211-04	$1,027.47	059065001000
362292-06	$141.94	051321015000
061950-12	$822.45	052130037000
361194-00	$432.05	051424014000
943514-09	$545.76	055110029000
922912-02	$771.32	054050070000
401521-03	$2,444.77	04600008000
042010-03	$2,292.72	051411002000
643329-04	$2,160.90	052363012000
361107-00	$1,693.04	051425004000
721447-02	$1,400.76	053172024000
602653-09	$1,115.32	052215006000
561674-06	$1,027.45	052181008000
643243-03	$1,219.70	052377012000
643240-00	$977.68	052377011000
642354-02	$945.92	052292008000
721807-02	$1,438.16	053161015000
TOTAL REPORT	$31,953.97	ACCOUNTS - 28

CITY OF YUBA CITY
STAFF REPORT

Date: July 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Doug Libby, Deputy Director of Development Services

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Summary

Subject: Consideration of Inclusion of Code Enforcement Citation Fines on Secured Tax Roll

Recommendation: Take the following action:

A. Conduct a Public Hearing, and after consideration
B. Adopt a Resolution for the inclusion of unpaid Code Enforcement citation fines on the secured tax roll in the same manner as the general taxes and directing that a lien also be placed on the subject properties

Fiscal Impact: $35,600 will be collected through the County property tax roll

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Purpose:

To recover unpaid code enforcement citation fines through the placement of a lien on the secured property tax roll of subject properties.

Council Strategic Goal:

This item implements the Council's goals of quality of life and fiscal responsibility.

Background:

On September 15, 2020, the City Council adopted Ordinance 010-20, updating the City's Nuisance Ordinance found at Title 4 (Public Safety), Chapter 8. Subsection 4-8.709(a) provides that unpaid penalties, abatement costs, and enforcement costs relating to a property violation may be confirmed by the City Council as a special assessment and collected with property taxes or as a judgment lien.

The Development Services Department manages the City's code enforcement program. When a property owner does not take corrective action to address a municipal code violation, citations with fines may be imposed as a means to motivate a property owner to bring a property into compliance. It should be noted that citations are a last resort and are only imposed if a property owner has not worked out a timely abatement schedule with Code Enforcement or is unresponsive.

Each citation issued advises citizens that they have 15 calendar days to appeal the citation from the date of issuance. There were no timely appeals received for each of the cases being brought forward. A

sample citation has been included as a staff report attachment.

Prior to bringing this matter forward to the City Council, invoices requesting payment, together with a photocopy of each citation were mailed to each property owner in December 2023.

A second invoice was mailed to each property owner in March 2024 requesting payment. As part of the second notice, each property owner was advised that if payment was not received, staff intended to bring the matter forward as contained in this staff report. A copy of this March 2024 notice has been included as a staff report attachment.

A 15-day public hearing notice was provided to each property owner for this meeting as required by Municipal Code Section 4-8.709. A copy of this notice is included as a staff report attachment.

Analysis:

This item includes twenty-nine (29) different property locations across the City and seventy-one (71) citations, totaling $35,600, covering a wide range of violations.

Municipal Code Section 4-8.709(d) states that during the City Council meeting Council may adopt a resolution confirming the amount of the penalties and costs, or any lesser amount, based upon staff reports and any public comments received during the meeting. The City Council shall take into consideration whether any noticed party sought administrative review of the costs and shall only reduce the costs if:

1. The noticed party sought administrative review, and
2. The decision of the City Manager or his/her designee is not supported by substantial evidence in the record. The basis for the code enforcement action will not be the subject of the City Council's consideration.

The Municipal Code also states if an imposed penalty was approved by a court or previously upheld in a previous administrative hearing, the City Council shall simply confirm the costs or penalties. For this item, none of these circumstances exist.

The City Council may confirm the costs for more than one property in a single resolution. If the City Council confirms the costs, procedures are in place to implement the special assessment. The noticing process for this item earlier this year resulted in several payments satisfying the penalty obligation of certain other cases.

The Municipal Code provides administrative review procedures. It is important to note that none of the property owners included in the proposed resolution appealed their issued citations as provided for by the Municipal Code. Proper notice of this item has occurred, allowing the City Council to adopt the proposed resolution.

Fiscal Impact:

If the proposed Resolution is adopted, fines in the total amount of $35,600 will be included on the subject property’s taxes. These fines have a high probability of being collected over time. These fines ultimately help offset code enforcement’s General Fund costs while also reinforcing the code enforcement program for efficiency and quality of life improvement for City residents.

Alternatives:

As stated in the analysis portion of this staff report, the City Council can confirm the amount of the

penalties and costs, or any lesser amount, based upon staff reports and any public comments received during the meeting.

Recommendation:

A. Conduct a Public Hearing, and after consideration.

B. Adopt a Resolution for the inclusion of unpaid Code Enforcement citation fines on the secured tax roll in the same manner as the general taxes and directing that a lien also be placed on the subject properties.

Attachments:
1. Proposed Resolution
2. Sample Citation and Notices

Prepared By:	Submitted By:
Doug Libby, AICP	Diana Langley
Deputy Director of Development Services	City Manager

Attachment 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY, CALIFORNIA, APPROVING THE SPECIAL ASSESSMENT AND LIEN AGAINST THE PROPERTIES RESIDING WITHIN THE CITY WITH UNPAID CODE ENFORCEMENT ADMINISTRATIVE CITATIONS

WHEREAS, the City of Yuba City ("the City") has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

WHEREAS, the City finds that, in addition to the filing of civil collection actions by the city attorney, the use of nuisance abatement liens collected as personal obligations against property owners and the use of special assessments on real property will assist in the collection of civil penalties, abatement costs, administrative costs, reinspection fees and late fees assessed pursuant to administrative citations, administrative hearings, judicial orders and other appropriate code enforcement actions; and

WHEREAS, the City further finds that collection of civil penalties, costs and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the city's code enforcement system; and

WHEREAS, the City has the authority to make the expense of enforcement actions and abatement of any nuisance a lien against the property on which it is maintained and a personal obligation against the property owner, in accordance with California Government Code Section 38773.1; and

WHEREAS, the City has the authority to make the cost of abatement of a nuisance upon a parcel of land a special assessment against that parcel, in accordance with California Government Code Section 38773.5; and

WHEREAS, the procedures established in Yuba City Municipal Code shall be used to complement existing administrative or judicial remedies which may be pursued to address violations of the Yuba City Municipal Code or applicable state codes; and

WHEREAS, the Property Owners within this Resolution are the sole owner(s) of record the properties located within the City of Yuba City; and

WHEREAS, the Property Owners were issued notices to abate property nuisances pursuant to the Yuba City Municipal Code for violations concerning the properties; and

WHEREAS, the Property Owners failed to remedy the violations of the Yuba City Municipal Code and administrative citations were issued to the Property Owner; and

WHEREAS, the Property Owners failed to pay the administrative penalties; and

WHEREAS, the Property Owners caused the City to incur the costs associated with the violations of the Yuba City Municipal Code and the City's efforts to cure those violations by the Property Owners; and

WHEREAS, the Yuba City Municipal Code authorizes the City to place a special assessment on real property when a penalty and/or administrative costs have not been timely paid.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds the Facts set forth above to be true and correct, and by this reference incorporates each as an integral part of this Resolution.

SECTION 2. The total amount due and payable to the City by each property owner is as follows:

CITATION NO.	BALANCE_DUE	ADDRESS	APN	OWNER_NAME
1651	$200	1133 QUEENS AVE Yuba City, CA 95991	51-051-011	Eleanor Frank Bordsen
1654	$1,000	1133 QUEENS AVE Yuba City, CA 95991	51-051-011	COMISO CHRISTINE M ETAL
1656	$1,000	1133 QUEENS AVE Yuba City, CA 95991	51-051-011	COMISO CHRISTINE M ETAL
1652	$400	1133 Queens Avenue YUBA CITY, CA 95991	51-051-011	Eleanor Frank Bordsen
-				
1631	$100	1221 TORI LN Yuba City, CA 95993	62-330-032	DHAMI KASHMIR/JASVIR
1634	$100	1221 TORI LN Yuba City, CA 95993	62-330-032	DHAMI KASHMIR/JASVIR
1637	$200	1221 TORI LN Yuba City, CA 95993	62-330-032	DHAMI KASHMIR/JASVIR
1640	$100	1221 TORI LN Yuba City, CA 95993	62-330-032	DHAMI KASHMIR/JASVIR
-				
1180	$100	1258 CHARLOTTE AVE Yuba City, CA 95991	51-121-014	RAMOS FERNANDO
-				
1642	$100	1292 SANBORN RD Yuba City, CA 95993	56-020-008	RAJDEEP KAUR
1646	$200	1292 SANBORN RD Yuba City, CA 95993	56-020-008	KAUR RAJDEEP
-				
1635	$200	1424 UPLAND DR Yuba City, CA 95991	51-421-014	MICHAEL BAER

-				
1174	$100	1621 ROYO RANCHERO DR Yuba City, CA 95993	62-150-034	BASI MOHINDER K ETAL
-				
1644	$250	1630 YOUNGS LN Yuba City, CA 95991	51-516-011	MC CARLEY FRANK
1649	$750	1630 YOUNGS LN Yuba City, CA 95991	51-516-011	MC CARLEY FRANK
-				
1198	$500	1842 BLEVIN RD Yuba City, CA 95993	59-620-005	DHALIWAL KULDEEP S ETAL
-				
1683	$250	186 HARDING RD Yuba City, CA 95993	57-172-026	DOUGLAS LADD
1686	$500	186 HARDING RD Yuba City, CA 95993	57-172-026	Douglas Ladd
-				
1006	$100	1898 WHITE OAK DR Yuba City, CA 95991	54-060-053	SAWYER DONNA ETAL
-				
1645	$2,000	1918 CHERRY ST Yuba City, CA 95993	57-011-018	LYNN THOMAS J ETAL
-				
1648	$100	2229 LIVE OAK BLVD Yuba City, CA 95991	51-580-020	SANGHA PALI S ETAL
-				
1178	$250	2419 COLUSA AVE Yuba City, CA 95993	62-093-004	BOND EDWARD N SR/LORETTA BETAL
-				
1030	$100	2868 JEFFERSON AVE Yuba City, CA 95993	62-071-035	RODRIGUEZ SAN JUANA ETAL
1031	$200	2868 JEFFERSON AVE Yuba City, CA 95993	62-071-035	RODRIGUEZ SAN JUANA ETAL
1032	$200	2868 JEFFERSON AVE Yuba City, CA 95993	62-071-035	RODRIGUEZ SAN JUANA ETAL
-				
1156	$100	2933 BUTTE HOUSE RD Yuba City, CA 95993	61-110-015	BENEFIELD JIMMY D
-				
1176	$750	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1182	$250	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1183	$250	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N

1184	$250	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1185	$250	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1186	$250	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1187	$250	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1188	$250	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1240	$500	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1241	$1,000	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1242	$1,000	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1243	$500	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1244	$500	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1245	$500	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
1246	$500	2949 MONROE RD Yuba City, CA 95993	62-071-016	BAJAR MUHAMMAD F/SAMIRA N
-				
1177	$500	3328 LEXINGTON CT Yuba City, CA 95993	62-180-036	BOND EDWARD N/LORETTA B ETAL
-				
1213	$100	360 GRANT WAY Yuba City, CA 95991	51-590-004	CHIMA JAGJIT S
-				
1701	$2,000	383 NEIL DR Yuba City, CA 95993	58-034-011	SCOTT JASON
1702	$1,000	383 NEIL DR Yuba City, CA 95993	58-034-011	SCOTT JASON
1704	$1,250	383 NEIL DR Yuba City, CA 95993	58-034-011	SCOTT JASON
-				
1167	$200	444 EMERSON AVE Yuba City, CA 95991	52-520-034	VALDEZ ALBERTO ETAL
1206	$400	444 EMERSON AVE Yuba City, CA 95991	52-520-034	VALDEZ ALBERTO ETAL
1206	$400	444 EMERSON AVE Yuba City, CA 95991	52-520-034	VALDEZ ALBERTO ETAL
-				
1161	$200	508 PARKVIEW AVE Yuba City, CA 95993	57-303-004	LEMING NORMAN D
-				

1235	$250	509 S WALTON AVE Yuba City, CA 95993	57-011-004	SANGHA JASWINDER
1236	$250	509 S WALTON AVE Yuba City, CA 95993	57-011-004	SANGHA JASWINDER
1237	$250	509 S WALTON AVE Yuba City, CA 95993	57-011-004	SANGHA JASWINDER
1238	$250	509 S WALTON AVE Yuba City, CA 95993	57-011-004	SANGHA JASWINDER
1239	$250	509 S WALTON AVE Yuba City, CA 95993	57-011-004	SANGHA JASWINDER
-				
1502	$220	640 TABER AVE Yuba City, CA 95991	53-163-010	KUIPERS LORETTA P FAM TR ETAL
1503	$490	640 TABER AVE Yuba City, CA 95991	53-163-010	KUIPERS LORETTA P FAM TR ETAL
1506	$1,000	640 TABER AVE Yuba City, CA 95991	53-163-010	KUIPERS LORETTA P FAM TR ETAL
1507	$250	640 TABER AVE Yuba City, CA 95991	53-163-010	KUIPERS LORETTA P FAM TR ETAL
-				
1643	$100	678 Olive St YUBA CITY, CA 95991	52-215-006	Cyrus Greene
1647	$200	678 OLIVE ST Yuba City, CA 95991	52-215-006	Cyrus Greene
-				
1135	$1,500	703 WOODHURST CT Yuba City, CA 95991	53-261-012	BOND SANDRA
1137	$1,500	703 WOODHURST CT Yuba City, CA 95991	53-261-012	BOND SANDRA
1140	$1,500	703 WOODHURST CT Yuba City, CA 95991	53-261-012	BOND SANDRA
-				
1632	$500	724 WINSLOW DR Yuba City, CA 95991	51-073-011	RUIZ SUSAN
1639	$1,000	724 WINSLOW DR Yuba City, CA 95991	51-073-011	RUIZ SUSAN
-				
1650	$1,000	758 TEESDALE RD Yuba City, CA 95991	54-110-034	CARRANZA EVAN/MONICA
1678	$400	758 TEESDALE RD Yuba City, CA 95991	54-110-034	CARRANZA EVAN/MONICA
-				
1168	$100	773 FRANKLIN AVE Yuba City, CA 95991	52-363-012	JOSEPH TIM
1201	$200	773 FRANKLIN AVE Yuba City, CA 95991	52-363-012	JOSEPH TIM
1685	$500	773 FRANKLIN AVE Yuba City, CA 95991	52-363-012	JOSEPH TIM
-				

1132	$2,000	888 KIMBALL AVE Yuba City, CA 95991	52-075-002	LODDESOL SCOTT S

SECTION 3. These amounts remain unpaid. A special assessment and lien in these amounts shall be placed against each of the properties identified within Section 2 of this Resolution; the special assessments shall further accrue penalties and fines until the special assessment is paid in full.

SECTION 4. The City Manager, or designee, is hereby authorized to place additional special assessments on the properties identified within Section 2 of this Resolution as may be needed to secure payment of the unpaid administrative penalties and/or costs being further incurred by the City.

SECTION 5. The City Manager is directed to take all action necessary to implement this Resolution.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions. This Resolution shall be effective immediately upon passage and adoption.

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 16th day of July, 2024, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

CITY OF YUBA CITY

By:

_____
Shon Harris, Mayor

ATTEST:

_____
Ciara Wakefield
City Clerk Administrator

APPROVED AS TO FORM:

By: _____
Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of Yuba City, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of Yuba City on the date and by the vote indicated herein.

ATTACHMENT 2

Citation # 1536

CODE ENFORCEMENT

Date: _____ Time: _____ AM/PM

Location of Violation: _____

Case Number: _____

Name of Business: _____

Name (First, Middle, Last): _____

Address: _____

City/State/Zip: _____

Driver's License No.: _____

Code Section of Violation: _____

Description of Violation: _____

_____

_____

Corrective Action Required: _____

_____

_____

_____ Completion Due Date: _____

Amount of Violation: $_____ Payment Due Date: _____

Issuing Officer: _____

Receipt Acknowledged By: _____

Pursuant to the Yuba City Municipal Code, administrative citations may be issued for certain code violations. The penalties for each violation may accrue each day the violation remains uncorrected and are progressive in cost.

ORDER TO REMEDY:
If this citation indicates corrective action is required, you must correct the identified violation(s) within the time limit prescribed on the citation. As soon as you have corrected the violation(s), you should contact the City to make arrangements with a Code Enforcement Officer to provide proof of the correction. To make arrangements to provide proof of the correction, please call Code Enforcement Division at (530) 822-4703.

If you fail to correct the violation(s) by the specified date on this citation, you will be subject to further enforcement action and additional penalties imposed by the City.

ORDER TO PAY:
If you have been ordered to pay a penalty, you must pay by mail, on-line, or make payment in person at the address listed below within fifteen (15) days of the issuance of this citation. Unless you timely file an appeal to contest this citation, payment of this penalty waives your right to contest this citation. If corrective action is also required by this citation, payment of the penalty does not excuse the failure to correct the violation(s).

CONSEQUENCES OF FAILURE TO PAY THE FINE(S):
If you fail to pay the total penalty of this citation, the City may pursue any legal remedies available to recover the full amount of the penalty and the City's costs, including but not limited to attorney's fees and administrative costs.

TO APPEAL THIS CITATION:
To appeal this citation, you must file a written appeal with the City Clerk at the address listed below within **fifteen (15) days** of the issuance of this citation. You must provide your current contact information (name, address, telephone, email, etc.) and state your basis for appealing this citation. Failure to timely file an appeal within the required **fifteen (15) days** shall constitute a waiver of your right to appeal.

PAYMENT:
Make payments payable to the City of Yuba City. Check or Money Orders may be mailed to the City of Yuba City at 1201 Civic Center Blvd., Yuba City, CA 95993. **Cash will not be accepted via mail.** City Hall is open Monday through Friday 8:00 AM to 5:00 PM. Or make payment online through: https://aca-prod.accela.com/YUBA

Development Services Department/Code Enforcement
1201 Civic Center Blvd
Yuba City, CA 95993

3/5/2024

NOTICE OF UNPAID ADMINISTRATIVE CITATIONS

Greetings,

Pursuant to Municipal Code Section 4-8.709 'Special Assessment and Lien', notice is hereby provided to you. The purpose of sending this 3/5/2024 with a copy of the enclosed invoice is to notify you of administrative citation(s) that was(were) written with reference to a Code Enforcement action at the address referred to on the invoice. The citation invoice needs to be paid soon, as City staff is preparing to take any unresolved citation invoices before City Council for consideration of filing a Special Assessment and Lien in the amount of unpaid citation(s), which would then be added to the annual property taxes for the identified property.

If there are questions regarding the citation or processes involved, please contact City Code Enforcement Staff at (530)822-4703.

Planning | 530.822.4700
Building Division | 530.822.4629
Code Enforcement | 530.822.4703

NOTICE OF SPECIAL ASSESSMENT AND LIEN HEARING

June 28, 2024

«OWNER_NAME»
«MAIL_ADDRESS»
«MAIL_CTYST», «MAIL_ZIP»

«ADDRESS»; «APN»:

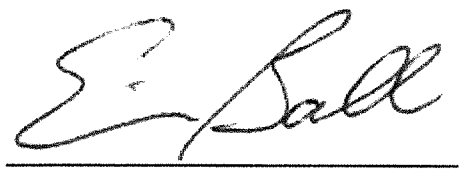
Dear **«OWNER_NAME»**

NOTICE IS HEREBY GIVEN THAT, pursuant to section 4-8.709 of Yuba City Municipal Code, a hearing to consider the imposition of a special assessment upon your property tax and lien shall be held before the City Council of the City of Yuba City on July 16th at 6 P.M. in the City Council chambers located at 1201 Civic Center Boulevard. City staff shall seek the collection of unpaid costs and penalties in the amount of **$«BALANCE_DUE»** by placing a special assessment and lien on your property taxes. The City provided you with notice of the unpaid costs and penalties on March 5, 2024; however, to date, you have failed to pay those costs and penalties in full. You have the right to appear at the hearing before the City Council and present objections to the special assessment and/or lien.

WARNING
Should the City Council approve the special assessment and you fail to pay the assessment in full, your property may, in some cases, be sold after three (3) years by the Tax Collector pursuant to Revenue and Tax Code, section 3691 for unpaid delinquent assessments or be subject to judicial foreclosure before the three (3) years.

We trust that you will respond promptly to this important matter. Thank you for your cooperation. If I can be of assistance or if you have any questions regarding this matter please contact me at (530) 822-4702, e-mail eball@yubacity.net.

City of Yuba City
Development Services Department
Code Enforcement Division



Eric Ball
Code Enforcement Officer
E-mail: eball@yubacity.net
Work: (530)822-4702

CITY OF YUBA CITY
STAFF REPORT

Date: July 16, 2024
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Diana Langley, City Manager

Summary

Subject: Consideration of November 2024 Ballot Measure to Authorize One-Cent Sales Tax

Recommendation: A. Receive public comment;

B. Adopt, with any amendments, a Resolution calling for the placement of a general tax measure on the ballot for the November 5, 2024, general municipal election for the submission to the voters of an ordinance to enact a general transaction and use tax (sales tax) at the rate of one-cent

Fiscal Impact: The cost of including the measure with the consolidation of the election is dependent upon how many other jurisdictions and items are included in the election. If approved by voters, a one-cent sales tax would generate approximately $17,500,000 annually. These revenues would be available for general city services, such as road repairs and public safety, and be subject to independent audits, reporting, and a Citizens' Oversight Committee.

Purpose:

To consider placing a one-cent general transaction and use tax (sales tax) measure on the November 2024 ballot to support vital city services such as roads and public safety.

Council's Strategic Goal:

If the general sales tax measure is approved by the voters, the proceeds will support the City Council's overarching goal to improve the quality of life of Yuba City residents and address public safety, fiscal responsibility, infrastructure, and business friendly.

Background:

Over the past year and a half, the City Council has evaluated the need for additional revenue, based on long range financial forecasts, current road conditions, existing operational concerns, and future operational challenges. Through these discussions, and with input from a Citizen Advisory Committee, the City Council identified several priorities including:

1. Roads - Address $150 million in deferred maintenance.

2. Fire Operations
    a. Maintain critical staffing levels and response times
    b. Replace Fire Station 1 (824 Clark Avenue) to accommodate two engine companies
3. Police Operations
    a. Add dedicated Homelessness Response personnel
    b. Create a city-wide "Clean Team" to support small businesses and remove illegal dumping and Biohazards
    c. Provide police services to the Walton/Happy Park area residents (incorporated area south of Franklin Road and west of Highway 99)

At a joint City Council/Sutter County Board of Supervisors meeting on December 19, 2023, the City and County Revenue Ad Committees recommended that the City of Yuba City take the lead on a general 1% sales tax, within city limits, with a portion of the revenues shared with Sutter County for services that benefit Yuba City residents such as Sheriff and District Attorney, including a Citizens' Oversight Committee, and in effect until ended by voters. The Revenue Ad Hoc Committees also presented a potential tax sharing model in which Yuba City will retain 67% and Sutter County will receive 33% of the base proceeds. If the actual sales tax amount received exceeds the base budget amount, then the City will receive 50% of the excess and the remaining 50% will be transferred into a joint projects fund overseen by the City and County.

Analysis:

Under current state law, if the tax is designated for general governmental purposes, a simple majority of voters in the jurisdiction is required to adopt the measure.The tax proposed is a general tax and, if approved, the sales tax rate for eligible purchases would increase from the current state minimum of 7.25% to 8.25%.

The proposed ballot measure language, which meets the legal requirement for wording and length, is as follows:

City of Yuba City - Measure D
To support vital city services such as: road repairs; increasing police and fire protection; protecting 911 emergency response times; addressing homelessness; and funding other general services and essential activity; shall an ordinance establishing a 1 percent sales tax in Yuba City, providing approximately $17,500,000 annually until ended by voters, requiring accountability, citizens' oversight and annual audits, with all funds staying local, be adopted?

Although the proposed measure would be a general tax, the proposed ballot language is intended to underscore that these new revenues will be used for items such as public safety, road rehabilitation, and addressing homelessness.

In addition, staff is coordinating with Sutter County on a tax sharing agreement. It is anticipated that the tax sharing agreement will be presented to the City Council and Board of Supervisors for consideration in advance of the November 2024 election.

Fiscal Impact:

The cost to hold an election is calculated by the Sutter County Elections Office based on the number of registered voters, offices and measures on the ballot, and participating jurisdictions. As the November 2024 election also includes two Council seats, City Treasurer, and City Clerk, the City will already be responsible for a portion of the ballot/election costs. Funds are budgeted for the election.

Should the ballot measure pass in November, the one-cent sales tax would go into effect in April 2025, and the City would start to receive proceeds by June of 2025. Sales tax revenue fluctuates, but the tax is estimated to generate approximately $17.5 million per year.

Alternatives:

1. Do not proceed with a revenue measure at this time.
2. Modify the amount of the proposed sales tax.

Recommendation:

A. Receive public comment;

B. Adopt, with any amendments, a Resolution calling for the placement of a general tax measure on the ballot for the November 5, 2024, general municipal election for the submission to the voters of an ordinance to enact a general transaction and use tax (sales tax) at the rate of one-cent.

Attachments:

1. Attachment 1 - Yuba City Resolution Calling Election on Sales Tax Measure
2. Exhibit A - City of Yuba City Sales Tax Ordinance

Prepared By:
Diana Langley
City Manager

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY, CALIFORNIA, SUBMITTING TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION HELD ON TUESDAY, NOVEMBER 5, 2024, AN ORDINANCE ADOPTING A TRANSACTION AND USE TAX

WHEREAS, the City Council of the City of Yuba City ("City") desires to submit to the voters a measure introducing a Transactions and Use Tax ("Sales Tax") of one percent (1%) on the sale of all tangible personal property sold at retail in the City; and

WHEREAS, the City Council desires to present such general Sales Tax to the qualified voters at the next regularly scheduled general election on November 5, 2024; and

WHEREAS, the City Council has passed Resolution No. 24-070 on June 18, 2024 calling a general municipal election for the purpose of electing two (2) members of the City Council, City Clerk, and City Treasurer, and requesting that the general municipal election be consolidated with the Statewide general election to be held on Tuesday, November 5, 2024, and requesting that the Board of Supervisors of the County of Sutter direct the Registrar of Voters/ Elections Division to take any and all necessary steps to conduct the consolidated election; and under the provisions of the laws relating to cities in the State of California, a General Municipal Election shall be held on November 5, 2024, for the election of Municipal Officers; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the Board of Supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various federal, district, county, state and other political subdivision elections may be or have been called to be held on November 5, 2024; and

WHEREAS, the City Council also desires the County to consolidate the Sales Tax ballot measure election with the Statewide general election to be held on November 5, 2024.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. That the Recitals hereto are true and correct and incorporated herein by this reference.

Section 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election to be held and consolidated with the Statewide general election on Tuesday, November 5, 2024, the following question:

Measure D **To support vital city services such as: road repairs; increasing police and fire protection; protecting 911 emergency response times; addressing homelessness; and funding other general services and essential activity; shall an ordinance establishing a 1 percent sales tax in Yuba City, providing approximately $17,500,000 annually until ended by voters, requiring accountability, citizens' oversight and annual audits, with all funds staying local, be adopted?**	**YES** **NO**

Section 3. That the proposed complete text of the Ordinance related to the City of Yuba City Measure submitted to the voters is attached hereto as Exhibit A and is hereby approved and adopted and by this reference incorporated herein.

Section 4. That the Board of Supervisors of the County of Sutter is hereby requested to consent and agree to the consolidation of the election on these ballot measures and the City's general municipal elections for councilmembers with the Statewide general election to be held on November 5, 2024, and to direct the Sutter County Registrar of Voters/Election Official to take any and all necessary steps to conduct the consolidated election.

Section 5. That the Election Division of the County of Sutter and Board of Supervisors/Registrar of Voters/Elections Official is authorized to canvass the returns of the election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used pursuant to Elections Code Section 10411.

Section 6. That the City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for its share of the costs.

Section 7. That the Registrar of Voters/ County Elections Official is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election in accordance with the Elections Code and the laws of the state of California.

Section 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and Election Division of the County of Sutter.

Section 9. That the deadline for filing arguments on the ballot measures with the Sutter County Elections Division shall be at 3:30 p.m. on August 16, 2024. That in accordance with the requirements of the California Elections Code, all written arguments for or against the foregoing measures: (1) shall not exceed three hundred (300) words in length; (2) shall be filed with the Sutter

County Elections Division; (3) shall be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of the principal officers who is the author of the argument; and (4) shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. All written arguments may be changed or withdrawn until and including the date fixed by the Sutter County Registrar of Voters/Election Official, being the close of business on August 19, 2024 at 3:30 p.m., after which time no arguments for or against the foregoing measure may be submitted to the Sutter County Registrar of Voters/Election Official. Pursuant to Elections Code 9285, the City Council is authorized file a written argument.

That in the event that more than one argument for or against any of the foregoing measures is timely submitted, the Sutter County Registrar of Voters/Election Official shall give preference and priority first, to arguments submitted by member(s) of the City Council, as authorized by this Resolution, and second, to individual voters, bona fide associations, or a combination thereof, in the order set forth at California Elections Code § 9287.

Section 10. That the deadline for filing of rebuttal arguments on the ballot measures with the Sutter County Registrar of Voters/Election Official shall be at 3:30 p.m. on August 23, 2024. Rebuttals shall not exceed 250 words in length. The rebuttal arguments shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Section 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 12. That, pursuant to Elections Code Section 9280, the Sutter County Registrar of Voters/Election Official is hereby directed to transmit a copy of the measures to the City Attorney. The City Attorney shall prepare an impartial analysis of the measures, not to exceed 500 words in length, showing the effect of the measures on the existing law and the operation of the measure, and transmit such impartial analysis to the Sutter County Registrar of Voters/Election Official by 3:30 p.m. on August 16, 2024. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows: “The above statement is an impartial analysis of Ordinance or Measure D. If you desire a copy of the ordinance or measure, please call the Sutter County Clerk-Recorder/Registrar of Voters’ office at (530) 822-7122 and a copy will be mailed at no cost to you.”

Section 13. That City Council of Yuba City hereby orders an election be called and consolidated with any and all elections also called to be held on November 5, 2024 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the requests the Board of Supervisors of the County of Sutter to order such consolidation under Elections Code Section 10401 and 10403.

Section 14. That the City Council hereby requests the Board of Supervisors to permit the Sutter County Elections Division to provide any and all services necessary for conducting the election and agrees to pay for said services.

Section 15. That the Sutter County Registrar of Voters/Election Official shall conduct the election for the measure delineated in Section 2 to be voted on at the election on November 5, 2024. Pursuant to Section Elections Code Section 10403, the consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

Section 16. The Sutter County Registrar of Voters/Election Official is hereby requested not to print the attached full measure text of Exhibit A hereto in the Voter Guide, but send a copy to voters upon request at the cost of the City. The contact number to be printed in the Voter Guide is (530) 822-7122. In addition, the full text will be available at the following website address: www.yubacity.net.

Section 17. That the electorate vote requirement for the measure to pass is a majority (50%+1) of the votes cast on the measure at the November 5, 2024 consolidated election.

Section 18. The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 *et seq*. ("CEQA Guidelines"). The calling and noticing of a General Municipal Election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines Section 15378. The transactions and use tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

Section 19. That the City Clerk and City Manager are hereby authorized to take all actions as necessary to effectuate the purposes of this resolution and the election.

Section 20. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions. This resolution shall be effective immediately.

I hereby certify that the foregoing Resolution No. 2024-___is a full, true and correct copy of a resolution duly passed by the City Council of the City of Yuba City at a regular meeting thereof duly held on the 16th day of July 2024, by the vote recorded as follows:

AYES:_____

NOES:_____

ABSTAIN:_____

ABSENT:_____

YUBA CITY

_____
Shon Harris, Mayor

ATTEST:

By: _____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO LEGAL FORM:

By: _____
Shannon Chaffin, City Attorney

EXHIBIT A TO RESOLUTION

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF YUBA CITY IMPOSING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

Now Therefore, the People of Yuba City do ordain as follows:

Section 1. Title 3, Chapter 6, Article V is hereby added to the Yuba City Municipal Code to read as set for the below:

Article V-Transaction and Use Tax

Sec. 3-6-501. - Title.

This ordinance shall be known as the Yuba City Transactions and Use Tax Ordinance. The Yuba City hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Sec. 3-6-502. - Operative Date.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Sec. 3-6-503. - Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

(b) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

(c) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the

California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

(d) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Sec. 3-6-504. - Contract with State.

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Sec. 3-6-505. - Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Sec. 3-6-506. - Place of Sale.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Sec. 3-6-507. - Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one

percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Sec. 3-6-508. - Adoption of Provisions of State Law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Sec. 3-6-509. - Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(a) Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

(1) The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

(2) The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

(3) In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

(i) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

(ii) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

(4) In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(b) The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

(1) "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars ($500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

Sec. 3-6-510. - Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Sec. 3-6-511. - Exemptions and Exclusions.

(a) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

(b) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

(2) Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

(i) With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the

Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

(ii) With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

(4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(c) There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

(3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

(4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to

lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(6) Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

(7) "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

(d) Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Sec. 3-6-512. - Amendments.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Sec. 3-6-513. - Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Sec. 3-6-514. - Accountability: Annual Report to Council and Annual Audit.

The city manager shall report to council not less frequently annually on the amount of tax collected under this chapter, and any expenditures made, or proposed to be made with such collections. The tax shall be part of the City's annual audit.

Sec. 3-6-515. - Citizens' Oversight Committee.

Following the operative date, the city shall establish a citizens' oversight committee. The citizens' oversight committee's composition, tasks, and duties may be outlined by the City Council by resolution.

Sec. 3-6-516. - Revenue Expended for Unrestricted Uses.

Revenues from the transaction and use tax enacted under this chapter shall be expended by the city for unrestricted general revenue uses.

Sec. 3-6-517. - Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 3-6-518. – Effective Date.

This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect as provided by law.

Sec. 3-6-519. - Termination Date.

The authority to levy the tax imposed by this ordinance shall continue until ended by voters.

PASSED AND APPROVED by the City Council of the City of Yuba City, County of Sutter County, State of California, on the ___ day of July, 2024, by resolution, by the following vote:

AYES:_____

NOES:_____

ABSTAIN:_____

ABSENT:_____

YUBA CITY

_____
Shon Harris, Mayor

ATTEST:

By: _____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO LEGAL FORM:

By: _____
Shannon Chaffin, City Attorney

Future Agenda Items

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

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

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

Adjournment