AGENDA
FEBRUARY 15, 2022

REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY

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

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

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

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

AGENDA
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
FEBRUARY 15, 2022
6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL

Regular Meeting

Call to Order

Roll Call

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

Invocation/Inspiration

Pledge of Allegiance to the Flag

Agenda Modifications/Approval of Agenda

Ceremonial Presentations

1. Teen Dating Violence Awareness and Prevention Proclamation

Public Communication

2. Appearance of Interested Citizens

You are welcome and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comment on items not listed on the agenda will be considered at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

- For Items on the Agenda

  Public comments on items on the agenda are taken during Council's consideration of each agenda item. If you wish to comment on any item appearing on the agenda, please note the number of the agenda item about which you wish to comment. If you wish to comment on more than one item, please send an email for each item.

- Items not listed on the Agenda

  Public comments on items not listed on the agenda will be considered at this time. Members of the public submitting written requests at least *24 hours* prior to the meeting will normally be allotted 5 minutes to comment. In addition to written comments, the public is welcome to submit a video presentation in electronic format to be played during public comment or during the hearing item. Due to COVID-19 staffing limitations, formatting, and video streaming related issues, presentations must be submitted to the City Clerk no later than 5:00 p.m. the day before the meeting to ensure the presentation is available for streaming at the time the Agenda item is called. Presentations submitted after 5:00 p.m. the day before the meeting may not be available to be streamed at the meeting.

<u>Consent Calendar</u>

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, staff or public request specific items to be discussed or removed from the Consent Calendar for individual action.

3. Minutes of January 28, February 1 and 7, 2022

Recommendation: Approve the City Council minutes January 28, February 1 and 7, 2022

4. Sutter County and Yuba City Representation on Planning Commission

Recommendation: A. Confirm the appointment of Stacy Brookman, Yuba City Planning Commissioner, to the Sutter County Planning Commission and forward said recommendation to the Sutter County Board of Supervisors

B. Confirm the Sutter County Planning Commission appointment of Karri Campbell to represent Sutter County on the City of Yuba City Planning Commission

5. Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4 (Faith Court Subdivision)

Recommendation: Adopt a Resolution confirming and ordering annexation of the parcels associated with the Faith Court Subdivision, APNs 62-420-001 through 62-420-010 into the existing Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4 and establishing a levy of assessments for the annexed territory

<u>Business Items</u>

6. Public Meeting to Renew the Yuba-Sutter Tourism Improvement District

Recommendation: Open public testimony to allow members of the public to provide comments on the renewal of the Yuba-Sutter Tourism Improvement District (YSTID)

7. Annexation – South block of the Lincoln East Specific Plan (LESP)

Recommendation: A. Adopt a Resolution requesting the Sutter Local Agency Formation Commission (LAFCo) to take proceedings for reorganization (annexation) of the Lincoln East Specific Plan South Block Area to the City of Yuba City. (Proposed area generally bounded by Lincoln Rd, George Washington Blvd, Sanborn Dr and Bogue Rd.)

B. Authorize payment to LAFCo and the State for application processing

8. SB 1383 Compliance Ordinance Updates

Recommendation: A. Introduce an Ordinance of the City Council of the City of Yuba City adding Section 7-10.03 of Chapter 10 of Title 7, adding Chapter 18 (Model Water Efficient Landscape

Ordinance) of Title 7, amending Chapter 3 (Mandatory Refuse Collection Services) of Title 6, and amending Section 6-4.03 of Chapter 4 of Title 6 of the Yuba City Municipal Code to comply with Senate Bill 1383 by title only and waive the first reading

B. Adopt a Resolution amending the User Fee Schedule to include Administrative Civil Penalties to enforce compliance with Senate Bill 1383

Future Agenda Items

9. Future Agenda Items

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

Reports and Communications

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

10. City Manager's Report

11. City Council Reports

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

Adjournment

Proclamation

of the City Council

Teen Dating Violence Awareness and Prevention Month
February 2022

WHEREAS, females between the ages 16-24 are more vulnerable to intimate partner violence, experiencing abuse at a rate almost triple the national average; and

WHEREAS, one in three adolescent girls in the United States is a victim of physical, emotional or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth; and

WHEREAS, high school students who experience physical violence in a dating relationship are more likely to use drugs and alcohol, are at greater risk of suicide and are much more likely to carry patterns of abuse into future relationships; and

WHEREAS, young people victimized by a dating partner are more likely to engage in risky sexual behavior and unhealthy dieting behaviors and the experience may disrupt normal development of self-esteem and body image; and

WHEREAS, nearly half of teens who experience dating violence report that incidents of abuse took place in a school building or on school grounds; and

WHEREAS, only 33% of teens who are in an abusive relationship ever tell anyone about the abuse, and 81% of parents surveyed either believe teen dating violence is not an issue or admit they do not know if it is one; and

WHEREAS, by providing young people with education about healthy relationships and relationship skills and by changing attitudes that support violence, we recognize that dating violence can be prevented; and

WHEREAS, it is essential to raise community awareness and to provide training for teachers, counselors and school staff so that they may recognize when youth are exhibiting signs of dating violence; and

WHEREAS, the establishment of Teen Dating Violence Awareness and Prevention Month will benefit young people, their families, schools and communities regardless of socioeconomic status, gender, sexual orientation or ethnicity; and

WHEREAS, everyone has the right to a safe and healthy relationship and to be free from abuse.

NOW, THEREFORE BE IT RESOLVED, that I, Dave Shaw, Mayor of the City of Yuba City and behalf of the entire City Council, proclaim the month of February 2022, is ***Teen Dating Violence Awareness and Prevention Month***, throughout the City of Yuba City. I urge all citizens, agencies and businesses to work toward ending teen dating violence by empowering young people to develop healthier relationships, assisting victims in accessing the information and supportive services they need, creating better and more resources for young people in need, instituting effective intervention and prevention policies in schools and engaging in discussions with family members and peers to promote awareness and prevention of the quiet epidemic of teen dating violence.

Done this 15th day of February 2022, at the City of Yuba City, County of Sutter, State of California.

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.

Due to COVID-19, residents are encouraged to attend the City Council meeting via web conference or submit comments by email. Consistent with public health guidelines for social distancing, limited seating is available in the Council Chamber. If an attendee does not have a facial covering, one will be provided. Comments may be made at the Council Chamber podium. Please participate via web conference or email if you are ill or have been exposed to COVID-19.

Procedure

Complete a Speaker Card located in the lobby and give to the Clerk, or Email the City Clerk at cityclerk@yubacity.net any time before the meeting but no later than the close of the specific agenda item or before the close of the public hearing. When a matter is announced, wait to be recognized by the Mayor or if by email the City Clerk will provide your comments to the Mayor. Comment should begin by providing your name and place of residence. A three minute limit is requested when addressing Council.

- For Items on the Agenda

Public comments on items on the agenda are taken during Council's consideration of each agenda item during the public comment portion. If you wish to comment on any item appearing on the agenda, please note the number of the agenda item about which you wish to comment. If you wish to speak on more than one item, please fill out a separate card for each item.

- Items not listed on the Agenda

Public comments on items not listed on the agenda will be considered at this time. Members of the public submitting written requests at least *24 hours* prior to the meeting will normally be allotted 5 minutes to comment. In addition to written comments, the public is welcome to submit a video presentation in electronic format to be played during public comment or during the hearing item. Due to COVID-19 staffing limitations, formatting, and video streaming related issues, presentations must be submitted to the City Clerk no later than 5:00 p.m. the day before the meeting to ensure the presentation is available for streaming at the time the Agenda item is called. Presentations submitted after 5:00 p.m. the day before the meeting may not be available to be streamed at the meeting.

Request for additional time to address Council

Members of the public submitting written requests at least *24 hours* prior to the meeting will normally be allotted 5 minutes to speak.

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

Agenda Item **3**

CITY OF YUBA CITY
STAFF REPORT

Date:	February 15, 2022
To:	Honorable Mayor & Members of the City Council
From:	Administration Department
Presentation By:	Ciara Wakefield, City Clerk Administrator

Summary

Subject:	Minutes of January 28, February 1 and 7, 2022
Recommendation:	Approve the City Council minutes January 28, February 1 and 7, 2022
Fiscal Impact:	None

Attachments:

1. 01-28-2022 - Special Meeting Workshop (DRAFT)
2. 02-01-2022 - Regular Meeting Imutes (DRAFT)
3. 02-07-2022 - Special Meeting Workshop (DRAFT)

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

MINUTES (draft)
SPECIAL MEETING
TEAM BUILDING & TRAINING WORKSHOP
JANUARY 28, 2022 - 9:00 A.M.

Special Meeting

Call to Order

Mayor Shaw called the Special Meeting of the City Council to order at 9:04 AM

Roll Call

Present: Mayor Shaw and Councilmembers Boomgaarden, Espindola and Harris

Absent: Vice-Mayor Kirchner

General Items

Public Communication on Items on the Agenda

1. **Appearance of Interested Citizens**

   No comments from public

2. **City Council Team Building and Training Workshop**

   Facilitated by Juan Lopez, Amistad and Associates

Adjournment

The Special Meeting was adjourned by Mayor Shaw at 2:44 PM

____

Dave Shaw, Mayor

ATTEST:

____

Ciara Wakefield, Deputy City Clerk

ATTACHMENT 2

MINUTES (draft)
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
FEBRUARY 1, 2022
6:00 P.M. REGULAR MEETING COUNCIL CHAMBERS/VIRTUAL

Regular Meeting (Council Chambers)

The Regular Meeting of the City Council was called to order by Mayor Shaw at 6:01 PM

Roll Call

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

Absent: None

Invocation/Inspiration

YCPD Chaplain Ron Fortenberry

Pledge of Allegiance to the Flag

Addalie Burns led the Pledge of Allegiance

City Attorney's Report on Closed Session Items

No Closed Session

Agenda Modifications/Approval of Agenda

No modifications were made

Ceremonial Presentations

1. Recognition Girl Scout Troop 2179 - Adopt a Park

Mayor Shaw presented certificates of appreciation to Girl Scout Troop 2179

2. Adventist Health and Rideout - Chris Champlin, President

Chris Champlin, President of Adventist Health and Rideout gave a presentation

Public Communication

3. Appearance of Interested Citizens

John Buckland spoke

Consent Calendar

Written comment and request received: Discuss Item 8 separately. This item was moved to the first Business Item.

Vice-Mayor Kirchner moved and Councilmember Harris seconded the motion to approve items 4-7 (excluding Item 8):

4. Minutes of December 21, 2021, January 18 and 25, 2022

Approve minutes of the December 21, 2021, January 18 and 25, 2022

5. Amend Certain Financing Documents Executed in 2020 in connection with a conduit financing for Ampla Health

Approve the attached Resolution approving the form and authorizing the execution of the following documents:

A. First Amendment to First Installment Sale Agreement
B. First Amendment to Second Installment Sale Agreement
C. First Amendment to First Assignment Agreement

6. Yuba City Purchasing System Ordinance and Purchasing Policies Update

Adopt an Ordinance of the City Council of the City of Yuba City amending Chapter 6 (Purchasing System) of Title 2 of the Yuba City Municipal Code by title only, and waive the second reading

7. City Employee Policies in Response to the COVID-19 Pandemic

Adopt a Resolution approving supplemental emergency paid leave in response to the COVID-19 Pandemic

~~**8. City Council Regional Boards and Committee Assignments – Amended**~~

~~Presentation by: Dave Shaw, Mayor~~

~~Action: Approve the Mayor's Amended Assignments to Regional Boards and Committees for Calendar Year 2022~~

Item 8 was pulled for separate discussion

The motion was passed with a unanimous vote

<u>Business Items</u>

8. City Council Regional Boards and Committee Assignments – Amended
[Pulled from Consent Calendar]

Written comment received from Heather Esemann
The Deputy City Clerk read the comment

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

Approve the Mayor's Amended Assignments to Regional Boards and Committees for Calendar Year 2022

The motion was passed with a unanimous vote

9. Public Hearing No. 5 – Adoption of an Ordinance of the City Council of the City of Yuba City, California, Adding Sections 2-9.04, 2-9.05, and 2-9.06 to Chapter 2, Title 9 of the Yuba City Municipal Code to Establish a District-Based System of Elections for Members of the City Council

Mayor Shaw opened the Public Hearing

John Buckland spoke

Mayor Shaw closed the Public Hearing

Councilmember Boomgaarden moved and Councilmember Espindola seconded the motion to:

Adopt an Ordinance of the City Council of the City of Yuba City, California, Adding Sections 2-9.04, 2-9.05, and 2-9.06 to Chapter 2, Title 9 of the Yuba City Municipal Code to Establish a District-Based System of Elections for Members of the City Council by title only and waive the second reading

The motion was passed with a unanimous vote

10. Staffing and Salary Modifications in the Finance Department

Councilmember Espindola moved and Councilmember Boomgaarden seconded the motion to:

Adopt a Resolution approving the following changes to the Finance Department's authorized positions in the FY 2021-22 Operating Budget and amend the salary schedule as follows:

A. Add an Accounting Manager (MM Unit - temporary overfill)

B. Amend the salary schedule for the Accounting Manager, Accountant II in the amounts discussed, and;

C. Authorize a supplemental appropriation to the appropriate Finance Department salary and benefits accounts in the amount of $58,600

The motion was passed with a unanimous vote

11. Public Works and Development Services Department Management Modifications

Councilmember Espindola moved and Councilmember Boomgaarden seconded the motion to:

Adopt a Resolution authorizing:

A. Reclassify the Public Works Director classification to Director of Public Works and Development Services

B. Reclassification of the Development Services Director position to a Deputy Director of Development Services position

C. Reclassify the Utilities Superintendent position to Deputy Public Works Director – Utilities

D. Corresponding changes to the publicly-available salary schedule

The motion was passed with a unanimous vote

Future Agenda Items

12. Future Agenda Items

No suggestions were made

Reports and Communications

13. City Manager Report

14. City Council Reports

Councilmember Harris
Councilmember Espindola
Councilmember Boomgaarden
Vice Mayor Kirchner
Mayor Shaw

Adjournment

Mayor Shaw adjourned the Regular Meeting of the City Council at 7:46 PM

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Dave Shaw, Mayor

ATTEST:

____
Ciara Wakefield, Deputy City Clerk

ATTACHMENT 3

MINUTES (draft)
SPECIAL MEETING
TEAM BUILDING & TRAINING WORKSHOP
FEBRUARY 7, 2022 – 6:00 P.M.

Special Meeting

Call to Order

Mayor Shaw called the Special Meeting of the City Council to order at 6:07 pm

Roll Call

Present: Mayor Shaw and Councilmembers Boomgaarden, Espindola and Harris

Absent: Vice Mayor Kirchner

General Items

Public Communication on Items on the Agenda

1. Appearance of Interested Citizens

No comments from public

2. City Council Team Building and Training Workshop

Facilitated by Juan Lopez, Amistad and Associates

Adjournment

The Special Meeting was adjourned by Mayor Shaw at 9:06 pm

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: February 15, 2022

To: Honorable Mayor & Members of the City Council

From: Development Services Department

Presentation By: Ben Moody, Public Works & Development Services Director

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Summary

Subject: Sutter County and Yuba City Representation on Planning Commission

Recommendation: A. Confirm the appointment of Stacy Brookman, Yuba City Planning Commissioner, to the Sutter County Planning Commission and forward said recommendation to the Sutter County Board of Supervisors

B. Confirm the Sutter County Planning Commission appointment of Karri Campbell to represent Sutter County on the City of Yuba City Planning Commission

Fiscal Impact: None

Purpose:

Sutter County and Yuba City have an agreement to have representation for their Agency on each other's Planning Commissions to foster dialogue and create an awareness of development in both jurisdictions.

Council's Strategic Goal:

This item does not directly meet one of Council's strategic goals but is necessary to comply with Planning Commission Bylaws and continuance of business.

Background:

It is beneficial for the community when the City and County governmental bodies cooperate on various projects that impact both jurisdictions. Having a member of the Yuba City Planning Commission serving as a representative on the Sutter County Planning Commission and a member of the Sutter County Planning Commission serving on the Yuba City Planning Commission ensures that the interests, perspectives and priorities of each jurisdiction are voiced and considered, thus resulting in more informed decision making. These projects may include regional environmental analysis, the expansion of infrastructure, the conversion of agricultural land to urban uses, and the distribution of natural resources.

Through the Election of Officers proceedings established in the Planning Commission Bylaws the Mayor is to annually make a recommended appointment of an active Yuba City Planning

Commissioner, for the Sutter County Planning Commission.

Stacy Brookman served as the representative last year on the Sutter County Planning Commission and has been selected by the Mayor to serve for an additional year. In addition to serving as a current City Planning Commissioner, Stacy Brookman has been a resident of Yuba City for over 30 years. His experience within the community will bring a well-rounded perspective to the Sutter County Planning Commission.

The Sutter County Planning Commission selected Karri Campbell to be the representative by the Commission at the January 19, 2022 meeting, and was confirmed by the Board of Supervisors at their February 8, 2022 meeting. Per the Sutter County Planning Commission By-Laws, Mr. Campbell's appointment needs to be confirmed by the City Council.

Analysis:

The Municipal Code and the City of Yuba City Planning Commission by-laws require that the Planning Commission's recommendation be transmitted to the City Council who, in turn, shall forward that recommendation to the Board of Supervisors for consideration. Term limits for the appointment end February 28th of each year.

Recommendation:

A. Confirm the appointment of Stacy Brookman, Yuba City Planning Commissioner, to the Sutter County Planning Commission and forward said recommendation to the Sutter County Board of Supervisors.

B. Confirm the Sutter County Planning Commission appointment of Karri Campbell to represent Sutter County on the City of Yuba City Planning Commission.

Attachments:

1. Sutter County Appointment Letter

Prepared By:	Submitted By:
Jaspreet Kaur	Diana Langley
Assistant Planner	City Manager

February 9, 2022

Yuba City Development Services Department
Attn: Ben Moody, Director
City of Yuba City
1201 Civic Center Boulevard
Yuba City CA 95993

Re: **Appointment of County Planning Commissioner to Yuba City Planning Commission**

Dear Mr. Moody,

The Sutter County Planning Commission selected a representative to sit on the Yuba City Planning Commission. Commissioner Karri Campbell, from Supervisorial District 4, was nominated by the County Planning Commission at its January 19, 2022, meeting and this appointment was confirmed by the Board of Supervisors at their February 8, 2022, meeting.

Per the Sutter County Planning Commission By-Laws, Mr. Campbell's appointment to the Yuba City Planning Commission must be confirmed by the City Council of Yuba City.

Commissioner Campbell's contact information is provided below.

Karri Campbell
1341 Richland Road
Yuba City CA 95993
klicr@hotmail.com
530-300-0354

If you have any questions, please don't hesitate to contact me by phone at (530) 822-7400 Ext. 242 or by email at dglibby@co.sutter.ca.us.

Sincerely,

Doug Libby, AICP
Principal Planner

DL:nl

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Agenda Item **5**

CITY OF YUBA CITY
STAFF REPORT

Date:	February 15, 2022
To:	Honorable Mayor & Members of the City Council
From:	Public Works Department
Presentation By:	Ben Moody, Public Works & Development Services Director

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Summary

Subject:	Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4 (Faith Court Subdivision)
Recommendation:	Adopt a Resolution confirming and ordering annexation of the parcels associated with the Faith Court Subdivision, APNs 62-420-001 through 62-420-010 into the existing Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4 and establishing a levy of assessments for the annexed territory
Fiscal Impact:	$34.57 per lot, $587.69 total annual revenue, with an inflation index.

Purpose:

To fund the ongoing operation, maintenance, and administration of street lighting.

Council Strategic Goal:

Annexing this subdivision into a Lighting and Landscape Maintenance District (LLMD) addresses the City Council's Strategic Goal of maintaining infrastructure, as the LLMD will ensure that street lighting is maintained and in operation.

Background:

The existing LLMD No. 5, Zone of Benefit H_4 was established in 2005 for the Bay Drive Estates Subdivision, with a fee per parcel for the operation and maintenance costs associated with street lights. The fee per parcel for Zone of Benefit H_4 was determined by taking the original per parcel assessment from LLMD No. 5, Zone of Benefit H (Phalla Estates), formed in 2000, and increasing the per parcel rate from 2000 dollars to 2005 dollars.

Currently, the Faith Court Subdivision at Assessor's Parcel Numbers (APNs) 62-420-001 through 62-420-010 is requesting to be included into this Zone of Benefit, as required through their conditions of approval for Tentative Subdivision Map 20-01. Additionally, the subject parcels are planned to be split into 17 parcels. In order to determine the assessment for these 17 parcels, the original assessment for Zone of Benefit H_4 will need to be increased to today's dollars using the Consumer Price Index (CPI).

The City has created and modified several LLMDs to encompass a number of commercial projects and subdivisions over the past few years. The process of annexing to an existing District consists of adopting multiple City Council Resolutions, holding Public Hearings, and observing rights of majority protests.

Analysis:

The Public Notice procedure can be waived and an expedited process can be substituted at the request of the property owners requesting to be annexed into the District. The authorized representatives of the Faith Court Subdivision have requested to waive the Public Hearing proceedings, which has allowed the City to utilize the expedited process in order to annex the parcels associated with the Faith Court Subdivision into the existing LLMD No. 5, Zone of Benefit H_4.

The expedited process consists of the City Council adopting a single Resolution which confirms and orders the annexation of the new territory into the existing Zone of Benefit and order a levy of assessments for said Zone of Benefit. The levy amounts have been established by City staff through the creation of an Engineer's Report for the Zone of Benefit. The Engineer's Report contains a detailed estimate of annual costs to energize and maintain the streetlights within the Zone of Benefit (Attachment 2).

Once the Resolution has been adopted, the City will file the Engineer's Report with the City Clerk. The information will then be provided to the Sutter County Auditor-Controller so that the properties can be assessed accordingly.

Fiscal Impact:

Revenue from the assessed parcels is to be used to provide maintenance services and district administrative costs. The Engineer's Report for the Yuba City Lighting and Landscape Maintenance District No. 5 Zone of Benefit H_4 has determined that the annual assessed amount for the parcels being annexed into the Zone of Benefit is $34.57 per lot, or $587.69 total annually, and is subject to an annual inflation increase.

Alternatives:

1. Do not adopt the following Resolution and fund the operation and maintenance of the street lights from alternate sources.
2. Direct staff to begin the typical longform Lighting and Landscape Maintenance District annexation procedure.

Recommendation:

Adopt a Resolution confirming and ordering annexation of the parcels associated with the Faith Court Subdivision, APNs 62-420-001 through 62-420-010 into the existing Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4 and establishing a levy of assessments for the annexed territory.

Attachments:

1. Resolution
2. Exhibit A - Assessment Roll
3. Exhibit B - Vicinity Map
4. Attachment 2 - Engineers Report 5 H_4
5. Attachment 3 - Waive Public Hearing Letter

Prepared By:
Josh Wolffe
Associate Civil Engineer

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. ________

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY CONFIRMING AND ORDERING ANNEXATION OF THE PARCELS ASSOCIATED WITH FAITH COURT SUBDIVISION, APNs 62-420-001 THROUGH 62-420-010, INTO THE EXISTING YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5, ZONE OF BENEFIT H_4 AND ESTABLISHING A LEVY OF ASSESSMENTS FOR THE ANNEXED TERRITORY

WHEREAS, the City of Yuba City, pursuant to the provisions of the Lighting and Landscaping Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the “Act”), previously established Yuba City Lighting and Landscape Maintenance District (“District”) No. 5, and has levied and collected the annual assessments for said District No. 5; and

WHEREAS, assessments levied within the District provide revenue for the purpose of financing the maintenance of certain public projects eligible under the Act, including without limitation the operation, maintenance, and servicing of public streetlights; and

WHEREAS, certain property owners have requested their property to be annexed into District No. 5, Zone of Benefit H_4 and

WHEREAS, in annexation proceedings, the resolutions, report, notices of hearing, and right of majority protest shall be waived with the written consent of all of the owners of property within the territory to be annexed, and mailed notice may be dispensed with as to all property owners who shall have filed a written request for the annexation of their property; and

WHEREAS, pursuant to Section 22608 of the Streets and Highways Code, the property owners have provided written consent waiving such items, and acknowledging the amount of levy and collection of assessments; and

WHEREAS, the resolutions, report, notices of hearing, right of majority protest, and mailed notice have been properly waived; and

WHEREAS, the City Council desires to annex the territory of the property owners to existing assessment District No. 5; designate the portion of the annexed territory into existing District No. 5 Zone of Benefit H_4, and set the levy and collection of assessments against the assessable lots and parcels of land for that portion of territory.

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

Section 1. The above recitals are true and correct, and are hereby incorporated herein by this reference.

Section 2. The City Council finds that the hearing on said annexation of territory and levy of assessment was held in accordance with law and all persons desiring to speak were heard, and that there was no majority protest by the property owners of the same.

Section 3. The City Council orders the territory identified in Exhibit "B" is annexed into existing assessment district Yuba City Lighting and Landscape Maintenance District No. 5 ("District"), Zone of Benefit H_4.

Section 4. The City Council hereby (1) finds that the public interest and convenience requires and (2) declares its intention to order the levy of and to collect assessments against the assessable lots and parcels of property within Zone of Benefit H_4 of the existing assessment district designated "Yuba City Lighting and Landscape Maintenance District No. 5" pursuant to the provisions of the Act, for the remainder of the fiscal year commencing July 1, 2021 and ending June 30, 2022, to pay for the costs and expenses of the improvements for Zone of Benefit H_4, at the assessment rate(s) set forth in Exhibit "A."

Section 5. The City Council hereby determines that the territory within Zone of Benefit H_4 of the District, whose boundaries are set forth in Exhibit "B," will be the territory benefited by the maintenance and servicing of the improvements.

Section 6. The City Council hereby orders the levy of the assessments described in said Exhibit "A."

Section 7. The City Council finds that the assessment diagram showing Zone of Benefit H_4 of the District, and also the subdivision of land within the District, as contained in Exhibit "B," be and it is hereby finally approved and confirmed as the diagram of the properties to be assessed to pay the costs of the improvements for that portion of the District.

Section 8. The City Clerk shall file the diagram and assessment, as confirmed or certified copy thereof, with the Sutter County Auditor-Controller no later than February 18, 2022.

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 15th day of February, 2022.

AYES:

NOES:

ABSENT:

____

Dave Shaw, Mayor

ATTEST

____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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

Attachment(s):

Exhibit A – Assessment Roll
Exhibit B – Vicinity Map

EXHIBIT A

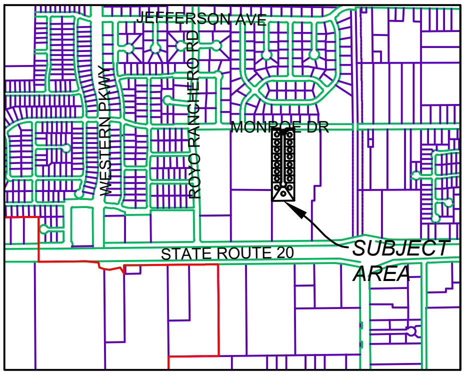
PART C
ASSESSMENT ROLL

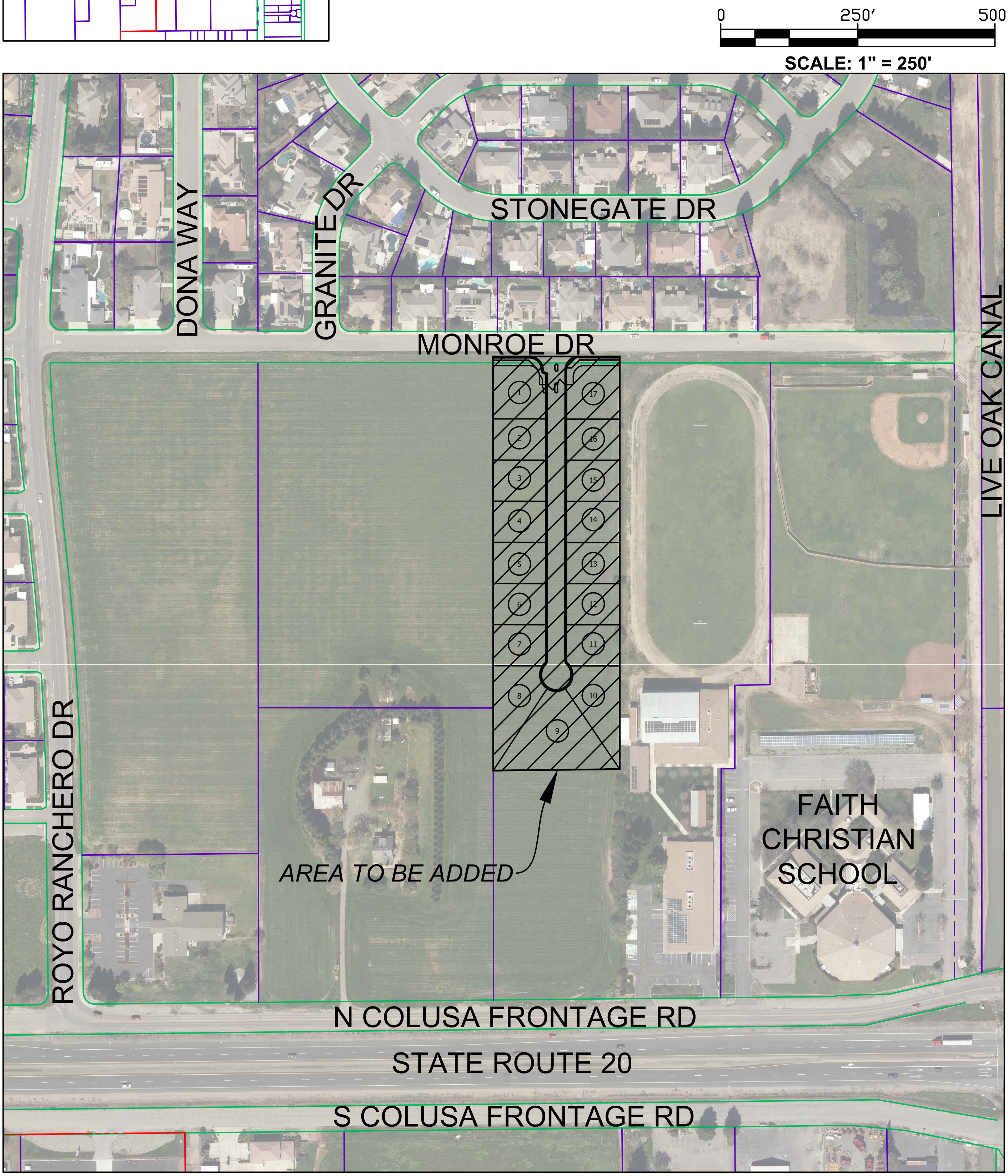
Yuba City Lighting and Landscape Maintenance District No. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)

Assessment #	Assessor's #	Amount of Assmt.
1-17	62-420-TBD	$ 34.57

EXHIBIT B

FAITH COURT SUBDIVISION
LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT No. 5
ZONE OF BENEFIT H_4





ATTACHMENT 2

ENGINEER'S REPORT

YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5

2021-2022
ZONE OF BENEFIT H_4
(Faith Court Subdivision)

ENGINEER'S REPORT
FOR
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)

The undersigned respectfully submits the enclosed report as directed by the City Council.

Diana Langley, Engineer of Work
City of Yuba City

Dated : ________________ By:________________________

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was filed with me on the _____ of ___________, 2022.

Ciara Wakefield, Deputy City Clerk
City of Yuba City
Sutter County, California

By:_________________________

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was approved and confirmed by the City Council of the City of Yuba City, California, on the ____ of ___________, 2022.

Ciara Wakefield, Deputy City Clerk
City of Yuba City
Sutter County, California

By : _________________________

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was filed with the County Auditor of the County of Sutter, on the _____ of ___________, 2022.

Ciara Wakefield, Deputy City Clerk
City of Yuba City
Sutter County, California

By: _________________________

ENGINEER'S REPORT
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)
(Pursuant to the Landscaping and Lighting Act of 1972)

Diana Langley, Engineer of Work for the Yuba City Lighting and Landscape Maintenance District (LLMD) No. 5, Zone of Benefit H_4, City of Yuba City, County of Sutter County, California, makes this report as directed by City Council, pursuant to Section 22585 of the Streets and Highway Code (Landscape and Lighting Act of 1972).

The improvements to be maintained subject to this report include the street lighting as described within the original "Engineer's Report, Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4, Bay Drive Estates #1." The area requesting annexation into District No. 5, Zone of Benefit H_4 includes: Faith Court Subdivision, Tentative Subdivision Map (TSM) 20-01, on the Assessor Parcel Numbers 62-420-001 through 62-420-010, located on the east side of Royo Ranchero Road, north of North Colusa Frontage Road, south of Monroe Road, and west of the Live Oak Canal. The subject parcels are to be split into 17 parcels.

This report consists of five parts, as follows:

Part A- Plans and specifications (the improvements to be maintained are not filed with the City Clerk, since this will be a maintenance district only).

Part B - An estimate of the cost of maintenance.

Part C - An assessment of the estimated cost of maintenance on each benefited parcel of land within the assessment district (see attached list).

Part D - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

Part E - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Part C by assessment number.

Respectfully submitted,

____

Diana Langley
Engineer of Work
City of Yuba City

PART A
PLANS AND SPECIFICATIONS

YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)

This is a maintenance district only -- no plans or specifications are required.

PART B
ESTIMATE OF ANNUAL COST OF MAINTENANCE
Yuba City Lighting and Landscape Maintenance District No. 5
Zone of Benefit H_4
(3 Parcels)

Basis of Calculation

Faith Court Subdivision 20-01,

Background

The existing LLMD No. 5, Zone of Benefit H_4 was established in 2005 for the Bay Drive Estates Subdivision, with a fee per parcel for the operation and maintenance costs associated with street lights. The fee per parcel for Zone of Benefit H_4 was determined by taking the original per parcel assessment from LLMD No. 5, Zone of Benefit H (Phalla Estates), formed in 2000, and increasing the per parcel rate from 2000 dollars to 2005 dollars.

Currently, the Faith Court Subdivision at Assessor's Parcel Numbers (APNs) 62-420-001 through 62-420-010 is requesting to be included into this Zone of Benefit, as required through their conditions of approval for Tentative Subdivision Map 20-01. Additionally, the subject parcels are planned to be split into 17 parcels. In order to determine the assessment for these 17 parcels, the original assessment for Zone of Benefit H_4 will need to be increased to today's dollars using the Consumer Price Index (CPI).

Analysis

The original estimate for annual maintenance costs in this Zone of Benefit was as follows:

Yuba City Lighting and Landscape Maintenance District No. 5
Zone of Benefit H
(130 units)
Phalla Estates – Street Lighting Only

		Total	per Lot
Street Lighting –			
$130.44/yr x 6 lights	=	$782.64	20.60
Subtotal	=	$782.64	20.60
2005 CPI multiplier (1.133)		886.92	23.34
10% Administration	=	88.92	2.34
Total Assessment	**=**	**975.84**	**25.68**

The above calculations show the original annual cost for maintenance per parcel ($20.60) for Zone of Benefit H being increased to $25.68 per parcel for the formation of Zone of Benefit H_4 in 2005 through utilizing the CPI multiplier. The below tables show the CPI and Multipliers for May of 2000, May of 2005, and January of 2021:

Consumer Price Index

Year	Consumer Price Index	Multiplier
May 2000	171.5	1.000
May 2005	194.4	1.133

Year	Consumer Price Index	Multiplier
May 2005	194.4	1.000
January 2021	261.582	1.346

In order to bring the 2005 per parcel assessment into January 2021 dollars, the CPI multiplier will be used.

Established Rate Per Parcel in 2005	= $ 25.68
CPI Multiplier (1.346)	= $ 34.57
10 % Administration (Included in 2005 Per Parcel Rate)	= $ 0.00
Per Lot Assessment (17 Lots)	**= $ 34.57**

PART C

ASSESSMENT ROLL

Yuba City Lighting and Landscape Maintenance District No. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)

Assessment #	Assessor's #	Amount of Assmt.
1-17	62-420-TBD	$ 34.57

PART D
METHOD OF APPORTIONMENT OF ASSESSMENT

Yuba City Lighting and Landscape Maintenance District No. 5
Zone of Benefit H_4
(Faith Court Subdivision)

All areas within the LLMD will share equally in the maintenance costs of the street lighting as described within the original "Engineer's Report, Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_4, Bay Drive Estates #1." The area requesting annexation into District 5, Zone of Benefit H_4 includes: Faith Court Subdivision, Tentative Subdivision Map (TSM) 20-01, on the Assessor Parcel Numbers 62-420-001 through 62-420-010, located on the east side of Royo Ranchero Road, north of North Colusa Frontage Road, south of Monroe Road, and west of the Live Oak Canal. The subject parcels are to be split into 17 parcels.

The proposed assessments upon assessable lots and parcels of land within the assessment district shall be adjusted annually on each January 1 to reflect changes from January of the previous year to January of the current year of the "All Urban Consumers" Consumer Price Index, US City Average, as compiled by the United States Department of Labor, Bureau of Labor Statistics.

A 10% administration charge was factored into the original assessment in order to cover the cost to administer the District.

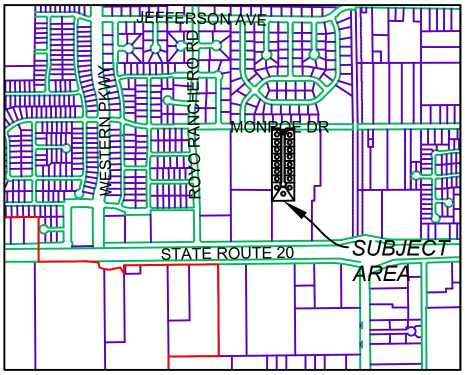
Consumer Price Index

Year	Consumer Price Index	Multiplier
May 2005	194.4	1.000
January 2021	261.582	1.346

PART E

ASSESSMENT DIAGRAM

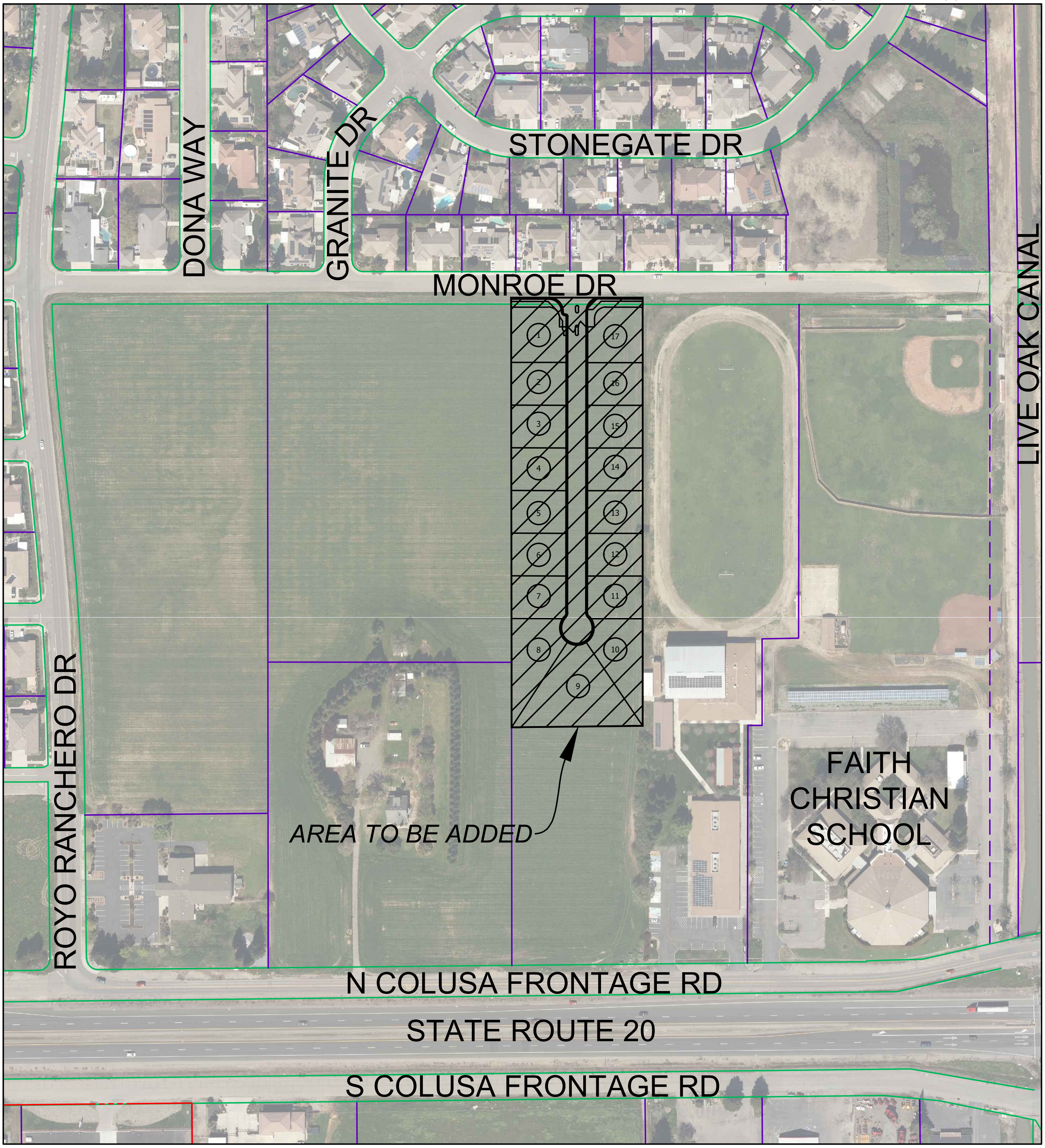
Yuba City Lighting and Landscape Maintenance District No. 5
ZONE OF BENEFIT H_4
(Faith Court Subdivision)



FAITH COURT SUBDIVISION
LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT No. 5 ZONE OF BENEFIT H_4

0 250′ 500′

SCALE: 1" = 250'



ATTACHMENT 3

HILBERS NEW HOME COMMUNITIES LP
770 N. Walton Ave, Suite 600
Yuba City, CA 95993
(530) 923-7863 - www.hilbershomes.com

Kevin Bradford
City of Yuba City
Public Works Department
1201 Civic Center Boulevard
Yuba City, CA 95993

Subject: Faith Court Subdivision
Lighting and Landscape Maintenance District Assessment Formation

Dear Mr. Bradford:

We are the owners/representatives of the property designated as Faith Court Subdivision, which is described as Assessor Parcel Numbers (APNs): 62-420-001 through 62-420-010, located on the east side of Royo Ranchero Road, north of North Colusa Frontage Road, south of Monroe Road, and west of the Live Oak Canal. The subject parcels are to be split into 17 parcels.

The subject property has been conditioned to request for the formation of a Lighting and Landscape Maintenance District, Zone of Benefit, as requested by the City, prior to the final map being filed.

Pursuant to Section 22608 of the Streets and Highways Code, we are waiving any resolutions, report, notices of hearing, and right of majority protest regarding the annexation of the subject property described above into Lighting and Landscape Maintenance District 5, Zone of Benefit H_4. I also acknowledge and agree that the subject property will be subject to a levy of an initial assessment in the amount of $587.69 per year ($34.57 per parcel, per year) as may be adjusted by a levy of annual assessments per Streets and Highways Code Section 22620 et seq.

It is hereby certified that the below signatures are that of the individuals authorized to sign on behalf of APNs 62-420-001 through 62-420-010. If you have any questions, please call Kristen Longwell at (530) 218-5978

Sincerely,

Kurt G. Hilbers, President
Faith, LLC

2.3.22
Date

Agenda Item **6**

CITY OF YUBA CITY
STAFF REPORT

Date:	February 15, 2022
To:	Honorable Mayor & Members of the City Council
From:	Development Services Department
Presentation By:	Ben Moody, Public Works & Development Services Director

---

Summary

Subject:	Public Meeting to Renew the Yuba-Sutter Tourism Improvement District
Recommendation:	Open public testimony to allow members of the public to provide comments on the renewal of the Yuba-Sutter Tourism Improvement District (YSTID)
Fiscal Impact:	Continuation of the two percent (2%) room rental rate District Assessment. Because the YSTID programs are intended to increase visitation to the Cities and County, there may be an increase in transient occupancy tax and sales tax collections.

Purpose:

To hold a public meeting concerning the renewal of the YSTID to continue the two percent (2%) Yuba-Sutter Tourism Improvement District Assessment.

Council's Strategic Goal:

This project addresses the City Council's goal of being business friendly, and providing financial stability to support regional hotels and provide a stable funding source for ongoing marketing efforts, as well as increase occupancy rates.

Background:

In May 2016, the City Council authorized the City Manager to enter into an agreement with the Yuba-Sutter Chamber of Commerce to establish a Tourism Improvement District (TID) for a five-year term. The TID was established in March 2017, and is a benefit assessment district to fund marketing and sales, sports and outdoor recreation, transportation, visitor programs, and promotions for Yuba-Sutter lodging businesses. Our local district includes all lodging businesses within the cities of Yuba City, Marysville, Live Oak, and Wheatland, as well as the unincorporated areas of Yuba and Sutter Counties. The Yuba-Sutter Lodging Association (YSLA), the entity responsible for managing the YSTID, was established through the adoption of the Management District Plan.

Analysis:

Lodging businesses within the District have decided to pursue a renewal of the YSTID in order to continue a revenue source devoted to marketing the Yuba-Sutter area as a tourist and event destination. The proposed renewal will be for a 10-year period and, if renewed, the YSTID would generate approximately $400,000 on an annual basis, including all participating agencies, for the promotion of travel and tourism specific to the Yuba-Sutter area.

The renewed YSTID will have a ten (10) year term, beginning April 1, 2022 through March 31, 2032. Once per year, beginning on the anniversary of YSTID renewal, there is a thirty (30) day period in which business owners paying fifty percent (50%) or more of the assessment may protest and begin proceedings to terminate the YSTID.

The annual assessment rate is two percent (2%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any federal, state, county, or city officer or employee when on official business; and stays by any person occupying a room pursuant to an emergency shelter grant from the Red Cross or similar organization as a result of a natural disaster such as a fire or flood.

The cities and counties will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, penalties and interest) from each lodging business in their respective jurisdictions.

The YSTID shall be renewed pursuant to the Property and Business Improvement District Law of 1994 (94 Law). The 94 Law requires that a public meeting be held prior to the adoption of any new or increased assessment pursuant to Section 54954.6 of the Government Code. The public meeting is the third step in the district renewal process and is intended to allow public testimony regarding the proposed assessment. No action is taken by the City Council during this step.

The renewal process is as follows:

Proposed Date	Process
January 18, 2022	Resolution of Intention: Petitions submitted by the business owners in the renewed YSTID who will pay more than fifty percent (50%) of the assessments proposed to be levied; Yuba City, City Council (Council) may initiate proceedings to renew the YSTID by the adoption of a resolution expressing its intention to renew the YSTID.
January 21, 2022	Notice: City mailed written notice to the owners of all businesses proposed to be within the renewed YSTID. Mailing notice begins a mandatory 45-day period in which owners may protest renewal.
February 15, 2022	Public Meeting: Allow public testimony on the renewal of YSTID and levy of assessments. No Council action required
March 15, 2022	Public Hearing: If written protests are received from the owners of businesses who will pay more than 50% of the assessments proposed and protests are not withdrawn so as to reduce the protests to less than 50%, no further proceedings shall be taken for a period of one (1) year from the date of the finding of a majority protest by the Council.

Fiscal Impact:

No direct fiscal impacts would result from holding a public meeting concerning the renewal of the Yuba-Sutter Tourism Improvement District.

Recommendation: Open public testimony to allow members of the public to provide comments on the renewal of the Yuba-Sutter Tourism Improvement District (YSTID).

Alternatives:
The City Council could choose not to hold the public meeting. This alternative would potentially alter the renewal timeline.

Attachments:

1. Yuba-Sutter Tourism Improvement District - Management District Plan

Prepared By:	Submitted By:
Shannon Jones	Diana Langley
Administrative Analyst	City Manager

ATTACHMENT 1

2022-2032

YUBA-SUTTER TOURISM IMPROVEMENT DISTRICT
MANAGEMENT DISTRICT PLAN

Prepared pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq.

February 1, 2022

CONTENTS

Prepared by
Civitas

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Visit YUBA SUTTER

I. OVERVIEW

Developed by Yuba-Sutter Lodging Association (YSLA) and Yuba-Sutter area lodging businesses, the Yuba-Sutter Tourism Improvement District (YSTID) is an assessment district proposed to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed businesses. This approach has been used successfully in other destination areas throughout the country to provide the benefit of additional room night sales directly to payors. The YSTID was created in 2017 for a five (5) year term. YSLA and Yuba-Sutter area lodging businesses now wish to renew the YSTID for a ten (10) year term. Pursuant to Streets and Highways Code §36620.5, Yuba City will continue to act as the lead jurisdiction for renewing the YSTID. Yuba City will continue to receive YSTID annual reports.

Location: The YSTID includes all lodging businesses located within the boundaries of the cities of Yuba City, Marysville, Live Oak, and Wheatland (cities); and the unincorporated areas of Yuba and Sutter counties (counties), as shown on the map in Section III.

Services: The YSTID is designed to provide specific benefits directly to payors by increasing demand for room night sales. Marketing and sales, sports and outdoor recreation, and transportation and visitor services programs and promotions will increase demand for overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing demand for room night sales.

Budget: The total YSTID annual assessment budget for the initial year of its ten (10) year operation is anticipated to be approximately $400,000. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as room sales do.

Cost: The annual assessment rate is two percent (2%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any federal, state, county, or city officer or employee when on official business; and stays by any person occupying a room pursuant to an emergency shelter grant from the Red Cross or similar organization as a result of a natural disaster such as a fire or flood.

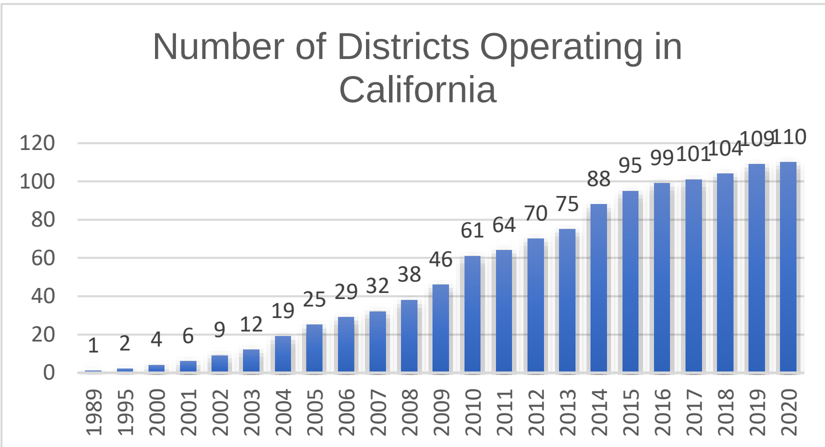
Collection: The cities and counties shall be responsible for collecting the assessment on a quarterly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the YSTID. The cities and counties shall take all reasonable efforts to collect the assessments from each lodging business.

Duration: The proposed YSTID will have a ten (10) year life, beginning April 1, 2022 through March 31, 2032. Once per year, beginning on the anniversary of YSTID renewal, there is a 30-day period in which owners paying more than fifty percent (50%) of the assessment may protest and initiate a Yuba City City Council hearing on YSTID termination.

Management: The Yuba-Sutter Lodging Association shall continue to serve as the YSTID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the Yuba City City Council.

II. BACKGROUND

TIDs are an evolution of the traditional Business Improvement District. The first TID was formed in West Hollywood, California in 1989. Since then, over 100 California destinations have followed suit. In recent years, other states have begun adopting the California model – Montana, South Dakota, Washington, Colorado, Texas and Louisiana have adopted TID laws. Several other states are in the process of adopting their own legislation. The cities of Wichita, Kansas and Newark, New Jersey used an existing business improvement district law to form a TID. And, some cities, like Portland, Oregon and Memphis, Tennessee have utilized their home rule powers to create TIDs without a state law.



California's TIDs collectively raise over $300 million annually for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Yuba-Sutter lodging businesses continue to invest in stable, lodging-specific marketing programs.

TIDs utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TIDs allow lodging business owners to organize their efforts to increase demand for room night sales. Lodging business owners within the TID pay an assessment and those funds are used to provide services that increase demand for room night sales.

In California, most TIDs are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a benefit assessment district to raise funds within a specific geographic area. *The key difference between TIDs and other benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to TIDs:

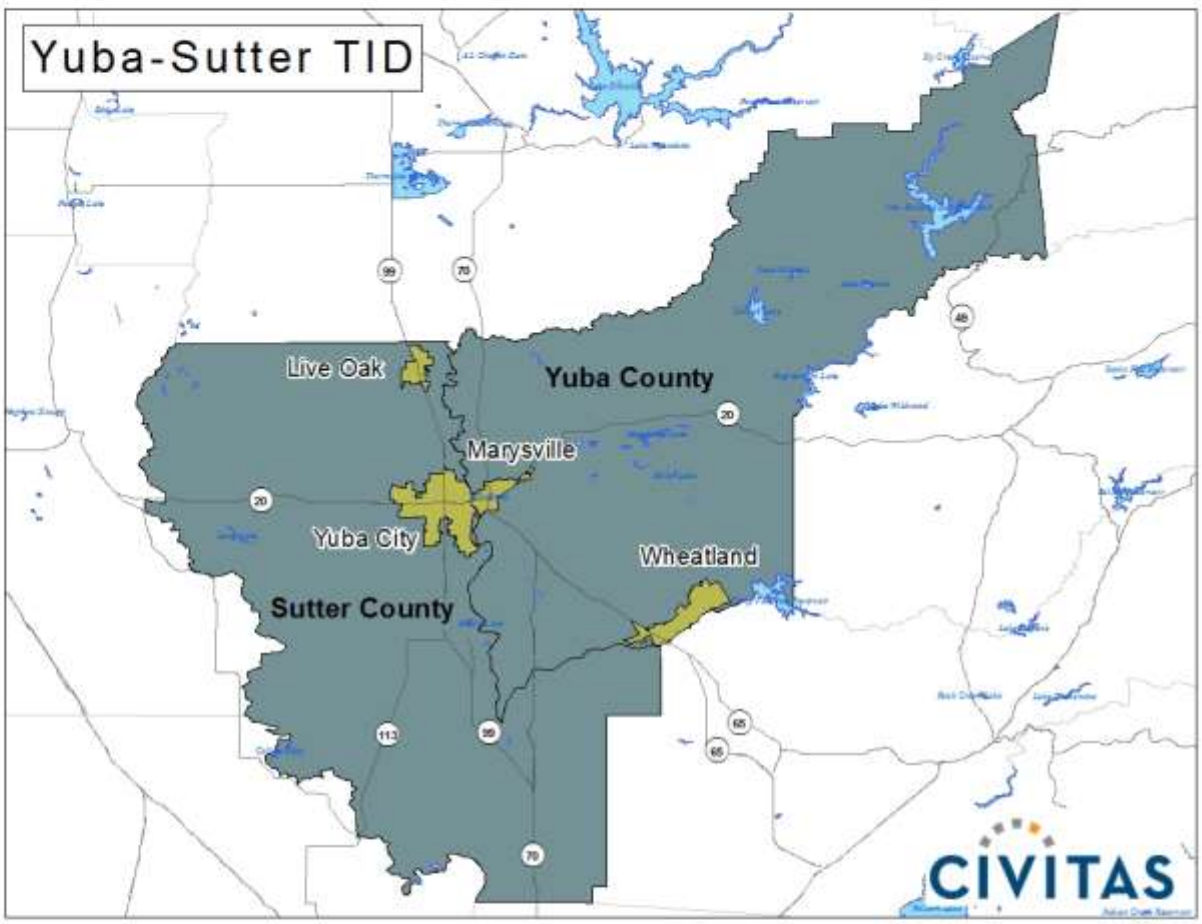
- Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- Funds cannot be diverted to general government programs;
- They are customized to fit the needs of payors in each destination;
- They allow for a wide range of services;
- They are ***designed, created and governed by those who will pay*** the assessment; and
- They provide a stable, long-term funding source for tourism promotion.

III. BOUNDARY

The YSTID shall include all lodging businesses, existing and in the future, available for public occupancy within the boundaries of the cities of Yuba City, Marysville, Live Oak, and Wheatland; and the unincorporated areas of Yuba and Sutter counties.

Lodging business means: any structure, or any portion of any structure, which is occupied or intended or designed for occupancy on a temporary basis for lodging or sleeping purposes. Such term includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof. Lodging business does not include the following: an organized camp, as that term is defined by Health and Safety Code § 18897; the right of an owner of a timeshare estate in a room or rooms in a timeshare project, or the owner of a membership camping contract in a camping site at a campground, or the guest of the owner, to occupy the room, rooms, or camping site, or other real property in which the owner retains that interest, as provided in Revenue and Taxation Code § 7280; any facilities operated by a local government entity; any campsite excluded from taxation pursuant to Revenue and Taxation Code § 7282; or sites in a privately owned campground or recreational vehicle park.

The boundary, as shown in the map below, currently includes twenty-four (24) lodging businesses. A complete listing of lodging businesses within the renewed YSTID can be found in Appendix 2.

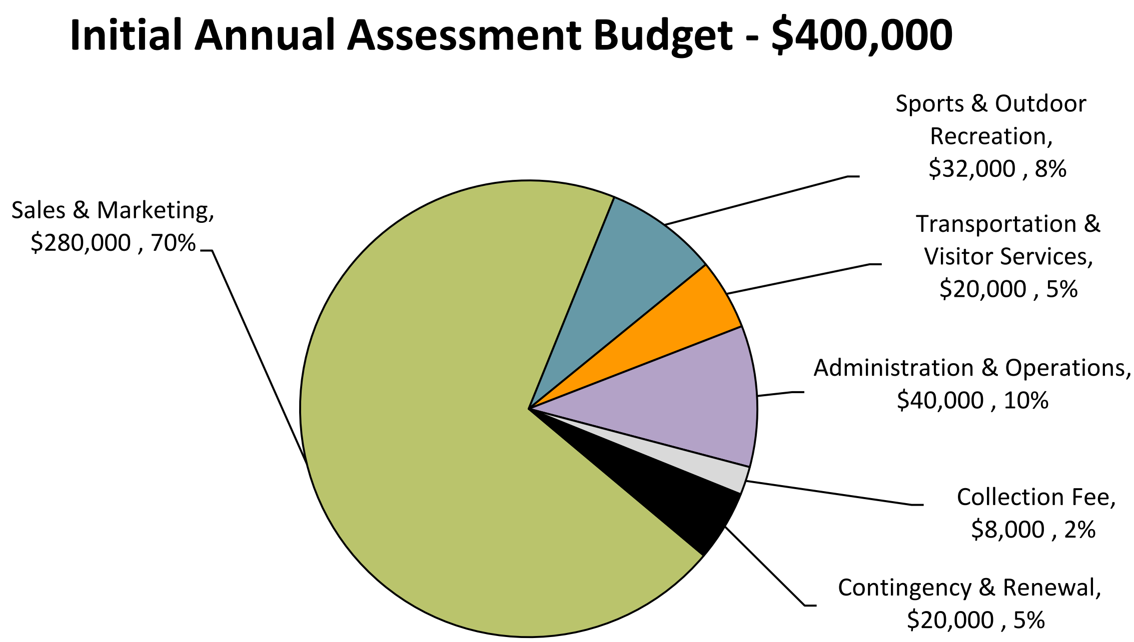


IV. ASSESSMENT BUDGET AND SERVICES

A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to Yuba City of conferring the benefits or granting the privileges. The privileges and services provided with the YSTID funds are sales and marketing, sports and outdoor recreation, transportation and visitors services, and operations programs available only to assessed businesses.

A service plan assessment budget has been developed to deliver services that benefit the assessed businesses. A detailed annual assessment budget will be developed and approved by YSLA. The table below illustrates the initial annual assessment budget allocations. The total initial assessment budget is $400,000.



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, Yuba City and the YSLA board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the YSTID, any and all assessment funds may be used for the costs of defending the YSTID.

Each budget category includes all costs related to providing that service. For example, the sales and marketing budget includes the cost of staff time dedicated to overseeing and implementing the sales and marketing program. Staff time dedicated purely to administrative tasks is allocated to the administrative portion of the budget. The staffing levels necessary to provide the services below will be determined by the YSLA on an as- needed basis.

Sales and Marketing

A sales and marketing program will promote assessed businesses as tourist, meeting, and event destinations. The sales and marketing program will have a central theme of promoting Yuba-Sutter as a desirable place for overnight visits. The program will have the goal of increasing overnight visitation and room night sales at assessed businesses, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence to drive overnight visitation and room sales to assessed businesses;
- Print ads in magazines and newspapers targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Television and/or radio ads targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Attendance of trade shows, professional industry conferences, and affiliation events to promote assessed businesses;
- Preparation and production of collateral promotional materials such as brochures, visitor guides, flyers and maps featuring assessed businesses;
- Development and implementation of a public relations and communications strategy, inclusive of social media outlets and press release distribution designed to drive overnight visitation at assessed businesses;
- Development of Return on Investment (ROI) analysis on effectiveness of district funds to improve effectiveness and increase demand for overnight visitation at assessed businesses;
- Development of a marketing plan to ensure district funds are strategically spent to market assessed lodging businesses;
- Lead generation activities designed to attract tourists and group events to assessed businesses;
- Development and maintenance of a website designed to promote assessed businesses;
- Education of hospitality staff on service and safety (related to alcohol and food) designed to create a visitor experience that will bring repeat visits to assessed businesses;
- Education of lodging business management and the Owners' Association on marketing strategies best suited to meet assessed businesses' needs; and
- Community organization grants to promote events and activities that target potential visitors to drive overnight visitation and room sales to assessed businesses.

Sports and Outdoor Recreation Marketing

A sports and outdoor recreation marketing program will have a central theme of promoting the YSTID as a desirable place for overnight visits by highlighting the sports and outdoor recreation opportunities in Yuba-Sutter.

Transportation and Visitor Services Enhancements

The transportation and visitor services program will fund transportation and visitor services improvements designed to increase room night sales at assessed lodging businesses. Improvements may include:

- Welcome center and visitor kiosk program including a long term ambassador program and new technology-driven visitor information enhancements to drive overnight visitation and room sales to assessed businesses;
- Brand-centric visitor services training programs for both public and private sector staff designed to create a visitor experience that will bring repeat visits to assessed businesses;
- Comprehensive and integrated wayfinding signed systems including signage to parking lots and decks designed to create a visitor experience that will bring repeat visits to assessed businesses;

- Transportation programs connecting hotels and local music venues, sports venues, and other attractions, to increase overnight visitation and room sales to assessed businesses;
- Art and cultural projects, to attract overnight visitors;
- Gateway enhancements, to attract overnight visitation;
- Enhancements to environmental experiences which attract overnight visitors;
- Improvements to existing parks and sports facilities utilized by overnight visitors designed to create a visitor experience that will bring repeat visits to assessed businesses; and
- Infrastructure improvements that enhance Yuba-Sutter's competitive position to attract desirable special events year-round and attract overnight visitors.

Administration and Operations
The administration and operations portion of the budget shall be utilized for administrative staffing costs, office costs, and other general administrative costs such as insurance, audit, legal, and accounting fees.

Contingency/Reserve
The budget includes a contingency line item to account for uncollected assessments, or higher than anticipated program costs, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or administration costs at the discretion of YSLA. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by YSLA.

Collection Fee
The cities and counties shall retain a fee equal to a two percent (2%) of the amount of assessments collected, to cover collection and administration costs.

B. Annual Budget

The total ten (10) year improvement and service plan budget is projected at approximately $400,000 annually, or $4,585,552 through 2032. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as room sales do.

The table below demonstrates the maximum cost of improvements and services over the YSTID's ten (10) year term. A three percent (3%) annual increase in the cost of improvements and services is projected to account for anticipated increases in gross short term room rental revenue as a result of YSTID efforts.

Fiscal Year	**Sales & Marketing**	**Sports & Outdoor Rec**	**Transportation & Visitor Services**	**Admin & Operations**	**Contingency & Renewal**	**Collection Fee**	**Total**
22/23	$280,000	$32,000	$20,000	$40,000	$8,000	$20,000	**$400,000**
23/24	$288,400	$ 32,960	$20,600	$41,200	$8,240	$20,600	**$412,000**
24/25	$297,052	$ 33,949	$21,218	$42,436	$8,487	$21,218	**$424,360**
25/26	$305,964	$ 34,967	$21,855	$43,709	$8,742	$21,855	**$437,091**
26/27	$315,142	$ 36,016	$22,510	$45,020	$9,004	$22,510	**$450,204**
27/28	$324,597	$ 37,097	$23,185	$46,371	$9,274	$23,185	**$463,710**
28/29	$334,335	$ 38,210	$23,881	$47,762	$9,552	$23,881	**$477,621**
29/30	$344,365	$ 39,356	$24,597	$49,195	$9,839	$24,597	**$491,950**
30/31	$354,696	$ 40,537	$25,335	$50,671	$10,134	$25,335	**$506,708**

31/32	$365,336	$ 41,753	$26,095	$52,191	$10,438	$26,095	**$521,909**
Total	**$3,209,886**	**$366,844**	**$229,278**	**$458,555**	**$91,711**	**$ 229,278**	**$4,585,552**

C. California Constitutional Compliance

The YSTID assessment is not a property-based assessment subject to the requirements of Proposition 218. The Court has found, "Proposition 218 limited the term 'assessments' to levies on real property."[1] Rather, the YSTID assessment is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the YSTID, a "specific benefit" and a "specific government service." Both require that the costs of benefits or services do not exceed the reasonable costs to the City of conferring the benefits or providing the services.

1. Specific Benefit

Proposition 26 requires that assessment funds be expended on, "a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege."[2] The services in this Plan are designed to provide targeted benefits directly to assessed lodging businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific lodging businesses within the YSTID. The activities described in this Plan are specifically targeted to increase room night sales for assessed lodging businesses within the boundaries of the YSTID, and are narrowly tailored. YSTID funds will be used exclusively to provide the specific benefit of increased room night sales directly to the assessees. Assessment funds shall not be used to feature non-assessed lodging businesses in YSTID programs, or to directly generate sales for non-assessed businesses. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses.

The assessment imposed by this YSTID is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in room night sales. The specific benefit of an increase in room night sales for assessed lodging businesses will be provided only to lodging businesses paying the YSTID assessment, with marketing and sales programs promoting lodging businesses paying the YSTID assessment. The marketing and sales programs will be designed to increase room night sales at each assessed lodging businesses. Because they are necessary to provide the marketing and sales programs that specifically benefit the assessed lodging businesses, the administration and contingency services also provide the specific benefit of increased room night sales to the assessed lodging businesses.

Although the YSTID, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, "A specific benefit is not excluded from classification as a 'specific benefit' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor."[3]

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[1] *Jarvis v. the City of San Diego* 72 Cal App. 4th 230

[2] Cal. Const. art XIII C § 1(e)(1)

[3] Government Code § 53758(a)

2. *Specific Government Service*

The assessment may also be utilized to provide, "a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product."[4] The legislature has recognized that marketing and promotions services like those to be provided by the YSTID are government services within the meaning of Proposition 26[5]. Further, the legislature has determined that "a specific government service is not excluded from classification as a 'specific government service' merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor."[6]

3. *Reasonable Cost*

YSTID services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by the YSLA, and reports submitted on an annual basis to the Yuba City City Council. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from district-funded activities, be featured in advertising campaigns, and benefit from other YSTID -funded services. Non-assessed lodging businesses will not receive these, nor any other, YSTID -funded services and benefits.

The YSTID -funded programs are all targeted directly at and feature only assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed businesses. If non-assessed lodging businesses receive incremental room nights, that portion of the promotion or program generating those room nights shall be paid with non- YSTID funds. YSTID funds shall only be spent to benefit the assessed businesses, and shall not be spent on that portion of any program which directly generates incidental room nights for non-assessed businesses.

D. Assessment

The annual assessment rate is two percent (2%) of gross short term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any federal, state, county, or city officer or employee when on official business; and stays by any person occupying a room pursuant to an emergency shelter grant from the Red Cross or similar organization as a result of a natural disaster such as a fire or flood..

The term "gross room rental revenue" as used herein means: the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross room rental revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes.

The assessment is levied upon and a direct obligation of the assessed lodging business. However, the assessed lodging business may, at its discretion, pass the assessment on to transients. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. The assessment shall be disclosed as the "YSTID Assessment." The

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[4] Cal. Const. art XIII C § 1(e)(2)
[5] Government Code § 53758(b)
[6] Government Code § 53758(b)

assessment is imposed solely upon, and is the sole obligation of the assessed lodging business even if it is passed on to transients. The assessment shall not be considered revenue for any purposes, including calculation of transient occupancy taxes.

Bonds shall not be issued.

E. Penalties and Interest

The YSTID shall reimburse the cities and counties for any costs associated with collecting unpaid assessments. If sums in excess of the delinquent YSTID assessment are sought to be recovered in the same collection action by the cities or counties, the YSTID shall bear its pro rata share of such collection costs. Assessed businesses which are delinquent in paying the assessment shall be responsible for paying:

1. *Original Delinquency:* Any lodging business which fails to remit any assessment imposed within the time required shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. *Continued Delinquency:* Any lodging business which fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment and the ten percent (10%) penalty first imposed.
3. *Fraud:* If the city or county determines that the nonpayment of any remittance due is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated in subsections (1) and (2) of this section.
4. *Interest:* In addition to the penalties imposed, any lodging business which fails to remit any assessment imposed shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
5. *Penalties Merged with Assessment:* Every penalty imposed and such interest as accrues shall become part of the assessment required to be paid.

F. Time and Manner for Collecting Assessments

The YSTID assessment will be implemented beginning April 1, 2022 and will continue for ten (10) years through March 31, 2032. The cities and counties will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, penalties and interest) from each lodging business located in their respective jurisdictions. The cities and counties shall take all reasonable efforts to collect the assessments from each lodging business. The cities and counties shall forward the assessments collected to the Owners' Association.

V. GOVERNANCE

A. Owners' Association

The Yuba City City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the YSTID as defined in Streets and Highways Code §36612. The Yuba City City Council has determined that Yuba-Sutter Lodging Association (YSLA) shall continue to serve as the Owners' Association for the YSTID. The YSLA Board of Directors shall include:

- A minimum of four (4) assessed business owners or their representatives;
- One (1) government representative from Yuba City; and
- One (1) government representative from Sutter County, Yuba County, the City of Marysville, the City of Live Oak, the City of Wheatland or Yuba-Sutter Economic Development Corporation and appointed by either the City Manager or County Administrator.

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the YSLA board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

C. Annual Report

The YSLA shall present an annual report at the end of each year of operation to the Yuba City City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

APPENDIX 1 – LAW

*** THIS DOCUMENT IS CURRENT THROUGH THE 2021 SUPPLEMENT ***
(ALL 2020 LEGISLATION)

STREETS AND HIGHWAYS CODE
DIVISION 18. PARKING
PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

CHAPTER 1. General Provisions

ARTICLE 1. Declarations

36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

(a) Businesses located and operating within business districts in some of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.

(d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.

(e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:

(1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.

(2) Job creation.

(3) Business attraction.

(4) Business retention.

(5) Economic growth.

(6) New investments.

(f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.

(g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.

(h) The act amending this section is intended to provide the Legislature's guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.

(1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the

incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions

36606. "Activities"

"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:

(a) Promotion of public events.
(b) Furnishing of music in any public place.
(c) Promotion of tourism within the district.
(d) Marketing and economic development, including retail retention and recruitment.
(e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
(f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

36606.5. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. "Clerk"

"Clerk" means the clerk of the legislative body.

36609.5. "General benefit"

"General benefit" means, for purposes of a property-based district, any benefit that is not a "special benefit" as defined in Section 36615.5.

36610. "Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

(a) Parking facilities.
(b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
(c) Trash receptacles and public restrooms.
(d) Lighting and heating facilities.
(e) Decorations.
(f) Parks.
(g) Fountains.
(h) Planting areas.
(i) Closing, opening, widening, or narrowing of existing streets.
(j) Facilities or equipment, or both, to enhance security of persons and property within the district.
(k) Ramps, sidewalks, plazas, and pedestrian malls.
(l) Rehabilitation or removal of existing structures.

36611. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

36612. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the district.

36614. "Property"

"Property" means real property situated within a district.

36614.5. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

36614.6. "Property-based assessment"

"Property-based assessment" means any assessment made pursuant to this part upon real property.

36614.7. "Property-based district"

"Property-based district" means any district in which a city levies a property-based assessment.

36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. "Special benefit"

"Special benefit" means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3. Prior Law

36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

(1) A map showing the boundaries of the district.

(2) Information specifying where the complete management district plan can be obtained.

(3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.

(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements, maintenance, and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.
(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.
(g) The time and manner of collecting the assessments.
(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.
(i) The proposed time for implementation and completion of the management district plan.
(j) Any proposed rules and regulations to be applicable to the district.
(k) (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.
(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.
(l) In a property-based district, the total amount of all special benefits to be conferred upon the properties located within the property-based district.
(m) In a property-based district, the total amount of general benefits, if any.
(n) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.
(o) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.
(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay

50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3. Assessments

36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in an action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36625. An appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

CHAPTER 3.5. Financing

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a)The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.
(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance

36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.
(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
(2) The improvements, maintenance, and activities to be provided for that fiscal year.
(3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
(5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
(6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.
The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.
(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues

shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment

36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
(2) During the operation of the district, there shall be a 30-day period each year in which assessees may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.
(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – ASSESSED BUSINESSES

Business Name	Jurisdiction	Street Address	City/State/Zip
Town House Motel	Marysville	322 9th Street	Marysville, CA 95901
Americas Best Value Inn	Marysville	721 10th Street	Marysville, CA 95901
Budget Inn	Marysville	230 E Street	Marysville, CA 95901
Motel 6	Marysville	803 E Street	Marysville, CA 95901
Mhc Property Management Dba Lake Minden	Sutter County	2 N. Riverside Plaza, Suite 800	Chicago, Il 60606
Butte Star Ranch	Sutter County	8807 S. Butte Rd.	Sutter, CA 95982
Bonanza Inn	Yuba City	1001 Clark Avenue	Yuba City, CA 95991
Econo Lodge	Yuba City	730 N. Palora Avenue	Yuba City, CA 95991
Nice Inn	Yuba City	545 Colusa Avenue	Yuba City, CA 95991
Days Inn	Yuba City	700 N Palora Avenue	Yuba City, CA 95991
Hampton Inn And Suites	Yuba City	1375 Sunsweet Blvd.	Yuba City, CA 95991
Harkey House Bed & Breakfast	Yuba City	212 C Street	Yuba City, CA 95991
California Inn	Yuba City	2129 Live Oak Blvd.	Yuba City, CA 95991
Sutter Hotel Group (Best Western Yuba City)	Yuba City	894 W Onstott Frontage Rd.	Yuba City, CA 95991
Travel Lodge	Yuba City	965 Gray Avenue	Yuba City, CA 95991
Brownsville Motel	Yuba County	8592 La Porte Road	Brownsville, CA 95919
Frenchtown Inn	Yuba County	9858 Frenchtown Dobbins Rd	Oregon House, CA 95962
Collins Lake	Yuba County	7530 Collins Lake Road,	Browns Valley, CA 95918
Willow Creek Campground	Yuba County	17548 State Highway 49	Camptonville, CA 95922
Thousand Trails / Lake Of The Springs	Yuba County	14152 French Town Road	Oregon House, CA 95962
Environmental Alternatives / Lake Francis	Yuba County	13919 Lake Francis Road	Dobbins, CA 95935
Comfort Suites	Yuba County	1034 North Beale Road	Marysville, CA 95901
Peach City Inn	Yuba County	1078 N Beale Rd	Marysville, CA 95901
Rio Inn & Suites	Yuba County	899 North Beale Rd	Marysville CA 95901

CITY OF YUBA CITY
STAFF REPORT

Date: February 15, 2022

To: Honorable Mayor & Members of the City Council

From: Development Services Department

Presentation By: Ben Moody, Public Works & Development Services Director

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Summary

Subject: Annexation – South block of the Lincoln East Specific Plan (LESP)

Recommendation: A. Adopt a Resolution requesting the Sutter Local Agency Formation Commission (LAFCo) to take proceedings for reorganization (annexation) of the Lincoln East Specific Plan South Block Area to the City of Yuba City. (Proposed area generally bounded by Lincoln Rd, George Washington Blvd, Sanborn Dr and Bogue Rd.)

B. Authorize payment to LAFCo and the State for application processing

Fiscal Impact: Revenue and expenses in accordance with the existing LESP Master Tax Exchange Agreement (MTEA)

Purpose:

Initiate the annexation of the South Block of the LESP area by LAFCo consistent with property ownership requests, Sutter County recommendation, and in accordance with the City of Yuba City General Plan goals.

Council's Strategic Goal:

This project addresses the City Council's Strategic Goal of improving the City's infrastructure, increasing public safety, fostering business-friendly policies, and maintaining fiscal responsibility.

Background:

The proposed annexation area includes 28 developed and undeveloped parcels covering approximately 300 acres. It is located east of George Washington Blvd., west of Sanborn Dr., south of Lincoln Rd., and north of Bogue Rd., being the south portion of the LESP area (see Exhibit A).

The Lincoln East Specific Plan (Attachment 2) was adopted in 2010 with the intent of facilitating successful growth in the Sphere of Influence, and providing specific design guidelines for development. However, after years with no development in the area, the City Council worked to change development policies to help development become feasible in this area.

Analysis:

The area consists of various General Plan designations ranging from Low Density Residential to several Commercial designations to Light Industrial designation. Attachment 2 provides the specific General Plan land use designations for each property. The proposed Resolution doesn't include any amendments to the General Plan land use designations or the associated zoning.

Annexation Process: Sutter County LAFCo is the public agency that reviews and considers annexations. While the City can take the lead with filing an annexation application, LAFCo will ultimately determine if the area will be annexed into the City pursuant to the *Policies, Standards, and Procedures* of the Cortese-Knox-Hertzberg Government Reorganization Act of 2000. Thus, all annexations, the act of adding territory to a city or district, must first be recognized by LAFCo. Upon action by the City Council, the City will apply to LAFCo for potential annexation where LAFCo will then follow standard procedures for noticing and conducting any necessary public hearing.

Public Outreach: In accordance with Sutter LAFCo *Policies, Standards and Procedures* all required noticing to the land owners in the proposed annexation area will be required prior to the hearing. Notice will include information on how to participate in the LAFCo meeting when the item is considered. The Sutter LAFCo *Policies, Standards and Procedures* states the following:

> *"LAFCo encourages participation in its decision-making process. The Cortese-Knox-Hertzberg Act provides for a wide dissemination of notice. LAFCo shall not necessarily be limited to the minimums required by law and policy. The Commission will provide opportunity to the public to be heard at LAFCo meetings in accordance with the procedures set forth in the By-Laws" (Sutter LAFCo* Policies, Standards and Procedures, page 47)

Property Owner Participation: City staff have worked with Sutter County and LAFCo staff in preparation for this proposal to determine a suitable proposal that aligns with the Yuba City General Plan and other long-range planning documents. The intention of this proposal is to include property owners in the process, provide guidance and information regarding the benefits of participating in the annexation, and ultimately allows property owners the choice to participate or not. All analysis done by City and County staff supports the proposed annexation boundary as shown in Exhibit A.

The proposed Resolution of Initiation is consistent with the City of Yuba City General Plan, Lincoln East Specific Plan, and the Zoning Code. The proposed annexation application will be accompanied by a *Plan for Services* that includes a description of each service to be provided to the annexation area following its incorporation into the City of Yuba City.

The services described are water, wastewater collection and treatment, stormwater drainage, utilities, streets, police protection, fire protection, and parks and recreation. The proposed Resolution, when submitted to Sutter LAFCo, along with the *Plan for Services* will begin the annexation process.

Fiscal Impact:

Costs associated with the proposed initiation of the LAFCo application for annexation will be approximately $10,000 for application processing.

Alternatives:

1. Reject staff recommendation.
2. Provide staff with modifications.

Recommendation:

A. Adopt a Resolution requesting the Sutter Local Agency Formation Commission (LAFCo) to take proceedings for reorganization (annexation) of the Lincoln East Specific Plan South Block Area to the City of Yuba City. (Proposed area generally bounded by Lincoln Rd, George Washington Blvd, Sanborn Dr and Bogue Rd.)
B. Authorize payment to LAFCo and the State for application processing.

Attachments:

1. City Council Resolution of Initiation
2. Exhibit A: LESP South Block Annexation Area Properties
3. Exhibit B: LESP South Block Annexation Area Plan for Services
4. Lincoln East Specific Plan Land Use Map

Prepared By:
Ashley Potočnik
Assistant Planner

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY REQUESTING THE SUTTER LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO TAKE PROCEEDINGS FOR REORGANIZATION (ANNEXATION) OF THE LINCOLN EAST SPECIFIC PLAN SOUTH BLOCK AREA TO THE CITY OF YUBA CITY

WHEREAS, the Council of the City of Yuba City desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 *et seq*., for a reorganization to annex an approximately 300-acre area located within the Sphere of Influence (SOI) of the City of Yuba City; and

WHEREAS, Government Code section 56654 provides that "[a] proposal for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency;" and

WHEREAS, the 300-acre territory is located east of George Washington Blvd, west of Sanborn Dr, south of Lincoln Rd, and north of Bogue Rd within the Lincoln East Specific Plan (LESP) area, and is hereby known as the "LESP South Block"; and

WHEREAS, this specific plan area is consistent with the sphere of influence for the City of Yuba City; and

WHEREAS, a map and description of the boundaries of the approximately 300-acre LESP South Block area proposed to be annexed into the City of Yuba City, (the "Subject Property") is attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, the Sutter County Local Agency Formation Commission ("LAFCO") is the agency with jurisdiction over such reorganizations within Sutter County ("County"); and

WHEREAS, the City has a Master Tax Exchange Agreement (MTEA) with the County of Sutter to comply with Revenue and Tax Code section 99 regarding property tax revenue transfer upon annexation, which agreement includes standards of annexations; and

WHEREAS, the principal reasons for the proposed reorganization are as follows:

1. The City Council has determined that the proposed reorganization will promote the general health, safety and welfare of the community.

2. The City Council has determined that the reorganization, including the annexations and detachments listed herein, is consistent with and facilitates the fulfillment of the goals, policies and objectives set forth in the *City of Yuba City General Plan*.

3. The City Council has determined that there is sufficient infrastructure to serve the Subject Property, based upon the *LESP South Block Annexation Area Plan for Services* **(Exhibit B)**.

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") the City has prepared an Environmental Impact Report (EIR) for the LESP (SCH#2006082094), that was certified by City Council in November 2009; and

WHEREAS, all prerequisites for the initiation of proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, have been met; and

WHEREAS, after due consideration of all the items before it, the City Council now desires to adopt this Resolution to initiate proceedings for Lincoln East Specific Plan South Block Area.

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

1. Recitals. That the foregoing recitals and findings are true and correct.

2. CEQA. The City Council finds the project is has been fully assessed by Environmental Impact Report (EIR) (SCH#2006082094) certified by the City in 2009 for the Lincoln East Specific Plan. The EIR analyzed the impacts of development anticipated in the LESP area. The impacts associated with both the pre-zone and annexation were previously analyzed in the EIR. The EIR specifically contemplated annexation, including pre-annexation and zoning (see EIR p. 1-2) as well as reorganization (annexation/detachments) approved by LAFCO (see EIR p. 1-3.) Further, the LESP assessed by the EIR also specifically contemplated annexation, including the annexation process. (See LESP section 9.2.1.) The City Council finds that there is no substantial new evidence in the record that this project may have additional significant impacts that were not analyzed as significant adverse effects in the EIR. Additionally, there is no substantial new evidence of potentially significant off-site impacts and cumulative impacts that were not discussed in the EIR, and no potentially significant adverse effects peculiar to the project. Finally, the City Council finds that there are no previously identified significant effects, which as a result of substantial new information which was not known at the time the EIR was certified, that have a more severe adverse impact than assessed in the EIR. Given the forgoing, the City Council finds that the proposed annexation has been fully assessed by the EIR, and no further assessment is required under CEQA.

   Note that after annexation is complete, specific projects proposing to develop within the annexed area are subject to an initial environmental review as required by CEQA. Depending on the result of said review, the specific projects be able to utilize technical information and findings from the previously certified LESP EIR as may be permitted by CEQA given the proposed development.

3. General Plan Consistency. The City Council finds that the annexation is consistent with the goals, objectives, and policies of the City of Yuba City General Plan.

4. Initiation of Annexation. The City Council adopts and approves this Resolution of application, and initiates annexation for the LESP South Block. The Local Agency Formation Commission of Sutter County is requested to initiate proceedings for the

change of organization of the territory, as described in Exhibit A and Exhibit B from the County of Sutter to the City of Yuba City in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The City Council directs the City Manager to take all necessary steps to submit a complete application for the proposed annexation, including preparation and submittal of all LAFCO required forms, documents and studies and payment of all required fees, in accordance with any applicable agreement with the County of Sutter governing the same.

5. Effective Date. This Resolution shall take effect and be in full force and effect from and after thirty (30) days after its 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 15th day of February, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

____
Dave Shaw, Mayor

ATTEST:

____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNCIL FOR YUBA CITY:

____
Shannon L. Chaffin, City Attorney

Exhibit A: Annexation Exhibit, LESP South Block Annexation Area Properties
Exhibit B: LESP South Block Annexation Area Plan for Services

EXHIBIT A

Lincoln East Specific Plan - South Block

Proposed City Led Annexation

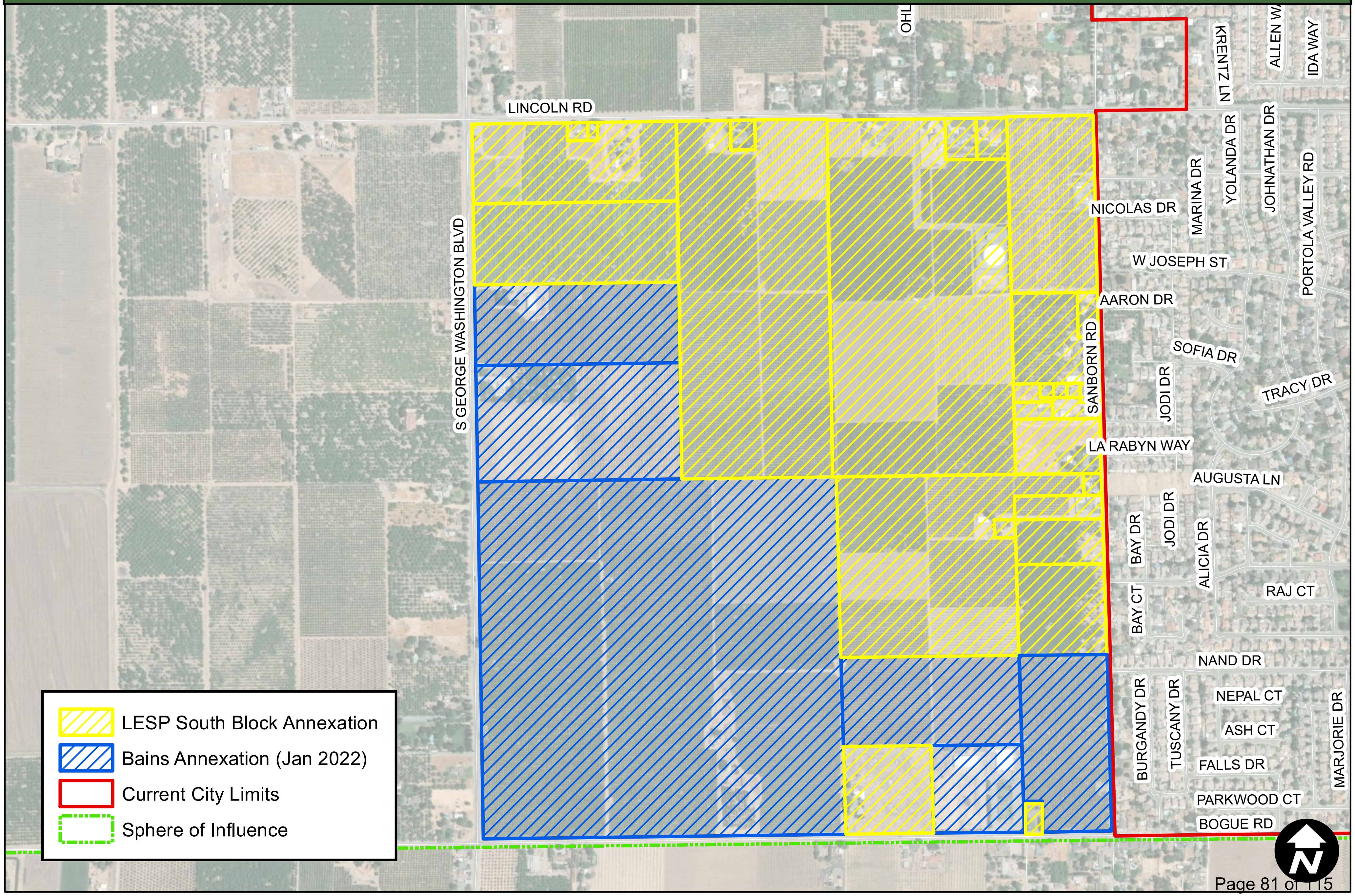

EXHIBIT B

LINCOLN EAST SPECIFIC PLAN

SOUTH BLOCK ANNEXATION AREA

PLAN FOR SERVICES

prepared by

CITY OF YUBA CITY

February 2022

Introduction

This Plan for Services has been prepared pursuant to the Local Agency Formation Commission of Sutter County (Sutter LAFCO) *Policies, Standards, and Procedures* manual. In addition, Government Code Section 56653 (Cortese-Knox-Herzberg Government Reorganization Act) requires that whenever a local agency applies to LAFCo for a change of organization the local agency shall submit a plan for providing services within the affected territory. This Plan for Services identifies how urban services will be provided to the South Block area upon annexation into the City of Yuba City.

The City of Yuba City proposes to annex approximately 300 acres of land located east of George Washington Blvd, west of Sanborn Dr, south of Lincoln Rd, and north of Bogue Rd in the Lincoln East Specific Plan area as shown on the attached map. This area includes about 28 developed and undeveloped parcels with a mix of residential and agricultural uses.

The proposed annexation is was prezoned and planned for annexation and development in the Lincoln East Specific Plan (LESP) that was adopted in 2010 with the intent of facilitating successful growth in the City Sphere of Influence and providing specific design guidelines for development. However, after years with no development in the area the City Council worked to change development policies to help development become feasible in this area. In order to receive City services, the affected properties are required to be annexed into the City.

Services and Organization

The services considered herein are based on the Policies, Standards, and Procedures of Sutter LAFCO, as well as relevant sections of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, codified in section 65000 of the Government Code. The services discussed and analyzed herein are consistent with the requirement that the City of Yuba City be capable of providing services sufficient to protect the health, safety, and welfare of the residents of the annexation area.

Provided below is a description of each service to be provided to the annexation area following its incorporation into the City of Yuba City. The level and range of services is given, along with facility locations and response times when appropriate. The discussion identifies when these services can be extended to the annexation area, any improvements or upgrades the City of Yuba City would perform or impose. The services as outlined will be financed in accordance with current City fees and the Master Tax Exchange Agreement.

The services described are water, wastewater collection and treatment, stormwater drainage, utilities, streets, police protection, fire protection, and parks and recreation.

Water

The water supply source for the City of Yuba City is surface water from the Feather River. The City is permitted to draw 30 mgd from the Feather River. The Water Treatment Plant (WTP) uses two types of treatment systems, conventional and membrane treatment. The permitted capacity of the conventional WTP is 24 million gallons per day (mgd). The membrane treatment system has a permitted capacity of 12 mgd. Water produced from the conventional and the membrane treatment plants are blended for chlorine disinfection. Operating the conventional and membrane treatment, provides a total WTP capacity of 36 mgd. The current max day use is 26 mgd.

The City's Urban Water Management Plan estimates an additional 3,519 single family homes and 1,347 multi-family units will be constructed to reach build-out conditions within the annexation area. This population growth is anticipated in the Water Master Plan, and the increased water demand is within the City's permitted water use.

The quality and reliability of treated water is protected by the WTP operators, instrumentation, alarms, stand-by equipment, and back-up power generation. The City also has access to a 2.9 mgd back-up standby well located at the WTP.

Wastewater Collection and Treatment

The City's Wastewater Treatment Facility and Collection System Master Plan establishes a strategy to provide the wastewater collection and treatment for the full build-out of the City's Sphere of Influence.

As the area develops, the property owners/developers will be responsible for coordinating the design and installation of a sanitary sewer system that connects to the City's existing wastewater system. All work in the City right of way will need to meet current City standards.

The August 2020 Master Plan update provides recommendations for future growth in the annexation area to increase the capacity of the wastewater transmission system. Projects include installing new sewer lines, increasing the size of existing lines, and constructing at least one lift station.

The Waste Water Treatment Facility's (WWTF) current permitted capacity is 10.5 mgd (annual average dry weather flow). The annual average dry-weather flow for the years 2017-2021 is 5.6 mgd. The increase in flow associated with the annexation area will incrementally contribute to the need to increase WWTF capacity over time.

Stormwater Drainage

The City is served primarily by two drainage systems the Gilsizer Slough and the Live Oak Canal. The Live Oak Canal predominantly services west Yuba City and most of the proposed annexation area. The Live Oak Canal service area is broken up into Zones of Benefit (ZOB). The ZOBs assess fees to cover the initial construction of the required capital improvements and fees for the annual cost of operating and maintaining the constructed storm drainage facilities.

The Lincoln East Specific Plan (LESP) includes Stormwater Policies for required infrastructure needed when development occurs. A portion of the proposed annexation area will need to be annexed into the Gilsizer Drainage District.

When development occurs the stormwater drainage system for the area will utilize detention basins within the new developments to help control the runoff from overwhelming existing drainage canals while also keeping the City compliant with its NPDES permits.

Utilities

Utilities include gas and electric service provided by PG&E, phone and cable. These services are provided by the individual companies that provide that service. Owners of the areas that are to be developed will be responsible to coordinate their utility installation as part of the development projects. City code requires that new utilities be undergrounded.

Streets

The overall plan for improving the City street system to accommodate new growth is contained in the Transportation element of the Yuba City General Plan, which lays out the future, fundamental street pattern for build-out of the City planning area, primarily consisting of arterial and collector streets. New subdivisions and other types of development are required to provide completed internal streets and sidewalks throughout the project to current City standards. Depending on the size of the project and its location, off-site street and sidewalk improvements may also be required in order to provide good access to the site.

The City charges development impact fees that go towards improving the larger collector and arterial streets that will connect roadways within the City. Expansion of the major road network in the annexed area is expected to be primarily paid for through the collection of traffic impact fees and conditions of development.

Police Protection

The Yuba City Police Department (YCPD) currently has a staff 68 sworn peace officers and 30 civilian staff members, augmented by 3 Reserve Peace Officers. The Department is located at 1545 Poole Boulevard and is divided into two primary divisions, Field Operations and Support Services.

This will remain the County Sherriff’s response area until certain thresholds are met as outlined in the City/County Master Tax Exchange Agreement, and MOU.

The Department concluded that while the proposed annexation could potentially impact current Police Operations, it would be manageable in this circumstance. Furthermore, in consideration of the additional population and geographical area, the YCPD would likely revisit restoring additional police services that have been lost in the recent years, based on the potential increase of property taxes resulting from the proposed annexation.

Fire Protection

The Yuba City Fire Department (YCFD) provides fire protection and suppression and life safety services for the City. The YCFD has 56 personnel, which includes chief officers, fire officers, firefighters and administrative support staff to support fire suppression as the primary duty. The Department responds to structural and wildland fires, emergency medical service, and hazardous/toxic material spills in the Planning Area.

On September 10, 2001 the Yuba City and Walton Fire Departments officially merged, expanding the Fire Department's service area from a three-station department protecting 44,000 residents spread over nine square miles to a five-station department protecting 76,000 residents over a 30 square mile service area.

The annexation area is located in and remain in CSA G. CSA G will receive tax revenue for the annexation area to be passed through to the Yuba City Fire Department.

Parks and Recreation

In order for the City to keep pace with population growth, the City requires payment of park impact fees on all new residential development. The park impact fees are used to purchase and develop new park improvements throughout the City. When the undeveloped properties are proposed for development, those construction projects will be assessed the City's park impact fee.

As part of the City's overall Parks Master Plan, key locations have been identified throughout the city for the future development of new park areas. Future parks will vary in size and type of facilities based on their location and intended use. The primary park types that are planned within the City include:

> *Community Park:* A park facility that is developed to meet the needs of those living or working within a half-mile radius. Community parks vary in size from 5-20 acres and include playing fields and community recreation facilities.
>
> *City Park*: A park having a wide range of improvements not usually found in community parks and that are designed to meet the recreational needs of the entire city population. A city park must be greater than 20 acres.

The locations of planned parks have been established by the City's General Plan, Parks Master Plan, the Lincoln East Specific Plan, the Zoning Code. The proposed annexation will not affect the planned facilities or locations of park improvements within the City.

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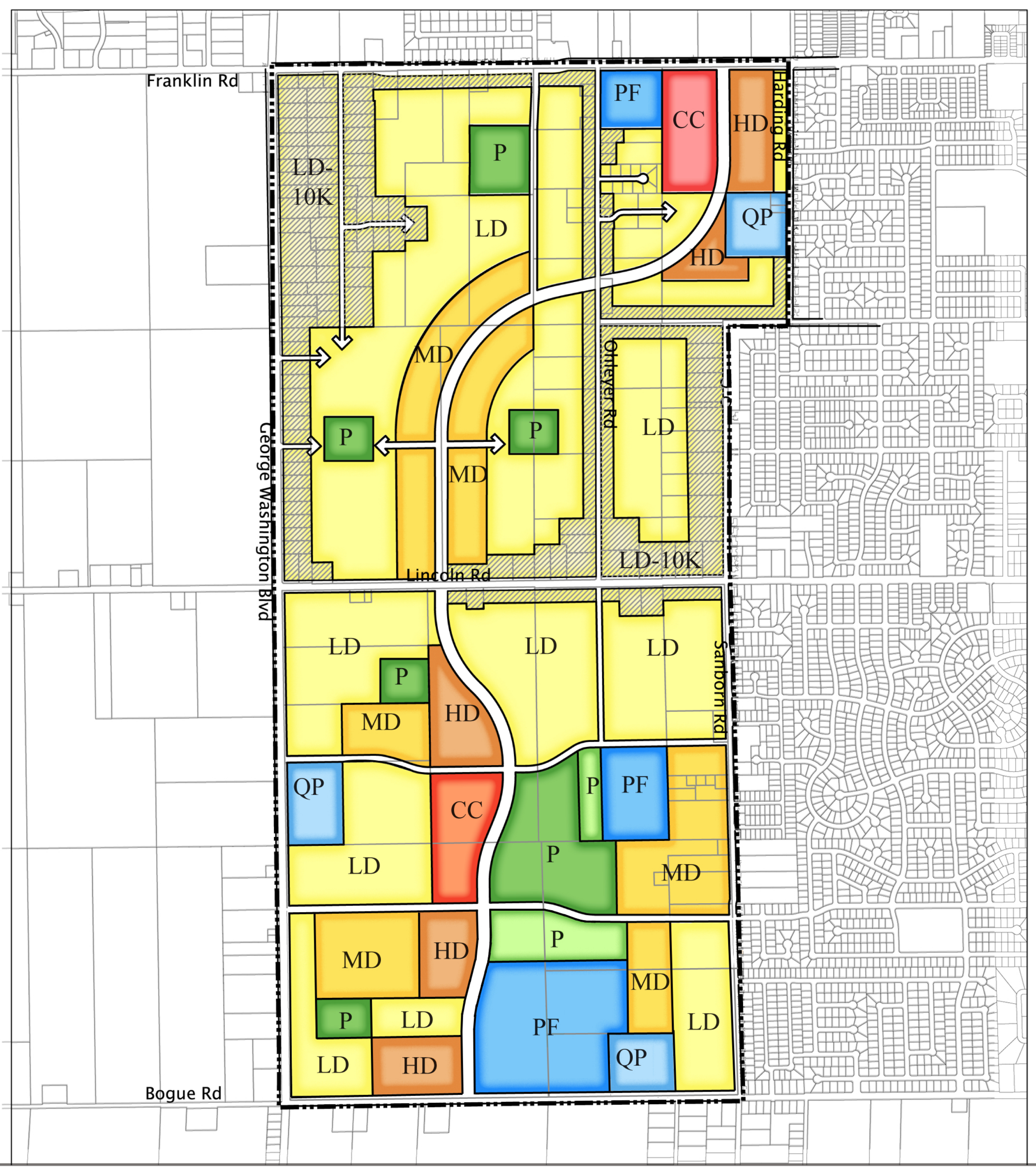
ATTACHMENT 2



LD-10K Low Density Residential-10,000 sf min.

LD Low Density Residential

MD Low-Medium Density Residential

HD Medium-High Density Residential

CC Community Commercial

P Parks & Recreation

PF Public Facilities

QP Quasi-Public Facilities

N

0 400 800 1200

Figure 3-1 Land Use Diagram

Agenda Item **8**

CITY OF YUBA CITY
STAFF REPORT

Date:	February 15, 2022
To:	Honorable Mayor & Members of the City Council
From:	Public Works Department
Presentation By:	Ben Moody, Public Works & Development Services Director

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Summary

Subject:	SB 1383 Compliance Ordinance Updates
Recommendation:	A. Introduce an Ordinance of the City Council of the City of Yuba City adding Section 7-10.03 of Chapter 10 of Title 7, adding Chapter 18 (Model Water Efficient Landscape Ordinance) of Title 7, amending Chapter 3 (Mandatory Refuse Collection Services) of Title 6, and amending Section 6-4.03 of Chapter 4 of Title 6 of the Yuba City Municipal Code to comply with Senate Bill 1383 by title only and waive the first reading B. Adopt a Resolution amending the User Fee Schedule to include Administrative Civil Penalties to enforce compliance with Senate Bill 1383
Fiscal Impact:	Staff time to develop and coordinate implementation of SB 1383 regulations and enforcement. Potential citation revenues to offset enforcement costs.

Purpose:

To meet the SB 1383 Short-lived Climate Pollutant Reduction Act of 2016 (SB 1383) compliance regulations for local jurisdictions by enacting changes to the Yuba City Municipal Code.

Council's Strategic Goal:

This item addresses the City Council's Strategic Goal of Infrastructure by providing for organic waste disposal and water-efficient landscaping.

Background:

In September 2016, SB 1383 established statewide methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy; it includes statewide goals to reduce the disposal of organic waste and recover edible food for human consumption.

SB 1383 regulations include a requirement for local jurisdictions, including the City of Yuba City, to adopt specific ordinance sections to implement and enforce SB 1383 within the jurisdiction, including administrative penalties for violation. While the compliance date for the City was January 1, 2022, full implementation and enforcement by the City on local entities will not begin until January 1, 2024.

The City also operates within a regional agency, known as the Yuba-Sutter Regional Waste Management Authority (RWMA), for state diversion tracking and reporting purposes. On November 1, 2021, the six regional partners of RWMA entered into an amended Joint Powers Agreement which increased the authority of the RWMA to take responsibility for many of the SB 1383 activities and requirements. This regional approach will allow for significant time and cost savings for the City, as the City will not be required to independently provide the staffing and funding for many of the implementation and enforcement tasks, including some of those in the proposed Ordinance.

Analysis:

The proposed Ordinance, developed in coordination with RWMA to be adopted by each of the regional partners, updates four areas of the Municipal Code in accordance with the SB 1383 regulations, as described below.

Section 7-10.03 – Addition

While the City already has adopted the California Green Building Standards (CALGreen) Code as a whole per Section 7-10.01 of Chapter 10 (California Green Building Standards, (CALGreen) Code) of Title 7 (Building Regulations), SB 1383 regulations include particular language which highlights the standards and conditions within the CALGreen Code that the City will enforce regarding disposal of construction debris during building and the planning for adequate areas for recycling and organic waste disposal, which are to be added to Chapter 10 of Title 7 as Section 7-10.03 (Compliance with CALGreen Building Standards recycling requirements).

Chapter 18 of Title 7 – Addition

The Model Water Efficient Landscape Ordinance (MWELO) was originally adopted by the State of California in 2015, and the City reports annually to the Department of Water Resources on compliance with its design requirements by building permittees in the City. SB 1383 regulations include amendments to the MWELO to elaborate on the use of organic materials as part of a water-efficient landscape plan, which encourages the recycling and reuse of organic waste. Chapter 18 (Model Efficient Landscape Ordinance) is to be added to Title 7 (Building Regulations) in order to formally adopt these amendments.

Chapter 3 of Title 6 – Amendment

SB 1383 requires local jurisdictions to inspect and enforce compliance by commercial businesses, property owners, contractors, and other applicable entities with SB 1383 regulations. Requirements include employing proper solid waste collection services; appropriate disposal of refuse, recycling, and organic waste; and recordkeeping and reporting. The proposed Ordinance includes the process for issuing Notices of Violation, penalties, and the appeals process. Noncompliant entities will be provided with education materials describing their SB 1383 obligations until December 31, 2023, and full enforcement including administrative penalties will begin on January 1, 2024.

Although Chapter 3 (Mandatory Refuse Collection Services) of Title 6 (Public Works) was briefly amended in November 2019 to modify permitted methods of garden refuse disposal, the majority of the Chapter has not been amended since 1999. The proposed Ordinance includes minor edits and clarifications to the chapter to address changes in practices by the City and Recology Yuba-Sutter since that time, in addition to the new Section 6-3.19 and changes in organic waste definitions and guidance required by SB 1383.

Section 6-4.03 – Amendment

Section 6-4.03 (Placement of garden refuse) currently refers to Section 6-3.11 (Cuttings) for direction on appropriate disposal of garden refuse. According to the SB 1383 definition of organic waste, the description in Section 6-3.11 is obsolete and its contents have been deleted in the amendment described above. Section 6-4.03 has been updated to refer to Chapter 3 of Title 6 as a whole for appropriate disposal direction.

This item also includes a Resolution which will add an Administrative Civil Penalties fee schedule consistent with the SB 1383 regulations to the City's User Fee Schedule.

Fiscal Impact:

Staff time and/or professional services may be required to adopt and implement the SB 1383 programs and policies which have not been delegated to the RWMA. Beginning January 1, 2024, Administrative Citation Penalties revenue may offset some of the costs of staff inspection and enforcement.

Alternatives:

There are no alternatives to compliance with SB 1383. Should the City choose not to enact these Municipal Code updates, the City will be subject to the consequences of violating SB 1383, including fines and imposed timelines for correction.

Recommendation:

A. Introduce an Ordinance of the City Council of the City of Yuba City adding Section 7-10.03 of Chapter 10 of Title 7, adding Chapter 18 (Model Water Efficient Landscape Ordinance) of Title 7, amending Chapter 3 (Mandatory Refuse Collection Services) of Title 6, and amending Section 6-4.03 of Chapter 4 of Title 6 of the Yuba City Municipal Code to comply with Senate Bill 1383 by title only and waive the first reading

B. Adopt a Resolution amending the User Fee Schedule to include Administrative Civil Penalties to enforce compliance with Senate Bill 1383.

Attachments:

1. Ordinance - SB 1383 Compliance
2. Resolution - SB 1383 Compliance Fee Schedule

Prepared By:	Submitted By:
Scarlett O. Harris Administrative Analyst I	Diana Langley City Manager

ATTACHMENT 1

ORDINANCE NO. _________

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY ADDING SECTION 7-10.03 OF CHAPTER 10 OF TITLE 7, ADDING CHAPTER 18 (MODEL WATER EFFICIENT LANDSCAPE ORDINANCE) OF TITLE 7, AND AMENDING CHAPTER 3 (MANDATORY REFUSE COLLECTION SERVICES) AND SECTION 6-4.03 OF CHAPTER 4 OF TITLE 6 OF THE YUBA CITY MUNICIPAL CODE TO COMPLY WITH SB 1383 SHORT-LIVED CLIMATE POLLUTANT REDUCTION ACT OF 2016

WHEREAS, the City Council of Yuba City ("City") is authorized by the California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City Council has adopted the Yuba City Municipal Code, which it periodically updates to protect the public health, safety, and welfare; and

WHEREAS, California Senate Bill (SB) 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the City to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of the SB 1383 Regulations, including:

A. Compliance with the construction and demolition debris diversion requirements of CALGreen;

B. The provision of readily accessible areas for depositing, storage and collection of non-hazardous materials for recycling in Multi-Family Residential Dwellings and commercial construction projects as required by CALGreen; and,

C. Compliance with specified provisions of the Model Water Efficient Landscape Ordinance (MWELO) established by Title 23 California Code of Regulations, Division 2, Chapter 2.7; and

WHEREAS, Effective November 1, 2021, that certain "Fourth Amended and Restated Joint Powers Agreement" was executed by the Regional Waste Management Authority ("Authority"), a duly formed joint powers authority pursuant to Government Code §6500 et seq., to confirm the Authority's joint membership, including the City's membership thereto. Authority has been, and continues to be, the responsible agency for the preparation and submission of regional planning documents and annual reports and coordination of waste diversion programs pursuant to Assembly Bill 939 and the corresponding regulations in Title 14 of the California Code of Regulations, Division 7, Chapter 9; and

WHEREAS, Pursuant to the Fourth Amended and Restated Joint Powers Agreement, the Authority has assumed the duties of the responsible authority to coordinate, administer and/or implement compliance with and enforcement of Senate Bill 1383, as specified therein, on behalf of each joint powers member, including the City; and

WHEREAS, City Council desires to update and amend the Yuba City Municipal Code in order to comply with and implement in coordination with the Authority the relevant provisions and programs of SB 1383.

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

Section 1.

The above recitals are all true and correct and are hereby adopted as findings.

Section 2.

The proposed ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines ("CEQA Guidelines"), and the environmental regulations of the City. The City Council finds and determines that the proposed ordinance is not a "project" for the purposes of CEQA and consistent with CEQA Guidelines Section 15378, as it promotes environmental conditions by providing environmentally sound processes and procedures and provides for administrative enforcement of the same, and will not result in direct or indirect substantial, adverse physical changes in the environment as compared to the current baseline. Additionally, the City Council finds and determines for the same reasons that even if the proposed ordinance were a project for the purposes of CEQA, there is no possibility that this project may have a significant adverse effect on the environment pursuant to CEQA Guidelines, Section 15061(b)(3). Therefore, the proposed ordinance is not subject to CEQA.

Section 3.

Section 7-10.03 of Chapter 10 (California Green Building Standards, (CALGreen) Code) of Title 7 (Building Regulations) of the Yuba City Municipal Code is hereby added to read as follows:

Sec. 7-10.03. Compliance with CALGreen Building Standards recycling requirements.

(a) Persons applying for a building permit from the City for new construction and building additions and alterations shall comply with the construction and demolition debris diversion requirements pursuant to Sections 4.408 and 5.408, as applicable, of the California Green Building Standards Code, Title 24 of the California Code of Regulations (CCR), Part 11, known as CALGreen, as may be amended, if its project is covered by the scope of CALGreen. For projects covered by the scope of CALGreen, project applicants shall also comply with all written and published City policies and/or administrative guidelines regarding the provision of a construction waste management plan; construction waste management plan acknowledgment by the project contractor and subcontractors; and, construction waste management plan compliance documentation.

(b) Project applicants shall refer to Title 7 (Building Regulations) and Title 8 (Planning and Zoning) of this Code for complete CALGreen requirements.

(c) For projects covered by CALGreen, as may be amended, applicants must, as a condition of the City's permit approval, comply with the following:

(1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and that are identified for the storage and collection of nonhazardous materials for recycling, including recyclable materials and organic waste materials collected in the City's solid waste collection program, in compliance with provision of adequate space for recycling for Multi-Family premises pursuant

to Section 4.410.2 of the California Green Building Standards Code, 24 CCR, Part 11.

(2) New Commercial (excluding Multi-Family premises) construction or additions resulting in an increase of 30% or more of the floor area shall provide readily accessible areas identified for the storage and collection of nonhazardous materials for recycling, including recyclable materials and organic waste materials collected in the City's solid waste collection program, in compliance with provision of adequate space for recycling for Commercial premises pursuant to Sections 5.410.1 and 5.410.1.2 of the California Green Building Standards Code, 24 CCR, Part 11 as may be amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020. Section 5.410.1.2 of the California Green Building Standards Code, 24 CCR, Part 11 references the space allocation sample ordinance developed pursuant to Chapter 18, Part 3, Division 30 of the California Public Resources Code, known as the California Solid Waste Reuse and Recycling Access Act of 1991, which took effect in the City September 1, 1993 as the City did not adopt an alternate ordinance.

Section 4.

Chapter 18 (Model Water Efficient Landscape Ordinance) of Title 7 (Building Regulations) of the Yuba City Municipal Code is hereby added to read as follows:

Sec. 7-18.01. Model Water Efficient Landscape Ordinance requirements.

(a) "Model Water Efficient Landscape Ordinance" or "MWELO" refers to the Model Water Efficient Landscape Ordinance, 23 CCR, Division 2, Chapter 2.7, which is adopted herein by reference, as is now in effect or may hereafter be amended.

(b) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 sq. ft, or rehabilitating an existing landscape with a total landscape area greater than 2,500 sq. ft, shall comply with Sections 492.6(a)(3), (B), (C), (D), and (G), as may be amended, of the MWELO as delineated in this Section.

(c) The following soil amendment, compost, and mulch use requirements that are part of the MWELO are now also included as requirements of this ordinance. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.

(d) Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 7-18.01(b) above shall comply with Sections 492.6 (a)(3), (B), (C), (D), and (G), as may be amended, of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

(1) For landscape installations, soil amendments shall be incorporated according to recommendations of the soil management report per Section 492.5 of the MWELO and what is appropriate for the plants selected.

(2) For landscape installations, compost at a rate of a minimum of 4 cu. yd per 1,000 sq. ft of permeable area shall be incorporated to a depth of 6 in into the soil. Soils with greater than 6 percent organic matter in the top 6 in of soil are exempt from adding compost and tilling.

(3) For landscape installations, a minimum 3-in layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to 5 percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(4) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

(e) The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 7-18.01(b) shall consult the full MWELO for all requirements.

Section 5.

Chapter 3 (Mandatory Refuse Collection Services) of Title 6 (Public Works) of the Yuba City Municipal Code is hereby amended to read in its entirety as follows:

CHAPTER 3. MANDATORY REFUSE COLLECTION SERVICES

Sec. 6-3.01. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Collector" shall mean the refuse disposal company with whom the City has contracted to provide the residents and property owners of the City with refuse collection services. There may be more than one collector for said services.

(b) "Director" shall mean the ~~Administrative Services~~Public Works Director of the City of Yuba City, or his/her authorized agent(s).

(c) "Nuisance" shall mean the accumulation and existence of refuse on any private premises, on, in, or upon any street, alley, or other public place within the City may be declared to be a nuisance. No person who owns, controls, or occupies any premises in the City shall cause, permit or allow any such nuisance to exist thereon.

(d) "Organic Waste" means wastes containing material originating from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

(e~~d~~) "Owner" shall mean and shall conclusively be deemed to be the legal owner of any property subject to this chapter.

(~~e~~f) "Refuse" shall mean garbage and other refuse including, without limitation:

> (1~~i~~) Accumulations of animal, fruit, or vegetable matter, including fats, oils, and grease, that attend the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruits, or vegetables, which may collectively be known as “organic waste~~ and containers originally used for foodstuffs~~;”
>
> (2~~ii~~) Lawn and garden refuse such as leaves, grass cuttings, roots, and weeds from which the soil has been removed, trimmings from trees or shrubs, plants, and similar materials;
>
> (3~~iii~~) Rubbish and trash such as paper, rags, cardboard, fiber, metal, glass, cartons, containers, boxes, bottles or jars,~~-~~ containers originally used for foodstuffs, and other articles or materials of a similar nature normally discarded as household or business refuse; and
>
> (4~~iv~~) Other trash and rubbish other than debris which has resulted from the construction activities or demolition of structures. Debris resulting from construction or demolition shall be disposed of in accordance with Section 6-3.16.~~sod, rocks, concrete, bricks and similar solid material, plaster or dirt.~~

"Refuse" shall not include large appliances or furniture or chemicals of a type which must be disposed of in a Class I landfill.

(g~~f~~) "Refuse collection area" shall mean that space on the premises where refuse is deposited by occupants and where said refuse is stored until it is transferred into or onto a collection vehicle and removed from the premises.

~~(g) "Standard container" shall mean a can made of metal or other nonbreakable watertight material with a close fitting cover, cover handle and side handles, of not more than 35 gallons net capacity.~~

~~(h) "Cart" shall mean an 85-gallon or larger container with wheels supplied by the collector(s).~~

(h~~i~~) "Report" shall mean the report of delinquent accounts compiled by the collector(s) and submitted to the Director on a~~ monthly~~n annual basis, ~~and ~~consisting of all delinquent accounts ~~; all accounts ~~not less than 30 days delinquent.

(i) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge that is not Hazardous Waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

> (1) Hazardous Waste.
>
> (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
>
> (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and

Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

(4) Recyclable Materials, Construction and Demolition (C&D) debris, Organic Waste, or other salvageable materials only when such materials are Source Separated from Solid Waste at the site of generation.

Sec. 6-3.02. Collection by the City.

All refuse accumulated in the City shall be collected, conveyed, and disposed of by the City, its duly authorized agents and employees, or by the collector(s) with whom the City may contract or have contracted for the collection, conveyance, and disposal of refuse. The City and such contractor or contractors and their employees shall, except as otherwise provided in this chapter, have the exclusive right to collect, convey, and transport in all refuse~~,~~ along or over the public streets, alleys, and highways in the City~~ all refuse~~. This section shall not prohibit transportation of refuse over public ways within the City by collectors authorized by the Sutter County Health Officer to serve County areas adjacent to the City limits or as permitted for self-haul.

Sec. 6-3.03. Use of City's collection service required.

The periodic collection of refuse from all places in the City benefits all occupants of places and premises in the City and promotes and protects the health, safety, and welfare of all residents of the City. Therefore, refuse collection services provided by the collector(s), City, or its authorized agents, are mandatory for all owners of property within the City in or from which refuse is created, accumulated, or produced; ~~provided, ~~however,~~ that~~ there may be joint or multiple use of refuse containers in certain circumstances.

It is unlawful for any person other than the collector(s) or employees of the City to collect, remove, or dispose of refuse within the City on a regularly scheduled basis for compensation; ~~provided, ~~however, ~~that ~~nothing contained herein shall prevent the use of garbage-~~ ~~disposal devices as provided in the Uniform Plumbing Code.

(a) Fats, oils, and grease shall not be disposed of through the use of garbage-disposal devices nor shall they be permitted to enter the City's wastewater-collection system.

Sec. 6-3.04. Appeals.

(a) An owner may appeal the mandatory collection of refuse in accordance with Section 6-3.03 by filing with the Director a written request within 15 days of receiving notice from the City or its authorized agent or collector(s) that refuse service is required on the owner's property. The appeal shall set forth a statement of the action desired by owner and list the reasons for the desired action.

(b) Qualifying criteria for an appeal will include an alternative legal method of disposing of refuse or complete recycling of all existing refuse. Sections 6-3.06 and 6-3.14 of this chapter shall also be included as part of the criteria in evaluating an appeal from mandatory collection.

(c) The disposal of refuse via an alternative method shall not include hauling to a landfill, nor disposing of refuse at another person's property or a place of business/employment (unless the owner's address serves as both his/her residence and business location).

(d) Accommodation for ~~Physical handicaps~~disabilities which are interfering with transporting refuse containers to the curbside shall be worked out with the collector.

~~(a)~~(e) ~~Sections 6-3.06 and 6-3.14 of this chapter shall also be included as part of the criteria in evaluating an appeal from mandatory collection.~~ The appeal shall be acted upon by the Director within ten (10) days after the date of filing. The Director's determination shall be final and cannot be appealed.

Sec. 6-3.05. Owner responsible for refuse collection.

The owner of any property within the City in or from which refuse is created, accumulated, or produced shall subscribe to and pay for refuse collection service rendered to such property by the collector(s) and shall provide ~~at a location specified in the City's agreement with the collector(s)~~ an adequate container or containers for deposit of refuse at a location specified in the City's agreement with the collector(s). The necessity for and type of refuse collection service required, the type of containers to be utilized/provided, and the rates to be charged for refuse collection services shall be established by agreement between the City and the collector(s) or by R~~r~~esolution adopted by the City Council.

Nothing in this section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments for refuse collection service are made by a tenant, ~~or~~ tenants, or any agent, on behalf of the owner; h~~. H~~owever, any such arrangement will not affect the owner's obligation to the City or to the collector(s) for the payment for such service.

Sec. 6-3.06. Prohibition.

(a) No person who owns, controls, or occupies any premises shall permit refuse to accumulate for a period in excess of the period provided in this chapter or in rules and regulations adopted pursuant hereto, and no such person shall, following notice thereof, fail, decline, or neglect to place refuse within refuse containers as provided in this chapter and in accordance with the rules and regulations established pursuant to this chapter.

(b) No person shall throw, deposit, or leave any refuse, or permit the same to be thrown, deposited, or left on the property or premises of another without the knowledge and prior permission of the owner thereof.

(c) No owner of real property located in the City shall knowingly permit or countenance his/her tenants while in occupation of such property to throw, deposit, or leave any refuse upon the property or premises of another.

(d) No person shall throw, deposit, or leave any refuse, or, being in possession or control of any refuse, shall permit the same to be thrown, buried without being properly licensed to do so, deposited, or left in or upon any street or other public place in violation of this chapter or the rules and regulations established pursuant to this chapter.

(e) No person shall use burning as a method of refuse disposal except in accordance with Feather River Air Quality Management District requirements and procedures.~~where a permit has been obtained as provided in Title 4, Chapter 5, Section 4-5.02 of the Yuba City Municipal Code.~~

Sec. 6-3.07. Responsibility for providing container.

The collector shall make available, and ~~E~~every owner, occupant, manager, or person in control of the premises of any dwelling unit or units, or of any place of business or institution within the City where refuse accumulates, shall provide or cause to be provided a sufficient number of containers of adequate size to accommodate all refuse accumulated on the premises between collection days. The occupant, manager, or person in control of the premises shall be primarily responsible for providing the required containers of adequate size. Making arrangements with the collector(s) to provide for a container shall meet the requirement of this section.

Sec. 6-3.08. Failure to initiate service or to provide sufficient refuse containers.

When an owner fails to request adequate refuse collection service within 15 days of occupancy of a property, the collector(s) will give the owner written notification that such service is required. If service is not requested by the owner within 15 days from the date of the mailing of the notice, the collector(s) may initiate and continue refuse service for said property at the owner's expense.

When, in the judgment of the collector(s), additional refuse containers are required, they shall be provided at the owner's cost upon written notification from the collector(s). If the required additional containers are not requested by the owner within 30 days from the date of the mailing of the notice, the collector(s) may provide the required containers at a cost established pursuant to agreement between the City and the collector(s) or pursuant to rules and regulations adopted hereunder. Such cost may be added to the collection fees.

Sec. 6-3.09. Garbage and refuse container requirements.

All containers and carts for refuse shall be in accordance with the City- and collector agreement and shall be supplied by the collector(s) so that they shall be capable of being emptied by standard collection equipment. All containers shall comply with the requirements of Senate Bill 1383 (Health and Safety Code §§ 39730.5, 39730.6, 39730.7, and 39730.8 and Public Resources Code Chapter 13.1, Part 3 of Division 30, “SB 1383”). The color, labelling, type and character of all such containers shall be compliant with the requirements of SB 1383, and the provision of such containers shall be performed by the City or its designated collector(s) in compliance with implementation timeframes specified in SB 1383.~~(a) Any one standard container to accommodate refuse shall not exceed 35 gallons in capacity and 50 pounds in weight, including contents. Carts may be 85 gallons or larger in capacity and up to 200 pounds in weight including the contents and shall be supplied by the collector(s), so that they shall be capable of being emptied by standard cart equipment. Standard containers and carts shall be constructed of metal or other durable watertight materials, and shall be equipped with handles and a cover sufficient to prevent odors from escaping the container, flies and other insects from reaching or coming in contact with refuse, and the contents from being blown away.~~

~~(b) Refuse may, with Sutter County Health Officer approval, be placed for collection in sturdy, grease-resistant, waterproof, nonreturnable bags which are specifically designed for refuse disposal. Said bags shall be securely tied to prevent spillage.~~

~~(c) Refuse bins, drop boxes and proprietary containers, any of which may vary in capacity from one to 50 yards, shall conform to the following requirements:~~

~~(1) Containers shall be constructed of substantial materials such as rolled steel, forms and plate.~~

~~(2) Containers where putrescible waste is deposited shall have self-closing doors or covers which are flyproof and such doors or covers shall remain closed except during loading and unloading.~~

~~(3) Containers where refuse is deposited and which are equipped with covers shall remain closed except during loading and unloading. Containers which are not equipped with covers should be stored in a refuse collection area screened from view from the public streets and from adjacent property by a sight barrier of not less than six ft. high or not less than the height of the container, whichever is greater. This sight barrier may be met by locating the refuse collection area completely within a building or by erecting a structure such as a wall or fence especially for this purpose. The intent of this subsection is to safeguard health and public welfare by preventing refuse from scattering and being blown away.~~

~~(d) The use of oil drums as refuse containers is prohibited.~~

Sec. 6-3.10. Placement of containers for collection.

Containers shall be placed at street-side for collection at ground level of the property, not within the right-of-way of a street or alley, and accessible to and not more than 2 ~~two~~ ft~~.~~ from the curb or sidewalk on the side of the street from which collection is to be made. Containers are to be placed at street-side for collection within 12 hours of the time of collection and shall be removed within 12 hours after collection service is rendered.

Sec. 6-3.11. ~~Cuttings~~[Reserved]~~.~~ **~~Tree limbs, branches, hedge cuttings, leaves, and similar materials may also be disposed of by placing them in refuse containers in such a manner that the lid can be secured and contents may be readily emptied. Larger branches from tree and shrub trimmings may also be placed on the ground at the place of collection, providing they are neatly stacked and securely tied into bundles three 3 ft. or less in length and not more than 50 pounds in weight. In addition, said materials may be bagged and placed beside the garden refuse container.~~**

Sec. 6-3.12. Content of containers.

Contents of containers shall be limited to refuse as defined in Section 6-3.01 herein, except as hereinafter qualified. Refuse disposal shall be in accordance with the City and collector agreement(s) and all applicable state regulations.

(a) ~~*Garbage*~~*Organic Waste*. Organic Wastes which are specifically accepted at the collector's approved organic materials processing facility. Food wastes or animal feces must be thoroughly drained and securely wrapped to prevent leakage, odor, and access to flies and animals.

(b) ~~*Refuse*~~*Solid Waste*. As defined in California Public Resources Code, Division 30, Part 1, Chapter 2, §40191 and regulations promulgated hereunder. Excluded from the definition of Solid Waste are exempt waste, source separated construction and demolition debris, Recyclable Materials, Organic Materials, and radioactive waste. Feathers and ashes must be dampened and securely wrapped, and vacuum cleaner sweepings must likewise be securely wrapped.

(c) ~~*Cuttings*~~*Recyclable Materials*. Those materials which are capable of being recycled, which shall include, but not be limited to: newspaper (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; pie tins; tin cans; bi-metal containers; and #1-7 plastics (except for plastic bags, film plastic, packaging peanuts, and foam packaging).~~Grass, trees, shrub and flower trimmings, leaves and weeds must be contained as set forth in Section 6-3.11.~~

Sec. 6-3.13. Prohibited materials.

Unless written approval is granted by the Sutter County Health Officer, the following materials are prohibited in refuse set out for collection: a~~A~~mmunition;~~,~~ explosives;~~,~~ industrial wastes;~~,~~ chemicals;~~,~~ pathological,~~,~~ toxic, and radioactive waste;~~,~~ acids;~~,~~ drugs;~~,~~ medicines;~~,~~ ~~human feces,~~ unwrapped ~~animal~~ feces;~~,~~ and items too large for the collection equipment or which may damage the collection machinery such as large pieces of metal, machine parts, logs, and tree stumps.

Sec. 6-3.14. Accumulation limitation.

No person who owns, controls, or occupies any premises shall permit refuse to accumulate for a period in excess of one (1) calendar week, or fail, refuse, or neglect to place such refuse for collection in accordance with schedules established therefor and~~,~~ the provisions of this chapter and rules and regulations established pursuant thereto.

Sec. 6-3.15. Administration of collection service.

The Director shall administer the provisions of this chapter. In carrying out this responsibility, the Director~~he/she~~ shall have the following powers and duties:

(a) Establish rules and regulations consistent with this chapter governing storage, collection, and disposition of refuse, including the determination of standards and specifications for approved containers and placement of containers. The rules may permit special containers or bins where the quantity or nature of the material to be collected so requires.

(b) Establish additional rules and regulations consistent with this chapter as may be necessary, reasonable, and proper to effect the sanitary, expedient, economical, and efficient collection, removal, and disposal of refuse.

(c) Establish the routes, hours, and days of collection;~~-~~ ~~and he/she~~the Director may change the same as ~~he/she~~the Director deems necessary and shall give notice of such routes, hours, days, and changes as seems advisable.

Sec. 6-3.16. Removal of building scraps.

All owners, contractors, and builders of structures shall, both during construction and demolition and upon the completion of construction or demolition of any such structure, gather up and haul away at their sole cost and expense all refuse of every nature, description, or kind which has resulted from the construction activities or demolition of structures, including all lumber scraps, shingles, plaster, brick, stone, concrete, and other building materials, and shall return the lot and all nearby premises utilized in connection with such construction activities to~~in~~ a sightly condition. Whenever possible, said materials shall be separated for recycling and disposal per CALGreen Building Standards.

Sec. 6-3.17. Payment for services rendered.

(a) All billing for refuse collection shall be coordinated and administered by the collector(s); all charges shall become delinquent if not paid within 30 days after the date due (as stated on the refuse collection bill).

(b) If the bill remains unpaid after the date of delinquency, the collector(s) shall be entitled to a delinquency fee. However, said delinquency fee shall not be assessed until 15 days after notification of the delinquency to the owner and recipient of service. The form and content of the delinquency notice sent by the collector(s) and the delinquency fee shall be approved by the City. Said notice shall notify the owner of the fees imposed and the process for collection of delinquent charges. If a tenant is delinquent, the owner shall receive all such delinquency notifications.

(c) Collector(s) may assign to the City at expiration of the 30-day period any delinquent bills for hearing and lien proceedings. The collector(s) will compile said assignments into a report of delinquent accounts which will be submitted to the Director on an ~~annual monthly basis~~annual basis.

(d) Upon receipt by City of the report from the collector(s), and at the convenience of the City, the Finance Director shall fix a time, date, and place for holding a hearing with respect to the report and any appeals, protests, or objections thereto. The City Clerk shall cause notice of the time and place of the hearing to be mailed to the owner not less than ten (10) days prior to the date of the hearing. At the hearing, the Director shall hear and consider all appeals, objections, and protests, if any, to said report referred to in said notice. Upon conclusion of the hearing, the Director may adopt, revise, change, reduce, or modify any charge or charges or overrule any or all objections and shall make a determination upon the charge or charges as described in said report. The Director's determination shall be final and cannot be appealed.

(e) After the conclusion of the hearing process, and upon confirmation of the report by the Finance Director, the Finance Director shall initiate proceedings to create a lien on the real property to which the refuse collection has been rendered according to Government Code § 25831. The Finance Director is authorized by these provisions to declare that delinquency charges and penalties on refuse collection accounts, as set forth in the report by the collector(s), when recorded shall, after notice and hearing provided herein, be collected on the property tax roll. An administrative fee may be added to the lien amount in accordance with ~~the "Fee and Service Charge—Revenue/Cost Comparison System" of the Yuba City Municipal Code.~~ Chapter 8 (User Fee Recovery System) of Title 3 (Finance) of this Code.

Sec. 6-3.18. Agreements, rules, and regulations.

The City Council may, by agreement with the collector(s) or by separate R~~r~~esolution, implement rules and regulations to carry out and promote the provisions of this chapter. Such agreements, rules, and regulations may set forth the time of collection of refuse, the rates to be charged for such collection, the time for payment of such rates, the size of containers to be utilized, the manner in which such containers or bundles of refuse are to be placed for collection and such other matters as may be necessary or appropriate to effect the provisions of this chapter.

Sec. 6-3.19. SB 1383 I~~i~~nspections and enforcement.

(a) Definitions. The following words, terms and phrases, only when used in this Chapter~~section~~, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "City Enforcement Official" shall mean the City Manager, department director, or other executive in charge or their authorized Designee(s) who is/are partially or wholly responsible for enforcing this ordinance.

(2) "Commercial Business" or "Commercial" shall mean a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A multi-family residential dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this section.

(3) "Compliance Review" shall mean a review of records by the City to determine compliance with this section.

(4) "Designee" shall mean an entity that the City contracts with or otherwise arranges to carry out any of the City's responsibilities of this section as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a private entity, or a combination of those entities.

(5) "Enforcement Action" shall mean an action of the City to address non-compliance with this section including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

(6) "Inspection" shall mean a site visit where the City reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of materials to determine if the entity is complying with requirements set forth in this section.

(7) "Multi-Family Residential Dwelling" or "Multi-Family" shall mean of, from, or pertaining to residential premises with five (5) or more dwelling units.

(8) "Notice of Violation (NOV)" shall mean a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

(9) "SB 1383" shall mean Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the California Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the California Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time-to-time.

(10) "SB 1383 Regulations" shall mean or refer to, for the purposes of this section, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

(11) "Single-Family" shall mean of, from, or pertaining to any residential premises with fewer than five (5) units.

(b) Inspections and investigations by the City.

(1) City representatives and/or City-designated entities, including Designees, are authorized to conduct inspections and investigations, at random or otherwise, of any project site, collection container, or collection vehicle loads to confirm compliance with this section by Commercial Businesses (including Multi-Family Residential Dwellings), property owners, building/demolition/landscaping contractors, or any other entities subject to applicable laws. This section does not allow City representatives and/or City-designated entities, including Designees, to enter the interior of a private residential property for inspection (e.g., a fenced or gated private property yard or area).

(2) Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/Designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper solid waste collection services, proper placement of materials in containers, records, or any other requirement of this section described herein. Failure to provide or arrange for (i) access to an entity's premises or (ii) access to records for any inspection or investigation is a violation of this section and may result in penalties described in Section 6-3.19(c).

(3) Any records obtained by the City during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

(4) City representatives, City-designated entities, and/or Designees are authorized to conduct any inspections or other investigations as reasonably necessary to further the goals of this section, subject to applicable laws.

(5) The City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with this section, including receipt of anonymous complaints.

(c) Enforcement.

(1) Violation of any provision of this section shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Enforcement Official or representative. Enforcement Actions under this section are issuance of an administrative citation and assessment of a fine in accordance with Chapter 8 (Nuisances) of Title 4 (Public Safety) of this Code. The City's procedures on nuisance enforcement and administrative penalties are hereby incorporated in their entirety, as modified from time-to-time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this section and any rule or regulation adopted pursuant to this section, except as otherwise indicated in this section. Administrative penalties shall be as per the fee schedule established in Section 6-3.19(c)(4).

(2) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The City may choose to delay court action until such time as a sufficiently large number of violations or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

(3) Responsible entity for enforcement.

(i) Enforcement pursuant to this section may be undertaken by the City Enforcement Official(s) or their designated entity, legal counsel, or combination thereof.

(ii) City Enforcement Official(s) will interpret the Code, determine if violation(s) have occurred, implement Enforcement Actions, and determine if compliance standards are met.

(iii) City Enforcement Official(s) may issue Notices of Violation(s).

(4) Penalty amounts for violations.

The penalty levels are as follows:

(i) For a first violation, the amount of the base penalty shall be $50 per violation.

(ii) For a second violation, the amount of the base penalty shall be $100 per violation.

(iii) For a third or subsequent violation, the amount of the base penalty shall be $250 per violation.

(6) Education period for noncompliance. Upon adoption and enactment of this section by the City and through December 31, 2023, City will conduct inspections and Compliance Reviews, depending upon the type of regulated entity, to determine compliance. If the City determines that a Commercial Business (including Multi-Family Residential Dwellings), property owner, building/demolition/landscaping contractor, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this section and a notice that compliance is required by adoption and enactment of this section and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(7) Civil penalties for noncompliance. Beginning January 1, 2024, if the City determines that a Commercial Business (including Multi-Family Residential Dwellings), property owner, building/demolition/landscaping contractor, or, other entity is not in compliance with this section, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this section, as warranted.

Sec. 6-3.20~~19~~. Violation a misdemeanor.

Every person, firm, or corporation violating any of the provisions of this chapter may~~shall~~ be deemed guilty of a misdemeanor and shall be subject to the penalty provision set forth in ~~Chapter 2,~~ Section 1-2.01 of ~~the Yuba City Municipal~~this Code.

Sec. 6-3.21. Delegation of duties to Regional Waste Management Authority; incorporation of Authority's SB 1383 program implementation; interpretation.

The Regional Waste Management Authority ("Authority") is a duly formed joint powers authority pursuant to Government Code §6500 et seq. of which the City is a member. The Authority serves as (i) the responsible agency the preparation and submission of regional planning documents and annual reports and coordination of waste diversion programs pursuant to Assembly Bill 939 and the corresponding regulations in Title 14 of the California Code of Regulations, Division 7, Chapter 9, and (ii) the responsible agency to coordinate, administer and/or implement compliance with and enforcement of SB 1383 on behalf of each joint powers member, including the City.

The Authority is hereby designated as the City's "Designee" to carry out any of the City's responsibilities under SB 1383 as authorized in 14 CCR Section 18981.2, to the extent such responsibilities are further specified and delegated to Authority pursuant to its formational instruments, resolutions, ordinances and policies, as may be amended from time-to-time ("Authority Programs"). The Authority Programs are hereby adopted by reference into this Chapter and made a part hereof.

In interpreting this Chapter in conjunction with the Authority Programs, in the event of any conflict between this Chapter and Authority Programs that cannot be reasonably harmonized through the application of lawful principles of statutory or contract construction, the terms of the Authority Programs shall control with respect to all issues specific to the regulation of organic and food waste collection and disposal.

~~Sec. 6-3.20. Repeal.~~

~~All ordinances inconsistent with the provisions of this ordinance are hereby repealed. Such repeal is to be effective concurrent with and simultaneous with the effective date of this chapter.~~

Section 6.

Section 6-4.03 of Chapter 4 (Obstructions in Gutters and Ditches) of Title 6 (Public Works) of the Yuba City Municipal Code is hereby amended to read as follows:

Sec. 6-4.03. - Placement of garden refuse.

No person shall deposit in the public right-of-way any garden refuse, including tree trimmings, shrub trimmings, grass clippings, and similar materials. Garden refuse shall be disposed of in accordance with Chapter 3 of Title 6 ~~Municipal Code Section 6-3.11 - Cuttings~~.

Section 7.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 8.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 15th day of February, 2022, and passed and adopted at a regular meeting held on the 1st day of March, 2022.

AYES:
NOES:
ABSENT:
ABSTAIN:

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

SHANNON CHAFFIN, City Attorney
Aleshire & Wynder, LLC

ATTACHMENT 2

RESOLUTION NO. _________

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING THE SCHEDULE OF FEES AND CHARGES FOR ADMINISTRATIVE CITATIONS AND PENALTIES FOR IMPLEMENTATION OF SB 1383 SHORT-LIVED CLIMATE POLLUTANT REDUCTION ACT OF 2016

WHEREAS, on March 20, 2007, the City Council repealed and reenacted Chapter 8 of Title 3 of the Yuba City Municipal Code (User Fee Recovery System) and adopted Resolution No. 07-25 updating the Schedule of Fees and Charges for City Services (User Fee Schedule); and

WHEREAS, the City desires to maintain its objective to prevent violations and ensure the correction of dangerous conditions to protect the people and property of the City of Yuba City, rather than to punish violators by establishing fair and reasonable penalties; and

WHEREAS, the User Fee Schedule is adjusted annually for inflationary changes and as needed for changes to services offered by the City; and

WHEREAS, the City Council of the City of Yuba City has repealed and reenacted Chapter 3 of Title 6 of the Yuba City Municipal Code pertaining to Mandatory Refuse Collection Services to comply with California Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016; and

WHEREAS, the administrative penalties for enforcement of SB 1383 laid out in the SB 1383 Regulations differ from those established in the User Fee Schedule for Administrative Citations for the City's general administrative enforcement per Chapter 2 of Title 1 and nuisance abatement citations per Chapter 8 of Title 4, and the City has determined that the charges enumerated in the SB 1383 Regulations are fair and reasonable for enforcement of said Regulations and require an addition to the User Fee Schedule.

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

1. The City Council authorizes the Finance Director to amend the Section V Public Safety of the User Fee Schedule to include as follows, upon the adoption and enactment of the "Ordinance of the City Council of the City of Yuba City Adding Section 7-10.03 of Chapter 10 of Title 7, Adding Chapter 18 (Model Water Efficient Landscape Ordinance) of Title 7, and Amending Chapter 3 (Mandatory Refuse Collection Services) of Title 6 of the Yuba City Municipal Code to Comply with SB 1383 Short-Lived Climate Pollutant Reduction Act of 2016:"

   Administrative Civil Penalties – SB 1383 Compliance

First Violation Base Penalty per Violation	$50
Second Violation Base Penalty per Violation	$100
Third or Subsequent Violation Base Penalty per Violation	$250

2. The City Council resolves that issuance of any Notices of Violation, Enforcement Actions, and Administrative Civil Penalties pursuant to said Ordinance shall begin January 1, 2024, in accordance with SB 1383.

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 15th day of February, 2022.

AYES:
NOES:
ABSENT:

____
Dave Shaw, Mayor

ATTEST:

____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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

Future Agenda Items

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

Reports and Communications

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

City Manager's Report

<u>Reports and Communications</u>

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 Espindola
- Councilmember Harris
- Vice Mayor Kirchner
- Mayor Shaw

<u>Adjournment</u>