SPECIAL NOTICE

Precautions to Address COVID-19 will apply to this meeting.

APRIL 19, 2022

REGULAR MEETING OF THE CITY COUNCIL

The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the "Coronavirus"). While the Governor recently issued Executive Orders N-07-21, which lifted certain orders and associated restrictions, there are still public health guidance's in place. The City is providing multiple alternatives to viewing Council meetings and providing comments on items on the agenda, including:

- Web Conference: The meeting will be conducted live over the internet by PC or Smartphone. Members of the public can join the web-based virtual meeting. (See instructions, below.)
- Email: You can email comments to cityclerk@yubacity.net any time before the meeting, or before the hearing is closed on the agenda item, and your comments will be read aloud. Please identify the Agenda item you wish to address in your comments.
- Public Attendance: 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, seating is available in the Council Chamber. A facial covering will be available upon request by any attendee. Comments may be made from the Council Chamber podium. Please participate via web conference or email if you are ill or have been exposed to COVID-19.

To join the web base virtual meeting please follow these instructions:
Click the link to sign up for the webinar at the specified time and date:

https://us06web.zoom.us/webinar/register/WN_ufKyS_i1RdOM0WYPmN30_A
You will need to register for the teleconference. Once registered, the following information will pop up.
Yuba City Council Meeting – 4/19/2022

Click here to join the webinar.

Before joining, be sure to check system requirements to avoid any connection issues.

A confirmation email with information on how to join the webinar has been sent to you and with audio instructions. Questions or Comments? Email contact: cityclerk@yubacity.net

Note – currently the video conferencing process does not allow for verbal comments, but does have a chat function where comments will be read. Comments will also be received via email to cityclerk@yubacity.net.

AGENDA

APRIL 19, 2022

REGULAR MEETING
CITY COUNCIL
CITY OF YUBA CITY

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

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

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

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

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

AGENDA
REGULAR MEETING
CITY COUNCIL - CITY OF YUBA CITY
APRIL 19, 2022
5:00 P.M. CLOSED SESSION
SUTTER ROOM/VIRTUAL

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

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

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

Closed Session

A. Conference with Labor Negotiators (Pursuant to Government Code, Section 54957.6.)
Agency designated representatives: Diana Langley, City Manager, Natalie Springer, Human Resources Director, Brad McIntire, Community Services Director, Spencer Morrison, Finance Director, Ben Moody, Public Works and Development Services Director, Brian Baker, Police Chief, Jesse Alexander, Fire Chief, Michael Jarvis, LCS
Employee organizations: Yuba City Police Officers; Police Sergeants; Yuba City Firefighters Local 3793; Yuba City Fire Management; First Level Managers, Mid Managers, Police Sworn Mid Managers; and Public Employees Local No. 1
Unrepresented employees: Confidential Employees, Executive Services Employees

Regular Meeting

Call to Order

Roll Call

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

Invocation/Inspiration

Pledge of Allegiance to the Flag

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

Agenda Modifications/Approval of Agenda

Ceremonial Presentations

1. National Small Business Week 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.

Consent Calendar

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

3. Minutes of March 15 and 29, and April 5, 2022

Recommendation: Approve the minutes of March 15 and 29 and April 5, 2022

4. Film Yuba Sutter Commission Committee

Recommendation: Adopt a Resolution appointing Councilman Harris to the Film Yuba Sutter Commission Committee

5. SACOG Fund Exchange Letter (Authorization to submit)

Recommendation: Adopt a Resolution authorizing the Public Works Director to submit a letter to the Sacramento Area Council of Governments requesting that federal funds be de-programmed from the Butte House Road Complete Streets project and re-programmed to the Walton Avenue Complete Streets project

6. 2022 Residential Resurfacing Project (Plans & Specifications)

Recommendation: Adopt a Resolution adopting a CEQA Class 1 Categorical Exemption, approving the plans and specifications, and authorizing advertisement for bids for the 2022 Residential Resurfacing Project

7. Salary Schedule Modifications in the Police Department

Recommendation: Adopt a Resolution amending the salary schedule and removing assignment pay job class codes

8. FB 22-07 Chevrolet Tahoe Police Pursuit Purchase

Recommendation: A. Adopt a Resolution awarding the purchase of five (5) Chevrolet Tahoe Pursuit Vehicles to Wheeler Chevrolet in the amount of $201,995.35. Sole source equipment purchases and install to Cop Shop installations of Yuba City, CA in the estimated amount of $124,063.45

B. Authorize a supplemental budget appropriation in the amount of $11,070 to purchase a 5 year/100K mile extended warranty for the five vehicles which was not offered by any other vendor

9. Second Groundwater Well (18-18) – Plans & Specifications

Recommendation: Adopt a Resolution approving the plans and specifications for construction of the below-ground facilities of the Second Groundwater Well Project at the Water Treatment Plant and authorizing advertisement for bids on the project

Business Items

10. Community Sponsorship Requests

Recommendation:

A. Adopt a Resolution to approve a monetary Sponsorship request from the Trauma Intervention Program of $5,000.00 for the support of survivors of emergencies and tragedies

B. Adopt a Resolution to approve a monetary Sponsorship request from the Alliance for Hispanic Advancement (AHA) of up to $25,000.00 to advance Hispanic heritage in our local communities through community action, educational enhancement, and economic development

11. An Ordinance Adopting an Equipment Use Policy per CA Assembly Bill No. 481

Recommendation: Waive the reading and adopt an Urgency Ordinance of the City Council of the City of Yuba City adding Chapter 23 to Title 4 of the Yuba City Municipal Code adding a policy related to use of Military Equipment Policy by title only

12. Fire Inspection Fee Schedule

Recommendation: A. Conduct a Public Hearing; then

B. Adopt a Resolution amending the Yuba City Schedule of Fees and Charges for City services related to Fire Department

Inspection Services, which include creating a R-1 & R-2 Fire Inspection Fee and updating the Assembly Fire Inspection Fee

13. Amendment to the 2019 Collection Services Franchise Agreement with Recology Yuba-Sutter

Recommendation: Adopt a Resolution authorizing the Mayor to execute a second amendment to the 2019 Collection Services Franchise Agreement with Recology Yuba-Sutter, subject to immaterial modifications by the City Manager upon approval of the City Attorney as to legal form

14. Water Supply Outlook and Emergency Water Conservation Measures

Recommendation: Adopt a Resolution declaring that water supply conditions are such that they dictate and justify the need for the implementation of mandatory conservation measures to achieve 20% conservation, in alignment with Stage 3 of the Water Shortage Contingency Plan

15. Presentation of Utility Billing Arrearages and Delinquencies

Recommendation: Note and File Report

16. 60-Day Trial Program to Provide an Overnight Vehicle Parking Area for Homeless Individuals and Families at County-Owned Property Located at 850 Gray Avenue in Yuba City

Recommendation: Adopt a Resolution approving the establishment of a 60-day trial program to provide an overnight vehicle parking area for homeless individuals and families at County-owned property located at 850 Gray Avenue in Yuba City.

Future Agenda Items

17. 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

18. City Manager's Report

19. City Council Reports

- Councilmember Boomgaarden
- Councilmember Harris
- Councilmember Espindola

- Vice Mayor Kirchner
- Mayor Shaw

Adjournment

Proclamation

of the City Council

SMALL BUSINESS WEEK

MAY 1–7, 2022

WHEREAS, the City of Yuba City recognizes National Small Business Week and values the dedication and entrepreneurial spirit of small businesses that keep the Yuba-Sutter region's economy growing stronger; and

WHEREAS, it is the collaborative mission of the City of Yuba City working in partnership with The Yuba Sutter Chamber of Commerce, and other organizations to help our businesses develop and thrive; and

WHEREAS, small businesses are not only the engines of our economic progress, they employ local residents and they are the heart and soul of our community; and

WHEREAS, the City of Yuba City appreciates the support provided to our small businesses by the Yuba Sutter Chamber of Commerce and other organizations; and

WHEREAS, during the week of May 1-7, 2022, the National Small Business Administration and the Yuba Sutter Chamber of Commerce are celebrating Small Business Week.

NOW, THEREFORE, BE IT RESOLVED, that I, Dave Shaw, Mayor of the City of Yuba City and on behalf of the entire City Council, do hereby proclaim May 1 -7, 2022, as "Small Business Week" in the City of Yuba City and urge all citizens to acknowledge and celebrate the achievements made by small business both locally and nationally.

Done this 19th day of April 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, seating is available in the Council Chamber. A facial covering will be available upon request by any attendee. Comments may be made from 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

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022
To: Honorable Mayor & Members of the City Council
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Minutes of March 15 and 29, and April 5, 2022
Recommendation: Approve the minutes of March 15 and 29 and April 5, 2022
Fiscal Impact:

Attachments:

1. 03-15-2022 - Regular Meeting Minutes (DRAFT)
2. 03-29-2022 - Special Meeting Workshop (DRAFT)
3. 04-05-2022 - Regular Meeting Minutes (DRAFT)

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

MINUTES (draft)
CITY COUNCIL - CITY OF YUBA CITY
REGULAR MEETING - MARCH 15, 2022
5:00 P.M. CLOSED SESSION:SUTTER ROOM/VIRTUAL
6:00 P.M. REGULAR MEETING COUNCIL CHAMBERS/VIRTUAL

Call to Order

The Closed Session Meeting of the City Council was called to order by Mayor Shaw at 5:00 PM

Roll Call

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

Absent: None

Closed Session

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

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

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

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

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

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

Negotiator: Diana Langley, City Manager Negotiating parties: Habitat for Humanity Under negotiation: Price and terms of payment

Regular Meeting

The Regular Meeting of the City Council was called to order by Mayor Shaw at 6:00 PM

Roll Call

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

Absent: None

Invocation/Inspiration

Bob Fischetti, Yuba City Police Department Chaplain

Pledge of Allegiance to the Flag

Michael Castaneda, Senior IT Analyst

City Attorney's Report on Closed Session Items

No reportable action was taken

Agenda Modifications/Approval of Agenda

No changes were made

Ceremonial Presentations

2. Upholstery Hut Retirement Proclamation for Lynn Sillman

Mayor Shaw presented a proclamation to Upholstery Hut owner Lynn Sillman

3. Sutter County Museum Presentation and Introduction of Executive Director

Molly Bloom, Sutter County Museum Director and Curator, will be presenting

Public Communication

4. Appearance of Interested Citizens

Jackie Sillman (City Clerk) and Laura Nicholson (Senior District Representative for State Senator Jim Nielsen, and Assemblymember James Gallagher) spoke

Consent Calendar

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

5. Minutes of March 1, 2022

Approve the City Council minutes of March 1, 2022

6. 2022 Hazard Mitigation Grant Program Local Match Fund Commitment Letter for Aquifer Storage Recovery Well Project

Adopt a Resolution authorizing the Public Works Director or designee to execute documents, invoices, and reports, including a Local Match Fund Commitment Letter, required to obtain grant funding

7. 2022 Hazard Mitigation Grant Program Local Match Fund Commitment Letter for Water Treatment Plant Low Lift Generator Project

Adopt a Resolution authorizing the Public Works Director or designee is hereby authorized and directed to submit any required documents, invoices, and reports,

including the Local Match Fund Commitment Letter required to obtain grant funding

8. Naming of New Park Development on Harter Parkway

Adopt a Resolution naming the new park development on Harter Parkway Didar S. Bains Park

Manny Cardoza spoke
Megan Bains spoke
Lee Jones spoke

9. Nomination of Councilwoman Espindola to serve as a Board Member of Region2 of the Association of California Water Agencies

Adopt a Resolution nominating Councilwoman Espindola as a Board Member of Region 2 of the Association of CaliforniaWater Agencies (ACWA)

The motion was passed with a unanimous vote

Business Items

10. Yuba Sutter Tourism Improvement District Renewal - Public Hearing

Mayor Shaw opened the Public Hearing

Marni Sanders spoke
Charles Sharp spoke
Lee Jones spoke
Jacob Foe spoke

Mayor Shaw closed the Public Hearing

City Council took no action on this item

11. Wastewater Treatment Facility Effluent Discharge Outfall Diffuser Project – CEQA Adoption

Councilmember Espindola moved and Councilmember Boomgaarden seconded the motion to:

Adopt a Resolution adopting the Initial Study/Mitigated Negative Declaration for the Yuba City Wastewater Treatment Facility Outfall and Diffuser Project (Environmental Assessment EA 21-04)

The motion was passed with a unanimous vote

12. Senate Bill 9 and Accessory Dwelling Unit Ordinance Adoption and Establishing Fees for Urban Lot Splits

Mayor Shaw opened the Public Hearing

No public comment

Mayor Shaw closed the Public Hearing

Councilmember Boomgaarden moved and Councilmember Espindola seconded the motion to

A. Adopt a Resolution establishing an Urban Lot Split Fee; then

B. Adopt an Ordinance to update the Yuba City Municipal Codeto establish regulations for Urban Lot Splits and two-unit developments in accordance with Senate Bill 9, and adopt amendments to regulations of Accessory Dwelling Units and Junior Accessory Dwelling Units, by title only and waive thesecond reading

The motion was passed with a unanimous vote

13. Police Services Analyst Position in the Police Department and Rules and Regulations Amendment

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

Adopt a Resolution authorizing:

A. Amend the Rules and Regulations providing for temporary, extra-help employees to have the ability to apply for internal recruitment

B. Amend the Police Department Personnel Summary adding the classification of Police Services Analyst

C. Corresponding change to the publicly-available salary schedule

The motion was passed with a unanimous vote

14. Water Treatment Plant Operator III Limited Term Position

Manny Cardoza spoke

Councilmember Boomgaarden moved and Councilmember Espindola seconded the motion to:

A. Adopt a Resolution approving one (1) limited term Water Treatment Plant Operator III (LT) position in the Public Works Department for a period not to exceed three (3) years andapproving a side letter with Public Employees' Local 1regarding the representation of the Water Treatment Plant Operator III Limited Term employee

B. Authorize a supplemental appropriation and related transfersin the amount of $40,000 from unallocated water funds to Account No. 7120 (Water Treatment Plant Operating Budget)for Fiscal Year 21/22 salary and benefits for the Water Treatment Plant Operator III limited term position

The motion was passed with a unanimous vote

15. Electrical/Instrumentation Supervisor Salary Schedule

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

A. Adopt a Resolution authorizing the Finance Director to amend the salary schedule to reflect the addition of an Electrical/Instrumentation Supervisor position within the Public Works Department and approving a side letter with the First Level Managers group

B. Authorize the Finance Director to make budget adjustments as necessary

The motion was passed with a unanimous vote

16. Building Inspection Compensation Adjustments

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

A. Adopt a Resolution authorizing the Finance Director to amend the salary schedule to reflect compensation adjustments to the Building Inspector classifications within the Development Services Department

B. Authorize the Finance Director to make budget adjustments as necessary

The motion was passed with a unanimous vote

Future Agenda Items

1. Future Agenda Items:

No suggestions were made

Reports and Communications

2. City Manager's Report

3. City Council Reports

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

Adjournment

Mayor Shaw adjourned the Regular Meeting of the City Council at 8:21 PM

_____

Dave Shaw, Mayor

ATTEST:

_____

Ciara Wakefield, Deputy City Clerk

ATTACHMENT 2

MINUTES (draft)
SPECIAL MEETING
HOMELESS WORKSHOP
MARCH 29, 2022 – 6:00 P.M.

Special Meeting

Call to Order

Mayor Shaw called the Special Meeting of the City Council to order at 6:00 PM

Roll Call

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

Absent: None

General Items

Public Communication on Items on the Agenda

1. City Council Team Building and Training Workshop

Presentations by: Dave Shaw, Mayor
Troy Koski, Homeless Liaison Officer
Jesse Alexander, Fire Chief
Rob Condrey, Park Maintenance Superintendent
Eric Ball, Code Enforcement Officer
Scott Chandler, Deputy Director Public Works – Maintenance
Diana Langley, City Manager

2. Appearance of Interested Citizens

Heather Esemann spoke
Jeff Stephens spoke
Steve Smith spoke
Manny Cardoza spoke
Johnny Burke spoke
Mary Buttacavoli spoke
Pamela Langan commented via Zoom
Ronald Eberhardt commented via Zoom
Matthew Floe commented via Zoom
Rita Collins commented via Zoom

Adjournment

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

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

ATTACHMENT 3

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

Call to Order

The Closed Session Meeting of the City Council was called to order by Mayor Shaw at 5:03 PM

Roll Call

Present: Mayor Shaw, Vice-Mayor Kirchner, and Councilmembers Espindola, and Harris
[Councilmember Boomgaarden joined Closed Session at 5:10 PM]

Absent: None

Closed Session

A. Confer with Real Property Negotiator (Government Code 54956.8)
Property: Public Utility Easement on APN 23-110-007 located on the east side of Garden Highway at Stewart Road, 2700 Garden Highway, Yuba City, California 95991
Negotiator: Diana Langley, City Manager
Negotiating parties: Michael Dennis Netherby and Ann Shealy Netherby
Under negotiation: Price and terms of payment

B. Conference with Labor Negotiators (Pursuant to Government Code, Section 54957.6.) Agency designated representatives: Diana Langley, City Manager, Natalie Springer, Human Resources Director, Brad McIntire, Community Services Director, Spencer Morrison, Finance Director, Ben Moody, Public Works and Development Services Director, Brian Baker, Police Chief, Jesse Alexander, Fire Chief, Michael Jarvis, LCS Employee organizations: Yuba City Police Officers; Police Sergeants; Yuba City Firefighters Local 3793; Yuba City Fire Management; First Level Managers, Mid Managers, Police Sworn Mid Managers; and Public Employees Local No. 1 Unrepresented employees: Confidential Employees, Executive Services Employees

C. Threats to Public Services or Facilities (Pursuant to Government Code section 54957(a).) Consultation with: Director of Finance/IT; Police Chief, City Manager, and City Attorney

Public comment received from Heather Esemann

Regular Meeting

The Regular Meeting of the City Council was called to order by Mayor Shaw at 6:04 PM

Roll Call

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

Absent: None

Invocation/Inspiration

George Barlow, Management Analyst

Pledge of Allegiance to the Flag

Nick Morris led the pledge of allegiance

City Attorney's Report on Closed Session Items

No reportable action was taken

Agenda Modifications/Approval of Agenda

No changes were made

Ceremonial Presentations

1. **Women's History Month Spotlight**

   Mayor Shaw presented recognized the following women with certificates:

   Lynn Haile
   Leakena Chan Arredondo
   Coleen Morris
   Cindy Applegarth
   Cynthia Rachel

2. **Valley Truck and Tractor Proclamation**

   Mayor Shaw presented John Miller and family with a proclamation

3. **Community College Month, Honoring Yuba College Proclamation**

   Mayor Shaw presented a proclamation to representatives from Yuba College:

   Dr. Tawny Dotson, President
   Jeremy Brown, VP for Instruction
   Dr. Dwayne Hunt, VP for Student Services
   Annabel Toche, Dean for Student Success and Institutional Effectiveness

4. **Feather River West Levee Financing Authority Proposed Assessment Presentation**

   Presentation by: Mike Inamine – HDR (Engineering Firm) Project Manager
   Drew Stresser – LD 1/LD 9 (Levee Districts) General Manager

5. **Feathers to Farms Program Presentation**

   Presentation by: Brad McIntire, Community Services Director
   Megan Anderson, Animal Services Manager

Public Communication

6. Appearance of Interested Citizens

Tej Mann spoke
Raji Tumber spoke
Michelle Smith Barker spoke

Consent Calendar

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

7. State Route 20 Corridor Improvements Project – Phase 2

Adopt **Resolution 22-035** adopting a CEQA Class 1 Categorical Exemption for the State Route 20 Corridor Improvements Project – Phase 2, approving the plans and specifications, and authorizing advertisement for bids on the Project, pending receipt of a Caltrans encroachment permit

8. Presentation of Investment Report - Quarter Ended December 31, 2021

Note and File Quarterly Investment Report

9. Cybersecurity Projects

A. Authorize the City Manager to utilize ARPA/H.R. 1319, American Rescue Plan Act 2021, funds on cybersecurity projects

B. Authorize the Finance Director to transfer $400,000 from fund 236, ARPA of 2021, to fund 301, CIP-General Fund Projects

C. Approve supplemental appropriations to account 901292- 65501, Citywide IT System Modernization, in the amount of $400,000

10. Wastewater Treatment Facility Chlorine Building HVAC Improvements Project (Plans & Specifications)

Adopt **Resolution 22-036** adopting a CEQA Class 1 Categorical Exemption for the Wastewater Treatment Facility Chlorine Building HVAC Improvements Project, approving the plans and specifications, and authorizing advertisement for bids on the project

11. Proposition 1 Integrated Regional Water Management Round 1 Grant Projects

Adopt **Resolution 22-037** which takes the following actions:

A. Approves a Professional Services Justification and awards a Professional Services Agreement to West Yost & Associates, Inc. of Davis, CA in the amount of $180,093 for development of plans and specifications, required permit applications, and other services for the City's two Proposition 1 Integrated Regional Water Management Round 1 Grant Projects: Project 4 North Gilsizer Detention Basin Improvements Project and Project 5 Lincoln Road Trash Capture Device in Gilsizer Slough Project with a finding that it is in the best interest of the City

B. Authorizes the City Manager to execute the Professional Services Agreement on behalf of the City, subject to review and approval as to legal form by the City Attorney

12. Public Works Engineering Personnel Changes

A. Adopt **Resolution 22-038** (i) reclassifying a vacant Senior Engineer position to one (1) additional Deputy Public Works Director – Engineering position within the Public Works Department and (ii) authorizing the Finance Director to amend the salary schedule to reflect upward compensation adjustments of approximately 12% for the classification

B. Authorize the Finance Director to make budget adjustments as necessary

13. Biennial Review of the City of Yuba City Conflict of Interest Code

Adopt **Resolution 22-039** Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions

The motion was passed with a unanimous vote

Business Items

14. Yuba-Sutter Economic Development District 2020 CEDS Appendices 1, IV, V updates and 2021 CEDS Annual Performance and Evaluation

Councilmember Espindola moved and Councilmember Harris seconded the motion to:

Adopt **Resolution 22-040** approving the 2021 comprehensive Economic Development Strategy Annual Performance Report and updates to Appendices I, IV, & V as prepared by the Yuba- Sutter Economic Development Corporation and the Comprehensive Economic Development Strategy

The motion was passed with a unanimous vote

15. Transfer and Indemnification Agreement Between the City of Yuba City and Sutter Butte Flood Control Agency

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

Adopt **Resolution 22-041** authorizing the Mayor to execute a Transfer and Indemnification Agreement Between the City of Yuba City and Sutter Butte Flood Control Agency (SBFCA) to transfer $1,700,000 of Levee Impact Fees from the City to SBFCA, subject to modifications by the City Manager upon approval of the City Attorney as to legal form

The motion was passed with a unanimous vote

Future Agenda Items

16. Future Agenda Items

No suggestions were made

Reports and Communications

17. City Manager's Report

18. City Council Reports

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

Adjournment

Mayor Shaw adjourned the Regular Meeting of the City Council in memory of Senator Don Young at 8:25 PM

_____
Dave Shaw, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022
To: Honorable Mayor & Members of the City Council
From: Administration Department
Presentation By: Diana Langley, City Manager

Summary

Subject: Film Yuba Sutter Commission Committee
Recommendation: Adopt a Resolution appointing Councilman Harris to the Film Yuba Sutter Commission Committee
Fiscal Impact: None

Purpose:

To contribute to economic development in Yuba and Sutter counties by promoting and supporting film and video production and other film-related activities.

Council's Strategic Goal:

Support of the Film Yuba Sutter Committee benefits Council's overarching goal of quality of life and fiscal responsibility.

Background:

The Film Yuba Sutter Commission (Commission), formed earlier this year, is an organization intended to attract and support the film industry in the Yuba-Sutter community. In January, City Council approved a monetary sponsorship of the Commission in the amount of $6,250, and it was noted at that time that the Commission would be forming a Film Yuba Sutter Committee (Committee) to meet quarterly. The Committee is to be comprised of a representative from each investor entity as well as film industry experts and local business and non-profit organization representatives.

Analysis:

As the City is an investor entity, the Commission is requesting that a Councilmember be appointed to the Committee. Mayor Shaw is recommending that Councilman Harris be appointed to the Committee. There is no term associated with this appointment, so Councilman Harris would remain on the Committee as long as Council does not change the appointment, or until the expiration of his term as a Councilmember.

Alternatives:

Appoint a different Councilmember to the Committee.

Recommendation:

Adopt a Resolution appointing Councilman Harris to the Film Yuba Sutter Commission Committee.

Attachments:

1. Attachment 1 - Reso - Film Yuba Sutter

Prepared By:
Diana Langley
City Manager

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPOINTING COUNCILMAN HARRIS TO THE FILM YUBA SUTTER COMMISSION COMMITTEE

WHEREAS, the Yuba Sutter Chamber of Commerce established the Film Yuba Sutter Commission; and,

WHEREAS, on January 18, 2022, the City Council approved the sponsorship of the Film Yuba Sutter Commission; and

WHEREAS, the Film Yuba Sutter Commission now desires to establish a Film Yuba Sutter Commission Committee comprised of a representative from each investor entity as well as film industry experts and local business and non-profit organization representatives; and

WHEREAS, as the City of Yuba City is an investor entity, the Film Yuba Sutter Commission is requesting that a Councilmember be appointed to the Film Yuba Sutter Commission Committee.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Yuba City does hereby appoint Councilmember Harris to the Film Yuba Sutter Commission Committee.

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 19th day of April, 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

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation By: Kevin Bradford, Deputy Public Works Director - Engineering

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Summary

Subject: SACOG Fund Exchange Letter (Authorization to submit)

Recommendation: Adopt a Resolution authorizing the Public Works Director to submit a letter to the Sacramento Area Council of Governments requesting that federal funds be de-programmed from the Butte House Road Complete Streets project and re-programmed to the Walton Avenue Complete Streets project

Fiscal Impact: Potential schedule and cost savings for City and outside agencies resulting from elimination of federal requirements for one City project

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Purpose:

To improve efficiencies in managing, designing, and constructing transportation projects receiving Sacramento Area Council of Governments (SACOG) grant funding.

Council's Strategic Goal:

This project addresses the City Council's Strategic Goal of improving the City's infrastructure.

Background:

The City received grant funding from SACOG in the 2021 Flexible Funding Round. The Butte House Road Complete Streets project received $300,000 through the Community Design program. The Walton Avenue Complete Streets project received $3.75 million through the Maintenance and Modernization program.

SACOG staff approached the City with an opportunity to improve the project delivery process for these two projects by transferring the grant funding from the Butte House Road project to the Walton Avenue project, which would allow the Butte House Road project to be delivered without any federal funding requirements. This would potentially save time and money, as well as benefit the public.

Analysis:

The Walton Avenue Complete Streets project received $3.75 million from SACOG in the 2021 Flexible Funding Round, yet this project is expected to require local funding of approximately $900,000. By transferring the grant funding from the Butte House Road project, the local funding required to deliver

the Walton Avenue project will be reduced by $300,000.

In return, the City would transfer $300,000 in local funds from the Walton Avenue project to the Butte House Road project. This would allow the Butte House Road project to be completed entirely with local funds, eliminating the federal funding requirements that typically delay and increase the cost of delivering a project. SACOG will require the City to submit project status updates on the Butte House Road project to assure completion by December 31, 2025. Failure by the City to complete the project may be considered by SACOG as a disqualifying or discounting factor for existing or future projects proposed through SACOG's competitive funding programs. The risk of failing to complete the project by the deadline is extremely low.

Staff is requesting authorization for the Public Works Director to submit a letter to SACOG agreeing to the transfer of funds.

Fiscal Impact:

The transfer of funds between the two projects results in no net fiscal impact. However, there is potential schedule and cost savings for City and outside agencies resulting from elimination of federal requirements for the Butte House Road project.

Alternatives:

Do not authorize the Public Works Director to agree to the fund transfer and deliver the projects as currently programmed.

Recommendation:

Adopt a Resolution authorizing the Public Works Director to submit a letter to the Sacramento Area Council of Governments requesting that federal funds be de-programmed from the Butte House Road Complete Streets project and re-programmed to the Walton Avenue Complete Streets project.

Attachments:

1. Resolution - SACOG Fund Consolidation
2. Exhibit A - Letter to SACOG re Fund Consolidation

Prepared By:	Submitted By:
Kevin Bradford	Diana Langley
Deputy Public Works Director – Engineering	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SUBMIT A LETTER TO THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS (SACOG) REQUESTING THAT FEDERAL FUNDS BE DE-PROGRAMMED FROM THE BUTTE HOUSE ROAD COMPLETE STREETS PROJECT AND RE-PROGRAMMED TO THE WALTON AVENUE COMPLETE STREETS PROJECT

WHEREAS, the City of Yuba City (City) received grant funding from SACOG in the 2021 Flexible Funding Round in the amount of $300,000 through the Community Design program for the Butte House Road Complete Streets project and in the amount of $3.75 million through the Maintenance and Modernization program for the Walton Avenue Complete Streets project; and

WHEREAS, SACOG staff approached the City with an opportunity to improve the project delivery process for the two aforementioned projects by transferring the grant funding from the Butte House Road project to the Walton Avenue project, which would allow the Butte House Road project to be delivered without any federal funding requirements; and

WHEREAS, completing a project entirely with local funds would potentially save time and money, as well as benefit the public; and

WHEREAS, SACOG requires the City to submit a letter formally requesting the transfer of funds in order to facilitate the changes to fund programming

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

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

2. The City Council of the City of Yuba City does hereby authorize the Public Works Director to submit a letter (attached as Exhibit A) to the Sacramento Area Council of Governments requesting that federal funds be de-programmed from the Butte House Road Complete Streets project and re-programmed to the Walton Avenue Complete Streets project.

3. This Resolution shall become effective immediately.

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 19th day of April, 2022.

AYES:

NOES:

ABSENT:

Dave Shaw, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment(s):

A. Exhibit A – Letter to SACOG

EXHIBIT A

April 20, 2022

James Corless, Executive Director
Sacramento Area Council of Governments (SACOG)
1415 L Street, Suite 300
Sacramento, CA 95814

RE: Defederalization of City of Yuba City Projects

Dear Mr. Corless:

This letter confirms the agreement between the City of Yuba City (City) and the Sacramento Area Council of Governments (SACOG) for a fund exchange between projects to consolidate federal funds onto fewer projects.

SACOG ID	Project Name	SACOG Federal Funds	Local Funds
SUT56277	Butte House Road Complete Streets	$300,000	
SUT56278	Walton Ave. Complete Streets		$300,000
	Total Amount	**$300,000**	**$300,000**

Background

Butte House Road Complete Streets (SUT56277)
This project received $300,000 from SACOG in the 2021 Flexible Funding Round, Community Design program. Rather than deliver this with federal funds, the City would like to transfer $300,000 in SACOG funds onto another already federally funded project and replace the federal funds with local funds.

Walton Ave. Complete Streets (SUT56278)
This project received $3,750,000 from SACOG in the 2021 Flexible Funding Round, Maintenance and Modernization program. It also has at least $300,000 of local funds programmed. Rather than deliver this with $300,000 of local funds, the City would like to transfer $300,000 in local funds to the Butte House Road Complete Streets project and replace the local funds with federal funds.

By delivering the Butte House Road Complete Streets project with local funds instead of federal funds, the City would potentially save time and money, both for itself as well as for reviewers, such as Caltrans Local Assistance. Most importantly, this agreement would benefit the public.

Agreement

The City and SACOG now agree that SACOG will program $300,000 in federal funds as follows:

1. De-program $300,000 in SACOG federal funds from the Butte House Road Complete Streets project (SUT56277), and
2. Program $300,000 in SACOG federal funds to the Walton Avenue Complete Streets project (SUT56278).

SACOG will allow the use of Toll Credits to maximize the use of federal funds on participating items. Any unspent SACOG funding on the Walton Avenue Complete Streets project (SUT56278) would be eligible for the City's use on other projects, contingent upon consistency with SACOG's Metropolitan Transportation Plan and timely delivery. SACOG further agrees to complete this revision to the Metropolitan Transportation Improvement Program (MTIP) by May 6, 2022.

The City further agrees to submit project status updates on the Butte House Road Complete Streets project (SUT56277) to SACOG by e-mail no less than annually on July 1st of each year, beginning July 1, 2023. The City agrees to complete (open to the public) this project, as described in the MTIP, using local (non-SACOG) funds by December 31st, 2025. Upon completion, the City agrees to submit a final report electronically with photographs of the physical construction, including any relevant documentation needed to demonstrate full project delivery. The City acknowledges that failure to perform on or deliver the projects as described in the MTIP may be considered by SACOG as a disqualifying or discounting factor for existing or future projects proposed through SACOG's competitive funding programs.

Sincerely,

Ben Moody
Public Works Director

I, the undersigned, concur with the terms stipulated in the above letter.

_____ _____

James Corless Date
SACOG
Executive Director

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 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: 2022 Residential Resurfacing Project (Plans & Specifications)

Recommendation: Adopt a Resolution adopting a CEQA Class 1 Categorical Exemption, approving the plans and specifications, and authorizing advertisement for bids for the 2022 Residential Resurfacing Project

Fiscal Impact: $970,000 - Engineer's Estimate – Account No. 1213 (Residential Road Rehabilitation)

Purpose:

To provide, repair, and maintain roadways throughout the City.

Council's Strategic Goal:

This project addresses the City Council's Strategic Goal of improving the City's infrastructure.

Background:

Public Works is responsible for the maintenance of public streets within the City. As part of the Fiscal Year 2021-2022 Capital Improvement Program (CIP), Council allocated funds for the purpose of maintaining roadways.

This year's maintenance project proposes to maintain City roadways with multiple rehabilitation methods including asphalt rubber cape seals and slurry seals on designated roadways. Repair methods were determined based on the condition of the roadway, road category, and cost efficiency.

City staff established the street list for the 2022 Residential Resurfacing Project with the use of the StreetSaver Pavement Management System. The system determined the condition of each roadway within the City, and recommended appropriate repair methods. From this data, City staff was able to prioritize the repairs by degree of need and available resources. The final street list was assembled to meet the project's budget as efficiently as possible. The streets recommended for inclusion in the 2022 Residential Resurfacing Project are shown on the Project Location Map (Attachment 2).

Analysis:

Public Works has prepared the project plans, specifications, and cost estimate for the 2022 Residential Resurfacing Project. With Council approval of the plans and specifications and authorization to advertise for bids, staff proposes the following schedule:

Advertise for Bid:	April 2022
Award Contract:	June 2022
Start of Construction:	Summer 2022
Completion:	Summer 2022

The plans and specifications for the project are on file in the Public Works Department at City Hall and at http://www.yubacity.net/publicworksplans for review.

Fiscal Impact:

The estimated project cost is $970,000. This estimate includes 5% contingency and 5% construction management to reflect total project cost. The project will be funded primarily with gas tax funds through CIP Account No. 1213 (Residential Road Rehabilitation). After project completion, the CalRecycle Rubberized Pavement Grant Program will reimburse the City approximately $83,000. Detailed fiscal impacts will be presented to Council at the award of the contract based on the actual bid amounts.

Environmental:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301, as the pavement and striping restoration within existing City facilities are qualifying repairs, maintenance, or minor alteration of existing public facilities involving negligible or no expansion. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines 15300.2 apply to this project.

Alternatives:

Provide staff with alternative direction regarding priority locations and/or modify project scope.

Recommendation:

Adopt a Resolution adopting a CEQA Class 1 Categorical Exemption, approving the plans and specifications, and authorizing advertisement for bids for the 2022 Residential Resurfacing Project.

Attachments:

1. Resolution - 2022 Residential Resurfacing Project (Plans & Specifications)
2. Project Location Map

Prepared By:	Submitted By:
Fabiola Vazquez	Diana Langley
Assistant Civic Engineer	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY ADOPTING A CEQA CLASS 1 CATEGORICAL EXEMPTION, APPROVING THE PLANS AND SPECIFICATIONS, AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE 2022 RESIDENTIAL RESURFACING PROJECT

WHEREAS, the Public Works Department intends to solicit bids for construction of the 2022 Residential Resurfacing Project.

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

1. The City has performed a preliminary environmental assessment of this project relative to California Environmental Quality Act (CEQA) requirements and the City Council finds and determines that the project falls within Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301, as the pavement and striping restoration within existing City facilities are qualifying repairs, maintenance, or minor alteration of existing public facilities involving negligible or no expansion. Further, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines Section 15300.2 apply to this project.

2. The plans and specifications for the 2022 Residential Resurfacing Project be approved.

3. The Public Works Department is hereby authorized and directed to advertise for bids for the 2022 Residential Resurfacing Project.

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 19th day of April, 2022.

AYES:

NOES:

ABSENT:

_____
Dave Shaw, Mayor

ATTEST:

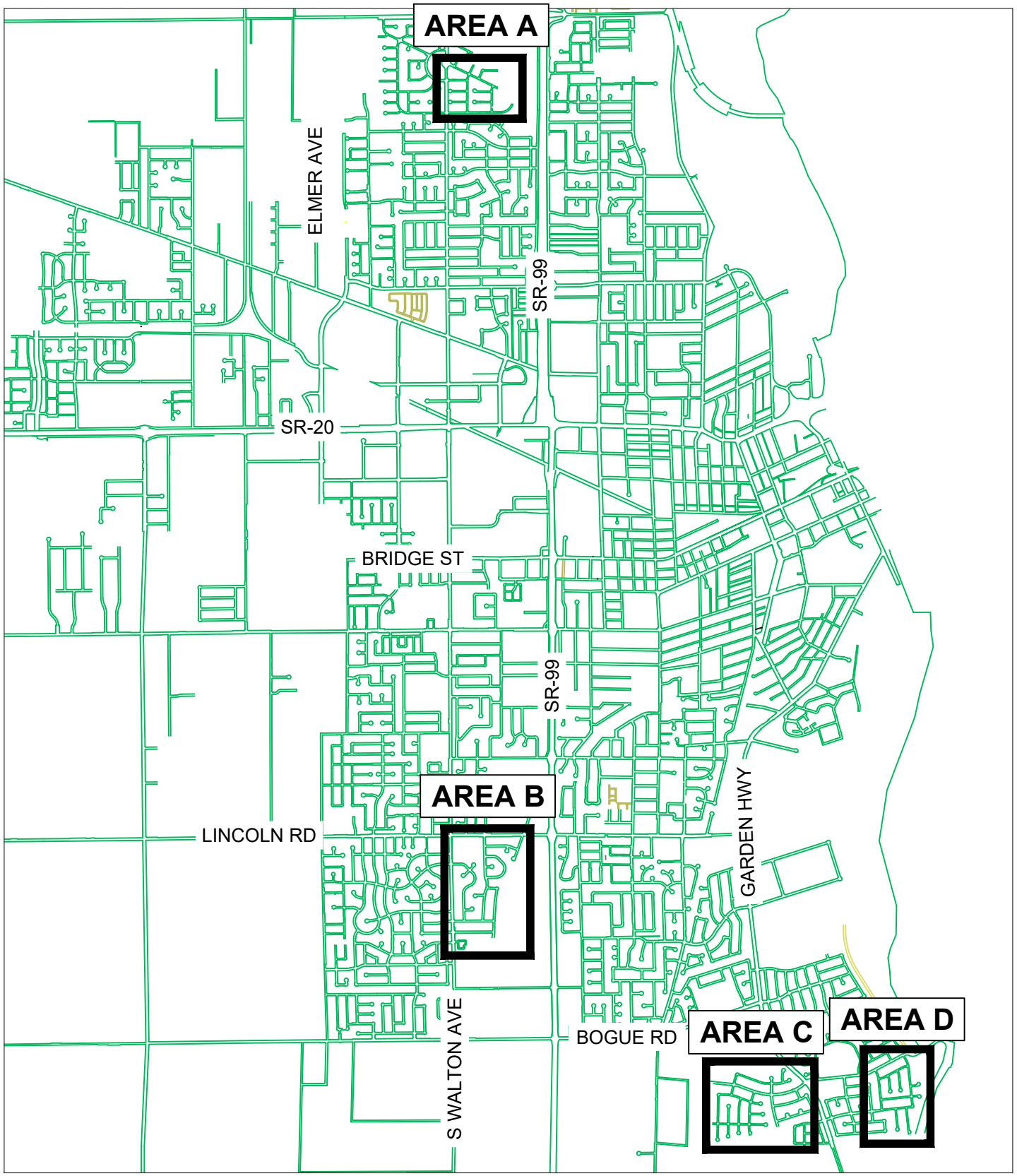
_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

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

ATTACHMENT 2

2022 RESIDENTIAL RESURFACING PROJECT
PROJECT LOCATION MAP



CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022
To: Honorable Mayor & Members of the City Council
From: Finance/IT Department
Presentation By: Spencer Morrison, Finance Director

Summary

Subject: Salary Schedule Modifications in the Police Department
Recommendation: Adopt a Resolution amending the salary schedule and removing assignment pay job class codes
Fiscal Impact: The anticipated impact to the Police Department budget will be immaterial

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Purpose

To remove assignment pay from the salary schedule for compliance with current CalPERS regulations.

Council's Strategic Goal:

This staff report addresses the City Council's Strategic Goal of fiscal responsibility.

Background:

For administrative purposes, some Police Department job class numbers (JCNs) for officers were created to reflect special assignments. While this was efficient, it is not supported by Public Employment Retirement Law (PERL) and must be changed.

Analysis:

Two Police Department special assignment pays, detective and field training officer (FTO), were combined with police officer JCNs to reduce manual calculations and data entry during the payroll process. A recent review from CalPERS found this practice inconsistent with the Police Officer's Association memorandum of understanding and PERL (Article 4, Section 571.1). The City is required to remove those JCNs, 2230 (Police Officer - Investigations) and 2210 (Police Officer - FTO), and calculate assignment pay manually. The attached salary schedule contains this correction and staff added descriptions of the assignment pay calculations.

Fiscal Impact:

The anticipated impact on the Police Department budget will be immaterial.

Alternatives:

1. Do not approve the salary schedule modifications, or
2. Direct staff to other alternatives.

Recommendation:

Adopt a Resolution amending the Accountant I salary schedule for Accountant I by 12.8% and removing assignment pay job class codes.

Attachments:

1. Resolution

Prepared By:
Spencer Morrison
Finance Director

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. 22-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING THE DIRECTOR OF FINANCE TO AMEND THE SALARY SCHEDULE FOR POLICE ASSIGNMENT PAY

WHEREAS, CalPERS requires that special assignment pay be reported as Special Compensation and not included in base pay; and

WHEREAS, to best comply with CalPERS reporting requirements regarding special assignment pay (CalPERS Article 4, Section 571.1), JCN 2230 (Police Officer – Investigations) and JCN 2210 (Police Officer – FTO) will be removed from the salary schedule, effective April 23, 2022.

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

Adopt a Resolution amending the salary schedule to remove JCN 2230 (Police Officer – Investigations) and 2230 (Police Officer – FTO) from the salary schedule. These changes shall become effective with the payroll period beginning April 23, 2022.

The forgoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 19th day of December, 2022.

AYES:

NOES:

ABSENT:

_____
Dave Shaw, Mayor

ATTEST:

_____
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

_____
Stacey Sheston
BB&K, Special Counsel

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022

To: Honorable Mayor & Members of the City Council

From: Police Department

Presentation By: Brent Slade, Police Sergeant

Summary

Subject: FB 22-07 Chevrolet Tahoe Police Pursuit Purchase

Recommendation: A. Adopt a Resolution awarding the purchase of five (5) Chevrolet Tahoe Pursuit Vehicles to Wheeler Chevrolet in the amount of $201,995.35. Sole source equipment purchases and install to Cop Shop installations of Yuba City, CA in the estimated amount of $124,063.45

B. Authorize a supplemental budget appropriation in the amount of $11,070 to purchase a 5 year/100K mile extended warranty for the five vehicles which was not offered by any other vendor

Fiscal Impact: $201,995.35 for the vehicles plus an additional $124,063.45 for the equipment and installation. Funding is available in the Vehicle Replacement Fund account # 6610-69401. A supplemental budget appropriation in the amount of $11,070 for the purchase of a 5 year/100k miles extended warranty for the vehicles.

Purpose:
Purchase of five (5) Chevrolet Tahoe 2WD Police Pursuit Vehicles

Background:
Each year, Fleet Maintenance staff reviews the City's vehicles to determine which are recommended for replacement. This is done by reviewing the age of the vehicle, the number of miles on the vehicle and the anticipated maintenance cost if the vehicle remains in service. The Police Department is due to replace several vehicles.

With the expected purchase of the Chevrolet Tahoe 2WD Police Pursuit vehicles, the City must also fit the vehicles with the needed equipment. Equipment to be purchased and/or installed includes light bars, sirens, computers, radios, and modems. The City always attempts to salvage equipment from vehicles going out of service and place them in the new vehicles, assuming they are compatible. This allows the City to save money on equipment.

Analysis:
A formal bid was developed and advertised according to the City's ordinances. Bid notifications were issued to thirteen (13) vendors throughout California and the following bids were received:

Vendors	**Price**

Wheeler Chevrolet Yuba City, CA	**$201,995.35** (original bid) + $11,070 (extended warranty, see below) = $213,065.35
Winner Chevrolet Elk Grove, CA	$220, 174.40

For fiscal year 19/20 the police department opted not to purchase any police vehicles due to the concern of the fiscal impact on the city caused by the pandemic. In the middle of March 2022, staff received notification from General Motors that the deadline to order 2022/23 police vehicles will be the middle of May 2022. If vehicles are not ordered by then there will be an approximate ten-month waiting period until 2024 vehicles can be ordered. There are several downsides to this option. First being a potential price increase of the individual police vehicles. Second being the department had to postpone the purchase of four (4) Tahoe Police Pursuit vehicles in 2021 due to General Motors halting manufacturing of the Chevrolet Tahoe Police Pursuit vehicles until July 2022. However, the police department opted to purchase two (2) Ford F-150 Police Pursuit Vehicles for fiscal year 21-22 (FB22-04) as a temporary solution. Lastly, the cost of maintenance and repairs will significantly increase past the life expectancy of the current fleet of vehicles needing replacement.

Over the past five years the City has spent approximately $188,089.86 on maintenance and repairs for the five vehicles that are due to be replaced. The city would have a significant cost savings by purchasing the extended warranties in the total amount of $11,070 for the five (5) vehicles recommended to be purchased.

The City will also have Cop Shop Installations of Yuba City, CA perform the installation of all of the equipment that will be going into each vehicle. The City has worked with Cop Shop Installations and have been satisfied with the work performed in previous years. Historically, Cop Shop Installations have been the lowest bidder and at times have been the only bidder. It is in the best interest of the City to sole source the equipment installation to Cop Shop Installations.

Fiscal Impact:

$201,995.35 for the vehicles plus an additional $124,063.45 for the equipment and installation. Funding is available in the Vehicle Replacement Fund account # 6610-69401. A supplemental budget appropriation in the amount of $11,070 for the purchase of the 5 year/100k miles extended warranties for the vehicles.

Alternatives:

1. Reject the bid
2. Request new bid process
3. Do no purchase replacement vehicles

Recommendations:

1. After utilizing the Formal Bid Process, authorize the City Manager to award a contract to Wheeler Chevrolet, Yuba City, Ca. for five (5) 2WD Chevrolet Tahoe Police Pursuit vehicles for an amount not to exceed $201,995.35. Also, sole source the equipment purchases and installation to Cop Shop Installations of Yuba City, Ca. in the estimated amount of $124,063.45.

2. Authorize a supplemental budget appropriation in the amount of $11,070 for the purchase of a five-year/100k mile extended warranty on each of the purchased vehicles.

Attachments:

1. RESOLUTION
2. WHEELER AUTO CENTER BID
3. COP SHOP INSTALLATION ESTIMATE

Prepared By:
Brent Slade
Police Sergeant

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. ___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AWARDING THE PURCHASE OF FIVE (5) CHEVROLET TAHOE POLICE VEHICLES TO WHEELER AUTO CENTER AND AUTHORIZING THE SOLE SOURCE PURCHASE AND INSTALLATION OF VEHICLE EQUIPMENT TO COP SHOP INSTALLATIONS

WHEREAS**,** the City issued a Formal Bid on March 22, 2022 to award a contract to the lowest, most responsive vendor to provide five (5) Chevrolet Tahoe Police vehicles; and

WHEREAS, the City received two bids at the time of the bid opening and staff recommend awarding the purchase of the five (5) Chevrolet Tahoe Police vehicles to, Wheeler Auto Center of Yuba City, CA; and

WHEREAS, the City intends to sole source the purchase and installation of the required vehicle equipment to Cop Shop Installations of Yuba City, CA due to a special situation; and

WHEREAS, Cop Shop Installations has historically provided the most satisfactory work at the most reasonable hourly work rate, thus leading to the most favorable pricing in the area; and,

WHEREAS, the City recommends sole sourcing the purchase and installation of vehicle equipment to Cop Shop Installations of Yuba City, CA; and

WHEREAS, the City has met the special situation requirement to sole source the equipment purchase and installation pursuant to the City Purchasing Policies section 9-3; and,

WHEREAS, the City desires to authorize the sole source purchase of the equipment and installation for the Chevrolet Tahoe Police vehicles from Cop Shop Installations with the finding that it is in the best interest of the City.

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

1. The City Council of Yuba City finds that Wheeler Auto Center provided a bid at a fair and reasonable cost. The City Council hereby authorizes the City Manager to purchase the five Chevrolet Tahoe Police vehicles from Wheeler Auto Center in the not to exceed amount of $213,066.00, which includes the extended warranties on all five vehicles, without additional written consent from the City, subject to approval as to legal form by the City Attorney.

2. The City Council of Yuba City finds that a sole source award is appropriate on grounds that Cop Shop Installations has previously provided the City with satisfactory equipment and installation at a very reasonable price. Historically, Cop Shop Installations has provided the lowest hourly work rate, leading to an overall lower work cost, and has provided equipment with the design/specifications that are essential to department operations and for which departmental staff have training. The purchase and installation of Police vehicle equipment to Cop Shop Installations is in the best interest of the City as they have provided satisfactory work on Police vehicles in the past at a reasonable cost and the proposed negotiated prices are reasonable as well. As such, the City Council approves the purchase of equipment for the vehicles to Cop Shop Installations of Yuba

City in the amount of $124,063.45, and authorizes the City Manager to enter into an agreement for the same, subject to approval as to legal form by the City Attorney.

3. This Resolution shall take effect immediately.

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 19th day of April, 2022.

AYES:

NOES:

ABSENT:

_____

Dave Shaw, Mayor

ATTEST:

_____

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM:
COUNSEL FOR YUBA CITY:

_____

Shannon Chaffin, City Attorney

Aleshire & Wynder, LLP

ATTACHMENT 2

CITY OF YUBA CITY
INVITATION FOR BID
NO. FB22-07
BID PROPOSAL FORM

For: Five (5) Chevrolet Tahoe 2WD Police Package Vehicles

To: Buyer

*NAME OF BIDDER: Wheeler Auto Center

*ADDRESS: 350 Colusa Ave
Yuba City, CA 95991

*FEDERAL TAX I.D. NO.: _____

TELEPHONE: (530) 673-9160

Addendums considered
(initial and indicate addendum number) _____

_____

Addendums NOT considered
(initial and indicate addendum number) _____

_____

Bid Item Available for Other Agency "Piggy-Back" Procurement:
Yes_____ No_X_

*If awarded bid this name and address will be used for payment. No exceptions.

In accordance with the Invitation to Bid, Conditions and Specifications, the undersigned declares that the equipment offered is in accordance with all requirements of the City detailed therein. Further, the undersigned declares that he/she is authorized to enter into an agreement on behalf of the above named business.

DESCRIPTION OF VEHICLES

Amount of One (1) Chevrolet Tahoe 2WD Police Pursuit vehicle

$ 37,547.00

Sales Tax

$ 2,728.32

Tire Fee, DOR fee, & CVR

$ 123.75

Total
$ 40,399.07

Multiply by 5

Total of Five (5) vehicles

$ 201,995.35

Two hundred one thousand nine hundred ninety five dollars and thirty five cents
(Total written in words)

Extended Warranty for one (1)

$ 2,214.00

Description

5 years / 100K miles comprehensive
Ø deductible

Specify paint shop to be used Wheeler Auto Body

It is hereby understood that the above bid reflects the total cost of the vehicles and all accessories detailed in the Specifications.

Delivery TBD days ARO

Signature

Printed Name Sue Vang Title Sales Manager

Exceptions

List all exceptions below in accordance with the instructions on page 9.

JF4 - (Adjustable pedals not available)
UTQ - adds theft alarm which I did not select as an option

ATTACHMENT 3

2022 TAHOE POLICE INTERCEPTOR (PATROL VEHICLE)

Item #	Qty	Parts - Description	Brand	Part #	Cost Per Vehicle
1	1	COMPUTER SYSTEM (1 per vehicle)	AXON		SUPPLIED BY IT
2	1	CAMERA SYSTEM (1 per vehicle)	AXON		SUPPLIED BY IT
3	1	RADIO APX (1 per vehicle)	MOTOROLA	APX	TRANSFER/ REPLACE
4	1	COMPUTER MOUNT (1 per vehicle)	HINT MOUNTS	TM-5502-UNIBASE	470
5	1	CENTER CONSOLE (1 per vehicle)	TROY	CC-F-THOS-22 WIDEBODY	442.26
6	1	BEVERAGE HOLDER (1 per vehicle)	TROY	INBGH	34
7	1	CONSOLE MOUNT (1 per vehicle)	TROY	AC-TH15-MNT	INCLUDED
8	1	LIGHT/SIREN CONTROL (1 per vehicle)	FEDERAL SIGNAL	SSP3000B	958.32
9	1	SCANNER (1 per vehicle)	BEARCAT	BCT15X	190
10	1	RADAR (1 per vehicle)	MPH	STALKER DSR	SUPPLIED BY TRAFFIC
11	1	DUAL GUN LOCK M4/870 (1 per vehicle)	PATRIOT	475-0051	255.27
12	1	VIPER BALLISTIC SHIELD PARTITION	PROGARD	VIPER-PARTITION	2892.24
13	1	PRISONER TRANSPORT SEAT W/REAR CAGE	TROY	PS-TH15-OS-R	1170
14	1	FLOOR PAN (1 per vehicle)	TROY	PS-TH15-PAN	194
15	1	DOOR PANELS (1 pair per vehicle)	TROY	DP-TH15-SET	180.64
16	1	WINDOW BARS (1 pair per vehicle)	TROY	WG-TH15-SET	177.31
17	1	HIGH SIDE MOUNT LED'S (2 per vehicle)	CODE 3	ESX2RD-RB	285.26
18	1	ANTI THEFT SYSTEM (1 per vehicle)	PROGARD	SAFESTOP	178
19	1	POWER PLUG (1 per vehicle)		15-0553	20
20	1	RADIO TIMER (1 per vehicle)	SUN	ET120	35
21	1	MIC HOLDER (2 per vehicle)	MAGNETIC MIC	MAG MIC	64
22	1	DRIVER SIDE FRONT DOOR BALLISTIC PANEL (1 per vehicle)	ANGEL ARMOR	ANGARM 00014 LEVEL IIIA	995
23	1	PASSENGER SIDE FRONT DOOR BALLISTIC PANEL (1 per vehicle)	ANGEL ARMOR	ANGARM 00015 LEVEL IIIA	995
				Interior Total	$9,536.30
		EXTERIOR			
24	1	VALOR LIGHTBAR (1 per vehicle)	FEDERAL SIGNAL	VALR51S	1,995
25	1	OPTICOM (1 per vehicle)	FEDERAL SIGNAL	795H-EXT-P	1,234
26	1	REAR SPOILER LIGHT BAR (1 pair per vehicle)	CODE 3	CELS 6 REAR W/ ARROWSTICK	958
27	1	PUSH BUMPER PBX W/ 2 LIGHTS (1 per vehicle)	FEDERAL SIGNAL	PBX	439.12
28	1	JUMPER CABLE SYSTEM (1 per vehicle) mount to PB cross bar		STC-254	177.1
29	1	DYNAMAX SPEAKER (1 per vehicle) mount to speaker bracket	FEDERAL SIGNAL	ES100C	$158.00

2021 TAHOE POLICE INTERCEPTOR (PATROL VEHICLE)

Item #	Qty	Parts - Description	Brand	Part #	Cost Per Vehicle
30	1	SPEAKER BRACKET (1 per vehicle) mount to PB cross bar	FEDERAL SIGNAL	ESB-U	20.5
31	2	HIDE A BLAST (2 per vehicle) 1 each side	CODE 3	HB6PAK-R	120
32	2	HIDE A BLAST (2 per vehicle) 1 each side	CODE 3	HB6PAK-B	120
33	4	MULTI-COLORED LIGHT (4 per vehicle) mount to Fog Light Bracket	CODE 3	XT4MC-RB	271.34
34	1 SET	FOG LIGHT BRACKETS (1 set per vehicle) mount to front of vehicle	CODE 3	FOGBKT-PAIR	102.8
35	2	REAR HATCH LIGHTS (2 per vehicle) mount to bottom of rear hatch	CODE 3	ULTMC-RB	139.24
36	2	PUSH BUMPER LIGHTS (2 per vehicle) mount to sides of PB	CODE 3	MR6MC-RB	162.5
37	2	MIRROR LIGHTS (2 per vehicle) mount to brackets under rearview mirrors	CODE 3	M180SMC-RB	165.76
38	1	MIRROR BRACKETS (1 set per vehicle) mount under rearview mirrors	CODE 3	BSM-BKT-TH	25.74
39	2	LICENSE PLATE LIGHTS (2 per vehicle) mount to license plate bracket	CODE 3	MR6TC-RBW	176.8
40	2	LICENSE PLATE BRACKET (1 per vehicle) mount to rear license plate	CODE 3	LPBKT-TH15	31
41	6	RUNNING BOARD LIGHTS (6 per vehicle) mount on running board 3 on each side	CODE 3	MR6TC-RBW	530.4
42	1	GRAPHICS PACKAGE (1 set per vehicle)	PRECISION GRAPHICS		968
				Exterior Total	$7,795.30
		REAR CARGO AREA			
43	1	CARGO STORAGE FAULT (1 per vehicle)	SETINA	TKO247TAHI5 w/drawer option TOA-BSN	752.31
44	1	CARGO RADIO TRAY TRN (1 per vehicle)	SETINA	TPA9289	312.86
45	1	S-T-RAIL MOUNT TRUNK TRAY (1 per vehicle) shotgun mount for rear	SETINA	GK10251ST	220.31
46	1	CARGO BOX DRAWER DIVIDER	SETINA	TPA12533	134.57
47	1	FREE STANDING BRACKET SET (1 set per vehicle)	SETINA	TF0237TAH15	68.56
48	1	STOP STICK (1 per vehicle)	STOP STICK		520
49	1	LIFTGATE CARGO LIGHT	CODE 3	CW0411 W/R	91.68
50	1	450-470 UNITY ANTENNA	LAIRD	QWB450-TESMD	11
51	1	ELECTRONIC FAN		CF2	9.5
52	1	WIFI/GPS MODEM			SUPPLIED BY IT
				Cargo Area Total	$2,120.79
				Patrol Vehicle Parts Subtotal	$19,452.39
				Tax (7.25%)	$1,410.30
				Unit Total	$20,862.69
				Install	$2,700.00
				Shipping	$1,250
				Grand Total	$24,812.69

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 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: Second Groundwater Well (18-18) – Plans & Specifications

Recommendation: Adopt a Resolution approving the plans and specifications for construction of the below-ground facilities of the Second Groundwater Well Project at the Water Treatment Plant and authorizing advertisement for bids on the project

Fiscal Impact: Engineer's Estimate $945,000 – CIP Account No. 971191-65501 (Second Groundwater Well)

Purpose:

To provide additional water resources by securing access to groundwater at the Water Treatment Plant.

Council's Strategic Goals: The projects address the City Council's Strategic Goal of Improving Infrastructure.

Background:

The United States Bureau of Reclamation (USBR) has awarded the City a $750,000 grant for the construction of a new potable groundwater well. A draft California Environmental Quality Act (CEQA) document and a USBR-approved National Environmental Protection Act (NEPA) document have both been completed.

On September 7, 2021, Council awarded a professional services agreement to West Yost & Associates of Davis, CA (West Yost) to develop plans and specifications for the drilling the new well and constructing the above-ground facilities, pump, and other related equipment. Due to the current drought conditions throughout the State, the design of this project has been fast-tracked in an attempt to bring the new well online as soon as possible.

In order to correctly design the above-ground facilities for the well, construction is planned to be broken down into two phases. The first phase is construction of the below-ground facilities, which involves drilling approximately 400 feet below the surface. At predetermined depths, samples will be taken where preliminary data has suggested there is a suitable groundwater aquifer. The data from the samples will help determine the yield of the well so equipment can be appropriately designed based on that yield. The anticipated yield from previous studies is approximately 2 million gallons per day.

The second phase will construct the above-ground facilities for the well including a three-sided structure, electrical cabinets, pump related equipment and plumbing. Recently, West Yost completed a 50% draft of plans and specifications for the above-ground facilities.

Analysis:

West Yost has prepared the plans, specifications, and estimate for construction of Phase I, the below-ground facilities, for the Second Groundwater Well project. With Council approval of the plans and specifications and authorization to advertise for bids, staff proposes the following schedule:

Advertise for Bid:	May 2022
Award Contract:	June 7, 2022
Start of Construction:	August - September 2022
Completion:	November 2022

West Yost has been in contact with well drillers in the area and are incorporating their availability into the project schedule. The tentative schedule for design and construction of the above-ground facilities is as follows:

Complete Design:	October 2022
Advertise for Bid:	November 2022
Award Construction Contract:	December 20, 2022
Start of Construction:	January 2023
Completion:	Spring 2023

The plans and specifications for the project are on file in the Public Works Department at City Hall and at http://www.yubacity.net/publicworksplans for review.

Fiscal Impact:

The total estimated Phase I project cost of the well drilling is $945,000. This includes a 10% construction contingency and 12% construction management and inspection fees.

The project will be funded through CIP Account No. 971191-65501 (Second Groundwater Well). Currently, this account has a balance of $4,157,500 including grant funds. Staff plans to utilize the $750,000 in grant funds awarded by USBR for the project and the remaining costs will be covered by local funds from CIP Account No. 971191-65501. Detailed fiscal impacts will be presented to Council at the time of award based on actual bid amounts.

Environmental:

A mitigated negative declaration (MND) was prepared for the Second Groundwater Well project which assessed potential environmental impacts of the entire project as required by the California Environmental Quality Act (CEQA). Staff is currently working on submitting the MND to the State Clearing House in April and beginning the 30-day public comment period by the end of April. Staff plans to present the mitigated negative declaration to Council for adoption at the time of award of a construction contract.

Alternatives:

Instruct staff to direct West Yost & Associates to modify the plans and specifications. The project's schedule will be delayed resulting in less water resources being available to the City as the drought continues in California.

Recommendation:

Adopt a Resolution approving the plans and specifications for construction of the below-ground facilities of the Second Groundwater Well Project at the Water Treatment Plant and authorizing advertisement for bids on the project.

Attachments:

1. Resolution - Second Groundwater Well (18-18) – Plans & Specifications

Prepared By:	Submitted By:
William Jow	Diana Langley
Assistant Civil Engineer	City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING THE PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF THE BELOW-GROUND FACILITIES OF THE SECOND GROUNDWATER WELL PROJECT AT THE WATER TREATMENT PLANT AND AUTHORIZING ADVERTISEMENT FOR BIDS ON THE PROJECT

WHEREAS, it is in the best interest for the City to construct a Second Groundwater Well in order to ensure the City has accessible water resources during times when the City's surface water rights are curtailed; and

WHEREAS, the United States Bureau of Reclamation has awarded $750,000 through the Drought Resiliency Grant Program to construct a Second Groundwater Well; and

WHEREAS, the City has entered into a professional services agreement with West Yost and Associates of Davis, CA to develop plans and specifications for drilling the new well and constructing the above-ground facilities, pump, and other related equipment and West Yost and Associates have finished the plans and specifications for the below-ground facilities of the second groundwater well; and

WHEREAS, the Public Works Department intends to solicit bids for the drilling of a Second Groundwater Well at the Water Treatment Plant; and

WHEREAS, it has been determined by the City Council that such infrastructure is in the public interest,

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

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

2. The plans and specifications for the Project are approved.

3. The Public Works Department is hereby authorized and directed to advertise for bids for the Project.

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 19th day of April, 2022.

AYES:

NOES:

ABSENT:

ATTEST:

Dave Shaw, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022
To: Honorable Mayor & Members of the City Council
From: Administration Department
Presentation By: George Barlow, Management Analyst

Summary

Subject: Community Sponsorship Requests

Recommendation:

A. Adopt a Resolution to approve a monetary Sponsorship request from the Trauma Intervention Program of $5,000.00 for the support of survivors of emergencies and tragedies

B. Adopt a Resolution to approve a monetary Sponsorship request from the Alliance for Hispanic Advancement (AHA) of up to $25,000.00 to advance Hispanic heritage in our local communities through community action, educational enhancement, and economic development

Fiscal Impact: Monetary sponsorships in the amount of up to $30,000.00

Council's Strategic Goal:

The overarching strategic goal of "Quality of Life."

Purpose:

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

Background:

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

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

insured.
- The overall benefit to the community.

The following sponsorship requests were received from:

Trauma Intervention Program (TIP)

The Yuba-Sutter Chapter of TIP Inc. was founded in 1994. There are currently 35 responders serving two counties, 1250 square miles, and 170,000 residents. TIP serves all 35 emergency agencies and Adventist Hospital in the area.

TIP provides immediate emotional and practical support to survivors of a tragedy. Local residents are trained to be TIP Responders and are available on a 24/7/365 day basis to assist law enforcement, firefighters, paramedics, deputy coroners, and hospital personnel. Last year, TIP responded to 210 calls for service in Yuba City.

TIP people respond to support survivors of all types of tragedy, including sudden deaths, suicides, homicides, all types of accidents, drownings, victims of crimes, structure fires, and overdoses. TIP also supports travelers when tragedy occurs in the Yuba-Sutter area, and they are far from home.

Survivors of tragedies get a high level of care in Yuba-Sutter Counties because TIP is involved. TIP contributes approximately 40,000 hours a year or nearly $ 1 million in labor to the community. TIP on scene lowers the stress level of emergency workers and helps them return to service sooner.

TIP is a nonprofit 501C (3) organization. Services are provided to survivors and their families free of charge. Funding is provided through donations and grants (when available).

TIP Yuba-Sutter is a Chapter of Trauma Intervention Programs Inc (tipnational.org), founded in San Diego County in 1985. There are currently 13 regional chapters in the nation serving over 250 cities.

Alliance for Hispanic Advancement (AHA)

AHA has over 30 years of local committed leadership, providing multiple services to the Yuba City Hispanic heritage community and business owners. AHA shares the same "Quality of Life" priority as the City does. AHA empowers our Hispanic community to foster pride and commitment to contributing back to our City.

AHA is a well-respected and recognized non-profit in the Yuba-Sutter region. These funds would help develop and continue the services and programs that include education, community involvement, and business economics.

Analysis:

Account Number	Description	Funding Available
4220-66010	Community Contributions	$6,148.00
4220-66015	Community Events	$5,000.00
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Fiscal Impact: Monetary sponsorships in the amount of up to $30,000.00

Recommendation:

A. Adopt a resolution to approve a monetary Sponsorship request from the Trauma Intervention Program of $5,000.00 for the support of survivors of emergencies and tragedies

B. Adopt a resolution to approve a monetary Sponsorship request from the Alliance for Hispanic Advancement (AHA) of up to $25,000.00 to advance Hispanic heritage in our local communities through community action, educational enhancement, and economic development

Attachments:

1. RESOLUTION - Community Sponsorship Request (TIP)
2. RESOLUTION - Community Sponsorship Request AHA
3. Trauma Intervention Program Sponsorship Request
4. Alliance for Hispanic Advancement Sponsorship Request

Prepared By:
George Barlow
Management Analyst

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO._____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING COMMUNITY SPONSORSHIP REQUEST FOR, TRAUMA INTERVENTION PROGRAM (TIP)

WHEREAS, The Trauma Intervention Program (TIP), a 501(c)(3) non-profit organization, is requesting community sponsorship funds for their ongoing public program; and,

WHEREAS, the City Council of the City of Yuba City ("City Council") finds that the listed are nonprofit organizations with financial hardships that serves an important public purpose to the community insofar as the public will receive some intrinsic cultural, economic, educational, or entertainment value from the program; and

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

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

Section 2. The City Council finds that the Trauma Intervention Program Community Sponsorship request meets the criteria for consideration of such request because the applicant is a nonprofit with financial hardships that services an important public purpose, and according approves the sponsorship request of $5,000.00 for the Trauma Intervention Program (TIP).

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutional section, subsection, sentence, clause, phrase of this Resolution are declared to be severable. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 4. This Resolution shall take effect immediately and that the Deputy City Clerk shall certify the adoption of this Resolution.

The foregoing Resolution of the City Council of the City of Yuba City is duly introduced, PASSED AND ADOPTED at a regular meeting thereof held on this 19th day of April, 2022 by the following vote:

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

ATTACHMENT 2

RESOLUTION NO._____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING COMMUNITY SPONSORSHIP REQUEST FOR, THE ALLIANCE FOR HISPANIC ADVANCEMENT (AHA)

WHEREAS, The Alliance for Hispanic Advancement (AHA), a 501(c)(3) non-profit organization, is requesting community sponsorship funds for their ongoing public program; and,

WHEREAS, the City Council of the City of Yuba City ("City Council") finds that the listed are nonprofit organizations with financial hardships that serves an important public purpose to the community insofar as the public will receive some intrinsic cultural, economic, educational, or entertainment value from the program; and

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

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

Section 2. The City Council finds that the Alliance for Hispanic Advancement Community Sponsorship request meets the criteria for consideration of such request because the applicant is a nonprofit with financial hardships that services an important public purpose, and according approves the sponsorship request of up to $25,000.00 for the Alliance for Hispanic Advancement (AHA).

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutional section, subsection, sentence, clause, phrase of this Resolution are declared to be severable. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 4. This Resolution shall take effect immediately and that the Deputy City Clerk shall certify the adoption of this Resolution.

The foregoing Resolution of the City Council of the City of Yuba City is duly introduced, PASSED AND ADOPTED at a regular meeting thereof held on this 19th day of April, 2022 by the following vote:

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

ATTACHMENT 3

COMMUNITY SPONSORSHIP APPLICATION FORM

Name of Organization Trauma Intervention Program Non-Profit ID/ 501 C# 205399488

Address P.O. Box 645 City/State/Zip Marysville, CA 95901

Contact Person Marc Boomgaarden Phone 530-701-1688 Email mjboom@comcast.net

Organization Purpose/Mission TIP provides immediate emotional & Parctical support to survivors of emergencies and tragedies.

Type of Organization:

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

Type of Event:

- ☐ Local Celebration ☐ Athletic ☐ Cultural ☐ Educational
- ☐ Fundraiser ☐ Entertainment ☒ Other Year round service provider

Program or Event Name Trauma Intervention Program

Event Location City of Yuba City and surrounding communities as well

Event Date/Time 365 daya a year - 24/7

Expected Number of Participants 210 were served last year within Yuba City

Open to the Public? ☒ Yes ☐ No

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

- Boosts the local Yuba City economy: Please see attached
- Provides an opportunity to help build community, foster a sense of pride within our community, and engage our community: Please see attached
- Contributes positively to the recognition and image of the City of Yuba City: Please see attached

Type of Sponsorship Requested:

☐ In-kind services – Amount requested: _____

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

_____

_____

☐ Facility Waiver – Amount requested: _____

☒ Monetary Funding – Amount requested: $5,000.00

☐ Fundraiser Gift Basket – Amount requested:_____

Other Considerations:

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

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

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

Signature of Applicant _____ Date 3/22/2022

Print Name of Applicant Marc Boomgaarden

Our Mission

Citizen responders provide emotional first aid to survivors of tragedy in order to ease their immediate suffering and facilitate their healing and long term recovery.

The Yuba-Sutter Chapter of TIP Inc. was founded in 1994. There are currently 35 responders serving two counties, 1250 square miles and 170,000 residents. We serve all of the emergency agencies and Adventist Hospital in the area . . . all 35 agencies!

TIP provides immediate emotional and practical support to survivors of tragedy. Local residents are trained to be TIP Responders and are available on a 24/7/365 day basis to assist law enforcement, firefighters, paramedics, deputy coroners and hospital personnel. Last year TIP responded to 210 calls for service in Yuba City.

TIP people respond to support survivors of all types of tragedy some of which include sudden deaths, suicides, homicides, all types of accidents, drownings, and victims of crimes, structure fires, and overdoses. TIP also supports travelers when tragedy occurs in the Yuba-Sutter area and they are far from home.

Survivors of tragedy get a higher level of care in Yuba-Sutter Counties because TIP is involved. TIP contributes approximately 40,000 hours a year or nearly $ 1 million in labor to the community. TIP on scene lowers the stress level of emergency workers and helps them return to service sooner.

TIP is a nonprofit 501C (3) organization. Services are provided to survivors and their families free of any charge. Funding is provided through donations and grants (when available).

TIP Yuba-Sutter is a Chapter of Trauma Intervention Programs Inc (tipnational.org) which was founded in San Diego County in 1985. There are currently 13 regional chapters in the nation serving over 250 cities.

ATTACHMENT 4

COMMUNITY SPONSORSHIP APPLICATION FORM

Name of Organization Alliance for Hispanic Advancement (AHA) Non-Profit ID/ 501 C# _____

Address 317 4th Street City/State/Zip Marysville, CA 95991

Contact Person Margaret Fernandez Phone 530-682-9201 Email mfernandez@theplusgroup.com

Organization Purpose/Mission To take a leadership role in improving the quality of life for people of Hispanic heritage in our local communities through community action, educational enhancement and economic d

Type of Organization:

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

Type of Event:

- ☐ Local Celebration ☐ Athletic ☒ Cultural ☒ Educational
- ☐ Fundraiser ☐ Entertainment ☒ Other Hispanic Business Economic Development

Program or Event Name Alliance for Hispanic Advancement (AHA) - Hispanic Business & Economic Development Committee

Event Location City of Yuba City limits

Event Date/Time Year-around

Expected Number of Participants 25-50

Open to the Public? ☒ Yes ☐ No

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

- Boosts the local Yuba City economy: The economic boosts requesting for the City of Yuba City to partner with AHA to focus on the collaborative business resources, trainings and opportunities for Hispanic business owners within Yuba City, and these services will be provide through AHA (NPO).
- Provides an opportunity to help build community, foster a sense of pride within our community, and engage our community: AHA has over 30 years of local committed leadership, providing multiple services to Yuba City Hispanic heritage community and business owners. We share in the same belief as alike to the City of Yuba City's priorities which is improving the "Quality of Life." Our belief is that when we empower our Hispanic community and engage with our City, and contribute productively that this will foster pride and commitment.
- Contributes positively to the recognition and image of the City of Yuba City: AHA is a well-respected and recognized NPO in the Yuba-Sutter region. We are requesting for the monetary funds to assist in the development of capacity with continuing our services and programs that include educational, community involvement and business economics.

Type of Sponsorship Requested:

☐ In-kind services – Amount requested: _____

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

_____

_____

☐ Facility Waiver – Amount requested: _____

■ Monetary Funding – Amount requested: $25,000.00

☐ Fundraiser Gift Basket – Amount requested:_____

Other Considerations:

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

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

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

Signature of Applicant _____ Date 4/7/22

Print Name of Applicant Vera Correa, AHA President

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022
To: Honorable Mayor & Members of the City Council
From: Police Department
Presentation By: James Runyen, Police Commander

Summary

Subject: An Ordinance Adopting an Equipment Use Policy per CA Assembly Bill No. 481

Recommendation: Waive the reading and adopt an Urgency Ordinance of the City Council of the City of Yuba City adding Chapter 23 to Title 4 of the Yuba City Municipal Code adding a policy related to use of Military Equipment Policy by title only

Fiscal Impact: None

Council's Strategic Goal:

This addresses the City Council's Strategic Goal of Public Safety.

Purpose:

To establish an emergency ordinance that complies with Assembly Bill 481, which codified Government Code sections 7070 through 7075 and requires a law enforcement agency to obtain approval from an applicable governing body by adopting a “military equipment” use policy by ordinance. This must be done prior to the law enforcement agency funding, acquiring, or using military equipment. The Yuba City Police Department seeks City Council adoption of the attached Military Equipment Use Policy – YCPD policy 707 (Exhibit A), in order to allow YCPD to continue to use the vital equipment specified therein. The emergency ordinance is attached to this report (Exhibit B).

Background:

Items deemed to be “military equipment” by AB 481 are used as a component of overall best practices for Law Enforcement Agencies (LEAs) throughout the country. These tools have been tested in the field, and are used by LEAs to enhance citizen safety and officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the City of Yuba City.

The term “military equipment”, as used in AB 481, in fact does not necessarily indicate equipment that has been used by the military. Pursuant to AB 481, items deemed to be “military equipment” include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and flashbangs.

YCPD is committed to using the most up-to-date tools and equipment to safeguard the citizens of Yuba

City. Many items deemed to be “military equipment” by AB 481 are in fact employed by YCPD and LEA’s across the country, in order to specifically reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of a lethal force encounter. To that end, the items at issue in this report, and the accompanying Military Equipment Use Policy, also provide YCPD’s peace officers with vital tools that facilitate compliance with its stringent use of force policy.

Along with seeking authorization to use preexisting equipment, the YCPD also seeks authorization to acquire, fund and use a new piece of equipment in the coming year. In sum, Yuba City Police officers have faced gun fire from suspects for prolonged incidents which required the use of armored/ballistic vehicles to protect the officers and community. In the event of a mass casualty event, an armored vehicle provides protection and evacuation abilities for both citizens and officers. The protection of ballistic equipment allows for more time and opportunity to attempt to deescalate situations and provides for safer tactics to resolve life-threatening events in the safest way possible.

YCPD is requesting to purchase a Lenco Bearcat G2 in the coming fiscal year. The Lenco Bearcat, G2, is an armored vehicle designed specifically for law enforcement that seats 10-12 personnel with an open floor plan that allows for rescue of downed personnel. It can stop various projectiles, which provides greater safety for citizens and officers beyond the protection level of shield and personal body armor. This allows officers the ability to gain a better view of suspects from a safe position and introduce less than lethal options when dealing with violent offenders. The Bearcat has become a standard for many tactical teams in the nation, offering more opportunity to resolve critical incidents in the safest manner for all involved parties. This armored vehicle is more suited for our needs than the current military armored vehicles the department is using that were acquired through the 10-33 program.

Analysis:

There is significant interest in ensuring that law enforcement continues to have access to equipment that will provide peace officers with as many options as possible to safeguard lives, ensure safety, and protect civil liberties. The use of the tools identified below is vital to YCPD’s mission and will continue to be strictly regulated through internal processes and oversight.

The proposed ordinance seeks to approve YCPD’s Policy 707, which constitutes YCPD’s Military Equipment Use Policy. Policy 707 outlines each item identified in Government Code section 7070 that is currently owned by the City. The policy also includes the current use and cost of each item (Exhibit 1). These particular items, and their stated uses, were in place prior to the implementation of AB 481 or currently in the process of being obtained. Future acquisitions of any item deemed to be “military equipment” will require a further public meeting, policy update, and council approval.

The proposed ordinance safeguards the public’s welfare, safety, civil rights and civil liberties. The ordinance ensures that there are safeguards, including transparency, oversight, and accountability measures in place. For instance, the ordinance requires that YCPD’s Field Operations Division Commander will ensure that YCPD complies with the policy. YCPD will conduct an annual audit of military equipment. Violations of the policy will be corrected when discovered. Members of the public are provided directions per the policy on how to register complaints about violations. All items which result in the use of force will be investigated, as is already required by existing YCPD policy.

There are no reasonable alternatives to the items listed below. YCPD has not discovered alternative items that can achieve the same objectives of officer and civilian safety.

Each item’s necessity is further described below:

Unmanned remotely piloted powered aerial vehicles: Unmanned aerial systems (UAS) are necessary as they provide visibility to high risk locations. Without the use of a UAS, peace officers would have to deploy to high risk locations, which would increase the risk to the officers and members of the public. The UAS system is designed to enter small spaces, such as enclosed structures, as well as to provide overhead observations of wooded areas and other structures located in often times crowded spaces. There are no known alternatives which could be used to safely access these locations.

Unmanned remotely controlled ground vehicle: Unmanned ground robots are used for reconnaissance during critical incidents to assist in providing visibility in areas where it would be unsafe to send a peace officer. This system can also be used to defuse or move potentially hazardous items. Not having access to this item would require the use of peace officers to engage in high-risk tasks. There is no known alternative to this system.

Armored personnel carriers: Armored vehicles are used to provide ballistic protection to officers and citizens during rescue, critical incidents and other hazardous situations. These vehicles allow officers closer access to high risk situations while substantially reducing the physical risk to the officers and citizens. These vehicles are built on commercial vehicle chassis and are primarily a reinforcement of civilian commercial vehicles. As such, there are no reasonable alternatives to providing the same level of ballistic protection.

Breaching apparatuses, battering rams, slugs: Battering rams and breaching apparatus are used to defeat locked, barricaded or fortified locations, allowing officers to conduct rescues or high-risk forcible entries. This includes but is not limited to rescuing hostages. These items allow peace officers to quickly enter a structure when time is of the essence. This would include but not limited to an active shooter or kidnapping situation. In such situations, time is of the essence and it would not be feasible to wait for another delayed access to the structure. There are alternatives which are used for low risk and/or non-fortified situations. This includes handheld battering rams. However, this alternative does not afford the same level of protection or speed that such equipment provides when necessary. As such, there is no reasonable alternative to these items when they are used and required.

Specialized firearms and ammunition, including assault weapons (except for standard issued weapons): Patrol rifles, Special Weapons and Tactics (SWAT) rifles, and sniper rifles enable officers when in compliance with the YCPD's Use of Force Policy, to address medium to long distance threats, or those threats who are heavily armed, armored or both. Further, in both short and long-distance deployments, they allow officers' precision shot placement, minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance or precision.

Flashbangs: Flashbangs are used as a distraction device in order to disorient or divert the suspect'(s) attention away from officers. This can allow officers to gain safer access to a high- risk situation, giving extra time to assess and analyze existing threats. This can prevent injury to officers and citizens. These devices can often lead to a safer resolution and allow officers to take a citizen into custody without force. There is no known alternative to a flashbang when it is necessary.

Tear gas and pepper ball: Tear gas and pepper ball are less lethal methods used to address violent or riotous crowds when there is a risk of physical safety. They are also used to safely extract a suspect from a fixed location or safely detain a suspect who poses a risk of violence to officers. Tear gas allows peace officers to deploy a less lethal chemical agent into a structure where other weapons would not be capable of doing so. These weapons are less lethal and afford peace officers an added option to avoid lethal force encounters. When these items are reasonable and necessary for use, there is no other alternative.

40mm projectile launchers and bean bag shotguns: The 40mm launcher affords the ability to use less lethal chemical agents and impact munitions. This allows officers to address a threat from a greater

distance and provides an alternative option for deadly force when reasonable. The bean bag shotgun also allows officers to confront a potentially armed or dangerous suspect at a longer distance. This can potentially prevent a deadly force encounter. When necessary, there is no alternative to these less lethal weapon systems.

New Acquisitions

If approved for purchase, the Bearcat will sustain YCPD SWAT's core capabilities of protection, response, prevention, mitigation, and recovery to a terrorist attack, critical incident, mass casualty incident or rescue, by allowing tactical team members access to a mobile piece of equipment for the safety of officers and civilians. The YCPD SWAT Team needs mobile NIJ Level IV protection in off-road environments, tight indoor and outdoor spaces, and at second floor levels of structures. SWAT also needs NIJ Level IV protection in order to provide life-sustaining/saving services to the affected population, conduct stabilization and rescue efforts, and ensure a safe and secure environment. The Bearcat will also sustain efforts to identify, discover and locate threats or hazards, to include explosives and ballistic threats. At this time, there are no other commercially produced vehicles available that can achieve the same objective of officer and civilian safety.

The YCPD will be seeking a combination of city funds and grants funds to acquire this piece of equipment.

If approved and purchased, the YCPD SWAT Team will train with the Bearcat to assess capability, safety and effective use. The training will consist of lectures, familiarization, and driving.

Because there is only one vendor producing this product or anything similar, the price is reasonable compared to other armored vehicles.

Fiscal Impact:

None at this time.

Alternatives:

None

Recommendation:

Adopt an Emergency Ordinance that allows YCPD to use existing equipment that falls under the military equipment use policy (YCPD policy 707) that complies with the requirements of Assembly Bill 481.

Attachments:

1. Exhibit A YCPD Policy 707
2. Exhibit B Urgency Ordinance

Prepared By:
James Runyen
Commander

Submitted By:
Diana Langley
City Manager

Exhibit A

YCPD Policy 707
MILITARY EQUIPMENT USE
3-11-22

PURPOSE

This standard operating procedure establishes guidelines for the acquisition, funding, use and reporting of "military equipment", as the term is defined in Government Code section 7070. This standard operating procedure is provided to fulfill the obligations set forth in Assembly Bill No. 481. These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

POLICY

It is the policy of the Yuba City Police Department that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

PHILOSOPHY

The acquisition of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

PROCEDURE

A. DEFINITIONS

1. Governing Body – The elected or appointed entity that oversees the Yuba City Police Department. Military Equipment – Any of a wide variety of items as defined by California Government Code section 7070, subsections (c)(1) through (c)(16).

B. GENERAL

1. The Department shall obtain approval of the governing body annually prior to engaging in any of the following activities:
    a. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
    b. Seeking funds for military equipment including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
    c. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
    d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.
    e. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to general order.

f. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

2. In seeking the approval of the governing body, the Department shall submit a proposed military equipment use policy, or subsequent amendments, to the City Council and the public via the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

C. MILITARY EQUIPMENT USE CONSIDERATIONS

1. The military equipment acquired and authorized by the Department is:
   a. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
   b. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
2. Military equipment shall only be used by a Department employee only after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless exigent circumstances arise.
3. Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid or law enforcement related services to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid and/or assistance.

D. MILITARY EQUIPMENT REPORTING CONSIDERATIONS

1. The Department shall submit an annual military equipment report to City Council that addresses each type of military equipment possessed by the Department.
2. The Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
3. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
   a. A summary of how the military equipment was used and the purpose of its use.
   b. A summary of any complaints or concerns received concerning the military equipment.
   c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
   d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
   e. The quantity possessed for each type of military equipment.
   f. If YCPD intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
      i. Within 30 days of submitting and publicly releasing an annual military equipment report, YCPD shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and YCPD's funding,

acquisition, or use of military equipment. This shall occur as a part of YCPD's presentation to the governing body.

E. CATALOGING OF MILITARY USE EQUIPMENT

All military use equipment kept and maintained by the Yuba City Police Department shall be cataloged in a way which addresses each of the following requirements:

1. The manufacturer's description of the equipment.
2. The capabilities of the equipment.
3. The purposes and authorized uses for which the Department proposes to use the equipment.
4. The expected lifespan of the equipment.
5. The fiscal impact of the equipment, both initially and for on-going maintenance.
6. The quantity of the equipment, whether maintained or sought.

F. COMPLIANCE

1. The Field Operations Division Commander will ensure that all Department members comply with this policy. The Commander will conduct an annual audit with the assistance of Patrol Division Lieutenants. The Chief of Police or designee will be notified of any policy violations and, if needed, the violation(s) will be referred to the Investigation Division Commander and handled in accordance with YCPD policy. All instances of non-compliance will be reported to City Council via the annual military equipment report.
2. Any member of the public can register a question or concern regarding military use equipment by contacting the Yuba City Police Department's Records Unit via email at policerecords@yubacity.net. A response to the question or concern shall be completed by the Department in a timely manner.
3. Any member of the public can submit a complaint to any member of the Department and in any form (i.e. in person, telephone, email, etc.). Once the complaint is received, it should be routed to the Patrol Division Commander.

G. FUNDING

The Department shall seek council approval for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

1. The Department has authority to apply for funding prior to obtaining council approval and utilizing newly acquired equipment in the case of exigent circumstances. The Department shall obtain council approval as soon as practicable.

H. MILITARY USE EQUIPMENT

1. **Unmanned Aircraft System (UAS):** An unmanned aircraft along with the associated equipment necessary to control it remotely.
    a. Description, quantity, capabilities, and purchase cost of current UAS:
        i. DJI MAVIC MINI 2, cost: $535 each, quantity: 3. Small UAS that weighs approximately 249 grams and is able to record video and audio with approximately 31 minutes of flight time.
        ii. DJI AIR 2, cost: $1200 each, quantity: 1. UAS THAT weighs approx. 595 grams, has video recording capabilities, with approximately 31 minutes of flight time.

iii. AUTEL EVO II ENTERPRISE, cost: $10,500 each, quantity: 0. UAS that has a color and infrared camera as well as audible speaker and light. Capable of video recording and weighs 1,138 grams, approximately 42 minutes of flight time.

b. Purpose

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

i. Missing Persons
ii. Any rapidly evolving or developing emergency situation
iii. SWAT deployments/tactical situations
iv. Crime scene investigations

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.

d. Expected Life Span

All UAS equipment, 3-5 years.

e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately $4,000.

f. Training

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must maintain a minimum of 1 hour of flight time per month as well as quarterly trainings.

g. Legal and Procedural Rules

Use is established under YCPD Standard Operating Procedure, FAA Regulation 14 CFR Part 107, and the City of Yuba City UAS policy 606. It is the policy of the YCPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

2. **Robots**: A remotely-controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers.

a. Description, quantity, capabilities, and purchase cost

i. Avatar II Tactical Robot, Robotx Technology Solutions, cost: $12,389 each, quantity: 1. The Avatar II Tactical Robot is a rugged, easy to use, tactical robot which enhances the capabilities of law enforcement and first-responders by allowing them to safely and quickly inspect dangerous situations. The Avatar II has the ability to navigate rugged terrain, climb stairs, and is equipped with a microphone and speaker to communicate with dangerous suspects.

b. Purpose

To be used to remotely gain visual/audio data, open doors, communicate with barricaded subjects and clear buildings.

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate the robots identified at sections 2. Use is established by the SWAT Team Leader, Tactical Commander and or Incident Commander.

d. Expected Life Span
All robots, 10-15 years.

e. Fiscal Impact
Annual maintenance and battery replacement cost is approximately $5,00.

f. Training
Robot operator training is conducted annually during SWAT trainings.

g. Legal and Procedural Rules
It is the policy of the YCPD to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

3. **Armored Vehicles:** Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.

a. Description, quantity, capabilities, and purchase cost

i. CADILLAC GAGE RANGER (PEACEKEEPER), cost: free (Military 1033 program), quantity: 1. The Cadillac Peacekeeper is an armored vehicle that seats approximately 6 personnel. The exterior and floor of the cabin are protected by hardened steel plate, which can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

ii. LENCO BEARCAT, G2, cost: $315,518.65, quantity: 0. The Lenco Bearcat, G2, is an armored vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

iii. Mine-Resistant Ambush Protected (MRAP), cost: Free (Military 1033 program), quantity: 1. The MRAP is an armored vehicle that seats 10-12 personnel with an open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

b. Purpose
To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c. Authorized Use
The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.

i. Lifespan
Lenco Bearcat models G2 and G3, 25 years.

ii. Fiscal Impact
Annual maintenance cost of approximately $10,000.

iii. Training

All driver/operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.

iv. Legal and Procedural Rules

Use is established under General Order 580.18. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

4. **40 MM Launchers and Rounds:** 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds and as a method to deploy chemical agents from a safe distance.
   a. Description, quantity, capabilities, and purchase cost
      i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, LMT #1425, cost: $1090, quantity: 7. The 40MM Single Launcher is a tactical single shot launcher. It will launch a 40MM less lethal projectiles and 40MM chemical agency projectiles.

      ii. PENN ARMS, 40MM LAUNCHER, #GL1-40, cost: $1179, quantity: 8. The 40MM Single Launcher is a tactical single shot launcher. It will launch a 40MM less lethal projectiles and 40MM chemical agency projectiles.

      iii. PENN ARMS, 40MM MULTI-LAUNCHER, #GL65-40, cost: $3000, quantity: 1. The 40MM Multi-Launcher is a tactical platform capable of holding six projectiles in the launcher. It will launch a 40MM less lethal projectiles and 40MM chemical agency projectiles. This platform is more suitable for deploying multi projectiles in a shorter amount of time. This is effective during less lethal and or chemical agent deployments.

      iv. FEDERAL LABS, 37MM MULTI-LAUNCHER, #2127, cost: $2200, quantity: 1. The 37MM Multi-Launcher is a tactical platform capable of holding six projectiles in the launcher. It will launch a 37MM less lethal projectiles and 37MM chemical agency projectiles. This platform is more suitable for deploying multi projectiles in a shorter amount of time. This is effective during less lethal and or chemical agent deployments.

      v. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325, cost: $18, quantity: 121. (Up to 200) A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.
   b. Purpose

      To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
   c. Authorized Use

      Situations for use of the less lethal weapon systems may include, but are not limited to:
      i. Self-destructive, dangerous and/or combative individuals.
      ii. Riot/crowd control and civil unrest incidents.
      iii. Circumstances where a tactical advantage can be obtained.

iv. Potentially vicious animals.
v. Training exercises or approved demonstrations.
vi. Barricaded subjects

d. Training
Sworn members utilizing 40MM less lethal, chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

e. Lifespan
Defense Technology LMT #1425- 25 years. Penn Arms #GL1-40- 15 years. Penn Arms GL65-50-15 years. Federal labs 37MM Multi-launcher-10 years. Model 6325 Exact Impact Sponge- 5 years.

f. FISCAL IMPACT
Annual maintenance is approximately $50 for each launcher.

g. LEGAL AND PROCEDURAL RULES
It is the policy of the YCPD to utilize the 40mm or 37MM launchers only when properly trained and for official law enforcement purposes pursuant to State and Federal law, including those regarding the use of force.

5. Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

a. Description, quantity, capabilities, and purchase cost

i. REMINGTON 870 LESS LETHAL SHOTGUN, cost: $946, quantity: 13 (up to 100). The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation.

ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND, #2581 cost: $5, quantity: 186 (up to 250). A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

b. Purpose
To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use
Situations for use of the less lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals.
ii. Riot/crowd control and civil unrest incidents.
iii. Circumstances where a tactical advantage can be obtained.
iv. Potentially vicious animals.
v. Training exercises or approved demonstrations.

d. Lifespan

Remington 870 Less Lethal Shotgun- 25 years.
Super Sock Round- No listed expiration date.

e. Fiscal Impact

Annual maintenance is approximately $50 for each shotgun.

f. Training

All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. SWAT personnel receive additional training internally when they transfer to the unit.

g. Legal and Procedural Rules

It is the policy of the YCPD to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

6. **Combined Systems LC5 40MM Launching Cup**: Cups that attaches to 12 gauge less lethal shotguns which allow officers to launch canisters of chemical agents or smoke.

1. Description, quantity, capabilities, and purchase cost

COMBINED SYSTEMS LC5 40MM LAUNCHING CUP, cost: $150, quantity: 1. The LC5 Launching Cups are designed for the 5200 series grenades. The cups can be attached to virtually any 12ga shotgun and the munition launched with our model 2600 launching cartridge.

2. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Allows chemical agents to be deployed from a distance, behind cover and concealment.

3. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals.
ii. Riot/crowd control and civil unrest incidents.
iii. Circumstances where a tactical advantage can be obtained.
iv. Potentially vicious animals.
v. Training exercises or approved demonstrations.

4. Lifespan

Combined Systems LC5 40MM Launching Cup- 25 years

5. Fiscal Impact

No annual maintenance.

6. Training

Officers utilizing the launching cups are trained by POST certified chemical agent instructors.

7. Legal and Procedural Rules

Use is established under the Standard Operating Procedure and Policy 707. It is the policy of the YCPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

7. **Distraction Devices:** A device used to distract dangerous persons.
   a. Description, quantity, capabilities, and purchase cost
      i. COMBINED TACTICAL SYSTEMS, 7290-2 FLASH-BANG, cost: $52 ea., quantity: 7. A non-bursting, non-fragmenting multi (2)-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
      ii. COMBINED TACTICAL SYSTEMS, 7290-9 FLASH-BANG, cost: $139 ea., quantity: 11. A non-bursting, non-fragmenting multi (9)-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
      iii. COMBINED TACTICAL SYSTEMS, 7290M MINI FLASH-BANG, cost: $38 ea., quantity: 51. The 7290M Flash-Bang exhibits all the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 175db output of the 7290 and produces 6-8 million candelas of light.

   b. Purpose
      A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric overpressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.
   c. Authorized Use
      Diversionary Devices shall only be used:
      i. By officers who have been trained in their proper use.
      ii. In hostage and barricaded subject situations.
      iii. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
      iv. During other high-risk situations where their use would enhance officer safety.
      v. During training exercises.
   d. Lifespan
      Until used.
   e. Fiscal Impact
      No annual maintenance.
   f. Training
      Prior to use, officers must attend divisionary device training that is conducted by Post certified instructors.
   g. Legal and Procedural Rules

Use is established under General Order 580.16. It is the policy of the YCPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

8. **Rifles:** Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.
   a. Description, quantity, capabilities, and purchase cost
      i. GA Precision (AR-10) .308 CALIBER RIFLE, MODEL GAP-10, cost: $3,580.00, quantity: 1. The GAP-10 with 18"Barrel, AR-10, is a precision style rifle. This firearm is chambered in .308 Winchester/7.62 NATO and has an 18" barrel. This rifle is primarily used in an over watch capacity to protect the community during large events and Tactical Situations that require Sniper Response. The GAP-10 is no longer being produced. The 2nd Generation GAP-10 retails for $3,724.00.
      ii. FNH SCAR-17 .308 caliber rifle, cost: $1800 each Quantity: 2. The SCAR with 18" barrel is a precession-style rifle that is more powerful than a standard rifle. The firearm is chambered in a .308 Winchester/7.62 NATO. This rifle is primarily used in an over watch capacity to protect the community during large events and Tactical Situations that require Sniper Response.
      iii. Hornady .308 Winchester 168 gr ELD-M Tap rifle round cost, $250 per case of 200. Quantity: 20 cases (up to 40 cases).
   b. Purpose
      To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
   c. Authorized Use
      Only members that are POST certified are authorized to use a rifle. d.
   d. Lifespan
      GA Precision GAP-10 .308 rifle – 15 years
      Daniel Defense AR-10 .308 rifle- 15 years.
      LWRCI SWAT operator package IC DI 10.5" rifle- 5 years.
      Colt M16A1rifle converted to semi-automatic AR-15- no expiration.
      Federal American Eagle 9mm Luger 147 Grain FMJ- no expiration.
      Federal HST Law Enforcement 9mm Luger Ammo 147 grain JHP- no expiration. e.
   e. Fiscal Impact
      Annual maintenance is approximately $50 for each rifle.
   f. Training
      Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.
   f. Legal and Procedural Rules
      Use is established under the Standard Operating Procedure. It is the policy of the YCPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

9. **Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.
   a. Description, quantity, capabilities, and purchase cost

      i. COMBINED TACTICAL SYSTEMS (CTS), Baffled Riot CS Smoke Grenade, #5230B, cost: $49.75, quantity: 45. (Up to 60) This pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. The munition is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. This canister can be hand thrown or launched from a fired delivery system. The canister is 6.2 in. by 2.6 in. and holds an approximately 25 gm. of active agent payload. It has an approximate burn time of 20-40 seconds.

      ii. COMBINED TACTICAL SYSTEMS (CTS), 40mm CS Liquid Barricade Projectile, #4330, cost: $29.70, quantity: 55. (Up to 75) The 40mm CS Liquid Barricade Projectile is designed specifically for penetrating intermediate barriers, such as single pane exterior windows, vehicle windows, pressed wood particle doors, 1-2 layers of wallboard, and interior hollow core doors, and deliver irritant agents into an adjacent room(s). This launchable munition is 4.1 in. long and 40mm in diameter and holds approximately 10 gm of active agent.

      iii. COMBINED TACTICAL SYSTEMS (CTS), Outdoor Tactical Grenade CS, #8230, cost $45, quantity: 20. (Up to 30) The smallest diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically, for outdoor use or in a "Fire safe deployment canister" and it should not be deployed on rooftops, in crawl spaces or indoors due to fire producing capability. Can be hand thrown or launched. This grenade will deliver approximately 30 gm. of agent during its 20-40 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections.

      iv. COMBINED TACTICAL SYSTEMS (CTS), White Smoke Canister Grenade, #6210. cost: $35.50, quantity: 12. (Up to 20) White indoor/outdoor smoke grenades are used for obscuring tactical movement and signaling or marking a landing zone. Emits grey-white smoke only for approximately 20 to 40 seconds. It is approximately 6.0 in. in length by 2.34 in. Does not contain chemical agents.

      v. COMBINED TACTICAL SYSTEMS (CTS), White Smoke Canister Grenade, #6210HC. cost: $35.50, quantity: 25. (Up to 35) White outdoor smoke grenades are used for obscuring tactical movement and signaling or marking a landing zone. Emits grey-white smoke only for approximately 20 to 40 seconds. It is approximately 6.0 in. in length by 2.34 in. Does not contain chemical agents.

      vi. COMBINED TACTICAL SYSTEMS (CTS), OC-CS Vapor Grenade, #6343, cost: $49.80, quantity: 5. (Up to 10) The OC-CS Vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) and compound 2-chlorobenzalmalononitrile (CS) in a powerful mist. The grenade is designed for indoor use in confined areas and, once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC-

CS Vapor on the subject is dramatic and requires no personal decontamination. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC-CS Vapor Aerosol Grenade is ideal for cell extractions or barricades situations where the use of pyrotechnic, powder or liquid devices is not practical or desired. The munitions contain 30 gm of active OC-CS chemical agents.

vii. DEFENSE TECHNOLOGY, OC AEROSOL GRENADE 1.3% FOGGER, 6 OUNCE, #56854, cost: $22, quantity: 11. (Up to 20) The 6 oz. OC Aerosol Grenade will deliver its payload of 1.3% MC% OC in 20-25 seconds. This is an anatomized mist which enhances the pungent 1.3% OC formulation. Ideal for area denial areas like attics, garages, etc. This device has minimum clean up. The canister may also be handheld to direct the spray pattern. This product is designed to provide room clearing ability with minimum clear up requirements.

viii. DEFENSE TECHNOLOGY, OC AEROSOL GRENADE 1.3% FOGGER, 1 OUNCE, #56814, cost: $12.08, quantity: 9. (Up to 20) The 1 oz. OC Aerosol Grenade will deliver its payload of 1.3% MC% OC in 20-25 seconds. It is ideal for situations where the use of pyrotechnic, powder, or liquid devices are not practical or desired. The 1.3% Major Capsaicinoids provides sufficient effects in confined areas of up to 6,000 cubic feet such as attics, crawl spaces, garages, and interior rooms. The Aerosol Grenade Fogger was designed as an operator controlled instantaneous initiated aerosol grenade. It is a non-pyrotechnic that contains no CFCs, is not a fire hazard and requires minimal decontamination.

ix. DEFENSE TECHNOLOGY, MUZZLE BANG LAUNCHING CARRTRIDGE, 12 gauge. #1210, cost $5.83, quantity 20. (Up to 30) This munition incorporates an opaque shell and utilizes black powder as the propellant. It has the ability to be used alone as a Muzzle Bang for crowd management or for propelling grenades when using the 1370 Launching Cup.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals.
ii. Riot/crowd control and civil unrest incidents.
iii. Circumstances where a tactical advantage can be obtained.
iv. Potentially vicious animals.
v. Training exercises or approved demonstrations.

c. Authorized Use

Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents.

d. Training

Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agents instructors.

e. Lifespan

5 years from manufacturing date.

f. Fiscal Impact
No annual maintenance.

g. Legal and Procedural Rules
Use is established under the YCPD Chemical Agent Manual 580.07. It is the policy of the YCPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

10. Explosive Breaching Tools: Tools that are used to conduct an explosive breach.

a. Description, quantity, capabilities, and purchase cost

i. ROYAL REMINGTON 870 EXPRESS BREACHING SHOTGUN, Cost: $500, quantity: 3. This weapon allows for Breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).

ii. ROYAL ARMS TESAR-1 ORANGE CAP 275 GRAIN COPPER FRANGIBLE BREACHING ROUND, Cost: $5 per round, quantity: 6 (Up to 30). The round is fired from a breaching shotgun and is used to destroy solid wood doors, locks and hinges

iii. ROYAL ARMS TESAR-2 BACK CAP 425 GRAIN COPPER FRANGILBE BREACHING ROUND, Cost: $5 per round, quantity: 150 (Up to 200). The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.

iv. ROYAL ARMS TESCR#3 GREEN CAP 375 GRAIN CLAYVON FRANGIBLE BREACHING ROUND, Cost: $5 per round, quantity 10 (Up to 30). The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.

v. ROYAL ARMS FB-82H 12-GAUGE 82 GRAIN FLASH BANG HARD BREACHING ROUND, Cost: $5 per round, quantity: 3. (Up to 30) The rounds are fired from a breaching shotgun and is used as a diversionary round and can be used to break glass and shot at a velocity of 270-290 feet per second (FPS).

vi. ROYAL ARMS MB-70S 12 GAUGE MUZZLE BLAST FLASH BANG SOFT BREACHING ROUND, cost: $5 per round, quantity: 11. (Up to 30) The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.

vii. ROYAL ARMS TESAR-4 YELLOW CAP 750 GRAIN COPPER FRANGIBLE BREACHING ROUND, cost: $6 per round, quantity: 11. (Up to 30) The round is fired from a breaching shotgun and is used as a diversionary round and can be used to break glass.

b. Purpose
To safely gain entry into a structure.

c. Authorized Use
Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

d. Lifespan
Breaching Shotgun- 25 years
Royal Arms Tesar-1 orange cap 275 grain copper breaching round- 5 years
Royal Arms Tesar-2 black cap 425 grain copper breaching round- 5 years
Royal Arms Tesar-3 green cap 375 grain clayvon frangible breaching round- 5 years
Royal Arms FB-82H 12-gauge 82 grain flash bang hard core breaching round- 5
Royal Arms MB-70S 12-gauge muzzle blast flash bang soft breaching round- 5 years

e. Fiscal Impact
Annual maintenance is approximately $500.

f. Training
Shotgun breaching shall be limited to SWAT personal who have attended a Shotgun Breaching course or received documented training.

g. Legal and Procedural Rules
It is the policy of the YCPD to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.

11. **PepperBall Launcher:** A device that discharges irritant projectiles.
a. Description, quantity, capabilities, and purchase cost
i. PepperBall VKS CARBINE, cost: $1300, quantity 4. The Variable Kinetic System (VKS) is a compressed-air powered launcher designed to fire non-lethal PepperBall projectiles. The PepperBall VKS Carbine features a Dual Feed System that offers the ability to quickly switch between Hopper mode and Magazine mode for optimum versatility.
ii. PepperBall LIVE PROJECTILE, cost: $2 per projectile, quantity 50 (up to 100). The basic PepperBall projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.5% PAVA Powder.
iii. PepperBall LIVE-X PROJECTILE, cost: $3 per projectile, quantity 100 (up to 200). The Live Projectile contains a concentrated amount of PAVA pepper powder. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 5% PAVA Powder.
iv. PepperBall VXR INERT PROJECTILE, cost: $.80 per projectile, quantity 950 (up to 1500). The VXR Inert Projectile is a non-lethal round. The projectile contains approximately no PAVA powder. This projectile is best for direct impact with no PAVA powder. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 0.0% PAVA powder.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include but, are not limited to:

i. Self-destructive, dangerous and/or combative individuals.
ii. Riot/crowd control and civil unrest incidents.
iii. Circumstances where a tactical advantage can be obtained.
iv. Potentially vicious animals.
v. Training exercises or approved demonstrations.

c. Authorized Use
Only those officers who have been trained in the use of PepperBall launchers are authorized to use the PepperBall launchers.

d. Training
Sworn members utilizing PepperBall launchers and projectiles are trained in their use by POST certified less lethal and chemical agents instructors.

e. Lifespan
i. PepperBall VKS Carbine- 20 years
ii. PepperBall Live Projectile- 3 years
iii. PepperBall Live-X Projectile- 3 years
iv. PepperBall Inert Projectile- 3 years

f. Fiscal impact
Annual maintenance is approximately $50 for each PepperBall launcher.

g. Legal and Procedural Rules
Use is established under YCPD policy 303. It is the policy of the YCPD to utilize PepperBall only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

I. MAINTENANCE OF MILITARY USE SUPPLY LEVELS
When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 10% of stock in a calendar year without city council approval to maintain essential availability for the Department's needs. YCPD is authorized to acquire additional stock of items listed here from other law enforcement agencies of CalOES in the event of an emergency when approved by the COP or designee.

EXHIBIT B

ORDINANCE NO. ____

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY ADDING CHAPTER 23 TO TITLE 4 OF THE YUBA CITY MUNICIPAL CODE ADDING A POLICY RELATED TO USE OF MILITARY EQUIPMENT POLICY

WHEREAS, On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies;

WHEREAS, Assembly Bill 481 (AB 481), codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a "military equipment" use policy at a regular meeting held pursuant to open meeting laws prior to taking certain actions relating to the funding, acquisition, or use of "military equipment". The term "military equipment" is defined in California Government Code Section 7070;

WHEREAS, AB 481 allows the City Council to approve the funding, acquisition, or use of military equipment, within its jurisdiction only if it makes specified determinations;

WHEREAS, The proposed military equipment use policy is found within Yuba City Police Department Policy Manual, Policy 707. The policy was published on March 11, 2022 and displayed on the Yuba City Police Department website on March 11, 2022, and is being presented to the City Council on April 19, 2022;

WHEREAS, The Yuba City Police Department Policy 706 meets the requirements of California Government Code 7070;

WHEREAS, This ordinance adds Chapter 23, to Title 4 of the Yuba City Municipal Code to affirm and codify Yuba City Police Department Policy 707 and authorize the use of "military equipment" by the members of the Yuba City Police Department as described in Policy 707;

WHEREAS, The Yuba City Municipal Code and Governing state law enables the City Council of the City of Yuba City to enact an urgency ordinance when needed to respond to any emergency to preserve the public peace, health, safety, or public welfare.

WHEREAS, The City of Yuba City has a compelling interest in immediately enacting the standards set forth by Yuba City Police Department Policy 707;

WHEREAS, The City Council determines this ordinance is an urgency measure needed to immediately preserve public health, safety, and welfare. It is intended this urgency ordinance shall take immediate effect to avoid and ameliorate the threat to public peace, health, and safety; and

WHEREAS, In the enactment of this ordinance, the City of Yuba City has followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and found this activity is not a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

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

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. The City Council finds that there is a current and immediate threat to public health, safety, and welfare posed by the failure to enact this Urgency Ordinance to address the requirements of Assembly Bill 481, and there is an immediate need for the preservation of public peace, health or safety of the residents and community of the City.

SECTION 3. Chapter 23 of Title 4 is added to the Yuba City Municipal Code to read in its entirety as follows:

CHAPTER 23- MILITARY EQUIPMENT USE POLICY

Sec. 4-23.010 -Title

This chapter shall be titled "Military Equipment Use Policy."

Sec. 4-23.020 - Findings.

A. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies.

B. Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a "military equipment" use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term "military equipment" is defined in California Government Code section 7070.

C. Assembly Bill 481 allows the governing body of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations.

D. The proposed Military Equipment Use Policy is found within Yuba City Police Department Policy Section 707.

E. The Military Equipment Use Policy as set forth in Yuba City Police Department

Policy Section 707 was published as required by law and meets the requirements of California Government Code section 7070, subdivision (d).

Sec. 4-23.030 - Determinations.

Based on the findings above, in addition to information provided to the City Council at the public hearing, the City Council determines as follows:

1. The military equipment identified in Yuba City Police Policy 707 is necessary, because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

2. The Military Equipment Use Policy as set forth in Yuba City Police Policy 707 will safeguard the public's welfare, safety, civil rights, and civil liberties.

3. The military equipment identified as Yuba City Police Policy 707 is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

4. The Military Equipment Use Policy as set forth in Yuba City Police Policy 707 is approved and adopted as may be amended from time to time.

SECTION 4. The City Manager is hereby directed to execute all documents and to perform all other acts necessary to implement this Ordinance.

SECTION 5. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 6. In accord with Yuba City Municipal Code and Governing state law this urgency ordinance shall take immediate effect upon its adoption.

DRAFT

PASSED AND ADOPTED at a regular meeting of the City Council on the 19th day of April, 2022, by the following vote:

AYES:

NAYS:

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

DRAFT

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022
To: Honorable Mayor & Members of the City Council
From: Fire Department
Presentation By: Jesse Frias

Summary

Subject: Fire Inspection Fee Schedule

Recommendation: A. Conduct a Public Hearing; then

B. Adopt a Resolution amending the Yuba City Schedule of Fees and Charges for City services related to Fire Department Inspection Services, which include creating a R-1 & R-2 Fire Inspection Fee and updating the Assembly Fire Inspection Fee

Fiscal Impact: Projected revenue increase by a minimum of $73,580 for the 22/23 FY.

Purpose:
Increase and inclusion of selected inspection fees to recoup operating costs.

Council's Strategic Goal:

This project addresses the City Council's Strategic Goal of maintaining and improving Public Safety.

Background:

California Senate Bill 1205 (SB 1205) was signed into law on September 27, 2018, after the tragic Ghost Ship Fire in December 2016 brought national attention to California and put a spotlight on fire safety laws and the performance of fire inspections.

State-mandated inspections were enacted by the California Health & Safety Code Sections 13146.2, and 13146.3 requiring all fire departments that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities for compliance with building standards.

Currently, the fire department has no fee established for said state-mandated inspections.

The department also conducts annual “Assembly” inspections on occupancies being occupied or used for a gathering of 50 or more persons for civic, political, travel, religious, social, educational, recreational, or like purposes, or for the consumption of food or drink.

The current City fees in place do not cover the operational expense of providing fire life and safety inspections to the public members as it relates to Assembly inspections.

Analysis:

Annually, the City of Yuba City Fire Department shall conduct inspections of all public and private schools, hotels, motels, lodging houses, and apartment/condominium buildings according to California Health and Safety Code Section 13146.2 13146.3.

Since California Senate Bill 1205 (SB 1205) was signed into law on September 27, 2018, the City has not established a fee to cover operational expenses for conducting R-1 & R-2, Apartments, Hotels and Motel mandated inspections. Establishing an inspection fee will assist in generating revenue to offset the costs of staffing needed to perform approximately 307 additional required inspections per year.

Staff established the R-1 & R-2 inspection fee based on an approximate actual cost basis by utilizing the hourly rates for the Fire Marshal, Fire Safety Inspector, and Administrative Clerk. The approximate actual cost to inspect R-1 & R-2 occupancies up to 50 units is an average of $225 per unit, and greater than 50 units is $300. The fee is calculated at an average of two hours for an inspector, half an hour for the Fire Marshal, a half-hour for the Administrative Clerk, and a ten percent administrative fee for up to 50 units. The same calculation was used for inspections on occupancies greater than 50 units, but with one additional hour for the Fire Safety inspector being added to occupancies with 51 or more units.

Staff also reviewed the fee for conducting “Assembly” occupancy inspections and found that the department is not recovering the total costs for providing the inspections and therefore would like to increase the amounts using the same methodology as stated above based on actual costs.

In addition, staff conducted a fee survey of other municipalities. Please refer to Exhibit A – Proposed Fee Schedule.

Fiscal Impact:

Projected increase of revenue by a minimum of $73,580 for the 22/23 FY. Establishing a fee for inspections on approximately 307 R-1 & R-2 (apartments, hotels & motels) occupancies will generate a minimum revenue of $69,075. In addition, increasing the Assembly occupancy inspection fees will generate $4,505 in additional revenue.

Alternatives:

1. Approve only the R-1 & R-2 fire inspection fee.
2. Approve only the Assembly fire inspection fee increase.
3. Authorize the Fire Department to hire a consultant to perform a Fee Analysis Study.
4. Do not approve the recommendation to update the Yuba City Fee Schedule for the Fire Life & Safety Inspections costs.

Recommendation:

1. Conduct a Public Hearing; then
2. Adopt a Resolution authorizing the Finance Department to update the Yuba City Fee Schedule for the costs associated with Fire Life and Safety Inspections, which include creating a R-1 & R-2 Fire Inspection Fee and increasing the Assembly Fire Inspection Fee.

Attachments:

1. Attachment 1 - Exhibit A - Proposed Fee Schedule
2. Attachment 2 - Fee Schedule Resolution

Prepared By:
Jesse Alexander
Fire Chief

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

EXHIBIT A

Fee Description	YC Current	YC Proposed	Chico	Woodland	Merced	Marysville	Folsom	Tracy	Rocklin	Lodi	Davis
R-1 & R-2 Occupancies - Apartments/Hotels/ Motels	$0.00	3-50 Units $225 >50 Units $300	$106/hr +$20 if they have a P.A	3-9 units $192 10-49 units $235 50-100 units $277 101-200 units $362 201-300 units $447 301-400 units $489 401-500 units $575 >500 units $660	<5 units $98 5-20 units $130 21-50 units $163 >50 units $163	3-9 units $75 10-16 $150 17-60 $225 >61 $300	$185/hr	$157.13/hr	3-16 units $283 17-32 units $338 33 or more $420	3-16 units $146+ 17-32 units $205+ 33 or more $234+ **+min fee, actual cost may vary -** Fees based on $135/hr (in quarter increments)	30 or less units $129 31 or more $317
Assembly (Per occupant Load amount)	50-299 $74 300-999 $98 1,000+ $147	50-299 $99 300-999 $132 1,000+ $198	$122	$227	50-299 $130 300+ $260 Non-profit $75	$150	50+ $185	$282.13/ permit fee $157.13/ Inspection fee	<300 $338 300-900 $475 1,00+ $530	$135+ **+min fee, actual cost may vary** - Fees based on $135/hr (in quarter increments)	>10,000 sq ft $129 10,000+ sq ft $317

ATTACHMENT 2

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING THE SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES RELATED TO FIRE DEPARTMENT INSPECTION FEES

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 policy of recovering the full costs reasonably borne of providing special services of a voluntary and limited nature, such that general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; 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 5 of Title 4 of the Yuba City Municipal Code pertaining to Inspection Services and Permit fees; and

WHEREAS, the Fire Chief may establish a schedule of fees, as approved by the City Council, to be charged and collected for plan checking, required inspection services, and for the issuance of permits pursuant to Section 105 of the International Fire Code. In addition, this schedule may include a fire service fee to be charged to any person, firm, corporation or business that through negligence, violation of the law, or as a result of carelessness, is responsible for the cause of any fire service response to the scene of such an incident; and

WHEREAS, it shall be unlawful for any person, firm or corporation to operate a business unless a fire clearance inspection has been made and such businesses are in compliance with all Fire Department requirements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City that Section V - Public Safety of the User Fee Schedule reflect the addition of R1 & R2 (Apartments/Hotels/Motels) Occupancy Inspections and Places of Assembly is amended to read as follows:

Places of Assembly:	50-299 persons	$99
	300-999 persons	$132
	1000+ persons	$198
R-1 & R-2 (Apartments/Hotels/Motels):		
	3-50 units	$225
	>50 units	$300

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 19th day of April, 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

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022

To: Honorable Mayor & Members of the City Council

From: Administration Department

Presentation By: Diana Langley, City Manager

Summary

Subject: Amendment to the 2019 Collection Services Franchise Agreement with Recology Yuba-Sutter

Recommendation: Adopt a Resolution authorizing the Mayor to execute a second amendment to the 2019 Collection Services Franchise Agreement with Recology Yuba-Sutter, subject to immaterial modifications by the City Manager upon approval of the City Attorney as to legal form

Fiscal Impact: Amendment will result in minor increases to the service rates of Recology Yuba-Sutter customers living within the Yuba City City Limits.

Purpose:

To consider an amendment to modify the 2019 Collection Services Franchise Agreement with Recology Yuba-Sutter to address Senate Bill 1383 (SB 1383) requirements, reduce the biosolids disposal rate, and further align the City's Franchise Agreement with those of the other Regional Waste Management Authority (RWMA) jurisdictions.

Council's Strategic Goal:

This addresses Council's Strategic Goal of Fiscal Responsibility.

Background:

On October 2, 2018, City Council approved a new Collection Services Franchise Agreement (Agreement) with Recology Yuba-Sutter (Recology) to provide solid waste, recycling, and organic material collection services. The Agreement was scheduled to go into effect on October 1, 2019. However, in February 2019, Recology submitted a request to change the Agreement. On August 20, 2019, City Council approved Amendment No. 1 to the Agreement. Amendment No. 1 primarily addressed 13 items, detailed as follows:

- Section 5.8G - On-Call Electronic Waste Collection - Recology to provide on-call electronic waste collection service to Commercial Units under current programs.
- Section 5.8H - On-Call Universal Waste Collection - Recology to provide on-call universal waste collection service to Commercial Units under current programs.

- Section 5.11 - Biosolids Handling - Provided disposal and hauling rates for the disposal of biosolids from the Wastewater Treatment Facility. Initial biosolids disposal rates were set at $38 per ton as of October 1, 2019, and scheduled to increase to $76 per ton as of October 1, 2022 through a series of annual increases.
- Section 7.9A - Vehicle Requirements - General Provisions - Removed the requirement for model 2019 collection vehicles and instead included a list of the vehicle inventory Recology intended to use to provide services under the Agreement, recognizing that the current fleet's service dates ranged from 9/01/15 to 2/01/19.
- Section 7.10 A - Single Family Dwelling Carts - Removed the requirement that the carts be new and the default service will not be a 96-gallon cart for each type of material collected. Single Family Dwelling customers would have the option to choose between 32-, 64-, or 96-gallon carts for Solid Waste and will receive a 64-gallon cart for Recyclable Materials and a 96-gallon cart for Green Waste.
- Section 7.10 B - Distribution of Carts and Bins - Removed the requirement for Recology to purchase and distribute new carts and bins to customers.
- Section 7.15 - Recycling - Improper Procedure - Added language to clarify that infractions are per Agreement Year and allow Recology to charge a fee for three or more instances of contamination.
- Section 7.16 - Organic Materials - Improper Procedure - Added language to clarify that infractions are per Agreement Year and allow Recology to charge a fee for three or more instances of contamination.
- Section 8.10 - AB 341 and AB 1826 Compliance - Changed the language to match the language in the other RWMA member agency contracts.
- Section 8.11 - Right to Audit - Added language that the scope of the audit may be expanded and the City may be able to recover any additional costs resulting from the expanded scope if inaccuracies are found in Recology's payments to the City.
- Section 10.5 - Extraordinary Rate Adjustments - Adopted the methodology for special rate adjustments provided for in the other RWMA member agency contracts.
- Section 10.6 - Submittal of Request - Defined the process for how a request for an extraordinary rate adjustment should be conducted.

On February 4, 2020, City Council received an informational report regarding Senate Bill 1383 (SB 1383) Compliance Planning. SB 1383, available for review at https://calrecycle.ca.gov/organics/slcp/, is the most significant waste reduction and recycling mandate to be adopted in California in the last 30 years. It includes state-wide requirements to reduce organic waste (food, green, paper products, and other materials) disposal and increase edible food waste recovery. The informational report noted, "The City entered into a 10-year franchise agreement with Recology Yuba-Sutter in October 2019 for the collection of solid waste, recyclable materials, organic materials, and construction and demolition debris. Under the Agreement, Recology is required to provide single-family and multi-family customers with solid waste, recyclable materials, and green waste collection services. For commercial customers, Recology is required to provide solid waste collection service and offer recyclable materials, green waste, and food waste collection services. The Agreement may require an amendment to incorporate expansions in certain programs and new activities for Recology." The informational report also went on to note that in order to achieve compliance with SB 1383, the City will need to negotiate an amendment to its existing Agreement with Recology to expand food waste collection service to its residential customers.

Around the same time, Recology approached the City about modifying the Consumer Price Index (CPI) methodology. Staff began discussions related to Amendment No. 2 to the Agreement.

Analysis:

City staff and Recology staff have identified several items to be addressed with Amendment No. 2. A summary of those items is provided below.

Yuba City Requests

1. Stabilize Biosolids Handling Rates - Amendment No. 1 provided for disposal and hauling of biosolids from the Wastewater Treatment Facility. The disposal rate is scheduled to increase from $61 per ton to $76 per ton as of October 1, 2022. This increase in rates increases the City's cost to dispose of biosolids significantly. Staff has evaluated other options to dispose of biosolids, and disposal via Recology is the most cost effective option. It has been negotiated and proposed under Amendment No. 2 that the disposal rates will only increase to $63 per ton effective October 1, 2022.
2. Add a Residential Food Waste Collection Program - Allow residential customers to place food waste and food-soiled papers into the green waste container.
3. Provide for Billing and Service Level Audit Provisions - Recology shall perform a comprehensive audit of all Collection routes in the Service Area as of October 1, 2022, and every twenty-four (24) months thereafter, and submit to the City a written report of the results of that audit.
4. Require an Emergency Action Plan - Prior to October 1, 2022, Recology is required to work with the City to prepare an Emergency Action Plan for disaster preparedness, to provide a framework for Recology to continue to provide collection services after a catastrophic event.
5. Add Yuba City to a combined diversion calculation with the other five RWMA member agencies - Disposal and diversion data for Yuba City will be reported on an aggregate basis for all RWMA member agencies for purposes of determining compliance with the 30% Minimum Diversion Requirement.
6. RWMA Surcharge Fee - The RWMA Surcharge Fee, which is a fee charged to fund the RWMA, will be separated from the City's Franchise Fee and Recology will pay the surcharge fee directly to RWMA.
7. Miscellaneous Agreement Language and Minor Service Modifications - Recology agreed to miscellaneous Agreement language and minor service modifications to better align Yuba City's Agreement with the agreements of the other RWMA member agencies.
8. Addition of a Recycling Coordinator - Recology is to provide two Recycling Coordinators whose time is to be shared proportionately among the RWMA member agencies.

Recology Requests

1. Adjust rates to compensate for the addition of a Residential Food Waste Collection Program - Recology is requesting a price increase to cover at least a portion of the costs to implement the residential food waste recovery program. Recology is estimating that the residential food waste collection program will require 60% of a driver and truck as well as additional processing costs.

2. Match RWMA CPI rate methodology - Yuba City's current Agreement includes CPI rate methodology based on the changes in the current and prior year April values for the index. The CPI rate methodology for the other RWMA jurisdictions is based on the change in the annual average of the index for the current and prior years with the April values being the ending values for each annual average calculation.
3. Request additional ancillary charges to match other RWMA jurisdictions - Insert additional rates to match other RWMA jurisdictions (refer to Exhibit 1 of the Amendment).
4. Remove requirement to maintain an office in Yuba City - Remove the requirement that Recology maintain a publicly accessible office located in Yuba City. Yuba City customers shall have access to the publicly accessible office located within the RWMA Service Area.

5. Modify the term of the Franchise Agreement to match the term of the other jurisdictions in RWMA - Yuba City's current Agreement is currently scheduled to terminate on September 30, 2029, with the option for two five-year extensions, which would set the potential final termination date at September 30, 2039. In order to match the terms of the other RWMA jurisdictions, the proposal is to modify the initial term so that the Agreement terminates on September 30, 2028, and add the option for three five-year term extensions, which would set the potential final termination date at September 30, 2043.

The attached Amendment provides greater detail of items highlighted above as well as the proposed Rate Summary.

Fiscal Impact:

To offset Recology's anticipated increase in operational costs to provide the additional services noted above, it is proposed to increase Yuba City's Base Rates to match Sutter County's Base Rates, which will increase Recology's revenue by 2.24%, and to reduce Yuba City's Franchise Fee to 10%, which also matches Sutter County's Franchise Fee. The reduction of Yuba City's Franchise Fee will result in an estimated annual reduction in revenues to Yuba City of approximately $260,000. Staff recommends matching Yuba City's and Sutter County's Base Rates and Franchise Fees as Yuba City customers will now be receiving very similar services to Sutter County customers.

If approved, the increase to Yuba City's Base Rates will be effective May 1, 2022. Also of note is that an additional 3% increase will occur on October 1, 2022, which will be the annual CPI adjustment, and will be applied to the rates of all of the RWMA jurisdictions.

An additional benefit of Amendment No. 2 is that the Biosolids Handling Rate will be $63 per ton instead of $76 per ton, effective October 1, 2022. This will have long-term benefits to City wastewater customers as future increases in the Biosolids Handling Rate will be indexed based upon the lesser dollar amount.

Alternatives:

Do not approve Amendment No. 2 and direct staff as to what items need to be re-negotiated.

Recommendation:

Adopt a Resolution authorizing the Mayor to execute a second amendment to the 2019 Collection Services Franchise Agreement with Recology Yuba-Sutter, subject to immaterial modifications by the City Manager upon approval of the City Attorney as to legal form.

Attachments:

1. Attachment 1 - Reso - Recology

Prepared By:
Diana Langley
City Manager

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE 2019 COLLECTION SERVICES FRANCHISE AGREEMENT WITH RECOLOGY YUBA-SUTTER, SUBJECT TO IMMATERIAL MODIFICATIONS BY THE CITY MANAGER UPON APPROVAL OF THE CITY ATTORNEY AS TO LEGAL FORM

WHEREAS, on October 18, 2018, City Council approved a new Collection Services Franchise Agreement (Agreement) with Recology Yuba-Sutter (Recology); and,

WHEREAS, on August 20, 2019, City Council approved Amendment No. 1 to the Agreement ; and

WHEREAS, on February 4, 2020, City Council received an informational report regarding Senate Bill 1383 (SB 1383) Compliance Planning; and

WHEREAS, the informational report noted that in order to achieve compliance with SB 1383, the City will need to negotiate an amendment to its existing Agreement with Recology to expand food waste collection service to its residential customers; and

WHEREAS, City staff identified other items that they desired to be re-negotiated and Recology identified items that they would like renegotiated; and

WHEREAS, Amendment No. 2 to the Agreement has been prepared to memorialize the requested modifications to the Agreement; and

WHEREAS, from time to time, Amendment No. 2 may require immaterial modifications to facilitate implementation of the Amendment.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Yuba City does hereby authorize the Mayor to execute a second amendment to the 2019 Collection Services Franchise Agreement with Recology Yuba-Sutter, subject to immaterial modifications by the City Manager upon approval of the City Attorney as to legal form.

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 19th day of April, 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

Attachments:
Amendment No. 2 to the 2019 Collection Services Franchise Agreement with Recology Yuba-Sutter

AMENDMENT TO COLLECTION SERVICES FRANCHISE AGREEMENT

This Amendment to Franchise Agreement (this "Amendment") is made and entered into as of April 19, 2022 between the City of Yuba City, a California municipal corporation ("City"), and Recology Yuba-Sutter, a California corporation ("Contractor").

WHEREAS, City and Contractor are parties to a Collection Services Franchise Agreement dated August 20, 2019 (the "Franchise Agreement"), having an initial term running from October 1, 2019 to September 30, 2029;

WHEREAS, the parties wish to extend the term of and amend the Franchise Agreement to increase efficiency and align the contract more closely with those of other Regional Waste Management Authority ("RWMA") members;

NOW, THEREFORE, the parties agree as follows:

1. Effective Date. The amendments set forth in this Amendment shall take effect as of May 1, 2022.

2. Definitions.

   a. The third sentence of the definition of "Bulky Items" is hereby amended to read as follows:

      "The maximum weight and dimensions of Bulky Items shall be as directed by CONTRACTOR but shall not be less than two (2) cubic yards per Collection."

   b. The following definitions are hereby added to Article 1 of the Agreement:

      "**Member Agency(ies).**
      'Member Agency(ies)' means the CITY and any other City or County in the Regional Waste Management Authority (RWMA), a joint powers authority.

      RWMA Service Area.
      'RWMA Service Area' means the combined legal corporate limits of the CITY and any other City or County that is a member of the RWMA."

3. Term of Agreement. Article 3 of the Agreement is hereby amended to read as follows:

   "**3.1 INITIAL TERM**
   The Term of this Agreement shall be for a nine (9) year period beginning October 1, 2019 and terminating on September 30, 2028.

   3.2 EXTENSION OF INITIAL TERM

   On or before July 1, 2026 the City Council may approve an offer to the CONTRACTOR in writing for a five (5) year extension of this Agreement for the period October 1, 2028 through September 30, 2033. Provision of such offer shall be at the sole discretion of the CITY Council. CONTRACTOR shall provide written notice to CITY as to whether CONTRACTOR accepts or rejects CITY'S offer within twenty (20) Residential Service

Work Days of the date of the offer. If CONTRACTOR fails to provide such notice to CITY within said twenty (20) Residential Service Work Days, CITY'S offer shall be deemed withdrawn and CITY shall have no obligation to extend the Term of this Agreement beyond September 30, 2028. If the Term of this Agreement is extended, the Maximum Service Rate provisions of Article 10 shall not be subject to negotiation. However, Maximum Service Rates shallbe adjusted annually throughout the extended Term as provided in Article 10.

3.3 EXTENSION OF SECOND TERM

On or before July 1, 2031, the City Council may approve an offer to the CONTRACTOR in writing for a second five (5) year extension of this Agreement for the period October 1, 2033 through September 30, 2038. Provision of such offer shall be at the sole discretion of the CITY Council. CONTRACTOR shall provide written notice to CITY as to whether CONTRACTOR accepts or rejects CITY'S offer within twenty (20) Residential Service Work Days of the date of the offer. If CONTRACTOR fails to provide such notice to CITY within said twenty (20) Residential Service Work Days, CITY'S offer shall be deemed withdrawn and CITY shall have no obligation to extend the Term of this Agreement beyond September 30, 2033. If the Term of this Agreement is extended, the Maximum Service Rate provisions of Article 10 shall not be subject to negotiation. However, Maximum Service Rates shall be adjusted annually throughout the extended Term as provided in Article 10.

3.4 EXTENSION OF THIRD TERM

On or before July 1, 2036, the City Council may approve an offer to the CONTRACTOR in writing for a five (5) year extension of this Agreement for the period October 1, 2038 through September 30, 2043. Provision of such offer shall be at the sole discretion of the City Council. CONTRACTOR shall provide written notice to the CITY as to whether CONTRACTOR accepts or rejects the extension offer within twenty (20) Residential Service Work Days of the date of the offer. If CONTRACTOR fails to provide such notice to the CITY within said twenty (20) Residential Service Work Days, the extension offer shall be deemed withdrawn and CITY shall have no obligation to extend the Term of this Agreement beyond September 30, 2038. If the Term of this Agreement is extended, the CONTRACTOR Compensation and Maximum Service Rate provisions of Article 10 shall not be subject to negotiation. However, Maximum Service Rates shall be adjusted annually throughout the extended Term as provided in Article 10.

3.5 OTHER PROVISIONS

The CITY may, at the end of the initial Term or optional extended Terms, as appropriate and at the sole discretion of the CITY Council, either renegotiate the terms and conditions of the Agreement with the current CONTRACTOR or request proposals from qualified contractors to provide Collection Services."

4. SFD and MFD Organic Materials Collection. All references to "Green Waste" in Sections 1.104, 5.6., 5.7, 7.10.A.,7.10.E., 7.10.H, 7.15, and 8.2 shall be replaced with "Organic Materials".

5. Limitations to the Scope of Exclusive Agreement. Section 4.2.A. of the Agreement is hereby amended to read as follows:

"**A. Recyclable Materials, Organic Materials, or Bulky Items.** Recyclable Materials, Organic Materials, or Bulky Items that are Source Separated from Solid Waste by a Service Recipient for which the waste Generator sells or is otherwise compensated by a collector in a manner resulting in a net payment to the waste Generator."

6. Use of Approved Facilities. Section 5.2 of the Agreement is hereby amended to read as follows:

"5.2 **USE OF APPROVED FACILITIES**

The CONTRACTOR, without constraint and as a free-market business decision in accepting this Agreement, agrees to use the Approved Facilities for the purposes of Processing and/or Disposing of all Solid Waste, Recyclable Materials, Organic Materials, Bulky Items, C&D Debris and other materials Collected in the CITY. Such decision by CONTRACTOR in no way constitutes a restraint of trade. If the Contractor or Affiliate owns and/or operates Approved Facility(ies), all expenses associated with permitting, licensing, regulatory compliance, closure and post-closure, etc. and all other costs associated with the operation and ownership of the Approved Facility(ies) is the sole responsibility of the CONTRACTOR, except as provided in Section 10.5. CONTRACTOR agrees and acknowledges that all closure and post closure costs associated with the Recology Yuba Sutter landfill at Marysville are the sole responsibility of CONTRACTOR or its Affiliate."

7. Responsibility for Materials. Section 5.4 of the Agreement is hereby amended to read as follows:

"**5.4 RESPONSIBILITY FOR MATERIALS**

Once Solid Waste, Recyclable Materials, Organic Materials, Bulky Items, and C&D Debris are placed in the CONTRACTOR'SContainers, unless Contractor does not require the material to be placed in a Container, and at the Collection location, the responsibility for their proper handling shall transfer directly from the Generator to CONTRACTOR, with the exception of Exempt Waste if the CONTRACTOR can identify the Generator. Once Solid Waste, Recyclable Materials, Organic Materials, Bulky Items, and C&D Debris are deposited by CONTRACTOR at the appropriate Approved Facility, such materials shall become the responsibility of the owner or operator of the Approved Facility with the exception of Exempt Waste. Responsibility for Exempt Waste that has been inadvertently Collected by the CONTRACTOR shall remain with the CONTRACTOR if it cannot identify the Generator, and CONTRACTOR shall assume all responsibility for its proper Disposal."

8. SFD Solid Waste Service Overage . The following is added immediately following the first sentence of Section 5.6.A. of the Agreement:

9. "CONTRACTOR shall Collect Solid Waste from SFD Service Units who have contacted the CONTRACTOR's office in advance of the Collection Day and arranged for Collection of additional thirty-two (32) gallon bags of Solid Waste. CONTRACTOR shall be entitled to charge for such service a rate not exceeding the Maximum Service Rate for such service set forth in Exhibit 1." Bulky Item Collection Service. Section 5.6.F.2 of the Agreement is hereby amended to read as follows:

"**Free Bulky Item Collection Service.** Beginning October 1, 2022 and annually thereafter during the Term of this Agreement, CONTRACTOR shall allow each SFD Customer four (4) free Bulky Item Collection Services."

10. Household Hazardous Waste Collection.

    a. The first sentence of Section 5.8.H of the Agreement is hereby amended to read as follows:

    > "CONTRACTOR shall provide a Universal Waste drop-off service for Commercial Units at the Marysville transfer station."

    b. Section 5.12.F of the Agreement is hereby amended to read as follows:

    > **"F. Public Drop-Off Services.** CONTRACTOR shall provide sites at the Approved Transfer Station where CITY residents may drop-off used oil and used oil filters, CEW, other U-Waste, fluorescent light tubes and bulbs, and Home Generated Sharps at no charge to the resident or the CITY."

11. Recycling Coordinator. Section 5.12.A. of the Agreement is hereby amended to read as follows:

> **"A. Recycling Coordinator.** CONTRACTOR shall provide two full-time Recycling Coordinators whose time is shared proportionately among the Member Agencies during the Term of the Agreement and whose function during designated hours shall be to serve as liaisons to the Member Agencies and provide services related to the Collection Service Agreement, including but not limited to, public education and outreach. CONTRACTOR will hire and train at least one Recycling Coordinator prior to the commencement of the Recycling Campaign described in Section 5.11 D.2, to ensure readiness to assist with waste assessments and outreach efforts."

12. Biosolids Rate. Section 5.11.(c)(i) of the Agreement is hereby amended to read as follows:

> "(i) The Disposal Rate shall be $38.00 as of October 1, 2019, $51.00 as of October 1, 2020, $61.00 as of October 1, 2021, and $63.00 as of October 1, 2022. On October 1, 2023 and each October 1 thereafter, the Disposal Rate shall be adjusted by the annual percentage change in the WST Index, calculated as provided in (iii) below."

13. SB 1383 Outreach. Sections 5.12.D.1.(ii), 8.9.A.4., and 8.10 of the Agreement shall be amended by substituting the phrase "AB 341, AB 1826, and SB 1383" for all references to "AB 341 and AB 1826" or "AB 341, AB 1826".

14. Residential Sharps Drop-Off Program. Section 5.12.G of the Agreement is hereby amended to read as follows:

> "**G. Residential Sharps Drop-Off Program.** CONTRACTOR shall provide a Residential sharps drop-off program for the Collection of Home-Generated Sharps. CONTRACTOR shall be responsible to ensure the Home-Generated Sharps drop-off program complies with all Applicable Laws and regulations. The Residential sharps drop-off program at a minimum will allow for SFD and MFD Customers to purchase specialized sharps containers and return filled sharps

containers for proper Disposal to participating pharmacies or the Recology Customer service office in Marysville. Details of the program including a list of participating pharmacies shall be provided through the CONTRACTOR's website."

15. Emergency Action Plan. Section 5.12.J of the Agreement is hereby amended to read as follows:

"**J. Emergency Action Plan.** Prior to October 1, 2022, CONTRACTOR shall work with the Contract Administrator to prepare an Emergency Action Plan for Disaster Preparedness (Emergency Action Plan) in a form and format that is satisfactory to the Contract Administrator. The Emergency Action Plan shall provide a framework for CONTRACTOR to continue Collection Services within the Service Area after a catastrophic event, and to facilitate collaborative efforts with the CITY that mitigate the threat to the health, safety and welfare of CITY residents. CONTRACTOR shall work with the Contract Administrator to update the Emergency Action Plan no fewer than two (2) times during the Term of this Agreement to ensure that the Emergency Action Plan is at all times current and actionable.

1. **Emergency Service Compensation.** CONTRACTOR shall provide emergency services in accordance with the Emergency Action Plan in the event of major accidents, disruptions, or natural calamities. Emergency services that exceed the scope of work under this Agreement, and that are not compensated by charges to Customers (in accordance with the Maximum Service Rates provided in Exhibit 1 will be billed by CONTRACTOR to CITY in accordance with the Maximum Service Rates in Exhibit 1, and may either be paid by CITY or treated as a CITY-directed change as set forth in Section 5.5 of this Agreement."

16. Changes in Recyclables Market Conditions. A new Section 6.5.B is hereby added to the Agreement directly following Section 6.5.A:

"**B. Marketing**

1. **General.** The CONTRACTOR shall be responsible for marketing Recyclable Materials Collected in the CITY. CONTRACTOR's marketing strategy shall promote the highest and best use of materials presented in the waste management hierarchy established by AB 939. Where practical, the marketing strategy should include use of local, regional, and domestic markets for Recyclable Materials.

2. **Changes in Market Conditions**.

   a. **Changing Conditions**. The CITY and CONTRACTOR acknowledge that the ability to market various types of Recyclable Materials Collected in the CITY may change over the Term of the Agreement. It is possible that markets currently available for some Recyclable Materials will not be available in the future. Conversely, for materials in which markets currently do not exist, markets may emerge in the future.

b. **Limited Term Market Fluctuations**. The CITY and CONTRACTOR acknowledge that markets for various types of Recyclable Materials fluctuate and may render a material defined as Recyclable Material temporarily unmarketable. The CITY and CONTRACTOR agree that markets for materials Collected under this Agreement may temporarily emerge or be disrupted and these fluctuations of limited duration may not warrant a change to the definition of Recyclable Materials under this Agreement or notification to Customers. CONTRACTOR shall make reasonable commercial efforts to Divert Recyclable Materials Collected and Processed during limited term market fluctuations while CITY and CONTRACTOR are assessing the need to submit a written request for an item or type of material to be removed from or added to the definition of Recyclable Materials. In the event CONTRACTOR is unable to Divert specific Recyclable Materials due to limited term market fluctuations, such materials may be Disposed for a specific time period if agreed upon between CITY and CONTRACTOR.

c. **Non-Existent Market(s)**. If CONTRACTOR determines that it can no longer secure market(s) for one (1) or more materials included in the definition of Recyclable Materials, CONTRACTOR may submit a written request to the CITY to have the material removed from the definition of Recyclable Materials. In such case, CONTRACTOR's request shall demonstrate its attempt(s) at identifying and securing market(s) for the materials; information on the market conditions from relevant industry sources supporting the lack of market(s); an estimated timeframe for the market conditions; an estimate of the impact on the tons of Recyclable Materials Diverted annually; and a plan for notifying Customers of the elimination of the material type from the list of acceptable Recyclable Materials for Collection. The Contract Administrator will review CONTRACTOR's request and provide a response within sixty (60) Days of receipt of the request. If the CITY is willing to consider temporary or permanent removal of a material type from the definition of Recyclable Materials, the CITY and CONTRACTOR shall meet and confer to negotiate the proposed revisions and shall amend this Agreement, if appropriate, to reflect mutually agreed-upon changes. If the CITY agrees that the material shall no longer be listed in the Recyclable Materials definition, CONTRACTOR shall not be obligated to Collect the material as a Recyclable Material, may Dispose of such material and shall incur any and all costs associated with the Disposal of these materials and with educating Customers of the change and costs associated with Collection, transfer, Transportation, Processing and Disposal of such materials to the extent Customers continue to include the material in their Recyclable Materials Containers. Notwithstanding the above CONTRACTOR may continue to use the Recyclable Materials Cart to Collect material that has been removed from the Recyclable Materials definition at their discretion.

d. **Emerging Market(s)**. If CONTRACTOR or the CITY identify that a new market is available for a material that is not included in the definition of

Recyclable Materials, either Party may request that the list of Recyclable Materials be amended to include the material. Such a change would expand CONTRACTOR's obligations to Collect, transfer, transport, Process and market such material. In such case, the CITY and CONTRACTOR shall meet and confer to negotiate the proposed revisions and shall amend this Agreement, as appropriate, to reflect mutually agreed-upon changes in scope."

17. Calculation of Diversion Rate. City and Contractor desire to amend the Agreement to provide that the annual diversion rate shall be calculated on an aggregate basis for all RWMA members. Effective upon the execution of written agreements between Contractor and each other RWMA member that is not a party to this Amendment that authorize the desired amendment to the diversion rate calculation, Section 6.7 of the Agreement shall be amended to read as follows:

"**6.7 Minimum Diversion Requirements.**
The CITY requires the CONTRACTOR to use its best efforts to achieve a minimum annual diversion rate of thirty percent (30%), or such other amount as may be set by request of the CITY in accordance with the provisions of Article 5.5 of this Agreement, during each Agreement Year beginning October 1, 2018. The annual diversion rate will be calculated as "the tons of materials Collected by CONTRACTOR from the provision of Collection Services in the RWMA Service Area under the terms of this Agreement and each other collection services agreement between Contractor and the other RWMA Member Agencies, that are shipped to the Materials Recovery Facility, the Organic Materials Processing Facility, or other recycler or re-user, net of any Residue amounts, divided by the total tons of materials Collected by CONTRACTOR from the provision of Collection Services in the RWMA Service Area under the terms of this Agreement and each other collection services agreement between CONTRACTOR and the other RWMA Member Agencies in each Agreement Year." As of January 1, 2020, the use of green material as ADC does not constitute diversion through Recycling and shall be considered disposal pursuant to PRC Section 41781.3. (2)(A).

In the event CONTRACTOR is authorized by CITY to Dispose of any Recyclable Materials (or to remove any Recyclable Material from the definition of Recyclable Materials) under the terms of Sections 6.5.B.2. of this Agreement, the estimated tons of Recyclable Material Disposed or not Collected by virtue of being removed from the definition of Recyclable Material) shall be counted as if they were Diverted in the formula used to calculate the Diversion rate for that Agreement Year. CONTRACTOR shall prepare and provide to CITY this estimate based on the tons of the specific Recyclable Material Collected by CONTRACTOR from the provision of Collection Services in the RWMA Service Area under the terms of this Agreement that was shipped to the Materials Recovery Facility, the Organic Materials Processing Facility, or other recycler or re-user, net of any Residue in the twelve (12) months preceding the month in which the CITY authorized the removal of the material from the definition of Recyclable Materials. CITY shall review the estimate, the information used to prepare it, and such other information, including material allocation calculations and methodologies, if

necessary, as CITY may require to complete its review. The final estimate shall be agreed upon between CITY and CONTRACTOR based on the review."

18. Contractor Office. The first sentence of Section 7.2 is hereby amended to read as follows:

"The CONTRACTOR shall maintain a publicly accessible office located within the RWMA Service Area that provides telephone access to residents and businesses of the CITY and shall be open during normal business hours, which are currently 8:30 a.m. to 4:30 p.m., Monday through Friday, except for Holidays."

19. Non-Disclosure. Section 8.4 of the Agreement is hereby amended to read as follows:

"**8.4 NON-DISCLOSURE**
CONTRACTOR will not disclose to any Person other than the CITY or RWMA any information identifying an individual Customer, the composition or contents of a Customer's Discarded Material, or a Customer' s trade secrets unless upon the authority of a law or order validly issued by a court of administrative tribunal of competent jurisdiction, or pursuant to written authorization of the Customer."

20. Billing and Service Level Audit. The following Section 8.12 is hereby added to the Agreement immediately following Section 8.11:

" **8.12 BILLING AND SERVICE LEVEL AUDIT**
In addition to any other auditing activities required by this Agreement, CONTRACTOR shall perform a comprehensive audit of all Collection routes in the Service Area as of October 1, 2022 and every twenty–four (24) months thereafter, and submit to the CITY a written report on the results of that audit, no later than the March 31 of the subsequent year. The purpose of such audit shall be to ensure that each Customer is receiving the service for which the Customer is being billed. If the CITY requests, CONTRACTOR shall cooperate fully with the CITY to allow the CITY to verify the accuracy of CONTRACTOR's billing and Service Level audit report. "

21. Franchise and RWMA Surcharge Fees.

a. Section 9.1 of the Agreement is hereby amended to read as follows:

" 9.1 FRANCHISE FEE
The exclusive franchise granted to CONTRACTOR by this Agreement is a special privilege to use public streets and rights-of-way to provide Collection Services within the municipal limits of the City of Yuba City. In consideration of the grant of such exclusive franchise, CONTRACTOR shall pay CITY a franchise fee. The franchise fee shall be a percentage of CONTRACTOR'S Gross Billings billed each month under the terms of this Agreement, net of RWMA surcharge fees. For purposes of calculating franchise fees, Gross Billings shall specifically include revenue billed by the CONTRACTOR for the provision of Collection Services by the CONTRACTOR. However, revenue received by the CONTRACTOR from the sale of recyclable materials and from related California Redemption Value (CRV) payments shall not be considered as Gross Billings for purpose of the calculation

of franchise fees. The franchise fee percentage shall be ten percent (10 %) unless otherwise adjusted by the CITY. The CITY and CONTRACTOR believe that the franchise fee bears a reasonable relationship to thevalue of the exclusive franchise granted to CONTRACTOR by this Agreement, taking into account the scope of the franchise, the geographic size of the City of Yuba City, and the number of rate payers within the municipal limits of the City of Yuba City."

b. Section 9.5 of the Agreement is hereby amended to read as follows:

" **9.5 RWMA SURCHARGE FEE**
During the Term of this Agreement, CONTRACTOR shall pay RWMA a RWMA surcharge fee to fund the programs and activities of the RWMA as authorized in the Joint Powers Agreement as it may be amended from time to time. These programs and activities currently include the funding, operation and/or maintenance of the Household Hazardous Waste facility in Yuba City; the Yuba-Sutter Local Enforcement Agency; rate reviews; special projects; and, RWMA administration. CITY shall provide CONTRACTOR with any change to the RWMA surcharge fee no later than thirty (30) Days prior to the date that the annual rate adjustment application is due. In the event that the CITY adjusts the RWMA surcharge fee, CONTRACTOR may adjust the Maximum Service Rates subject to approval by CITY of CONTRACTOR's calculation of the adjustment amount, to incorporate any such changes in the surcharge fee prior to the time that the new surcharge fee becomes effective.

A. Payment of RWMA Surcharge Fee. CONTRACTOR shall make payment to the RWMA of the RWMA surcharge fee. Payment to the RWMA shall be due on the twentieth (20^{th}) Day of each month with respect to surcharge fees billed by CONTRACTOR in the preceding month. Each payment shall be accompanied by an accounting that sets forth the amount of RWMA surcharge fees attributable to each Service Area for the preceding month. No acceptance by the RWMA of any payment shall be construed as an accord that the amount is the correct amount, nor shall such acceptance of payment be construed as a release of any claim the RWMA may have against CONTRACTOR for any additional sums payable under the provisions of this Agreement."

22. Annual Maximum Service Rate Adjustments.

a. Pursuant to Section 10.4 of the Agreement, Contractor is eligible to carry forward the unused CPI increase of 0.81% that was reflected in the rate adjustment application submitted by Contractor to City on or about May 31, 2021. Contractor hereby waives their right to carry forward this unused 0.81% CPI increase. For the avoidance of doubt, Contractor does not waive its right to carry forward any other unused CPI increases that it is currently or will be entitled to for future rate years.

b. Section 10.3 (Schedule of Future Adjustments) of the Agreement is hereby deleted.

c. Section 10.4 of the Agreement is hereby amended to read as follows:

"**10.4 ANNUAL RATE ADJUSTMENTS**

Annual Adjustments. Beginning with the Agreement Year starting October 1, 2022 and ending on September 30, 2023 and for all subsequent Agreement Years the base element of the Maximum Service Rates shown in Exhibit 1 shall be adjusted by the percentage change in the Consumer Price Index, All Urban Consumers, All Items, San Francisco-Oakland-Hayward, Series ID: CUURS49BSA0, published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI"), subject to the annual cap and the carry-forward mechanism described in Exhibit 1-A. The annual rate adjustment process and the methodology for calculating the annual adjustment shall be as set forth in Exhibit 1-A. The CONTRACTOR shall submit the rate application required by Exhibit 1-A electronically in a format approved by the CITY to the Contract Administrator on or before June 1, 2022 and June 1 of each succeeding Agreement Year.

The annual rate adjustment process shall be as set forth in Exhibit 1-A."

23. Extraordinary Rate Adjustments. The third paragraph of Section 10.5 of the Agreement is hereby amended by deleting the word "Participating".

24. CalRecycle Indemnification. Section 11.1.B of the Agreement is hereby amended by substituting the phrase "AB 939, AB 341, AB 1826, and/or SB 1383" for each reference to "AB 939, AB 341 and/or AB 1826".

25. Maximum Service Rates. Exhibit 1 to the Agreement is hereby amended and replaced with Exhibit 1 to this Amendment.

26. Maximum Service Rate Adjustments. Exhibit 1-A (Maximum Service Rate Adjustments) is hereby added as Exhibit 1-A to the Agreement.

[Signature page follows.]

IN WITNESS WHEREOF, the CITY and the CONTRACTOR have executed this Agreement on the day and year first written above.

CITY OF YUBA CITY		**RECOLOGY YUBA-SUTTER**	
_____	_____	_____	_____
Dave Shaw, Mayor	Date	Salvatore M. Coniglio, CEO	Date

The foregoing Agreement has been reviewed and approval is recommended:

Resolution No. Approved by City Council _____

APPROVED AS TO FORM:

_____	_____
Shannon L. Chaffin	Date
City Attorney, City of Yuba City	

EXHIBIT 1

MAXIMUM SERVICE RATES

RECOLOGY YUBA-SUTTER SOLID WASTE SERVICES FOR CITY OF YUBA CITY
RESIDENTIAL (SFD) COLLECTION SERVICES

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
		Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	Basic SFD Cart Service								
1	1-32G MSW, 1-64G Recycling, 1-96G -Organics	$26.18	$4.04	$30.22	$26.87	$2.99	$29.86	$0.75	$30.61
2	1-64G MSW, 1-64G Recycling, 1-96G -Organics	$26.65	$4.12	$30.77	$27.36	$3.04	$30.40	$0.75	$31.15
3	1-96G MSW, 1-64G Recycling, 1-96G -Organics	$27.11	$4.18	$31.29	$27.83	$3.09	$30.92	$0.75	$31.67
	Low Income Senior								
4	1-32G MSW, 1-64G Recycling, 1-96G -Organics	$19.57	$3.02	$22.59	$20.08	$2.23	$22.31	$0.75	$23.06
	Additional Carts								
5	MSW: 32G 2nd or more carts - each addl cart	$11.59	$1.79	$13.38	$11.89	$1.32	$13.21		$13.21
6	MSW: 64G 2nd or more carts - each addl cart	$12.98	$2.00	$14.98	$13.32	$1.48	$14.80		$14.80
7	MSW: 96G 2nd or more carts - each addl cart	$14.37	$2.22	$16.59	$14.74	$1.64	$16.38		$16.38
8	Recycling: 3rd or more carts - each addl cart	$3.71	$0.57	$4.28	$3.71	$0.41	$4.12		$4.12
9	Organic Material 3rd or more carts - each addl cart	$14.37	$2.22	$16.59	$14.37	$1.60	$15.97		$15.97
10	Extra Bag of Refuse (Per Pickup Rate)	$0.00	$0.00	$0.00	$4.22	$0.47	$4.69		$4.69
	Bulky Item Collection								
11	Extra Bulky Item Collection	$55.61	$8.59	$64.20	$57.07	$6.34	$63.41		$63.41
12	Extra Per Bulky Item Charge	$11.12	$1.72	$12.84	$11.41	$1.27	$12.68		$12.68
13	Excess Bulky Item Charge (exceeds 2 cubic yards)	$11.12	$1.72	$12.84	$11.41	$1.27	$12.68		$12.68
	Carts Exchange or Replacement								
14	Cart Exchange - greater than one (1) per year	$18.54	$2.86	$21.40	$19.02	$2.11	$21.13		$21.13
15	Cart Replacement (due to customer negligence)	$69.51	$10.75	$80.26	$71.34	$7.93	$79.27		$79.27

Items in blue are rates for Sutter County services not currently offered in Yuba City

RECOLOGY YUBA-SUTTER SOLID WASTE SERVICES FOR CITY OF YUBA CITY
COMMERCIAL AND MUTLI-FAMILY (MFD)

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	**Current Base Rate**	**Franchise fees 13.38%**	**Current Monthly Rate**	**Proposed Base Rate**	**Franchise fees 10.00%**	**Proposed Monthly Rate**	**RWMA Surcharge**	**Total Monthly Charges**
	1 cubic yard bin								
1	1 Time per Week	$115.75	$17.88	$133.63	$118.79	$13.20	$131.99	$3.15	$135.14
2	2 Time per Week	$231.52	$35.77	$267.29	$237.59	$26.40	$263.99	$5.40	$269.39
3	3 Time per Week	$347.29	$53.64	$400.93	$356.39	$39.60	$395.99	$7.95	$403.94
4	4 Time per Week	$463.06	$71.52	$534.58	$475.19	$52.80	$527.99	$9.75	$537.74
5	5 Time per Week	$578.81	$89.40	$668.21	$593.98	$66.00	$659.98	$12.15	$672.13
6	6 Time per Week	$694.57	$107.30	$801.87	$712.78	$79.20	$791.98	$15.60	$807.58
	1.5 cubic yard bin								
7	1 Time per Week	$154.89	$23.93	$178.82	$158.95	$17.66	$176.61	$4.35	$180.96
8	2 Time per Week	$309.78	$47.86	$357.64	$317.90	$35.32	$353.22	$7.35	$360.57
9	3 Time per Week	$464.66	$71.78	$536.44	$476.86	$52.98	$529.84	$10.20	$540.04
10	4 Time per Week	$619.56	$95.69	$715.25	$635.81	$70.65	$706.46	$13.20	$719.66
11	5 Time per Week	$774.45	$119.63	$894.08	$794.76	$88.31	$883.07	$16.20	$899.27
12	6 Time per Week	$929.34	$143.55	$1,072.89	$953.70	$105.97	$1,059.67	$20.70	$1,080.37
	2 cubic yard bin								
13	1 Time per Week	$185.96	$28.72	$214.68	$190.84	$21.20	$212.04	$5.10	$217.14
14	2 Time per Week	$371.92	$57.47	$429.39	$381.67	$42.41	$424.08	$8.25	$432.33
15	3 Time per Week	$557.89	$86.17	$644.06	$572.51	$63.61	$636.12	$11.25	$647.37
16	4 Time per Week	$743.86	$114.89	$858.75	$763.36	$84.82	$848.18	$14.40	$862.58
17	5 Time per Week	$929.81	$143.63	$1,073.44	$954.19	$106.02	$1,060.21	$17.55	$1,077.76
18	6 Time per Week	$1,115.78	$172.36	$1,288.14	$1,145.04	$127.23	$1,272.27	$22.35	$1,294.62
	3 cubic yard bin								
19	1 Time per Week	$225.09	$34.77	$259.86	$230.99	$25.67	$256.66	$6.15	$262.81
20	2 Time per Week	$450.17	$69.54	$519.71	$461.96	$51.33	$513.29	$10.35	$523.64
21	3 Time per Week	$675.24	$104.29	$779.53	$692.94	$76.99	$769.93	$15.00	$784.93
22	4 Time per Week	$900.32	$139.07	$1,039.39	$923.94	$102.66	$1,026.60	$18.60	$1,045.20
23	5 Time per Week	$1,125.40	$173.84	$1,299.24	$1,154.91	$128.32	$1,283.23	$22.80	$1,306.03
24	6 Time per Week	$1,350.48	$208.62	$1,559.10	$1,385.90	$153.99	$1,539.89	$29.25	$1,569.14
	4 cubic yard bin								
25	1 Time per Week	$270.60	$41.81	$312.41	$277.70	$30.86	$308.56	$7.50	$316.06
26	2 Time per Week	$541.20	$83.60	$624.80	$555.40	$61.71	$617.11	$12.60	$629.71
27	3 Time per Week	$811.80	$125.41	$937.21	$833.10	$92.57	$925.67	$17.70	$943.37
28	4 Time per Week	$1,082.41	$167.19	$1,249.60	$1,110.79	$123.42	$1,234.21	$22.95	$1,257.16
29	5 Time per Week	$1,353.02	$209.00	$1,562.02	$1,388.48	$154.28	$1,542.76	$28.20	$1,570.96
30	6 Time per Week	$1,623.62	$250.79	$1,874.41	$1,666.19	$185.13	$1,851.32	$36.30	$1,887.62

RECOLOGY YUBA-SUTTER SOLID WASTE SERVICES FOR CITY OF YUBA CITY
COMMERCIAL AND MUTLI-FAMILY (MFD)

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	**Current Base Rate**	**Franchise fees 13.38%**	**Current Monthly Rate**	**Proposed Base Rate**	**Franchise fees 10.00%**	**Proposed Monthly Rate**	**RWMA Surcharge**	**Total Monthly Charges**
	5 cubic yard bin								
31	1 Time per Week	$280.30	$43.31	$323.61	$287.66	$31.96	$319.62	$7.80	$327.42
32	2 Time per Week	$560.62	$86.59	$647.21	$575.31	$63.92	$639.23	$13.80	$653.03
33	3 Time per Week	$840.91	$129.91	$970.82	$862.97	$95.89	$958.86	$19.80	$978.66
34	4 Time per Week	$1,121.23	$173.19	$1,294.42	$1,150.62	$127.85	$1,278.47	$25.95	$1,304.42
35	5 Time per Week	$1,401.53	$216.50	$1,618.03	$1,438.28	$159.81	$1,598.09	$32.25	$1,630.34
36	6 Time per Week	$1,681.84	$259.77	$1,941.61	$1,725.93	$191.77	$1,917.70	$41.70	$1,959.40
	6 cubic yard bin								
37	1 Time per Week	$288.63	$44.58	$333.21	$296.19	$32.91	$329.10	$7.95	$337.05
38	2 Time per Week	$577.24	$89.17	$666.41	$592.39	$65.82	$658.21	$14.85	$673.06
39	3 Time per Week	$865.87	$133.75	$999.62	$888.57	$98.73	$987.30	$21.90	$1,009.20
40	4 Time per Week	$1,154.51	$178.33	$1,332.84	$1,184.77	$131.64	$1,316.41	$28.95	$1,345.36
41	5 Time per Week	$1,443.11	$222.93	$1,666.04	$1,480.95	$164.55	$1,645.50	$36.15	$1,681.65
42	6 Time per Week	$1,731.75	$267.50	$1,999.25	$1,777.15	$197.46	$1,974.61	$46.95	$2,021.56
	7 cubic yard bin								
43	1 Time per Week	$322.88	$49.88	$372.76	$331.35	$36.82	$368.17	$8.85	$377.02
44	2 Time per Week	$645.78	$99.75	$745.53	$662.72	$73.64	$736.36	$16.50	$752.86
45	3 Time per Week	$968.66	$149.64	$1,118.30	$994.07	$110.45	$1,104.52	$24.30	$1,128.82
46	4 Time per Week	$1,291.56	$199.50	$1,491.06	$1,325.42	$147.27	$1,472.69	$32.25	$1,504.94
47	5 Time per Week	$1,614.45	$249.39	$1,863.84	$1,656.78	$184.09	$1,840.87	$40.05	$1,880.92
48	6 Time per Week	$1,937.34	$299.25	$2,236.59	$1,988.13	$220.90	$2,209.03	$52.05	$2,261.08
	8 cubic yard bin								
49	1 Time per Week	$368.40	$56.90	$425.30	$378.05	$42.01	$420.06	$10.20	$430.26
50	2 Time per Week	$736.78	$113.81	$850.59	$756.10	$84.01	$840.11	$18.15	$858.26
51	3 Time per Week	$1,105.18	$170.71	$1,275.89	$1,134.15	$126.02	$1,260.17	$27.15	$1,287.32
52	4 Time per Week	$1,473.57	$227.61	$1,701.18	$1,512.21	$168.02	$1,680.23	$36.00	$1,716.23
53	5 Time per Week	$1,841.96	$284.52	$2,126.48	$1,890.26	$210.03	$2,100.29	$44.70	$2,144.99
54	6 Time per Week	$2,210.35	$341.42	$2,551.77	$2,268.31	$252.03	$2,520.34	$54.90	$2,575.24

RECOLOGY YUBA-SUTTER SOLID WASTE SERVICES FOR CITY OF YUBA CITY
COMMERCIAL AND MUTLI-FAMILY (MFD)

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	1.3 cubic yard compactor								
55	1 Time per Week	$0.00	$0.00	$0.00	$275.33	$30.59	$305.92	$4.35	$310.27
56	2 Time per Week	$0.00	$0.00	$0.00	$550.66	$61.18	$611.84	$7.35	$619.19
57	3 Time per Week	$0.00	$0.00	$0.00	$825.98	$91.78	$917.76	$10.20	$927.96
58	4 Time per Week	$0.00	$0.00	$0.00	$1,101.28	$122.36	$1,223.64	$13.20	$1,236.84
59	5 Time per Week	$0.00	$0.00	$0.00	$1,376.60	$152.96	$1,529.56	$16.20	$1,545.76
60	6 Time per Week	$0.00	$0.00	$0.00	$1,651.95	$183.55	$1,835.50	$20.70	$1,856.20
	2 cubic yard compactor								
61	1 Time per Week	$412.75	$63.76	$476.51	$423.57	$47.06	$470.63	$5.10	$475.73
62	2 Time per Week	$825.48	$127.52	$953.00	$847.13	$94.13	$941.26	$8.25	$949.51
63	3 Time per Week	$1,238.25	$191.27	$1,429.52	$1,270.71	$141.19	$1,411.90	$11.25	$1,423.15
64	4 Time per Week	$1,650.99	$255.01	$1,906.00	$1,694.28	$188.25	$1,882.53	$14.40	$1,896.93
65	5 Time per Week	$2,063.74	$318.77	$2,382.51	$2,117.85	$235.32	$2,353.17	$17.55	$2,370.72
66	6 Time per Week	$2,476.47	$382.53	$2,859.00	$2,541.40	$282.38	$2,823.78	$22.35	$2,846.13
	3 cubic yard compactor								
67	1 Time per Week	$619.13	$95.64	$714.77	$635.37	$70.60	$705.97	$6.15	$712.12
68	2 Time per Week	$1,238.26	$191.27	$1,429.53	$1,270.72	$141.19	$1,411.91	$10.35	$1,422.26
69	3 Time per Week	$1,857.38	$286.89	$2,144.27	$1,906.08	$211.79	$2,117.87	$15.00	$2,132.87
70	4 Time per Week	$2,476.48	$382.53	$2,859.01	$2,541.41	$282.38	$2,823.79	$18.60	$2,842.39
71	5 Time per Week	$3,095.60	$478.18	$3,573.78	$3,176.78	$352.98	$3,529.76	$22.80	$3,552.56
72	6 Time per Week	$3,714.73	$573.81	$4,288.54	$3,812.13	$423.57	$4,235.70	$29.25	$4,264.95
	4 cubic yard compactor								
73	1 Time per Week	$825.49	$127.52	$953.01	$847.14	$94.13	$941.27	$7.50	$948.77
74	2 Time per Week	$1,651.00	$255.03	$1,906.03	$1,694.29	$188.25	$1,882.54	$12.60	$1,895.14
75	3 Time per Week	$2,476.48	$382.53	$2,859.01	$2,541.41	$282.38	$2,823.79	$17.70	$2,841.49
76	4 Time per Week	$3,301.97	$510.06	$3,812.03	$3,388.55	$376.51	$3,765.06	$22.95	$3,788.01
77	5 Time per Week	$4,127.47	$637.57	$4,765.04	$4,235.69	$470.63	$4,706.32	$28.20	$4,734.52
78	6 Time per Week	$4,952.98	$765.09	$5,718.07	$5,082.85	$564.76	$5,647.61	$36.30	$5,683.91
	5 cubic yard compactor								
79	1 Time per Week	$1,031.85	$159.40	$1,191.25	$1,058.91	$117.66	$1,176.57	$7.80	$1,184.37
80	2 Time per Week	$2,063.76	$318.77	$2,382.53	$2,117.86	$235.32	$2,353.18	$13.80	$2,366.98
81	3 Time per Week	$3,095.60	$478.18	$3,573.78	$3,176.78	$352.98	$3,529.76	$19.80	$3,549.56
82	4 Time per Week	$4,127.47	$637.57	$4,765.04	$4,235.69	$470.63	$4,706.32	$25.95	$4,732.27
83	5 Time per Week	$5,159.36	$796.95	$5,956.31	$5,294.63	$588.29	$5,882.92	$32.25	$5,915.17
84	6 Time per Week	$6,191.24	$956.34	$7,147.58	$6,353.56	$705.95	$7,059.51	$41.70	$7,101.21

RECOLOGY YUBA-SUTTER SOLID WASTE SERVICES FOR CITY OF YUBA CITY
COMMERCIAL AND MUTLI-FAMILY (MFD)

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	6 cubic yard compactor								
85	1 Time per Week	$1,238.26	$191.27	$1,429.53	$1,270.72	$141.19	$1,411.91	$7.95	$1,419.86
86	2 Time per Week	$2,476.48	$382.53	$2,859.01	$2,541.41	$282.38	$2,823.79	$14.85	$2,838.64
87	3 Time per Week	$3,714.73	$573.81	$4,288.54	$3,812.13	$423.57	$4,235.70	$21.90	$4,257.60
88	4 Time per Week	$4,952.98	$765.09	$5,718.07	$5,082.85	$564.76	$5,647.61	$28.95	$5,676.56
89	5 Time per Week	$6,191.24	$956.34	$7,147.58	$6,353.56	$705.95	$7,059.51	$36.15	$7,095.66
90	6 Time per Week	$7,429.47	$1,147.62	$8,577.09	$7,624.26	$847.14	$8,471.40	$46.95	$8,518.35
	32 gallon cart								
91	1 Time per Week	$26.83	$4.14	$30.97	$27.53	$3.06	$30.59	$0.75	$31.34
92	2 Time per Week	$53.65	$8.29	$61.94	$55.06	$6.12	$61.18	$1.50	$62.68
93	3 Time per Week	$80.48	$12.44	$92.92	$82.59	$9.18	$91.77	$2.25	$94.02
94	4 Time per Week	$107.31	$16.58	$123.89	$110.12	$12.24	$122.36	$3.00	$125.36
95	5 Time per Week	$134.13	$20.71	$154.84	$137.65	$15.29	$152.94	$3.75	$156.69
96	6 Time per Week	$160.97	$24.85	$185.82	$165.18	$18.35	$183.53	$4.50	$188.03
	96 gallon cart								
97	1 Time per Week	$53.81	$8.31	$62.12	$55.22	$6.14	$61.36	$1.50	$62.86
98	2 Time per Week	$107.64	$16.61	$124.25	$110.46	$12.27	$122.73	$3.00	$125.73
99	3 Time per Week	$161.45	$24.95	$186.40	$165.68	$18.41	$184.09	$4.50	$188.59
100	4 Time per Week	$215.25	$33.26	$248.51	$220.91	$24.55	$245.46	$6.00	$251.46
101	5 Time per Week	$269.09	$41.56	$310.65	$276.14	$30.68	$306.82	$7.50	$314.32
102	6 Time per Week	$322.89	$49.88	$372.77	$331.36	$36.82	$368.18	$9.00	$377.18

Items in blue are rates for Sutter County services not currently offered in Yuba City

RECOLOGY YUBA-SUTTER RECYCLING SERVICES FOR CITY OF YUBA CITY
COMMERCIAL AND MUTLI-FAMILY (MFD)

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	1 cubic yard recycling bin								
1	1 Time per Week	$57.89	$8.94	$66.83	$59.41	$6.60	$66.01		$66.01
2	2 Time per Week	$115.75	$17.88	$133.63	$118.79	$13.20	$131.99		$131.99
3	3 Time per Week	$173.64	$26.82	$200.46	$178.20	$19.80	$198.00		$198.00
4	4 Time per Week	$231.52	$35.77	$267.29	$237.59	$26.40	$263.99		$263.99
5	5 Time per Week	$289.40	$44.71	$334.11	$297.00	$33.00	$330.00		$330.00
6	6 Time per Week	$347.29	$53.64	$400.93	$356.39	$39.60	$395.99		$395.99
	1.5 cy recycling bin								
7	1 Time per Week	$77.45	$11.95	$89.40	$79.48	$8.83	$88.31		$88.31
8	2 Time per Week	$154.89	$23.93	$178.82	$158.95	$17.66	$176.61		$176.61
9	3 Time per Week	$232.34	$35.88	$268.22	$238.42	$26.49	$264.91		$264.91
10	4 Time per Week	$309.78	$47.86	$357.64	$317.90	$35.32	$353.22		$353.22
11	5 Time per Week	$387.23	$59.80	$447.03	$397.37	$44.15	$441.52		$441.52
12	6 Time per Week	$464.66	$71.78	$536.44	$476.86	$52.98	$529.84		$529.84
	2 cubic yard recycling bin								
13	1 Time per Week	$92.98	$14.36	$107.34	$95.43	$10.60	$106.03		$106.03
14	2 Time per Week	$185.96	$28.72	$214.68	$190.84	$21.20	$212.04		$212.04
15	3 Time per Week	$278.94	$43.09	$322.03	$286.27	$31.81	$318.08		$318.08
16	4 Time per Week	$371.92	$57.47	$429.39	$381.67	$42.41	$424.08		$424.08
17	5 Time per Week	$464.92	$71.81	$536.73	$477.10	$53.01	$530.11		$530.11
18	6 Time per Week	$557.89	$86.17	$644.06	$572.51	$63.61	$636.12		$636.12
	3 cubic yard recycling bin								
19	1 Time per Week	$112.54	$17.37	$129.91	$115.50	$12.83	$128.33		$128.33
20	2 Time per Week	$225.09	$34.77	$259.86	$230.99	$25.67	$256.66		$256.66
21	3 Time per Week	$337.62	$52.15	$389.77	$346.47	$38.50	$384.97		$384.97
22	4 Time per Week	$450.17	$69.54	$519.71	$461.96	$51.33	$513.29		$513.29
23	5 Time per Week	$562.71	$86.91	$649.62	$577.46	$64.16	$641.62		$641.62
24	6 Time per Week	$675.24	$104.29	$779.53	$692.94	$76.99	$769.93		$769.93
	4 cubic yard recycling bin								
25	1 Time per Week	$135.30	$20.90	$156.20	$138.85	$15.43	$154.28		$154.28
26	2 Time per Week	$270.60	$41.81	$312.41	$277.70	$30.86	$308.56		$308.56
27	3 Time per Week	$405.91	$62.70	$468.61	$416.55	$46.28	$462.83		$462.83
28	4 Time per Week	$541.20	$83.60	$624.80	$555.40	$61.71	$617.11		$617.11
29	5 Time per Week	$676.50	$104.50	$781.00	$694.25	$77.14	$771.39		$771.39
30	6 Time per Week	$811.80	$125.41	$937.21	$833.10	$92.57	$925.67		$925.67
	5 cubic yard recycling bin								
31	1 Time per Week	$140.15	$21.65	$161.80	$143.83	$15.98	$159.81		$159.81
32	2 Time per Week	$280.30	$43.31	$323.61	$287.66	$31.96	$319.62		$319.62
33	3 Time per Week	$420.46	$64.94	$485.40	$431.49	$47.94	$479.43		$479.43
34	4 Time per Week	$560.62	$86.59	$647.21	$575.31	$63.92	$639.23		$639.23
35	5 Time per Week	$700.76	$108.24	$809.00	$719.14	$79.90	$799.04		$799.04
36	6 Time per Week	$840.91	$129.91	$970.82	$862.97	$95.89	$958.86		$958.86

RECOLOGY YUBA-SUTTER RECYCLING SERVICES FOR CITY OF YUBA CITY
COMMERCIAL AND MUTLI-FAMILY (MFD)

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	6 cubic yard recycling bin								
37	1 Time per Week	$144.31	$22.29	$166.60	$148.09	$16.45	$164.54		$164.54
38	2 Time per Week	$288.63	$44.58	$333.21	$296.19	$32.91	$329.10		$329.10
39	3 Time per Week	$432.93	$66.88	$499.81	$444.28	$49.36	$493.64		$493.64
40	4 Time per Week	$577.24	$89.17	$666.41	$592.39	$65.82	$658.21		$658.21
41	5 Time per Week	$721.57	$111.45	$833.02	$740.48	$82.28	$822.76		$822.76
42	6 Time per Week	$865.87	$133.75	$999.62	$888.57	$98.73	$987.30		$987.30
	7 cubic yard recycling bin								
43	1 Time per Week	$161.44	$24.95	$186.39	$165.67	$18.41	$184.08		$184.08
44	2 Time per Week	$322.88	$49.88	$372.76	$331.35	$36.82	$368.17		$368.17
45	3 Time per Week	$484.34	$74.82	$559.16	$497.04	$55.23	$552.27		$552.27
46	4 Time per Week	$645.78	$99.75	$745.53	$662.72	$73.64	$736.36		$736.36
47	5 Time per Week	$807.22	$124.69	$931.91	$828.39	$92.04	$920.43		$920.43
48	6 Time per Week	$968.66	$149.64	$1,118.30	$994.07	$110.45	$1,104.52		$1,104.52
	8 cubic yard recycling bin								
49	1 Time per Week	$184.19	$28.46	$212.65	$189.04	$21.00	$210.04		$210.04
50	2 Time per Week	$368.40	$56.90	$425.30	$378.05	$42.01	$420.06		$420.06
51	3 Time per Week	$552.58	$85.36	$637.94	$567.07	$63.01	$630.08		$630.08
52	4 Time per Week	$736.78	$113.81	$850.59	$756.10	$84.01	$840.11		$840.11
53	5 Time per Week	$920.98	$142.26	$1,063.24	$945.13	$105.01	$1,050.14		$1,050.14
54	6 Time per Week	$1,105.18	$170.71	$1,275.89	$1,134.15	$126.02	$1,260.17		$1,260.17
	1.3 cubic yard recycling compactor								
55	1 Time per Week	$0.00	$0.00	$0.00	$137.67	$15.30	$152.97		$152.97
56	2 Time per Week	$0.00	$0.00	$0.00	$275.33	$30.59	$305.92		$305.92
57	3 Time per Week	$0.00	$0.00	$0.00	$412.98	$45.89	$458.87		$458.87
58	4 Time per Week	$0.00	$0.00	$0.00	$550.64	$61.18	$611.82		$611.82
59	5 Time per Week	$0.00	$0.00	$0.00	$688.31	$76.48	$764.79		$764.79
60	6 Time per Week	$0.00	$0.00	$0.00	$825.98	$91.78	$917.76		$917.76
	2 cubic yard recycling compactor								
61	1 Time per Week	$206.38	$31.88	$238.26	$211.78	$23.53	$235.31		$235.31
62	2 Time per Week	$412.74	$63.76	$476.50	$423.56	$47.06	$470.62		$470.62
63	3 Time per Week	$619.12	$95.64	$714.76	$635.36	$70.60	$705.96		$705.96
64	4 Time per Week	$825.49	$127.52	$953.01	$847.14	$94.13	$941.27		$941.27
65	5 Time per Week	$1,031.86	$159.40	$1,191.26	$1,058.92	$117.66	$1,176.58		$1,176.58
66	6 Time per Week	$1,238.24	$191.27	$1,429.51	$1,270.70	$141.19	$1,411.89		$1,411.89

RECOLOGY YUBA-SUTTER RECYCLING SERVICES FOR CITY OF YUBA CITY
COMMERCIAL AND MUTLI-FAMILY (MFD)

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	3 cubic yard recycling compactor								
67	1 Time per Week	$309.57	$47.82	$357.39	$317.69	$35.30	$352.99		$352.99
68	2 Time per Week	$619.12	$95.64	$714.76	$635.36	$70.60	$705.96		$705.96
69	3 Time per Week	$928.69	$143.46	$1,072.15	$953.04	$105.89	$1,058.93		$1,058.93
70	4 Time per Week	$1,238.25	$191.27	$1,429.52	$1,270.71	$141.19	$1,411.90		$1,411.90
71	5 Time per Week	$1,547.81	$239.09	$1,786.90	$1,588.40	$176.49	$1,764.89		$1,764.89
72	6 Time per Week	$1,857.37	$286.89	$2,144.26	$1,906.07	$211.79	$2,117.86		$2,117.86
	4 cubic yard recycling compactor								
73	1 Time per Week	$412.75	$63.76	$476.51	$423.57	$47.06	$470.63		$470.63
74	2 Time per Week	$825.49	$127.52	$953.01	$847.14	$94.13	$941.27		$941.27
75	3 Time per Week	$1,238.25	$191.27	$1,429.52	$1,270.71	$141.19	$1,411.90		$1,411.90
76	4 Time per Week	$1,650.99	$255.01	$1,906.00	$1,694.28	$188.25	$1,882.53		$1,882.53
77	5 Time per Week	$2,063.74	$318.77	$2,382.51	$2,117.85	$235.32	$2,353.17		$2,353.17
78	6 Time per Week	$2,476.49	$382.53	$2,859.02	$2,541.42	$282.38	$2,823.80		$2,823.80
	5 cubic yard recycling compactor								
78	1 Time per Week	$515.93	$79.69	$595.62	$529.46	$58.83	$588.29		$588.29
79	2 Time per Week	$1,031.88	$159.40	$1,191.28	$1,058.94	$117.66	$1,176.60		$1,176.60
80	3 Time per Week	$1,547.81	$239.09	$1,786.90	$1,588.40	$176.49	$1,764.89		$1,764.89
81	4 Time per Week	$2,063.74	$318.77	$2,382.51	$2,117.85	$235.32	$2,353.17		$2,353.17
82	5 Time per Week	$2,579.69	$398.46	$2,978.15	$2,647.32	$294.15	$2,941.47		$2,941.47
83	6 Time per Week	$3,095.61	$478.18	$3,573.79	$3,176.79	$352.98	$3,529.77		$3,529.77
	6 cubic yard recycling compactor								
84	1 Time per Week	$619.12	$95.64	$714.76	$635.36	$70.60	$705.96		$705.96
85	2 Time per Week	$1,238.25	$191.27	$1,429.52	$1,270.71	$141.19	$1,411.90		$1,411.90
86	3 Time per Week	$1,857.37	$286.89	$2,144.26	$1,906.07	$211.79	$2,117.86		$2,117.86
87	4 Time per Week	$2,476.49	$382.53	$2,859.02	$2,541.42	$282.38	$2,823.80		$2,823.80
88	5 Time per Week	$3,095.61	$478.18	$3,573.79	$3,176.79	$352.98	$3,529.77		$3,529.77
89	6 Time per Week	$3,714.73	$573.81	$4,288.54	$3,812.13	$423.57	$4,235.70		$4,235.70
	96 gallon recycling cart								
90	1 Time per Week	$26.91	$4.15	$31.06	$27.61	$3.07	$30.68		$30.68
91	2 Time per Week	$53.81	$8.31	$62.12	$55.22	$6.14	$61.36		$61.36
92	3 Time per Week	$80.72	$12.46	$93.18	$82.84	$9.20	$92.04		$92.04
93	4 Time per Week	$107.64	$16.61	$124.25	$110.46	$12.27	$122.73		$122.73
94	5 Time per Week	$134.55	$20.79	$155.34	$138.08	$15.34	$153.42		$153.42
95	6 Time per Week	$161.45	$24.95	$186.40	$165.68	$18.41	$184.09		$184.09

Items in blue are rates for Sutter County services not currently offered in Yuba City

RECOLOGY YUBA-SUTTER ORGANICS SERVICES FOR CITY OF YUBA CITY
COMMERCIAL AND MUTLI-FAMILY (MFD)

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	1 cubic yard organics bin								
1	1 Time per Week	$115.75	$17.88	$133.63	$118.79	$13.20	$131.99		$131.99
2	2 Time per Week	$231.52	$35.77	$267.29	$237.59	$26.40	$263.99		$263.99
3	3 Time per Week	$347.29	$53.64	$400.93	$356.39	$39.60	$395.99		$395.99
4	4 Time per Week	$463.06	$71.52	$534.58	$475.19	$52.80	$527.99		$527.99
5	5 Time per Week	$578.81	$89.40	$668.21	$593.98	$66.00	$659.98		$659.98
6	6 Time per Week	$694.57	$107.30	$801.87	$712.78	$79.20	$791.98		$791.98
	2 cubic yard organics bin								
7	1 Time per Week	$185.96	$28.72	$214.68	$190.84	$21.20	$212.04		$212.04
8	2 Time per Week	$371.92	$57.47	$429.39	$381.67	$42.41	$424.08		$424.08
9	3 Time per Week	$557.89	$86.17	$644.06	$572.51	$63.61	$636.12		$636.12
10	4 Time per Week	$743.86	$114.89	$858.75	$763.36	$84.82	$848.18		$848.18
11	5 Time per Week	$929.81	$143.63	$1,073.44	$954.19	$106.02	$1,060.21		$1,060.21
12	6 Time per Week	$1,115.78	$172.36	$1,288.14	$1,145.04	$127.23	$1,272.27		$1,272.27
	3 cubic yard organics bin								
13	1 Time per Week	$225.09	$34.77	$259.86	$230.99	$25.67	$256.66		$256.66
14	2 Time per Week	$450.17	$69.54	$519.71	$461.96	$51.33	$513.29		$513.29
15	3 Time per Week	$675.24	$104.29	$779.53	$692.94	$76.99	$769.93		$769.93
16	4 Time per Week	$900.32	$139.07	$1,039.39	$923.94	$102.66	$1,026.60		$1,026.60
17	5 Time per Week	$1,125.40	$173.84	$1,299.24	$1,154.91	$128.32	$1,283.23		$1,283.23
18	6 Time per Week	$1,350.48	$208.62	$1,559.10	$1,385.90	$153.99	$1,539.89		$1,539.89
	4 cubic yard organics bin								
19	1 Time per Week	$0.00	$0.00	$0.00	$277.70	$30.86	$308.56		$308.56
20	2 Time per Week	$0.00	$0.00	$0.00	$555.40	$61.71	$617.11		$617.11
21	3 Time per Week	$0.00	$0.00	$0.00	$833.10	$92.57	$925.67		$925.67
22	4 Time per Week	$0.00	$0.00	$0.00	$1,110.79	$123.42	$1,234.21		$1,234.21
23	5 Time per Week	$0.00	$0.00	$0.00	$1,388.48	$154.28	$1,542.76		$1,542.76
24	6 Time per Week	$0.00	$0.00	$0.00	$1,666.19	$185.13	$1,851.32		$1,851.32
	96 gallon organics cart								
25	1 Time per Week	$53.81	$8.31	$62.12	$55.22	$6.14	$61.36		$61.36
26	2 Time per Week	$107.64	$16.61	$124.25	$110.46	$12.27	$122.73		$122.73
27	3 Time per Week	$161.45	$24.95	$186.40	$165.68	$18.41	$184.09		$184.09
28	4 Time per Week	$215.25	$33.26	$248.51	$220.91	$24.55	$245.46		$245.46
29	5 Time per Week	$269.09	$41.56	$310.65	$276.14	$30.68	$306.82		$306.82
30	6 Time per Week	$322.89	$49.88	$372.77	$331.36	$36.82	$368.18		$368.18

Items in blue are rates for Sutter County services not currently offered in Yuba City

RECOLOGY YUBA-SUTTER SOLID WASTE SERVICES FOR CITY OF YUBA CITY
DEBRIS BOX & ON-CALL SERVICES

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	Drop-Box Service(Per Haul Rate)								
1	9 Yard Concrete	$322.09	$49.75	$371.84	$323.40	$35.93	$359.33	$7.50	$366.83
2	15 Yard Debris Box	$320.98	$49.58	$370.56	$323.40	$35.93	$359.33	$6.30	$365.63
3	20 Yard Debris Box	$322.09	$49.75	$371.84	$323.40	$35.93	$359.33	$7.50	$366.83
4	25 Yard Debris Box	$322.65	$49.84	$372.49	$323.40	$35.93	$359.33	$8.10	$367.43
5	30 Yard Debris Box	$323.48	$49.97	$373.45	$323.40	$35.93	$359.33	$9.00	$368.33
6	40 Yard Debris Box	$325.15	$50.22	$375.37	$323.40	$35.93	$359.33	$10.80	$370.13
7	Same Day Service Surcharge	$80.55	$12.44	$92.99	$85.61	$9.51	$95.12		$95.12
	Compactor Service(Per Haul Rate) [1]								
8	15 Yard Compactor	$374.00	$57.77	$431.77	$370.96	$41.22	$412.18		$412.18
9	25 Yard Compactor	$382.35	$59.05	$441.40	$370.96	$41.22	$412.18		$412.18
10	27 Yard Compactor	$384.00	$59.33	$443.33	$370.96	$41.22	$412.18		$412.18
11	30 Yard Compactor	$386.51	$59.71	$446.22	$370.96	$41.22	$412.18		$412.18
12	34 Yard Compactor	$389.84	$60.22	$450.06	$370.96	$41.22	$412.18		$412.18
13	35 Yard Compactor	$390.68	$60.36	$451.04	$370.96	$41.22	$412.18		$412.18
14	40 Yard Compactor	$394.85	$60.99	$455.84	$370.96	$41.22	$412.18		$412.18
15	RWMA Surcharge Per Yard	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.90	$0.90
	Disposal/Processing(Per Ton Rate)								
16	Solid Waste Disposal	$64.58	$9.97	$74.55	$66.26	$7.36	$73.62		$73.62
17	Recycling Materials	$69.51	$10.75	$80.26	$71.34	$7.93	$79.27		$79.27
18	Green Waste	$50.88	$7.87	$58.75	$52.22	$5.80	$58.02		$58.02
19	Organic Materials	$50.88	$7.87	$58.75	$52.22	$5.80	$58.02		$58.02
20	C&D Materials	$74.15	$11.45	$85.60	$76.09	$8.45	$84.54		$84.54
21	OCC	$46.34	$7.16	$53.50	$47.56	$5.28	$52.84		$52.84
22	Clean Wood	$27.81	$4.28	$32.09	$28.54	$3.17	$31.71		$31.71
23	Clean Concrete	$9.27	$1.42	$10.69	$9.51	$1.06	$10.57		$10.57
	Temporary Bin(Includes disposal)								
24	4 Yard Food Container	$0.00	$0.00	$0.00	$175.97	$19.55	$195.52		$195.52
25	6 Yard Container - All Material Types	$0.00	$0.00	$0.00	$175.97	$19.55	$195.52	$3.00	$198.52
26	7 Yard Container - All Material Types	$171.47	$26.49	$197.96	$175.97	$19.55	$195.52	$3.00	$198.52
	On-Call Bulky Item Collection Commerial and MFD								
27	Extra Bulky Item Collection	$55.61	$8.59	$64.20	$57.07	$6.34	$63.41		$63.41
28	Extra Per Bulky Item Charge	$11.12	$1.72	$12.84	$11.41	$1.27	$12.68		$12.68
29	Excess Bulky Item Charge (exceeds 2 cubic yards)	$11.12	$1.72	$12.84	$11.41	$1.27	$12.68		$12.68
	Debris Box Demurrage[2]								
30	Per day after 7 days	$18.54	$2.86	$21.40	$23.78	$2.64	$26.42		$26.42
31	Trip Charge	$0.00	$0.00	$0.00	$85.61	$9.51	$95.12		$95.12

Notes

1. The RWMA HHW/Haz Waste Surcharge for Compactors is $0.90 per yard.
2. A demurrage charge may be applied to temporary debris boxes after seven days at one location with no activity.

Items in blue are rates for Sutter County services not currently offered in Yuba City

RECOLOGY YUBA-SUTTER SOLID WASTE SERVICES FOR CITY OF YUBA CITY
OTHER SERVICES

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	Container Push Charge								
1	1 Time per Week	$4.41	$0.67	$5.08	$4.53	$0.50	$5.03		$5.03
2	2 Time per Week	$8.81	$1.37	$10.18	$9.06	$1.01	$10.07		$10.07
3	3 Time per Week	$13.20	$2.04	$15.24	$13.59	$1.51	$15.10		$15.10
4	4 Time per Week	$17.61	$2.72	$20.33	$18.12	$2.01	$20.13		$20.13
5	5 Time per Week	$21.78	$3.37	$25.15	$22.65	$2.52	$25.17		$25.17
6	6 Time per Week	$26.42	$4.09	$30.51	$27.18	$3.02	$30.20		$30.20
	Locked Enclosure Access Charge								
7	1 Time per Week	$4.41	$0.67	$5.08	$4.53	$0.50	$5.03		$5.03
8	2 Time per Week	$8.81	$1.37	$10.18	$9.06	$1.01	$10.07		$10.07
9	3 Time per Week	$13.20	$2.04	$15.24	$13.59	$1.51	$15.10		$15.10
10	4 Time per Week	$17.61	$2.72	$20.33	$18.12	$2.01	$20.13		$20.13
11	5 Time per Week	$21.78	$3.37	$25.15	$22.65	$2.52	$25.17		$25.17
12	6 Time per Week	$26.42	$4.09	$30.51	$27.18	$3.02	$30.20		$30.20
13	Container Lock Charge	$25.49	$3.94	$29.43	$26.15	$2.91	$29.06		$29.06
14	Locked Container Access	$0.00	$0.00	$0.00	$4.53	$0.50	$5.03		$5.03
15	Bin Exchange (more than (1) time per year[1]	$69.51	$10.75	$80.26	$71.34	$7.93	$79.27		$79.27
16	Container Cleaning more than one (1) time per year[3]	$111.23	$17.18	$128.41	$114.14	$12.68	$126.82		$126.82
17	Bin Replacement				Cost of a new bin of equal size plus 11.11%				
18	Go Back for Late Setout (same day and route)	$0.00	$0.00	$0.00	$14.27	$1.59	$15.86		$15.86
19	Go Back for Late Setout (different day or route)	$0.00	$0.00	$0.00	$19.02	$2.11	$21.13		$21.13
20	Freon Containing Appliance (per item)	$14.83	$2.29	$17.12	$15.22	$1.69	$16.91		$16.91
21	Ammonia Containing Appliance (per item)	$44.49	$6.88	$51.37	$45.66	$5.07	$50.73		$50.73
22	Car Tire	$0.00	$0.00	$0.00	$4.43	$0.49	$4.92		$4.92
23	Truck Tire	$0.00	$0.00	$0.00	$12.46	$1.38	$13.84		$13.84
24	Tractor Tire-Filled	$0.00	$0.00	$0.00	$68.63	$7.63	$76.26		$76.26
25	Tractor Tire-Solid	$0.00	$0.00	$0.00	$142.68	$15.85	$158.53		$158.53
	Solid Waste								
26	32 Gallon Cart - Extra Service/Overload/Contamination	$13.91	$2.14	$16.05	$14.27	$1.59	$15.86		$15.86
27	64 Gallon Cart - Extra Service/Overload/Contamination	$13.91	$2.14	$16.05	$14.27	$1.59	$15.86		$15.86
28	96 Gallon Cart - Extra Service/Overload/Contamination	$13.91	$2.14	$16.05	$14.27	$1.59	$15.86		$15.86
29	1 Yard Bin - Extra Service/Overload/Contamination	$31.47	$4.86	$36.33	$32.29	$3.59	$35.88		$35.88
30	1.5 Yard Bin - Extra Service/Overload/Contamination	$34.89	$5.38	$40.27	$35.81	$3.98	$39.79		$39.79
31	2 Yard Bin - Extra Service/Overload/Contamination	$41.97	$6.49	$48.46	$43.06	$4.78	$47.84		$47.84
32	3 Yard Bin - Extra Service/Overload/Contamination	$48.91	$7.56	$56.47	$50.21	$5.58	$55.79		$55.79
33	4 Yard Bin - Extra Service/Overload/Contamination	$55.86	$8.62	$64.48	$57.32	$6.37	$63.69		$63.69
34	5 Yard Bin - Extra Service/Overload/Contamination	$59.37	$9.18	$68.55	$60.93	$6.77	$67.70		$67.70
35	6 Yard Bin - Extra Service/Overload/Contamination	$62.95	$9.73	$72.68	$64.60	$7.18	$71.78		$71.78
36	7 Yard Bin - Extra Service/Overload/Contamination	$69.89	$10.80	$80.69	$71.72	$7.97	$79.69		$79.69
37	8 Yard Bin - Extra Service/Overload/Contamination	$76.82	$11.86	$88.68	$78.83	$8.76	$87.59		$87.59
38	1.3 Yard Compactor - Extra Service/Overload/Contamination	$0.00	$0.00	$0.00	$68.79	$7.64	$76.43		$76.43
39	2 Yard Compactor - Extra Service/Overload/Contamination	$103.19	$15.93	$119.12	$103.19	$11.47	$114.66		$114.66
40	3 Yard Compactor - Extra Service/Overload/Contamination	$154.78	$23.90	$178.68	$154.78	$17.20	$171.98		$171.98
41	4 Yard Compactor - Extra Service/Overload/Contamination	$206.37	$31.88	$238.25	$206.37	$22.93	$229.30		$229.30
42	5 Yard Compactor - Extra Service/Overload/Contamination	$257.96	$39.84	$297.80	$257.96	$28.66	$286.62		$286.62
43	6 Yard Compactor - Extra Service/Overload/Contamination	$309.57	$47.82	$357.39	$309.57	$34.40	$343.97		$343.97
44	Extra Empty on site per Container plus Extra Service Charge per Container Size	$0.00	$0.00	$0.00	$23.78	$2.64	$26.42		$26.42
	Recycling								
45	32 Gallon Cart - Extra Service/Overload/Contamination	$6.95	$1.08	$8.03	$7.13	$0.79	$7.92		$7.92
46	64 Gallon Cart - Extra Service/Overload/Contamination	$6.95	$1.08	$8.03	$7.13	$0.79	$7.92		$7.92
47	96 Gallon Cart - Extra Service/Overload/Contamination	$6.95	$1.08	$8.03	$7.13	$0.79	$7.92		$7.92
48	1 Yard Bin - Extra Service/Overload/Contamination	$15.73	$2.42	$18.15	$16.14	$1.79	$17.93		$17.93
49	1.5 Yard Bin - Extra Service/Overload/Contamination	$17.45	$2.69	$20.14	$17.91	$1.99	$19.90		$19.90
50	2 Yard Bin - Extra Service/Overload/Contamination	$20.98	$3.25	$24.23	$21.54	$2.39	$23.93		$23.93
51	3 Yard Bin - Extra Service/Overload/Contamination	$24.46	$3.78	$28.24	$25.10	$2.79	$27.89		$27.89
52	4 Yard Bin - Extra Service/Overload/Contamination	$27.93	$4.31	$32.24	$28.66	$3.18	$31.84		$31.84
53	5 Yard Bin - Extra Service/Overload/Contamination	$29.69	$4.59	$34.28	$30.46	$3.38	$33.84		$33.84
54	6 Yard Bin - Extra Service/Overload/Contamination	$31.48	$4.86	$36.34	$32.30	$3.59	$35.89		$35.89
55	7 Yard Bin - Extra Service/Overload/Contamination	$34.94	$5.39	$40.33	$35.86	$3.98	$39.84		$39.84
56	8 Yard Bin - Extra Service/Overload/Contamination	$38.41	$5.93	$44.34	$39.42	$4.38	$43.80		$43.80
57	1.3 Yard Compactor - Extra Service/Overload/Contamination	$0.00	$0.00	$0.00	$34.39	$3.82	$38.21		$38.21
58	2 Yard Compactor - Extra Service/Overload/Contamination	$51.59	$7.96	$59.55	$51.59	$5.73	$57.32		$57.32
59	3 Yard Compactor - Extra Service/Overload/Contamination	$77.39	$11.96	$89.35	$77.39	$8.60	$85.99		$85.99
60	4 Yard Compactor - Extra Service/Overload/Contamination	$103.19	$15.93	$119.12	$103.19	$11.47	$114.66		$114.66
61	5 Yard Compactor - Extra Service/Overload/Contamination	$128.98	$19.93	$148.91	$128.98	$14.33	$143.31		$143.31
62	6 Yard Compactor - Extra Service/Overload/Contamination	$154.78	$23.90	$178.68	$154.78	$17.20	$171.98		$171.98
63	Extra Empty on site per Container plus Extra Service Charge per Container Size	$0.00	$0.00	$0.00	$23.78	$2.64	$26.42		$26.42

RECOLOGY YUBA-SUTTER SOLID WASTE SERVICES FOR CITY OF YUBA CITY
OTHER SERVICES

		YUBA CITY RATES EFFECTIVE OCTOBER 1, 2021			YUBA CITY PROPOSED RATES THROUGH SEPTEMBER 30, 2022 (SUTTER COUNTY BASE RATES WITH 10.00% FRANCHISE FEE)				
	Container Type/Size or Service Type	Current Base Rate	Franchise fees 13.38%	Current Monthly Rate	Proposed Base Rate	Franchise fees 10.00%	Proposed Monthly Rate	RWMA Surcharge	Total Monthly Charges
	Organics								
64	32 Gallon Cart - Extra Service/Overload/Contamination	$13.91	$2.14	$16.05	$14.27	$1.59	$15.86		$15.86
65	64 Gallon Cart - Extra Service/Overload/Contamination	$13.91	$2.14	$16.05	$14.27	$1.59	$15.86		$15.86
66	96 Gallon Cart - Extra Service/Overload/Contamination	$13.91	$2.14	$16.05	$14.27	$1.59	$15.86		$15.86
67	1 Yard Bin - Extra Service/Overload/Contamination	$31.47	$4.86	$36.33	$32.29	$3.59	$35.88		$35.88
68	2 Yard Bin - Extra Service/Overload/Contamination	$41.97	$6.49	$48.46	$43.06	$4.78	$47.84		$47.84
69	3 Yard Bin - Extra Service/Overload/Contamination	$48.91	$7.56	$56.47	$50.21	$5.58	$55.79		$55.79
70	4 Yard Bin - Extra Service/Overload/Contamination	$0.00	$0.00	$0.00	$57.32	$6.37	$63.69		$63.69
71	Extra Empty on site per Container plus Extra Service Charge per Container Size	$0.00	$0.00	$0.00	$23.78	$2.64	$26.42		$26.42

Notes

1. Commercial and MFD Customers are allowed one bin exchange once per year at no additional charge.
2. Commercial and MFD may be charged for bin overflow upon the third occurrence.

Items in blue are rates for Sutter County services not currently offered in Yuba City

EXHIBIT 1-A:

MAXIMUM SERVICE RATE ADJUSTMENTS

1. Annual Rate Adjustment Process

a) **Elements of Maximum Service Rates.** Each Maximum Service Rate shall consist of some combination of the following elements: a base service rate element, a Franchise Fee element, anRWMA surcharge fee element, and such other elements as may be added by the CITY duringthe Term of this Agreement to reflect new fees or charges imposed by CITY.

b) **Adjustments to Base Service Rate Element.** Beginning on October 1, 2022, and annually thereafter, CONTRACTOR shall, subject to compliance with subsection d) below, receive an annual adjustment in the base service rate element of all Maximum Service Rates set forth in Exhibit 1 to this Agreement. The annual adjustment will be based on changes in the Consumer Price Index, All Urban Consumers, All Items, San Francisco-Oakland-Hayward, Series ID: CUURS49BSA0, published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI") published bi-monthly beginning in February of each year.

i) Subject to the carry-forward mechanism described in subsection ii) below, the annual adjustment to the base service rate element shall be in a percentage amount equal to thepercentage change in the annual average of the CPI between the 12-month period ending onApril 30 of the calendar year in which the annual adjustment is to occur, and the preceding 12-month period. For purposes of this calculation, the annual average shall be the average ofthe six bimonthly indices (June, August, October, December, February and April). For example, the first annual CPI adjustment (to take effect on October 1, 2022) will be based on the percentage change between the annual average of CPI for the twelve (12) months endingApril 30, 2021 and the annual average of CPI for the twelve (12) months ending April 30, 2022. In the preceding example the percentage change in the annual averages would be calculatedas follows [(2022 annual average/2021 annual average)-1). In any year that the calculation ofthe percentage change in CPI results in a negative number, the negative number shall be used (that is, CPI adjustments may be positive or negative).

ii) In any year that the percentage change in CPI calculated as provided in subsection i) above, plus any percentage change carried forward from the previous year pursuant to this subsection ii), is more than three percent (3%), the current year's CPI adjustment to the baseservice rate element shall be three percent (3%), and the percentage above three percent (3%) shall be carried forward to the following year

and added to the CPI percentage that would otherwise apply in that year. The process shall be repeated for successive annual adjustments under this Agreement until all carry-forward amounts have been applied or the Agreement terminates. For example, if the CPI adjustments calculated under subsection i) were 6% for 2022, 3% for 2023, and 1% for 2024, then the CPI adjustments to the base service rate element would be 3% in 2022, 3% in 2023, and 3% in 2024 (assuming no carry-forward from 2021 to 2022). The carry-forward mechanism and three percent (3%) cap shall not apply to any adjustments to the base service rate element for reasons other than the CPI adjustment (such as a CITY-directed change in services, or pass-through of regulatory fees).

Adjustment to the Fee Elements of the Maximum Service Rates. The other fee elements of the Maximum Service Rates shall be adjusted as follows:

iii) **Franchise Fee Element.** The Franchise Fee element shall be calculated by dividing the base service rate element of each Maximum Service Rate by one (1) minus the Franchise Fee percentage (for example 1.00 - .10 = 0.90); subtracting the base service rate element; and rounding the resulting figure to two (2) decimal places.

iv) **RWMA Surcharge Fee Element.** The RWMA surcharge fee element is set initially by the CITY and may be modified annually by notice to the CONTRACTOR no later than thirty (30) days prior to June 1st of the year that the modification is intended to take effect.

c) **Submission of Application.** On or before June 1, 2022 and each succeeding Agreement Year during the Term of this Agreement, CONTRACTOR shall submit an application to CITY for such adjustment. The application shall contain CONTRACTOR's calculation (in accordance with this Exhibit) of the annual adjustment and a revised Maximum Service Rate sheet reflecting the annual adjustment.

d) **Failure to Submit.** If CONTRACTOR fails to submit the application by the June 1st deadline, it is agreed that CONTRACTOR shall be deemed to have waived the annual adjustment for that year and such waived annual adjustment shall not be added to a future rate application. CONTRACTOR's failure to provide the application shall not preclude CITY from applying the annual adjustment, if that application would result in a

negative adjustment. Notwithstanding the foregoing, if CONTRACTOR's failure to submit the application is the result of extraordinary or unusual circumstances as demonstrated by CONTRACTOR to the satisfaction of the Contract Administrator, CITY, at its sole discretion, may consider the request for the annual adjustment. In the event the annual adjustment is waived as set forth herein, CITY retains the right to adjust any

or all of the other fee elements of the Maximum Service Rates.

e) **Rounding.** Annual adjustments to Maximum Service Rates shall be made only in units of one cent ($0.01). Fractions of less than one cent ($0.01) shall be rounded to two (2) decimal places by rounding the third decimal. The annual adjustment shall be rounded to four (4) decimal places for the adjustment calculations by rounding the fifth decimal. In each of the above cases, rounding shall be down if the decimal to be rounded, as set forth above, is five (S) or less and up if the decimal to be rounded, as set forth above, is six (6) or more.

f) **Review by Contract Administrator.** The Contract Administrator shall review the calculations in CONTRACTOR' s application and shall promptly notify CONTRACTOR of any errors, but in any event before July 1st. In the absence of such notice, the annual adjustment calculation and Maximum Service Rate adjustments set forth in CONTRACTOR's application shall be deemed approved and shall take effect on the next October 1st. If any errors have occurred and are noticed to CONTRACTOR by July 1st, CONTRACTOR shall have the opportunity to submit a corrected application. In such event, the Contract Administrator shall promptly review the corrected application and notify CONTRACTOR either that the application is correct, or that there are additional errors that need correction, in which case the correction procedure shall be repeated. The annual adjustment calculation and adjustments to the Maximum Service Rates set forth in CONTRACTOR's application (as so corrected) shall then become effective on the next October 1st.

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 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: Water Supply Outlook and Emergency Water Conservation Measures

Recommendation: Adopt a Resolution declaring that water supply conditions are such that they dictate and justify the need for the implementation of mandatory conservation measures to achieve 20% conservation, in alignment with Stage 3 of the Water Shortage Contingency Plan

Fiscal Impact: Conservation will result in a reduction in water revenues and increased costs for public outreach and compliance

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Purpose:

To provide the City's current water supply outlook and implement conservation measures to obtain a 20% reduction in consumption **as compared to 2020**.

Council's Strategic Goal:

This item addresses Council's Strategic Goal of Public Safety by ensuring adequate water supply for the health and safety of the City's utilities customers.

Background:

The City of Yuba City primarily obtains water for its water system through four different permits/contracts from the Feather River; the City also has access to groundwater for use in drought or emergency conditions via Groundwater Well #1, located at the Water Treatment Plant (WTP), with plans to have Hillcrest Groundwater Well #9 back online in June 2022.

With the current drought, the City's water supplies have been curtailed and reduced, many to the levels experienced during the 2012-2016 drought. The projected allocation/utilization for 2022 is shown below in Table A and further detailed in Attachment 3.

Table A: Yuba City Water Sources (Acre-Feet)

Water Source	Contract Maximum	Projected 2022 Allocation/Utilization	Availability Calculation	Time of Use

SWRCB License 13855	6,500	923	Curtailed to 15%	September - June
SWRCB Permit 18558	9,000	4,742	Seasonal Availability	October - June
North Yuba Water District	4,500	4,500	Total Contract	Summer
DWR State Water Project	9,600	1,440	**15% Allotment***	Year-round
DWR State Water Project - Carryover		1,612	**Out of 3,999****	Year-round
Groundwater Well #1		900	Maximum Production	As Needed
Groundwater Well #9		500	Maximum Production	As Needed – June
Surface Water Total:		**13,217**		
Groundwater Total:		**1,400**		
Supply Total:		**14,617**		

* Allotment for current-year DWR State Water Project is subject to change should drought conditions continue. Any reduction in supply will need to be supplemented by carryover water.
**The City's highest priority is to maximize carryover water savings in order to preserve resources for future need, especially if drought conditions continue into Fiscal Year 23/24.

During California's 2012-2016 drought, the City utilized the backup groundwater well at the WTP, "carryover" water from the State Water Project (SWP) Contract to supplement supplies, and encouraged customers to conserve water. Customers did an excellent job reducing consumption during the 2012-2016 drought, and adopted long-term habits that reduced water consumption overall. Through these efforts, the City was able to meet water demands.

Curtailment of water supply allotment began again in 2021 in response to low precipitation and snowpack, and, subsequently, the City voluntarily implemented Stage 2 of the Water Shortage Contingency Plan with a 15% target in July 2021 in order to conserve carryover water and match Executive Order N-10-21.

Though the City has been fortunate to have had enough water supplies to serve customers through 2021 and into 2022, another dry winter has further threatened the water supply level for agencies across California, including Yuba City.

Analysis:

On March 28, 2022, Governor Newsom issued Executive Order N-7-22 (Executive Order), which directs the State Water Resources Control Board to require all urban water suppliers to implement minimum Stage 2 (Water Warning) of their Water Shortage Contingency Plans with a target of 20% conservation. As the City already voluntarily implemented Stage 2 in July 2021, staff has been able to evaluate the effectiveness of that stage to address current and future water supply concerns. Staff has concluded that the voluntary Stage 2 measures have not reached the desired conservation target

during this period and recommends more stringent measures to address the ongoing drought conditions.

In order to meet the state conservation target and conserve SWP Contract carryover water as much as is practicable, staff recommends implementing Stage 3 (Severe Shortage) with a designated 20% reduction target, which includes mandatory water use prohibitions. While this is not mandatory by the State at this time, staff believes that these conservation measures are necessary to better meet the City's water supply needs and anticipated future shortages in Fiscal Year 22/23. Additional water use restrictions under Stage 3 include:

- **Outdoor irrigation restriction to two (2) designated days per week**
    - Irrigation will be limited to Mondays and Thursdays for all addresses
- Enforcement of water use prohibitions, including:
    1. Irrigation outside of designated times
    2. Excessive watering resulting in gutter flooding
    3. Using a hose without a shutoff nozzle
    4. Washing down hard surfaces such as sidewalks and driveways
    5. Using a non-recirculating fountain
    6. Not repairing leaks in a timely manner

A full description of Stage 3 is in Attachment 2, along with the other stages of the Water Shortage Contingency Plan. With Council's direction, staff will prepare an outreach campaign to inform customers of the need for significant water conservation and the implemented Stage 3 required actions. The irrigation schedule and water violation information can be found in Attachment 5.

In addition to customer conservation, City efforts to conserve water include further evaluation and construction of groundwater sources, including beginning construction of Groundwater Well #2 at the Water Treatment Plant in the fall, analysis of water supply reduction and water loss within the City's water treatment and distribution system, and reduction in irrigation and water activity at the City's parks and facilities.

Public Works recommends the following schedule for increased water conservation measures:

Council Approval	April 19, 2022
Outreach Campaign & Water Warnings	May 1, 2022
Full Implementation & Enforcement	June 1, 2022

Fiscal Impact:

A reduction in consumption will result in a reduction in revenues. The water and wastewater rate increases will partially offset this loss in sales. An historical comparison of water supply and utilities revenue from Fiscal Year 10/11 through projected Fiscal Year 22/23 is included as Attachment 4.

Alternatives:

Direct staff to remain at Stage 2 voluntary conservation and do not initiate mandatory water conservation measures unless directed to do so at a later time by the State.

Recommendation:

Adopt a Resolution declaring that water supply conditions are such that they dictate and justify the need

for the implementation of mandatory conservation measures to achieve 20% conservation, in alignment with Stage 3 of the Water Shortage Contingency Plan.

Attachments:

1. Resolution - Water Outlook 2022
2. Water Shortage Contingency Plan Stages - Water Outlook 2022
3. Water Supply 2022 - Water Outlook 2022
4. Drought Revenue Analysis - Water Outlook 2022
5. Mandatory Water Enforcement - Water Outlook 2022

Prepared By:
Scarlett O. Harris
Administrative Analyst I

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. 22-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY DECLARING THAT WATER SUPPLY CONDITIONS ARE SUCH THAT THEY DICTATE AND JUSTIFY THE NEED FOR IMPLEMENTATION OF WATER SHORTAGE CONTINGENCY PLAN STAGE 3

WHEREAS, on March 28, 2022, Governor Newsom issued Executive Order N-7-22 ordering the State Water Resource Control Board to require urban water suppliers to implement, at minimum, Stage 2 of said suppliers' Water Shortage Contingency Plans to achieve a goal of 20% water conservation in response to ongoing drought conditions; and

WHEREAS, the City voluntarily implemented Stage 2 of the City's Water Shortage Contingency Plan on July 20, 2021 in order to achieve a 15% water conservation target in response to Governor Newsom's Executive Order N-10-21; and

WHEREAS, the City's mandatory water restrictions to achieve up to a 30% reduction in water consumption are a part of Stage 3 of the City's Water Shortage Contingency Plan; and

WHEREAS, staff recommends that the more stringent restrictions of Stage 3 be implemented in order to better reach the minimum 20% target due to the insufficiency of the voluntary Stage 2 implementation during the previous nine months; and

WHEREAS, Section 6-6.19 of the Municipal Code dictates that upon declaration of the City Council that water supply conditions are such that they dictate and justify the implementation of emergency water restrictions, the regulations in the Water Shortage Contingency Plan within the City's adopted Urban Water Management Plan will apply.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City hereby declares that water supply conditions are such that they dictate and justify the need for implementation of emergency water restrictions at Stage 3 of the City's Water Shortage Contingency Plan. The City Council orders implementation of emergency water restrictions at Stage 3 of the City's Water Shortage Contingency Plan.

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 19th day of April, 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 2

Table 6-1: WSCP Actions to Reduce Customer Use - Stage 1

Water Alert: Shortage up to 10%
1. Waste and Unreasonable Use of Water Prohibited and Voluntary conservation encouraged (up to 10%) 2. Situation and possible subsequent water shortage stages explained to the public and governmental bodies (up to 10%) 3. Focus on customers with high per capita water usage to achieve proportionally greater reduction than those with low use 4. Actions include, but not limited to: • Public information campaign consisting of distribution of literature, speaking engagements, website updates, bill inserts, and conversation messages printed in local newspapers • Educational programs in area schools • Conservation Hotline (combined up to 10%) 5. Consumption Reduction Methods, including: • Demand reduction program • Plumbing and irrigation fixture replacement • Water conservation kits • Education programs • Voluntary rationing (combined up to 10%) 6. Conservation Rules and Restrictions and Prohibitions on End Uses, to include: • Allowing water to run off unused into a gutter, ditch, or drain; • Failing to repair a controllable leak; • Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas; • Utilizing a hand-held hose without an automatic shut-off nozzle; and • Irrigating during a precipitation event • For new development additional prohibitions include single pass-through cooling water systems; commercial car washes and laundries without recirculating water systems; and decorative fountains without recirculating water systems.

Table 6-2: WSCP Actions to Reduce Customer Use - Stage 2

Moderate Shortage (up to 20%)
• All measures implemented in Stage 1 • Request voluntary conservation water usage reductions (up to 20%) • Enforce Conservation Rules and Restrictions and Prohibitions on End Uses listed in Table 6-1 (10-20%) • Usage in excess of customer baseline may be subject to drought penalty • All Consumption Reduction Methods from Stage I and intensified as needed; additionally: • Use prohibitions • Encourage customers to voluntarily water one day less per week and to water during the coolest part of the day • Vehicle washing must be done using a bucket or hand-held hose with an automatic shut-off nozzle, or take place at a commercial car wash. • Limit hours or close spray pads and water slide at City parks.

Table 6-3: WSCP Actions to Reduce Customer Use - Stage 3 RECOMMENDED

Severe Shortage (up to 30%)
1. All measures implemented in Stages 1 and 2 2. Enforce outdoor irrigation restrictions including limiting number of watering days per week, and time when irrigation can occur (e.g., between 6:00 pm and 9:00 am) 3. Some or all of the following: • Adherence to customer baselines and actual water use reductions water allocations and mandatory conservation rules • Water usage goals established by an authorized government agency or official • Customer water usage in excess of baseline to be monitored and recorded • Intensify enforcement of water use prohibitions; including restrictions of days and daytime hours for watering, excessive watering resulting in gutter flooding, using a hose without a positive shutoff device, use of decorative fountains with non-recirculating pumps, washing down sidewalks or patios, not repairing leaks in a timely manner, etc. (up to 30%) 4. Monitor water production weekly for compliance with necessary reductions; 5. All activities are intensified and production is monitored daily for compliance with necessary reductions. (up to 30%) 6. All Consumption Reduction Methods from Stage 2 and intensified as needed; additionally: • Reduce pressure in water lines; Flow restriction • Mandatory rationing • Close spray pads and water slide at City parks • Incentives to reduce water consumption; Excess use penalty • Percentage reduction by customer type (combined up to 30%) 7. Penalties and Charges for Excessive Use, including penalties for not reducing consumption, charges for excess use

Table 6-4: WSCP Actions to Reduce Customer Use - Stage 4

Critical Shortage (up to 40%)
1. All measures implemented in Stages 1-3 2. All activities are intensified and production is monitored daily for compliance with necessary reductions. (up to 40%) 3. All Consumption Reduction Methods from Stage 3 and intensified as needed; additionally: • Restrict building permits; Restrict for only priority uses 4. Penalties and Charges for Excessive Use, including penalties for not reducing consumption, charges for excess use (up to 40%) • Continue monitoring and addressing water use above baseline with penalties 5. Catastrophic Event (Supply reduction up to 40%): Implement Applicable Actions for Catastrophic Events

Table 6-5: WSCP Actions to Reduce Customer Use - Stage 5

Shortage Crisis (up to 50%)
1. All measures implemented in Stages 1-4 2. Source of supply for the System is severely curtailed to the level that requires each customer to restrict their water use for only human health and safety purposes (up to 50%) 3. All activities are intensified and production is monitored daily for compliance with necessary reductions (up to 50%) 4. All Consumption Reduction Methods from previous stages and intensified as needed 5. Possible reductions in customer baselines and actual water use reductions (up to 50%) 6. Usage in excess of customer baseline to be charged at regular rate plus an additional drought emergency surcharge amount (up to 50%) Update current water shortage condition response measures based on Council approvals and direction, state policy directives, emergency conditions, or to improve customer response 7. Catastrophic Event (Supply reduction up to 50%): Implement Applicable Actions for Catastrophic Events (such as boil water order) - Continue water monitoring for reduction from baseline with potential penalties

Table 6-6: WSCP Actions to Reduce Customer Use - Stage 6

Emergency Shortage (greater than 50%)
1. All measures implemented in Stages 1-5 2. Source of supply for the System is severely curtailed to the level that requires each customer to restrict their water use for only human health and safety purposes (>50%) 3. All activities are intensified and production is monitored continually for compliance with necessary reductions (up to >50%) 4. All Consumption Reduction Methods from previous stages and intensified as needed 5. Possible reductions in customer baselines and actual water use reductions (up to >50%) 6. Usage in excess of customer baseline to be charged at regular rate plus an additional drought emergency surcharge amount 7. Update current water shortage condition response measures based on Council approvals and direction, state policy directives, emergency conditions, or to improve customer response 8. Catastrophic Event (Supply reduction greater than 50%): Implement Applicable Actions for Catastrophic Events. Continue water monitoring for reduction from baseline with potential penalties

ATTACHMENT 3

Yuba City Water Supply 2022

Source	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	Contract Maximum		Additional Information
Lic. #13855 (SWRCB - A018025) [1]	0	0	0	96	0	0	X	X	0	0	827	0	**923**	6,500		*POST - 1914*
Permit #18558 (SWRCB - A025751) [2]	783	910	1,128	1,171	0	0	X	X	X	0	0	750	**4,742**	9,000		TERM 91
NYWD [3]	X	X	X	0	922	892	922	922	654	188	X	X	**4,500**	4,500		LIC# 12984
WTP Well #1	0	0	0	0	150	150	150	150	150	150	0	0	**900**			
WTP Well #2	X	X	X	X	X	X	X	X	X	X	X	X	**0**			Online Target Spring 2023
Well #5	X	X	X	X	X	X	X	X	X	X	X	X	**0**			Under Evaluation
Well #8	X	X	X	X	X	X	X	X	X	X	X	X	**0**			Under Evaluation
Well #9	X	X	X	X	X	100	100	100	100	100	0	0	**500**			Online Target June 2022
SWP Table A (DWR) [4]	0	0	0	0	545	412	480	3	0	0	0	0	**1,440**	9,600		Contract # 160254 - Estimated 15% Allocation*
SWP ADV TBLA (DWR)	0	0	0	0	0	0	0	0	0	0	0	0	**0**	5,000		Area of Origin
SWP Art 21 (DWR) [5]	0	0	0	0	0	0	0	0	0	0	0	0	**0**			Surplus
SWP CO Art 56C (DWR) [6]	0	0	0	0	0	0	0	460	474	678	0	0	**1,612**	3,999		Carryover Previous Year
Subtotal - Surface Water	**783**	**910**	**1,128**	**1,267**	**1,467**	**1,304**	**1,402**	**1,385**	**1,128**	**866**	**827**	**750**	**13,217**	38,599		
Subtotal - Groundwater	**0**	**0**	**0**	**0**	**150**	**250**	**250**	**250**	**250**	**250**	**0**	**0**	**1,400**			
TOTAL WATER SUPPLY	**783**	**910**	**1,128**	**1,267**	**1,617**	**1,554**	**1,652**	**1,635**	**1,378**	**1,116**	**827**	**750**	**14,617**			

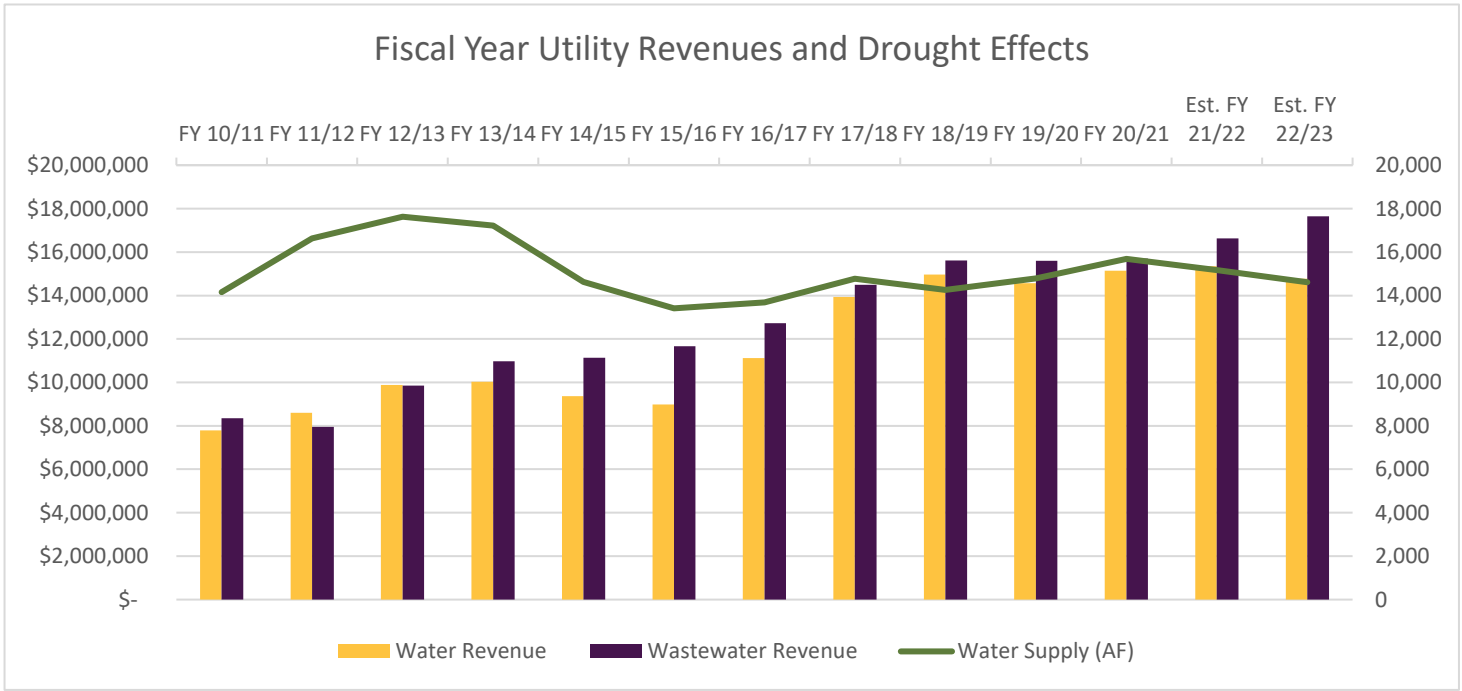
*SWP Table A allocation is subject to change should drought conditions continue. Any reductions in SWP Table A supply will need to be supplemented by carryover water.

ATTACHMENT 4

Fiscal Year Utility Revenues and Drought Effects

Fiscal Year	Water Supply (AF)	Water Consumption (AF)	Water Revenue	Wastewater Revenue
2010/2011	14,162	14,012	$ 7,787,000	$ 8,350,000
2011/2012	16,635	14,561	$ 8,604,000	$ 7,952,000
2012/2013	17,628	15,634	$ 9,887,000	$ 9,856,000
2013/2014	17,218	15,020	$ 10,027,000	$ 10,977,000
2014/2015	14,623	12,764	$ 9,369,000	$ 11,129,000
2015/2016	13,409	11,258	$ 8,984,000	$ 11,658,000
2016/2017	13,680	12,175	$ 11,120,000	$ 12,726,000
2017/2018	14,770	13,109	$ 13,933,000	$ 14,500,000
2018/2019	14,264	12,772	$ 14,966,000	$ 15,613,000
2019/2020	14,791	12,545	$ 14,567,000	$ 15,594,000
2020/2021	15,681	13,461	$ 15,145,000	$ 15,709,000
Est. 2021/2022	**15,176**	**12,770**	**$ 15,355,000**	**$ 16,634,000**
Est. 2022/2023*	**14,617**	**10,769**	**$ 14,770,000**	**$ 17,651,000**

*Using calendar year 2022 water supply and 20% conservation of FY 20/21 water consumption



ATTACHMENT 5

Water Shortage Stage 3: Mandatory Irrigation Restrictions

IMPLEMENTATION – MAY 1, 2022
ENFORCEMENT – JUNE 1, 2022

	IRRIGATION SCHEDULE	ENFORCEMENT
M	**Irrigation:** Mornings & Evenings Recommended	Per Municipal Code Sec. 6-6.20., violations of emergency water restrictions are subject to the following enforcement measures: 1. First violation: A **written warning** of such violation. 2. Second violation: **$50** surcharge which shall appear on the next monthly water billing. 3. Third violation: **$100** surcharge which shall appear on the next monthly water billing. 4. Fourth and subsequent violations: **$250** surcharge which shall appear on the next monthly water billing.
T	**NO Irrigation**	
W	**NO Irrigation**	
T	**Irrigation:** Mornings & Evenings Recommended	
F	**NO Irrigation**	
S	**NO Irrigation**	
S	**NO Irrigation**	

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022
To: Honorable Mayor & Members of the City Council
From: Finance/IT Department
Presentation By: Spencer Morrison, Finance Director

Summary

Subject: Presentation of Utility Billing Arrearages and Delinquencies
Recommendation: Note and File Report
Fiscal Impact: Informational item only

Purpose:

To provide information regarding utility billing arrearages and delinquencies.

Council's Strategic Goal:

This item addresses City Council's Strategic Goal of fiscal responsibility.

Background:

In recent years, prior to the pandemic, Yuba City's monthly utility billing delinquencies represented 1 percent of accounts and the unpaid bills ranged from $50,000 to $75,000. On April 2, 2020, the California governor announced Executive Order N-42-20 placing a moratorium on water system service shutoffs during the COVID-19 pandemic. This order ended on December 31, 2021, but the City must still follow Senate Bill 998 (SB 998), passed in 2018, which places many rules on how the City administers discontinuance of service due to nonpayment.

In fiscal year 2021-22, the State Water Resources Control Board appropriated American Rescue Plan Act (ARPA) funds for the California Water and Wastewater Arrearage Payment Program (CWWAPP) which establishes a mechanism for ratepayers to find relief for debt to the City utilities. Yuba City applied for and received $279,320 in water bill relief funding and applied it to 702 delinquent accounts. Yuba City also has an application pending for $257,618 for sewer bill relief for 455 accounts. While this funding does help, many of the same ratepayers have not resumed monthly payments and balances will continue to climb.

Analysis:

Yuba City has been utilizing discontinuance of service for nonpayment (Shutoffs) for decades as the last resort collection tool for accounts that are two or more months behind on their rate payments. SB

998 was already providing many protections to ratepayers that are delinquent on their utility bills when Governor Newsom placed a moratorium on shutoffs. Yuba City's delinquencies has grown to 969 delinquent accounts (almost 8 percent) and over $457,700, today, factoring in the coming sewer bill relief. Finance staff has been instrumental in making contact with ratepayers, providing education, and reducing the outstanding balance from as high as over $700,000. Yuba City applied for and has been approved for a third ratepayer relief program, Low-Income Household Water Assistance Program (LIHWAP), through which ratepayers may apply directly through the State of CA for assistance providing up to $2,000 per household for qualifying customers.

With the CWWAPP programs underway, the discontinuation of the moratorium, and SB 998 updates to our Shutoff procedures, Yuba City's staff is prepared to resume shutoffs in a responsible manner for the health of the water and wastewater funds. Residents and landlords receive several mailings, a phone call to the number on record and City staff has created multi-language doorhangers to further inform residents about their delinquencies and urgency for payment to prevent Shutoffs. Additional SB 998 requirements placed on City staff before shutting off service include:

- Adopt a written discontinuation policy containing certain information in several languages and posted on the City's website;
- Wait until an account is at least 60 days delinquent before initiating Shutoff protocol;
- A primary care provider has not certified that the Shutoff will pose a serious or potentially fatal threat to a resident;
- The customer has not demonstrated the inability to pay;
- The customer is not willing to enter into an alternative payment agreement;
- Inform renters and mobile home residents about pending Shutoffs and provide the opportunity for said persons to become the ratepayer for their address;
- Posting the number of Shutoffs on the City website, annually.

These new rules are in addition to Shutoff rules existing prior to 2018. Staff has begun an initiative to ensure that all landlords are listed as additional bill recipients to help these owners comply with Municipal Code Section 6-6.10(g), which places the responsibility for utility bill payments solely on the property owners.

Fiscal Impact:

Informational item only.

Recommendation:

Note and file this report.

Attachments:
None

Prepared By: Submitted By:

Spencer Morrison
Finance Director

Diana Langley
City Manager

CITY OF YUBA CITY
STAFF REPORT

Date: April 19, 2022

To: Honorable Mayor & Members of the City Council

From: Administration Department

Presentation By: Diana Langley, City Manager

Summary

Subject: 60-Day Trial Program to Provide an Overnight Vehicle Parking Area for Homeless Individuals and Families at County-Owned Property Located at 850 Gray Avenue in Yuba City

Recommendation: Adopt a Resolution approving the establishment of a 60-day trial program to provide an overnight vehicle parking area for homeless individuals and families at County-owned property located at 850 Gray Avenue in Yuba City.

Fiscal Impact: $11,600 - Account No. 951281 (Permanent Local Housing Allocation Funding)
The City's share of the 60-day trial program is anticipated to be $11,600. If the program continues, additional funds will need to be programmed in the FY 22/23 budget for ongoing operational costs.

Purpose:

To evaluate the extent and need for an overnight vehicle parking area for homeless individuals and families, and provide one specific area for people to park.

Council's Strategic Goal:

This addresses Council's Strategic Goals of Business Friendly, Public Safety, and Quality of Life. Providing one secure location for overnight vehicle parking will reduce the number of "vehicle campers" in the parking lots of businesses and City streets.

Background:

The impacts of homelessness can be seen throughout Yuba City, Sutter County, and the state. Over the past few years, many organizations have collaborated together in the Yuba-Sutter area to provide resources to the homeless. Sutter County programs that have been implemented include construction of a homeless tent camping site on Second Street, the creation of the Better Way shelter, the Harmony Village HomeKey project which converted a hotel to housing, and collaboration with agencies such as the Regional Housing Authority, Habitat for Humanity, and the City to develop affordable housing such as the New Haven apartment complex.

One area that still needs to be addressed is "vehicle campers", which are individuals that use their

vehicles as living quarters and park on public streets and business parking lots. There is not a designated location where these vehicle campers can stay overnight, and these vehicles can be a nuisance for businesses and residents.

Analysis:

City staff have been working with County staff to evaluate several potential sites for vehicle campers, taking into consideration factors such as access, safety, proximity to residential neighborhoods, and set-up costs. To both evaluate the extent and need for a safe overnight parking area, Sutter County and City staff recommend a 60-day trial period for a safe overnight parking area located on County-owned property at 850 Gray Avenue, more commonly known as the former K-Mart site.

The parking area would be located in an overhead-lighted area on the west side of the former K-mart building where approximately 17 parking spots currently exist. The parking area would operate from approximately 7:00 pm to 7:00 am each day, and a security guard would be present while vehicles are parked in the designated area. Vehicles must leave the property each morning and must have valid registration with the Department of Motor Vehicles. ADA restrooms and a handwashing station will be provided and located within the gated and locked outdoor area of the former K-mart property. A security camera, surveillance sign, flashlights and fire extinguishers will be supplied. Rules, similar to those at the overnight camping area on Second Street, will be posted.

The Yuba City Police Department and Sutter County Sheriff's Office will maximize parking enforcement within the community and direct vehicle campers to the trial area. Once the extent and need for overnight vehicle parking is determined, staff will bring recommendations for longer-term options to Council for consideration.

The Sutter County Board of Supervisors considered and approved the establishment of a 60-day trial program at their April 12, 2022, meeting. Should the trial program show the need for a more permanent site for an overnight vehicle parking area, staff will work with County staff to develop an agreement that outlines the responsibilities of each party as well as the location. Any such agreement will be presented to City Council for consideration.

Fiscal Impact:
The anticipated cost for the 60-day trial program is $23,200 which includes $18,600 for security guard services, and $4,600 for fencing, ADA restrooms, and a handwashing station. The operational costs are proposed to be split equally between the City and County. The City's share of $11,600 will be charged to Account No. 951281 (Permanent Local Housing Allocation Funding). In addition, it is anticipated that some funding will be required to assist disabled vehicles.

Alternatives:

Do not approve the establishment of the trial program and direct staff to work with Sutter County to develop alternative solutions.

Recommendation:

Adopt a Resolution approving the establishment of a 60-day trial program to provide an overnight vehicle parking area for homeless individuals and families at County-owned property located at 850 Gray Avenue in Yuba City.

Attachments:

1. Attachment 1 - Reso - 60 Day Overnight Vehicle Parking Area
2. Attachment 2 - K-Mart Site

Prepared By:
Diana Langley
City Manager

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING THE ESTABLISHMENT OF A 60-DAY TRIAL PROGRAM TO PROVIDE AN OVERNIGHT VEHICLE PARKING AREA FOR HOMELESS INDIVIDUALS AND FAMILIES AT COUNTY-OWNED PROPERTY LOCATED AT 850 GRAY AVENUE IN YUBA CITY

WHEREAS, the impacts of homelessness can be seen throughout Yuba City, Sutter County, and the state; and,

WHEREAS, over the past few years many organizations have collaborated together to provide resources to the homeless; and

WHEREAS, there are facilities for overnight tent camping in Yuba City but there is not one designated place for vehicle campers, which are individuals that use their vehicles as living quarters and park on public streets and business parking lots; and

WHEREAS, there is a need to provide a designated place for vehicle campers in order to allow maximum parking enforcement; and

WHEREAS, Sutter County has a property located at 850 Gray Avenue in Yuba City in which they are willing to allow a trial 60-day period for an overnight vehicle camping area.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Yuba City does hereby approve the establishment of a 60-day trial program to provide an overnight vehicle parking area for homeless individuals and families at County-owned property located at 850 Gray Avenue.

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 19th day of April, 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 2

850 Gray Avenue

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

Reports and Communications

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

City Council Reports

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

Adjournment