



**REGULAR CITY COUNCIL MEETING
WEDNESDAY, OCTOBER 28, 2020**

Regular Meeting - 6:30 PM

**City Hall – Beryl P. Robinson, Jr. Conference Room
317 Broad Street, Nevada City, CA 95959**

MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

Erin Minett, Mayor

**Douglass Fleming, Council Member
Daniela Fernández, Council Member**

**Duane Strawser, Vice Mayor
Vacant, Council Member**

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th Wednesdays of each month. Your interest is encouraged and appreciated. This meeting is recorded on DVD and is televised on local public television Channel 17. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting. Please turn off all cell phones or similar devices. Action may be taken on any agenda item. Agenda notices are available at City Hall. 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 Hall at 317 Broad Street, Nevada City, CA during normal business hours.

In order to minimize the spread of the COVID 19 virus Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act. Please be advised that the Council Chambers are closed to the public and that some, or all, of the City of Nevada City, City Council Members may attend this meeting telephonically.

1. You are strongly encouraged to observe the City Council meetings live on PUBLIC TELEVISION CHANNEL 17, ONLINE AT THE CITY'S WEBSITE WWW.NEVADACITYCA.GOV or [Nevada City Public Meetings-YouTube Channel](https://www.youtube.com/channel/UCv3v3v3v3v3v3v3v3v3v3v3) or at [HTTP://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7](http://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7) (If you are unable to view the meeting live on YouTube please use one of the other 3 methods).

2. If you wish to make a comment on a specific agenda item, please submit your comment via email to NEVADACITY.OLSON@GMAIL.COM. Comments will be accepted at the email provided through the live meeting. You can also go to the Nevada City website at www.nevadacityca.gov and go to the public comment button to submit comments. PLEASE INCLUDE YOUR NAME AND ADDRESS IN YOUR COMMENT, AS WELL AS, INCLUDING THE AGENDA ITEM LETTER AND NUMBER IN YOUR SUBJECT LINE. Please keep your written comments to 3 minutes or less. Every effort will be made to read your comment into the record, but some comments may not be read due to time constraints.

3. In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in this meeting, please contact the Deputy City Clerk at (530) 265-2496 x133. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

The City of Nevada City thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or

questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion. **IF YOU CHALLENGE** the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION: None

Under Government Code Section 54950 members of the public are entitled to comment on the closed session agenda before the Council goes into closed session.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Mayor Minett, Vice Mayor Strawser, Council Members Fleming and Fernández

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS:

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the public are entitled to address the City Council concerning any item within the Nevada City Council's subject matter jurisdiction. Comments on items NOT ON THE AGENDA are welcome at this time. Normally, public comments are limited to no more than three minutes each. **Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.**

2. COUNCIL MEMBERS REQUESTED ITEMS, COMMITTEE REPORTS AND FUTURE AGENDA ITEMS:

3. CONSENT ITEMS:

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

A. Subject: Fire Activity Report – September 2020

Recommendation: Receive and file.

B. Subject: Second Reading and Adoption of an Ordinance of the City of Nevada City Amending Sections 16.04.370 and Section 16.04.480 to Update the City's Subdivision Ordinance Pertaining to Term Limits of Tentative Maps in Compliance with the State Subdivision Map Act

Recommendation: Adopt Ordinance 2020-XX, an Ordinance of the City of Nevada City Amending Sections 16.04.370 and 16.04.480 of the Nevada City Municipal Code to update the City's Subdivision Ordinance pertaining to term limits of tentative maps in compliance with the state Subdivision Map Act.

C. **Subject:** Second Reading and adoption of Ordinance 2020-xx, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System

Recommendation: Adopt Ordinance 2020-xx, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System.

D. **Subject:** Action Minutes October 14, 2020 Regular City Council Meeting

Recommendation: Review and approve regular City Council meeting action minutes of October 14, 2020.

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. **Subject:** Update on City Council Six - Month Strategic Objectives

Recommendation: Review six-month strategic objectives, discuss and provide staff direction on setting the next strategic planning date.

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

A. **Subject:** Resolution 2020-XX of the City Council of Nevada City Authorizing the Application for the Permanent Local Housing Allocation Program Non-Entitlement Local Government Competitive Component

Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City authorizing the application for the Permanent Local Housing Allocation Program (PLHA) non-entitlement local government competitive component.

7. NEW BUSINESS:

A. **Subject:** Resolution 2020-XX of the City Council of Nevada City Supporting Measure "M", a Ballot Measure to Continue a 1/2-Cent Sales Tax for City Streets, Sidewalks and Drainage and Adding Water Distribution and Sewer Collection Systems

Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City supporting Measure "M" a ballot measure to continue a 1/2-cent sales tax for City streets, sidewalks and drainage and adding water distribution and sewer collection systems.

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER'S REPORT:

11. ADJOURNMENT

Certification of Posting of Agenda

I, Catrina Olson, City Manager for the City of Nevada City, declares that the foregoing agenda for the October 28th, 2020 Regular Meeting of the Nevada City City Council was posted October 22nd, 2020 at the entrance of City Hall. The agenda is also posted on the City's website www.nevadacityca.gov.

Signed October 22nd , 2020, at Nevada City, California

Catrina Olson, City Manager

**CITY OF NEVADA CITY
City Council
Long Range Calendar**

November 18, 2020 Regular Council Meeting
December 9, 2020 Regular Council Meeting

NOTE: This list is for planning purposes; items may shift depending on timing and capacity of a meeting.

NOTICE: *As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council and to enforce the rules of the Council.*

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

October 28, 2020

TITLE: Fire Activity Report – September 2020

RECOMMENDATION: Receive and file.

CONTACT: Sam Goodspeed, Division Chief



BACKGROUND / DISCUSSION: The attached Fire Activity Report reviews the monthly responses including incident type, location and participation for Nevada City Fire Station 54.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Station 5 Incident Responses
- ✓ Nevada City Incident Responses
- ✓ Station 5 Incident Type Summary
- ✓ Year to Date Incident Participation

Nevada County Consolidated Fire District

Nevada City Incident List

Alarm Date Between {09/01/2020} And {09/30/2020}

Alm Date	Alm Time	Location	Incident Type
09/01/2020	11:47:05	340 Gracie RD /Nevada City,	320 Emergency medical service, other
09/01/2020	17:22:33	925 MAIDU AV /Nevada City, CA	320 Emergency medical service, other
09/01/2020	23:28:12	821 ZION ST /B5/Nevada City,	553 Public service
09/02/2020	17:12:52	950 MAIDU AV /Nevada City, CA	611 Dispatched & cancelled en route
09/04/2020	04:59:26	410 RAILROAD AV /Nevada City,	320 Emergency medical service, other
09/04/2020	11:43:39	15832 Airport RD /Nevada	554 Assist invalid
09/05/2020	06:21:57	185 KING HIRAM DR /Nevada	321 EMS call, excluding vehicle
09/05/2020	16:41:18	BROAD ST AND SACRAMENTO ST	320 Emergency medical service, other
09/05/2020	19:37:04	848 NEVADA ST /Nevada City,	320 Emergency medical service, other
09/06/2020	12:26:55	145 S BOST AV	320 Emergency medical service, other
09/06/2020	12:41:45	340 Gracie RD /Nevada City,	320 Emergency medical service, other
09/07/2020	08:53:45	124 NEVADA ST /Nevada City,	411 Gasoline or other flammable
09/07/2020	10:38:39	821 Zion ST /B5/Nevada City,	320 Emergency medical service, other
09/07/2020	18:14:37	925 MAIDU AV /Nevada City, CA	320 Emergency medical service, other
09/08/2020	15:41:53	126 ORCHARD ST	
09/08/2020	20:20:02	702 W BROAD ST #B /Nevada	320 Emergency medical service, other
09/09/2020	14:16:04	925 MAIDU AV /Nevada City, CA	320 Emergency medical service, other
09/09/2020	18:24:43	251 WILLOW VALLEY RD #8	320 Emergency medical service, other
09/09/2020	20:12:06	925 MAIDU AVE /Nevada City,	320 Emergency medical service, other
09/13/2020	10:21:31	414 SPRING ST /Nevada City,	320 Emergency medical service, other
09/13/2020	19:00:53	165 S BOST AV /Nevada City,	631 Authorized controlled burning
09/13/2020	23:39:29	754 ZION ST /Nevada City, CA	320 Emergency medical service, other
09/14/2020	04:09:13	293 LOWER GRASS VALLEY RD	320 Emergency medical service, other
09/14/2020	11:41:42	821 ZION ST /B5/Nevada City,	320 Emergency medical service, other
09/17/2020	14:20:00	844 Old Tunnel Rd.	320 Emergency medical service, other
09/17/2020	16:00:00	735 ZION ST /Nevada City, CA	320 Emergency medical service, other
09/17/2020	19:31:13	145 S BOST AV /Nevada City,	320 Emergency medical service, other
09/18/2020	13:12:00	149 Boulder ST /Nevada City,	320 Emergency medical service, other
09/19/2020	16:47:54	145 S BOST AVE /Nevada City,	320 Emergency medical service, other
09/20/2020	05:16:26	111 CHIEF KELLY DR /Nevada	320 Emergency medical service, other
09/20/2020	09:12:40	760 ZION ST /2/Nevada City,	320 Emergency medical service, other
09/20/2020	11:46:08	State Highway 20/49 just	600 Good intent call, Other
09/20/2020	13:01:38	925 MAIDU AV /Nevada City, CA	320 Emergency medical service, other
09/21/2020	10:11:47	112 NEVADA CITY HWY /Nevada	321 EMS call, excluding vehicle
09/21/2020	13:52:17	251 WILLOW VALLEY RD #SP8	320 Emergency medical service, other
09/22/2020	06:04:18	7 GALENA WY	320 Emergency medical service, other
09/23/2020	18:55:25	226 Bridge ST /Nevada City,	320 Emergency medical service, other
09/25/2020	03:29:03	821 ZION ST #5	
09/26/2020	11:25:00	925 MAIDU AV /Nevada City, CA	320 Emergency medical service, other
09/26/2020	14:30:47	BOULDER ST AND PARK AV/Nevada	551 Assist police or other
09/27/2020	18:23:41	10417 Providence Mine RD	743 Smoke detector activation, no
09/27/2020	22:46:41	NILE ST AND NIMROD ST /Nevada	611 Dispatched & cancelled en route
09/28/2020	10:17:55	228 Bridge ST /Nevada City,	551 Assist police or other
09/29/2020	11:22:25	524 RAILROAD AV /Nevada City,	320 Emergency medical service, other
09/29/2020	23:59:12	126 Boulder ST /Nevada City,	622 No Incident found on arrival at

Total Incident Count 45

Nevada City Incident Type Summary

Alarm Date Between {09/01/2020} And {09/30/2020}

District	False	Fire	Good	Hazard	Overpressu	Rescue	Service	Special
01	0	1	1	0	0	1	0	0
02	7	0	2	1	0	11	2	0
54	2	0	1	1	0	18	2	0
84	0	2	2	3	0	5	0	0
86	0	0	0	0	0	1	0	0
GRS	0	0	0	0	0	6	0	0
NCCFD	1	0	0	0	0	1	0	0
NEV	0	0	2	1	0	10	2	0
	<u>10</u>	<u>3</u>	<u>8</u>	<u>6</u>	<u>0</u>	<u>53</u>	<u>6</u>	<u>0</u>

Nevada County Consolidated Fire District

NEV Year-to-date Incident Participation

**Activity Date Between {07/01/2020} And
{09/30/2020}**

Staff Id/Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Percent
NEV-03 Cartzdafner, Kevin L	0	0	0	0	0	0	19	47	28	0	0	0	94	18.35
NEV-019 Ellison, Connor	0	0	0	0	0	0	10	0	1	0	0	0	11	2.14
NEV-71 Ellison, Connor	0	0	0	0	0	0	61	69	55	0	0	0	185	36.13
NEV-72 Foster, Sean	0	0	0	0	0	0	68	60	35	0	0	0	163	31.83
NEV-15 Paulus, Daniel H	0	0	0	0	0	0	12	29	36	0	0	0	77	15.03
NEV-74 Stark, Blake	0	0	0	0	0	0	24	40	39	0	0	0	103	20.11

Total Runs by Month											
Jan	0	Feb	0	Mar	0	Apr	0	May	0	Jun	0
Jul	156	Aug	192	Sep	164	Oct	0	Nov	0	Dec	0

Grand Total Runs: 512

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

OCTOBER 28, 2020

TITLE: Second Reading and Adoption of an Ordinance of the City of Nevada City Amending Sections 16.04.370 and Section 16.04.480 to Update the City's Subdivision Ordinance Pertaining to Term Limits of Tentative Maps in Compliance with the State Subdivision Map Act

RECOMMENDATION: Adopt Ordinance 2020-XX, an Ordinance of the City of Nevada City Amending Sections 16.04.370 and 16.04.480 of the Nevada City Municipal Code to update the City's Subdivision Ordinance pertaining to term limits of tentative maps in compliance with the state Subdivision Map Act.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:

The City Attorney and City Planner recently became aware that the City's current tentative map time limits are inconsistent with the minimum requirement of the Subdivision Map Act (California Government Code Sections 66410-66499). The City's code provides a term of eighteen months and the Subdivision Map Act requires that the term be at least twenty-four months, with the option for local agencies to adopt up to a thirty-six month term limit. The Council heard a first reading of the ordinance at their October 14, 2020 meeting and also approved a notice of exemption for this amendment.

TENTATIVE MAP TERM LIMITS ORDINANCE:

The draft ordinance amends the term limits from eighteen months to twenty-four months. No other language was amended. Staff initially opted to draft the ordinance with the thirty-six month only because it has proven difficult for developers to meet the shorter time-frame. However, at their September 17 regular meeting, the Planning Commission, recommended that the term limits only go to twenty-four months. The attached draft ordinance has been amended with that recommendation.

The changes in the ordinance language are shown below, bolded and italicized:

16.04.370 - Time limit for recordation (Final Maps)

Within ***twenty-four (24) months*** of the date of approval or conditional approval of the tentative map, the subdivider may cause the proposed subdivision, or any part thereof, to be surveyed, and a final map to be prepared and recorded, in accordance with the provisions of this article and the Subdivision Map Act.

16.04.480 - Time limit for recordation (Parcel Maps)

Within ***twenty-four (24) months*** of the date of approval or conditional approval of the tentative map, the subdivider may cause a parcel map

to be prepared and recorded, in accordance with the provisions of this article and the Subdivision Map Act.

ENVIRONMENTAL IMPACT:

The City Council found this project exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061 because CEQA only applies to projects which have the potential to have a significant impact on the environment and because the environmental impact of each individual project will be analyzed at the time of project action.

FISCAL IMPACT: None.

ATTACHMENTS:

- ✓ ORDINANCE 2020-XX, an Ordinance of the City of Nevada City Amending Sections 16.04.370 and 16.04.480 of the Nevada City Municipal Code to update the city's Subdivision Ordinance pertaining to term limits of tentative maps in compliance with the state Subdivision Map Act

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY OF NEVADA CITY AMENDING SECTIONS 16.04.370 AND SECTION 16.04.480 IN ORDER TO UPDATE THE CITY'S SUBDIVISION ORDINANCE PERTAINING TO TERM LIMITS OF TENTATIVE MAPS IN COMPLIANCE WITH THE STATE SUBDIVISION MAP ACT

WHEREAS, the City of Nevada City, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Subdivision Map Act is outlined in California Government Code Sections 66410-66499

WHEREAS, Section 66452.6 of the Subdivision Map Act regulates terms of tentative map approvals requires that an approved or conditionally approved tentative map shall expire 24 months after its approval; and

WHEREAS, Section 66452.6 of the Subdivision Map Act further allows local jurisdictions to prescribe by local ordinance an additional 12 months; and

WHEREAS, the current City Ordinance sets the term of both a tentative parcel map and a tentative final map at 18 months, and is therefore out of compliance with State legislation; and

WHEREAS, on September 17, 2020 the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance;

WHEREAS, the City Council held a duly-noticed public hearing for a first reading on _____, and a second reading on _____ and considered the staff report, recommendations by staff, recommendations by the Planning Commission, and public testimony concerning the proposed ordinance;

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

SECTION 1. Section 16.04.370 and section 16.04. are hereby amended to read as follows. All other provisions of Chapter 16.04 remain in full force and effect.

16.04.370 - Time limit for recordation

Within thirty-six (36) months of the date of approval or conditional approval of the tentative

map, the subdivider may cause the proposed subdivision, or any part thereof, to be surveyed, and a final map to be prepared and recorded, in accordance with the provisions of this article and the Subdivision Map Act.

SECTION 2.

16.04.480 - Time limit for recordation.

Within thirty-six (36) months of the date of approval or conditional approval of the tentative map, the subdivider may cause a parcel map to be prepared and recorded, in accordance with the provisions of this article and the Subdivision Map Act.

SECTION 3. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061 because CEQA only applies to projects which have the potential to have a significant impact on the environment and because the environmental impact of each individual project will be analyzed at the time that the project is submitted. There are no impacts of this ordinance which have the potential to cumulatively cause a significant effect on the environment because the city is so small, and it is not anticipated that there will be enough facilities to cause such an impact.

SECTION 4. Effective Date. This ordinance shall become effective on the 31st day after adoption.

SECTION 5. Severability. If any portion of this ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this ordinance shall be enforced to the maximum extent legally permissible.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this ordinance as required by law.

PASSED, APPROVED AND ADOPTED this ___th day of _____2020 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk

APPROVED AS TO FORM

Crystal V. Hodgeson, City Attorney

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

October 28, 2020

TITLE: Second Reading and adoption of Ordinance 2020-xx, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System

RECOMMENDATION: Adopt Ordinance 2020-xx, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System.

CONTACT: Bryan McAlister, City Engineer
Crystal Hodgson, Consulting City Attorney

BACKGROUND / DISCUSSION:

Nevada City Wastewater Treatment Plant operates in compliance with a California Regional Water Quality Control Board permit which includes waste discharge effluent limitations and self-monitoring provisions. This permit is renewed every five years as required by U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, Central Valley Region for wastewater treatment and discharge. The permit currently in effect is ORDER R5-2017-0060 NPDES NO. CA0079901.

Chapter 13.08 of the Nevada City Municipal Code regulating the City's Sewer System is proposed to be repealed and reenacted to comply with current requirements for the above referenced permit. This includes sections of the ordinance pertaining to connections and connection charges that were inadvertently omitted by Ordinance 2020-11. Requirement for back-flow prevention devices, previously established by Resolution No. 2005-12, is also being added to the Municipal Code as Section 13.08.086.

On October 14, 2020, the City Council held a public hearing and approved a first reading of the proposed Ordinance. Staff recommends the City Council approve the Ordinance, which will be effective 30 days after its passage.

ENVIRONMENTAL IMPACT: None

FISCAL IMPACT: None.

ATTACHMENTS:

- ✓ Ordinance No. 2020-xx, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System

ORDINANCE NO. 2020-xx

**AN ORDINANCE OF THE CITY OF NEVADA CITY
REPEALING AND REENACTING CHAPTER 13.08 OF
THE NEVADA CITY MUNICIPAL CODE
REGULATING THE CITY'S SEWER SYSTEM**

WHEREAS, Chapter 13.08 "Sewer System" of the City Municipal Code regulates discharges into the city sewer system, requires a discharge permit and/or requires pretreatment of certain waste products before they may be discharged into the City's sewer system; and

WHEREAS, the City Council desires to update Chapter 13.08 to provide new and updated regulations to protect the City's sewer system and to maximize the City's ability to safely and efficiently maintain the system at the lowest costs possible for residents.

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

SECTION I: Chapter 13.08 Repealed and Reenacted.

Nevada City Municipal Code Chapter 13.08, entitled "Sewer System" shall be repealed in its entirety and reenacted to read as follows:

"CHAPTER 13.08 SEWER SYSTEM

13.08.010 - Definitions.

The following terms, as used in this chapter, shall have the following respective meanings:

"Applicant" or "person" means any person, partnership, corporation, club, association, public corporation, political subdivision, county, the state, the United States of America or any department or agency thereof.

"Building sewer" means that part of the sanitary sewer system which receives discharge from soil and waste pipes in a building and conveys it to the junction with the service sewer at the property line or sewer easement line.

"BOD" means biological oxygen demand, indicating the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five consecutive days at twenty (20) degrees centigrade.

"City" means the City of Nevada City.

"City council" means the City council of the City of Nevada City.

"Combined sewer" means a sewer that services the purpose of both a sanitary sewer and a storm sewer.

"Connection" means the physical hookup from a parcel of land to a sewer line regardless of the number of units or use on that parcel of land.

"Connection fee" is a previously used term for "sewer impact fee," used to determine the fair share costs to finance planning, design, construction inspection, administrative, debt service, debt covenant and other related costs for wastewater conveyance, treatment and disposal facilities for sewerage system expansion.

"Department of public works" means the department of public works of the City of Nevada City.

"Equivalent dwelling unit (EDU)" is a term used to characterize the average wastewater discharge from a single-family dwelling (SFD). For purposes of calculating sewerage system design parameters and comparing wastewater discharge from sewer service users other than Single Family Dwellings, one EDU equals a domestic wastewater volume of two hundred (200) gallons per day (GPD) and one hundred eighty milligrams per liter (180 mg/l) maximum each, BOD and TSS, per day at average dry weather flow rates. One EDU is further considered to generate domestic wastewater, carrying a minimal to moderate load of non-hazardous contaminants such as common household cleaning and maintenance products.

"FOG" means Fats, Oils and Grease including any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

"Industrial user" means any user which meets one or more of the following criteria:

1. Any discharge of five thousand (5,000) gallons or more of wastewater per day (excluding the domestic portion of the discharge) or more than 7.5 pounds of biochemical oxygen demand (BOD) or total suspended solids (TSS) per day (five thousand gallons at 180 mg/l);
2. Discharges wastewater to a Publicly Owned Treatment Works (POTW), which contains hazardous materials in sufficient quantity either singly or by interaction with other wastes, to constitute a potential hazard to humans or animals, to potentially cause interference or create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the POTW;
3. Discharges wastewater to a Publicly Owned Treatment Works (POTW), which contains any concentrations of Metals, Nitrite, Nitrate, Ammonia or Organic Nitrogen of any form or combination thereof that requires additional treatment at the POTW.
4. Is subject to EPA categorical pretreatment standards or any pretreatment standards set by the state;
5. Is required to obtain an industrial wastewater discharge permit pursuant to this chapter.

"Industrial waste" means the waterborne waste and wastewater from any industrial user.

"Sewage" means the wastewater derived from the human habitation and use of buildings for residential, institutional or commercial purposes, excluding storm waters and industrial waste.

"Sewer lateral line" means a sewer line with no more than three (3) authorized connections before connecting with a sewer main line.

"Sewer main line" means a sewer line with four (4) or more authorized connections.

"TSS" means total suspended solids, defined as solids that either float on the surface of or are in suspension in, wastewater and which are largely removable by standard laboratory filtration procedures.

"Waste" means and includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal origin or from any commercial, producing, manufacturing or processing operation of whatever nature.

"Wastewater" means all wastes and waters considered for and/or discharged to and carried by the City sewerage system.

13.08.020 - Application for service.

- A. No person shall use the city sewer system without first applying to use the system.
- B. Only the owner of real property may apply to use the system and the owner shall be liable to pay monthly sewer use charges until the service has been discontinued. The owner of real property may authorize the city to send the bill for the sewer use directly to his or her tenant but the owner shall remain liable for the payment of the monthly sewer use charges and the decision as to whether to discontinue sewer service shall be solely that of the owner of real property. This procedure shall apply only to new applications for sewer service. Sewer service already in existence shall be handled under the same procedure as in the past; however, once existing service is discontinued and a new user desires sewer service the procedure adopted by this section shall be followed.

13.08.030 - Application for connection.

Any person desiring a service connection to the city sewer system shall file with the department of public works a written application therefor, signed by the applicant, setting forth the name and address of the applicant, a description of the property to be served by such connection, and such other information as the department may require.

13.08.040 - Connection charges.

- A. Upon the filing of such application, the superintendent of public works shall estimate the cost to the city of making such connection, which cost shall include the cost of installing a service pipe from the main to the property line of the property to be served; and such estimated cost, together with an additional connection fee as hereinafter provided, shall be paid by the applicant to the city prior to the commencement of any work. If the actual cost of the service connection shall be found to exceed the estimated cost, the excess shall be paid by the applicant to the city upon demand, and if the actual cost of such connection shall be less than the estimated cost, the difference shall be refunded to the applicant.

B. The additional connection fee shall be such an amount as will constitute a reasonable reimbursement to the city of the proportionate capital cost of the sewer collection and treatment facilities not paid by property taxes, and shall be in accordance with a fee schedule adopted by ordinance.

13.08.050 - Sewer main extension—Installation.

A. When application is filed for a service connection where there is no sewer main adjacent to the applicant's property, and no immediate provision has been made by the city for the extension of any existing main to such property, the superintendent of public works shall cause to be prepared a map showing all lots or parcels of land to be served by such extension, the owners of all such properties, the size of the main extension to be installed, and the estimated cost of such extension. The application, together with the map, shall then be submitted to the city council for its approval, and if approved by the council, the estimated cost of such main extension shall be paid by the applicant to the city prior to the commencement of any work. If the actual cost of the main extension shall be found to exceed the amount so paid, the excess shall be paid by the applicant to the city upon demand, and if the actual cost of such extension shall be less than the amount so paid, the difference shall be refunded to the applicant. The charge mentioned in this section shall be in addition to the cost of the service connection and the fee therefor as provided in Section 13.08.040 of this chapter. Two or more persons may join in making any application for a sewer main extension.

B. All such main extensions shall be of such size as will properly serve all of the properties shown on the map, as well as any additional properties within the city which may in the future be served by the further extension of such main. The applicant shall bear the entire cost of such extension, and the applicant will be reimbursed for such expenditure by other property owners who later hook up to the extension. The amount and method of such reimbursement shall be determined by the city engineer and approved by the city council.

13.08.060 - Sewer main extension—Payment—Refunds.

A. Where the owner of any lot or parcel of land to be served by a main extension, as shown on the map referred to in Section 13.08.050 of this chapter, fails to join in the application for such extension, no service connection between such property and such extended main shall be made unless the person applying for such service shall pay to the city that portion of the total cost of such main extension as the square footage of such applicant's property bears to the total square footage of all such lots and parcels; and such charge shall be in addition to the cost of the service connection and the fee therefor as provided in Section 13.08.050 of this chapter.

B. All moneys paid to the city for such proportionate costs of the main extension shall be deposited in a sewer main extension fund, which fund shall be maintained for a

period of ten years following the date of completion of the extension, and all the moneys so received during such period shall be refunded to the person or persons who paid for such extension or to their successors or assigns. After the expiration of such ten-year period, any amount remaining in the fund, or any costs subsequently received, shall be and become the sole property of the city.

C. The provisions of this section shall not apply to any main, extended pursuant to Section 13.08.050 of this chapter, which is less than six inches in diameter.

13.08.070 - Monthly user charges.

A. The city council shall, by resolution, establish monthly user charges to be charged for sewer services, or the method by which the user charges shall be fixed, and formulate such rules and regulations for guidance in fixing such charges as the council may deem necessary.

B. All charges for sewer service shall be billed and payable bimonthly, in advance, with the flow charge portion of the user charge recalculated each year based upon the metered flows for the preceding January and February for users with water meters and upon a reasonable estimation of water flows for those months for City facilities and any other users not yet metered when the charges are, pending installation of such meters, with adjustments for inflation.

13.08.080 - Monthly user charges—Delinquency.

All unpaid monthly sewer use charges shall be a charge upon the real property served by the sewer connection for which the monthly sewer use charge is unpaid and shall constitute a lien upon the real property. The lien created hereby shall be recorded with the county recorder. The lien shall continue until the charge and all penalties thereon are fully paid or the property sold therefor.

13.08.085 - Responsibility for maintenance and repair of sewer lines.

All expenses with respect to sewer lateral lines, including without limitation, installation, maintenance and repair, shall be borne by and be the obligation of the landowners of properties with connections to that sewer lateral line. The City is responsible only for sewer main lines, not for sewer lateral lines.

13.08.086 – Requirement for back-flow prevention devices

A. Installation of a back-flow prevention device (also known as a backwater valve), to prevent sewage from the sewer main line backing up into the private sewer service lines due to cleaning or plugs in the sewer main, is required for all properties as follows:

1. As a condition of issuing any building permit, the person requesting the permit must install a back-flow prevention device on the sewer service line to the property that will be benefitted by the building permit.
2. Upon the transfer of any parcel of real property within the City Limits of the City of Nevada City, a back-flow prevention device must be installed on the sewer service line to that property prior to close of escrow or transfer of the property.
3. After July 1, 2005, the owner of every parcel of real, improved property within the City limits of the City of Nevada City shall be held responsible for any damages caused by the absence of a back-flow prevention device on the sewer service line to the property.
4. The back-flow prevention device can be of any type approved by the Uniform Plumbing Code and shall be installed so as to be readily observable.

13.08.090 - Prohibited discharges.

- A. No person shall discharge or cause to be discharged any rainwater, stormwater, groundwater, street drainage, subsurface drainage, yard drainage or other sources of inflow including cooling water or unpolluted industrial process water, into any sewer facility which is directly or indirectly connected to the sewage facilities of the City. Stormwater and all other unpolluted water shall be discharged to such pipelines as are specifically designated as storm drains, or to a natural outlet approved by the City manager.
- B. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters to any public sewer:
 1. Any liquid or vapor having a temperature higher than one hundred forty (140) degrees Fahrenheit;
 2. Any waste or water which contains more than one hundred (100) milligrams per liter of fat, oil or grease;
 3. Any water or waste having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works;
 4. Any waste or water which contains a concentration of more than one hundred eighty milligrams per liter (180 mg/l) maximum each, BOD and TSS, unless otherwise authorized with an industrial wastewater discharge permit;
 5. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create a hazard in the receiving waters of the City's Publicly Owned Treatment Works (POTW) (sewage treatment plant);
 6. Any water or waste containing radioactive material in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create a hazard in the receiving waters of the sewage treatment plant;
 7. Any water or waste containing synthetic detergents in sufficient quantity to injure or interfere with any sewage treatment process or create problems in the receiving water of the sewage treatment plant;

8. Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
 9. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 10. Any garbage that has not been properly shredded for the purpose of this chapter. This means that it has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension;
 11. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system;
 12. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 13. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and
 - d. Unusual volumes of flow or concentrations of wastes constituting slugs.
 14. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- C. If waters or wastes are discharged or are proposed to be discharged to the public sewers contain the substances or possess the characteristics enumerated in subsection B of this section and which, in the judgment of the City, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the City may:
- 1) Reject the wastes;
 - 2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - 3) Require control over the quantities and rates of discharge;
 - 4) Require sampling of discharge at owners expense and/or
 - 5) Require payment to cover the added costs of handling and treating the wastes not covered by sewer charges under the provisions of this section.

13.08.095 - Industrial wastewater permit requirements.

- A. Any user whose facility may generate wastewater meeting the standards for an "industrial user" set forth in Section 13.08.010 of this chapter must apply for an industrial wastewater permit prior to connection to the City sewer system and pay the industrial wastewater fee set forth in Section 13.08.096 of this Chapter.
- B. An industrial wastewater discharge permit shall be approved by the City manager if he or she finds that the application satisfies all of the following:
 - 1. The applicant has submitted a letter of authorization from the Nevada County Department of Environmental Health;
 - 2. The applicant has submitted satisfactory proof of compliance (e.g., laboratory analysis or report) to show that the wastewater discharge will meet the requirements, limitations and conditions contained in the current City wastewater discharge permit issued by California Regional Water Quality Control Board;
 - 3. The application and the quality, quantity and condition of the proposed discharge have been approved by the director of public works and the engineer as satisfying the provisions of this chapter, applicable federal and state laws, the City wastewater discharge permit and other City policies and regulations concerning sewer service; and
 - 4. The City's Publicly Owned Treatment Works (POTW) has available, unallocated capacity to accommodate the proposed discharge.
- C. Wastewater discharged to the sanitary sewer must be metered with a flow totalizer with sampling of BOD, pH, TSS. Sampling shall be conducted by the industrial user at users expense at sampling frequency of two times per month during the first six months of business use; and every 6 months thereafter; and as required for compliance sampling.
- D. As part of issuance of any industrial wastewater permit, the City may require installation of inspection ports, additional cleanouts and other facilities as the engineer may require to handle or pre-treat the wastewater flow.
- E. Industrial users' facilities and flows shall be subject to periodic inspection by the City and testing of wastewater constituents. As a condition of grant of a permit, the industrial user shall agree to such conditions, including the right to make surprise inspections and testing at any time.
- F. The conditions imposed by this Chapter on industrial users shall be in addition to all of the other requirements of this chapter applicable generally to all users.

13.08.096 - Industrial wastewater fees.

- A. In addition to the other fees and charges required by this chapter, industrial wastewater disposal permit applicants and permittees shall pay the following fees to the City:
- B. An application processing fee in an amount set by resolution of the City Council, due at time of submitting application for industrial wastewater discharge permit together

with any additional amounts required by the City engineer for testing and other City costs.

- C. Industrial wastewater disposal user fees will be calculated by the City engineer based on either (1) the number of equivalent dwelling units (EDUs) represented by the discharge, or (2) other calculations based on the discharger's share of actual operating costs of the City's sewer and wastewater treatment plant as determined by the City engineer. Fees are due and payable bi-monthly, with a minimum fee of five hundred dollars (\$500.00) bi-monthly.
- D. Reimbursement of the costs of any testing undertaken by the City of the industrial wastewater generated by the industrial user as authorized by this Chapter.

13.08.097 - Pretreatment.

- A. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and subject to the requirements of all applicable codes ordinances and laws.
- B. Grease, oil, grit and sand interceptors, traps and similar systems shall be provided as set forth in Section 13.08.100.
- C. Discharge of water or waste from the pretreatment facility to the City's Publicly Owned Treatment Works (POTW) shall not include prohibited discharges as set forth in Section 13.08.090.
- D. Where preliminary treatment or rate-of-flow controller facilities are provided for any water or waste, they shall be maintained continuously, in satisfactory and effective operation, by the owner at his or her expense.
- E. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate the observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner, at his or her expense and shall be maintained by him or her to be safe and accessible at all times.
- F. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out in the customarily accepted methods to reflect the effect of constituents upon the sewer works and to determine the existence of hazards to life, limb and property.

13.08.100 – Fats, Oils and Grease (FOG) Interceptors.

- A. All food service establishments ("FSE's") and all nonresidential sewer users shall be required to install and maintain a fat, oil, grease, grit and sand interceptor, trap or similar system (collectively a "FOG System") when the City manager or his/her designee finds that a FOG System is necessary for the proper collection, handling and disposal of (i) fats, oil or grease, (ii) flammable substances, (iii) grit, sand or dirt or (iv) other harmful constituents (collectively, "FOG") and will prevent or minimize the discharge of FOG into the City's sewer system. A FOG System shall be installed when the wastewater flow from an FSE or any nonresidential user is anticipated to contain FOG in amounts or concentrations which the City determines, in its discretion, present the possibility of causing or contributing to the fouling of, blockage of or other damage to the City's sewer system.
- B. All FSEs connected to the City's sewer system that use grease traps prior to the effective date of this Chapter shall upgrade to grease interceptors if after an inspection the City determines that the FSE is not complying with the City's operation, repair and maintenance requirements or if the City determines, in the City's discretion, that a grease trap alone is or is likely to be ineffective at preventing the discharge of FOG into the City's sewer system.
- C. The type of FOG System to be installed shall be at the discretion of the City. Installation, maintenance and repair of the FOG System shall be the responsibility of (1) the owner of the property upon which the FOG System is installed, and (2) the person/entity that applies for connection to or use of the City's sewer system, and (3) the person/entity connecting to or using the City's sewer system, even if the property is leased, rented or otherwise occupied by a person or entity that is not the property owner. It shall be the responsibility of the owner of the property upon which a FOG System is installed to assure compliance by tenants or occupants of such property with the requirements of this Chapter. The City shall establish a FOG System permitting process.
- D. Criteria for Determining Need for Installation or Upgrading of a FOG System. The City shall determine whether a FOG System is required to be installed or upgraded on a case-by-case basis based on an evaluation of objective criteria including, but not limited to, the following factors:
 1. The type of facility (for example: a restaurant, bakery, ice cream shop, gas station, etc.);
 2. The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation);
 3. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used;
 4. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service);
 5. The type of foods or other materials used in the cooking, processing, or manufacturing operations carried on within the user's facility;

6. The overall potential for FOG-laden discharges;
 7. The existence of devices, procedures, or processes which are designed to minimize the amount of FOG from entering the sewer system;
 8. FOG-laden discharges from exhaust hood systems (vents, filters); and
 9. Such other factors as the City may establish by resolution from time to time.
- E. The design, size, location and procedures for operating a FOG System shall be approved by the City and shall meet at least the minimum requirements of the latest edition of the Uniform Plumbing Code and this Chapter, as well as satisfying all requirements established by the City engineer. The minimum interceptor size shall be determined by the City engineer, shall have a retention time of not less than fifteen (15) minutes and shall be located to be easily accessible for cleaning and inspection.

13.08.101 – Inspections of Fats, Oils and Grease (FOG) Interceptors.

- A. Initial Inspection of Food Service Establishments. The City shall make a diligent effort to conduct FOG compliance inspections of all existing FSEs in its jurisdiction within ninety (90) days of the effective date of this Chapter using the criteria in Subsection 13.08.100 (D). If after making such inspection the City determines that a FOG System needs to be installed or upgraded on the inspected property, the City shall require the installation of an appropriate new or upgraded FOG System. The new or upgraded FOG System shall be installed to the City's satisfaction within a reasonable time, not to exceed ninety (90) days or such additional time as the City in its discretion may approve in writing upon a showing of good cause.
- B. New FSE's and Commercial and Industrial Users. Prior to issuance of a building permit or other entitlement, all new FSE's and other new nonresidential users of the City's sewer system shall be evaluated to ascertain whether they warrant installation of a FOG System. If the City in its discretion determines that a FSE or other nonresidential user of the City's sewer system warrants installation of a FOG System, the FOG System shall be installed and must pass inspection prior to issuance of a certificate of occupancy.
- C. Other Inspections. The City may inspect any FSE or nonresidential user of the City's sewer system and require the installation or upgrade of a FOG System at anytime. If the City in its discretion determines that a FOG System should be installed or upgraded, the responsible parties shall complete the installation within such time as the City shall allow which shall in no case exceed ninety (90) days except upon the written consent of the City for good cause shown.

13.08.102 – Maintenance of Fats, Oils and Grease (FOG) Interceptors.

- A. All FOG Systems shall be operated, maintained, repaired in continuous and good working order at all times. Generally, the minimum cleaning frequency of any outdoor grease interceptor shall be once every six months, or as otherwise directed by the City, or whenever the combined layer of settled solids and the layer of floating solids in the interceptor reaches twenty-five (25) percent of the depth of the interceptor, whichever occurs earlier. Grease traps may require

more frequent maintenance to stay below the twenty-five (25) percent limit. Decanting or discharging removed waste back into a FOG System for the purpose of reducing the volume to be hauled shall be prohibited. The use of chemicals, enzymes, grease solvents or emulsifiers to temporarily dissolve FOG in lieu of physical cleaning is not acceptable interceptor or trap maintenance and is prohibited. The use of biological additives as a supplement to FOG System maintenance, including the addition of micro-organisms, may be authorized in writing by the City prior to the use of such additives.

- B. Maintenance records indicating date and type of service, volume pumped, name of waste hauler and waste disposal location for each pumping of a FOG System shall be kept for by the property owner for a minimum of three years. The records shall be provided to the City upon request.
- C. All waste removed from a FOG System must be disposed at a duly permitted facility authorized to receive such waste. The waste shall not be returned to the public sewer system or manhole, any private wastewater system or any storm drain.
- D. If significant grease accumulation (e.g. a partial blockage) is found downstream or if significant grease wicking is found upstream of FOG System, a special inspection of the premises may occur. The inspection will include a review of the FOG System, the FOG maintenance program, waste storage area, drains not flowing to the FOG System and such other investigation as the City deems necessary.
- E. If an FSE or other nonresidential user of the City's sewer system causes, or is a substantial factor in causing, a FOG-related sanitary sewer overflow, the operator of the FSE or other nonresidential user, and the owner of the property will be responsible for all related costs, fines, penalties and other expenses.

13.08.110 - New construction design.

- A. All new sewer extensions and service connections shall be properly designed and constructed. Plans for sewerage system construction shall meet all design requirements of the City, as determined by review of the City manager.
- B. Inspection of all sewerage construction shall be made by personnel or agents of the City. No new construction shall be covered without the approval of the City.
- C. The City shall be directly reimbursed by the project proponent for all reasonable costs associated with design review and inspection of new construction.

13.08.120 - Inspection and enforcement.

- A. From time to time, City agents or personnel may enter onto privately or publicly owned lands to inspect portions of the sewage system, including service connections, for violations of the ordinance codified in this chapter. The City will endeavor to inspect at the convenience of the user and in no event will grease traps be inspected during peak meal hours.
- B. Any user who violates any provision of this chapter, or who is found by the City manager to be guilty of any of the following violations, may be disconnected from the sewer and water system:

1. Failure of the user or owner to report significant changes in operations or wastewater flows, constituents, and characteristics;
 2. Refusal to allow the City manager or his representatives' access to user's or owner's premises for the purpose of inspection, sampling, or monitoring;
 3. Nonpayment of fees and charges;
 4. Repeated violations of the provisions of this chapter.
- C. Waste or wastewater discharge, threatened waste or wastewater discharge, or any condition or act in violation of any provision of this chapter, of any provision of any permit issued pursuant to the chapter, or of any order or directive of the City manager authorized by the provisions of this chapter, is declared to be a public nuisance and may be abated, removed, or enjoined and damages assessed therefor, in any manner provided by law.
- D. When the City manager finds that a discharge of waste has taken place or is likely to take place in violation of this chapter, the City manager may issue an order to cease and desist such discharge, practice, or operation likely to cause such discharge and direct that those persons not complying shall:
1. Comply forthwith; or
 2. Comply in accordance with a time schedule set forth by the City manager; or
 3. Take appropriate remedial or preventative action.
- E. In the event repairs, construction, or other public work is performed on any premises pursuant to any provision of law relating to the emergency performance of public work and expenditure of public funds therefor, or pursuant to any other provision of law authorizing public work on private property in order to correct, eliminate, or abate a condition upon such premises which threatens to cause, causes, or has caused a violation of any provision of the chapter, a violation of any permit issued pursuant to the provisions of the chapter, or a violation of any other requirement of law, then the user responsible for the occurrence or condition giving rise to such work, and the occupant and the owner of the premises shall be liable, jointly, and severally to the City for such public expenditures.
- F. When a discharge of wastes causes an obstruction, damage, or any other impairment to City sewage system, the City may, after providing the user with notice and opportunity to be heard, assess a charge against the user for the work required to clean or repair the sewage system, and may add such charge to the user's charges and fees.
- G. Any charge or rental levied by the City pursuant to this chapter on any premises within the corporate limits of the City having a connection to the City sewage system is made a lien upon the premises. The City manager is authorized, and it shall be his duty, to disconnect any industrial sewer connection or domestic sewer connection on premises located either within the corporate limits of the City or outside the corporate limits of the City, upon failure of the person to whom such charge or rental is billed to pay such charge or rental prior to delinquency.
- H. The City may terminate, or cause to be terminated, wastewater service to any premises, if a violation of any provisions of the ordinance codified in this chapter is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in this chapter.

- I. In the event of a violation of any terms of the chapter, or any rule or regulation established pursuant to this chapter, the City manager shall notify the person or persons causing, allowing, or committing such violation. Such notice shall specify in writing both the violation and the time after which, upon failure of such person or persons to prevent or rectify the violation, the City manager will exercise his authority to disconnect the property served by the sewage system. Such time shall not be less than five (5) days after the deposit of such notice in the United States Post Office at Nevada City, California, addressed to the person or persons to whom notice is given. In the event such violation results in a public hazard or menace, then the City manager may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amount expended in so doing shall be a charge upon the owner so in violation.
- J. When service has been disconnected as provided in this chapter, the City manager may require that the person or persons who request that such service be reestablished furnish security acceptable to the City manager in a sum not to exceed five hundred dollars (\$500.00), payable to the City and conditioned upon compliance with the provision of this chapter, before granting permission to make such connection. Before such service will be reestablished, the person or persons making application for such reestablishment of service shall pay all expenses incurred by the City in causing such disconnection and in reestablishing such connection.
- K. It is unlawful to knowingly make any false statement, representation, record, report, plan, or other document, or to knowingly tamper with, bypass, or render inaccurate any sample monitoring device or equipment installed or operated pursuant to this chapter or to any permit issued under this chapter. In addition to any punishment or remedy provided by law, any such falsification or tampering shall be grounds for disconnecting said user from the sewer system.
- L. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- M. Appeals.
 - 1. Any user, permittee, applicant, or other person aggrieved by any decision, action, finding, determination, order, or directive of the City manager which is made or authorized pursuant to the provisions of this chapter, or which relates to any permit issued pursuant to this chapter, or to any interpretation or implementation of the same, may file a written request with the City manager for reconsideration thereof within ten (10) days of such decision, action, finding, determination, or order, setting forth in detail the facts supporting each user's or person's request for reconsideration. The City manager shall render a final decision within fifteen (15) days of the receipt of such request for reconsideration;
 - 2. Any user, permittee, applicant, or other person aggrieved by the final determination of the City manager may appeal such determination to the City council of Nevada City within fifteen (15) days after notification of the final determination of the City manager, and shall set forth in written detail the facts and reasons supporting the appeal. The appeal shall be heard by the City council within forty-five (45) days from the date of filing the notice of appeal. The appellant, the City manager, and such other persons as the City council may deem appropriate shall be heard at the hearing on such appeal.

3. The City council shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing, to all persons affected by such appeal, of the time and place fixed by the City council for hearing such appeal. The City council shall direct the City clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the City council, and to publish such notice once in a newspaper of general circulation within the City at least five (5) days prior to the date fixed for such hearing.
 4. Upon conclusion of such hearing, the City council may affirm, reverse, or modify the final determination of the City manager as the City council deems just and equitable, and in harmony with the provisions of the chapter. During the pendency of any such appeal, the final determination of the City manager shall remain in full force and effect. The City council's determination on the appeal shall be final.
 5. Pending decisions upon any appeal relative to the amount of any charge hereunder, the person making such appeal shall pay such charge. After the appeal is heard, the City council shall order refunded to the person making such appeal such amount, if any, as the City council shall determine should be refunded.
- N. Any person who intentionally or negligently violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who intentionally or negligently discharges waste or wastewater which causes pollution, or who so violates any cease and desist order, prohibition, effluent limitation, national standard of performance, or national pretreatment or toxicity standard may also be in violation of the Porter-Cologne Act and be subject to its sanctions, including ten thousand dollars (\$10,000.00) a day civil penalty.
- O. Every person who violates any provisions of this chapter is guilty of a misdemeanor and is punishable as provided in the Health and Safety Code Section 4766.
- P. The remedies provided for in this chapter shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the City.
- Q. Any person violating the provisions of this chapter shall become liable to the City for any expense, loss, or damage, including any fines levied upon the City, occasioned by the City by reason of such violation.”

SECTION II:

STATUTORY CONSTRUCTION & SEVERABILITY: It is the intent of the City Council of the City of Nevada City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Nevada City hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION III: Effective Date and Publishing Requirement.

This Ordinance shall become effective thirty (30) days after the adoption date thereof and within fifteen (15) days of the passage of this Ordinance, the City Clerk shall publish this Ordinance in The Union, a newspaper of general circulation.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held this ____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

October 28, 2020

TITLE: Action Minutes October 14, 2020 Regular City Council Meeting

RECOMMENDATION: Review and approve regular City Council meeting action minutes of October 14, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The action minutes for the October 14, 2020 are attached for review.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Regular City Council Meeting action minutes October 14, 2020

**CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF OCTOBER 14, 2020**

NOTE: This meeting is available to view on the City's website www.nevadacityca.gov – Go to Quick Links and Click on Agendas & Minutes and find the Archived Videos in the middle of the screen. Select the meeting date and Click on Video to watch the meeting. For website assistance, please contact Loree' McCay, Deputy City Clerk at (530) 265-2496, ext 134.

- City Council Meetings are available on DVD. To order, contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

CLOSED SESSION – None.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Present: Mayor Minett, Vice Mayor Strawser, Council Members Fleming and Fernández
Vacant: Council Member

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS:

BUSINESS FROM THE FLOOR:

1. PUBLIC COMMENT (Per Government Code Section 54954.3)

Please refer to the meeting video on the City's website at www.nevadacityca.gov.

Action: This item was moved to the end of the meeting after New Business.

(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS AND FUTURE AGENDA ITEMS:

3. CONSENT ITEMS:

A. Subject: Accounts Payable Activity Report – September 2020

Recommendation: Receive and file.

B. Subject: A Resolution for the Land Use Covenant and Agreement to Restrict Use of City Property – Environmental Restrictions, Providence Mine Sites

Recommendation: Pass Resolution 2020-73, a Resolution of the City of Nevada City Approving and Authorizing Mayor to Sign the Land Use Covenant and Agreement to Restrict Use of Property – Environmental Restrictions.

C. Subject: Amended Agreement for Public Safety Dispatch Services Between the City of Grass Valley, the Town of Truckee, the City of Nevada City and the County of

Nevada (July 1, 2020 through June 30, 2021)

Recommendation:

1. Review and approve the amended agreement for public safety dispatch services between the City of Grass Valley, the Town of Truckee, the City of Nevada City and the County of Nevada for the period of July 1, 2020 through June 30, 2021 and authorize the Mayor and City Manager to sign.
2. Pass Resolution 2020-74, a Resolution of the City Council of the City of Nevada City repealing an agreement for public safety dispatch services between the City of Grass Valley, the Town of Truckee, the City of Nevada City and the County of Nevada (July 1, 2020 through June 30, 2021) and approving an amended version of the agreement.

D. Subject: Resolution of Application for Prop 68 – Per Capita Funds

Recommendation: Pass Resolution 2020-75, a Resolution of the City Council of the City of Nevada City approving application(s) for Per Capita Grant funds and authorize the Mayor to sign.

E. Subject: A Resolution Approving the Application for Statewide Park Development and Community Revitalization Program Grant Funds

Recommendation: Pass Resolution 2020-76, a Resolution of the City Council of the City of Nevada City approving the application for Statewide Park Development and Community Revitalization Program grant funds and authorize the Mayor to sign.

F. Subject: A Resolution to Award a Bid for the Purchase of a Chevrolet Tahoe LT for the Police Department

Recommendation: Pass Resolution 2020-77, a Resolution of the City Council of the City of Nevada City to Award a Bid to Folsom Chevrolet for \$64,882.75 to Purchase a 2021 Chevrolet Tahoe LT for the Police Department.

G. Subject: Action Minutes September 23, 2020 Regular City Council Meeting

Recommendation: Review and approve regular City Council meeting action minutes of September 23, 2020.

Action: Motion by Strawser, seconded by Fleming to approve items 3A and 3G as presented.

(Approved 4-0, Vacancy 1, Roll call votes ayes; Minnett, Strawser, Fleming and Fernández)

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: Restoration of Parking Enforcement

Recommendation: City Council to provide staff direction as to the restoration of parking enforcement for violations that are occurring.

Action: City Council provided staff direction to restore parking enforcement.

B. Subject: Emergency Proclamation Amendment to Extend the Relaxed Outdoor Dining Regulations Approved May 27, 2020

Recommendation: It is recommended that the City Council direct the City Manager, acting as the Director of Defense and Disaster, to amend Emergency Proclamation, a Proclamation by the Director of Defense and Disaster of the City of Nevada City, authorizing the creation of an administrative program in response to Covid-19 to temporarily relax outdoor dining regulations, signage regulations, and on-site parking requirements, and to waive related fees, to extend the outdoor

dining regulations approved May 27, 2020 from 11:59 P.M. November 19, 2020 to 11:59 P.M. March 31, 2021.

Action: Motion by Strawser, seconded by Fernández to provide direction the City Manager, acting as the Director of Defense and Disaster to amend the Emergency Proclamation, a Proclamation by the Director of Defense and Disaster of the City of Nevada City, authorizing the creation of an administrative program in response to Covid-19 to temporarily relax outdoor dining regulations, signage regulations, and on-site parking requirements, and to waive related fees, to extend the outdoor dining regulations approved May 27, 2020 from 11:59 P.M. November 19, 2020 to 11:59 P.M. March 31, 2021.

(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)

5. PUBLIC HEARINGS:

A. Subject: An Ordinance of the City of Nevada City Amending Sections 16.04.370 16.04.480 of the Nevada City Municipal Code to Update the City's Subdivision Ordinance Pertaining to Term Limits of Tentative Maps in Compliance with the State Subdivision Map Act

Recommendation:

1. Pass Resolution 2020-78, approving a Notice of Exemption Related to adoption of Ordinance 2020-18 updating the City's Municipal Code pertaining to term limits of tentative maps.
2. Waive Reading of Ordinance, read title only and introduce for first reading: Ordinance 2020-18, an Ordinance of the City of Nevada City amending sections 16.04.370 and 16.04.480 of the Nevada City Municipal Code to update the City's Subdivision Ordinance pertaining to term limits of tentative maps in compliance with the state Subdivision Map Act.

Action: Motion by Strawser, seconded by Fernández to pass Resolution 2020-78, approving a Notice of Exemption Related to adoption of Ordinance 2020-18 updating the City's Municipal Code pertaining to term limits of tentative maps.

(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)

Action: Motion by Fernández, seconded by Strawser to Waive Reading of Ordinance, read title only and introduce for first reading: Ordinance 2020-18, an Ordinance of the City of Nevada City amending sections 16.04.370 and 16.04.480 of the Nevada City Municipal Code to update the City's Subdivision Ordinance pertaining to term limits of tentative maps in compliance with the state Subdivision Map Act.

(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)

B. Subject: An Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System

Recommendation: After holding a public hearing, approve for introduction and first reading of Ordinance by title only, waiving further reading of the entire Ordinance, adopt Ordinance 2020-19 to repeal and reenact a revised and corrected Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System.

Action: Motion by Fernández, seconded by Fleming to approve for introduction and first reading of Ordinance by title only, waiving further reading of the entire Ordinance, adopt Ordinance 2020-19 to repeal and reenact a revised and corrected Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System.

(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)

C. Subject: A Public Hearing to Review the Use of Funds and Program Performance

for the City of Nevada City’s Community Development Block Grants (CDBG) -15-CDBG-10572

Recommendation: Receive and file.

Action: No action, receive and file.

The Mayor called a recess at 8:29 PM, the meeting resumed at 8:35 PM.

6. OLD BUSINESS:

A. Subject: Pedestrian Friendly Commercial Street Project

Recommendation: Review Pedestrian Friendly Commercial Street Project and provide staff direction for developing a Final Phase II Commercial Street Improvement Plan.

Action: City Council provided staff direction to proceed in the development of final Phase II Commercial Street Improvement Plan with Architect, Rebecca Coffman’s, Plan B with the modifications of 9 ft. sidewalks (versus 10 ft. shown), use of granite for the front of the sidewalks consistent with other sidewalk locations in the City (granite will be added to the 9 ft. modification), use of crosswalk brick/material to be color compatible with the granite fronts of the sidewalks (versus the red shown), removal of the 4 trees at the Commercial St. and N. Pine St. intersection (keeping the trees at lower Commercial St.), installation of bollards at Commercial St. and Pine St. and lower Commercial St. and pursuance of long term changes to balconies and supportive posts to be consistent with the visual aids provided by the Historical Society. Staff was also directed to review the alternative 3 provided by Pamela Meek. This plan to be brought back to Council once the modifications are complete on the consent calendar.

7. NEW BUSINESS:

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER’S REPORT: Verbal report provided.

11. ADJOURNMENT: - 10:15 PM

AYES: MINETT, STRAWSER, FLEMING, FERNÁNDEZ

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Erin Minett, Mayor

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

October 28, 2020

TITLE: Update on City Council Six - Month Strategic Objectives

RECOMMENDATION: Review six-month strategic objectives, discuss and provide staff direction on setting the next strategic planning date.

CONTACT: Catrina Olson, City Manager

BACKGROUND/DISCUSSION:

On February 10, 2020, the City Council, Planning Commission and executive staff held a planning retreat in the City Hall Council Chambers, facilitated by Marilyn M. Snider. The focus retreat included the review of the three-year goals for the organization and identification of the six-month strategic objectives.

The four goals not in priority order:

- Improve Citywide infrastructure with emphasis on increased parking;
- Improve Citywide technology;
- Improve and manage fiscal stability and sustainability;
- Improve safety and security of the City residents and visitors; and
- Enhance long-term planning documents (*this was a prior goal and was removed*).

The attendees then reviewed the above-mentioned goals and developed 19 specific six-month strategic objectives (as outlined in the attached grid), specific performance measures and a follow-up process to ensure progress is monitored.

Consistent with the City Council's direction, a monthly status report has been prepared to provide an update on attainment of the Council's six-month objectives. The attached grid outlines the status of each objective and, where appropriate, includes comments to provide additional information about select objectives. The date of completion for several objectives have been revised. The changes are noted in the comments on the grid. Many of the outlined objectives have been revised, put on hold or abandoned due to the COVID-19 pandemic and unknown financial impacts the City will be facing.

Due to the vacancy on City Council and COVID-19, the normally scheduled August 2020 strategic planning session was postponed. Council requested rescheduling the planning session once the vacancy is filled. The November 3 election will determine who will fill the vacancy on City Council. The elected Council member would take their seat at the December 9, 2020 meeting. After staff discussion with Marilyn Snyder, the City's strategic planning consultant, it was suggested that the City hold a strategic planning session in December 2020. It was discussed this would be good timing based on the newest Council member being able to participate, in addition a great platform to having an updated plan to start the new year.

Staff is seeking direction from Council as to whether to pursue setting a date for a Zoom strategic planning session in December 2020, or providing other possible future dates.

FINANCIAL CONSIDERATIONS: None.

ATTACHMENT:

- ✓ 6-Month Strategic Objectives Grid

NEVADA CITY

SIX-MONTH STRATEGIC OBJECTIVES

February 10, 2020 – August 1, 2020

THREE-YEAR GOAL: <i>Improve citywide infrastructure with emphasis on increased parking</i>						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the March 25, 2020 City Council meeting	City Engineer (lead), City Manager, Police Chief and Public Works Superintendent, working with the Consulting Attorney and the neighborhood	Present to the City Council for direction a Safety Plan for Clark Street and a Site Plan for Clark Street parking lot construction and associated trails and bridge.			X	COVID-19 has limited our ability to meet with this neighborhood to create a plan. The City has painted crosswalks at Clark and Pine. To be rolled forward
2. At the April 8, 2020 City Council meeting	City Engineer and City Manager	Present to the City Council for action a professional services agreement for a consultant to perform a preliminary design and cost estimate for a parking structure at Spring Street.			X	On hold due to COVID-19 and financial impacts the City does not currently have funding available for this.
3. At the May 27, 2020 City Council meeting	City Manager and City Engineer	Present to the City Council for action a BID request award for initial work on the Nevada Street Bridge Project and recommend a funding source for inclusion in the 2020-2021 Budget.			X	To be rolled forward due to COVID-19
4. At the June 18, 2020 Planning Commission meeting	City Manager (lead) and City Engineer, working with the City Planner and Rebecca Coffman	Complete Phase II design work for Commercial Street streetscape improvements and present to the Planning Commission for a recommendation to the City Council.			X	Revised Phase II final design to Council November 18, 2020

THREE-YEAR GOAL: *Improve citywide technology*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the March 25, 2020 City Council meeting	City Planner and Technology Committee	Identify technology solutions for the Council Chambers to improve meeting production and efficiency.			X	November 18, 2020 limited plan due to lack of funding tied to COVID-19.
2. At the April 22, 2020 City Council meeting	City Manager, working with Michael Anderson of ClientWorks	Provide a progress report to the City Council on the Fiber Optics Project.			X	On hold due to COVID-19
3. At the April 22, 2020 City Council meeting	Administrative Services Manager	Identify future accounting software, including costs and funding options, and request from the City Council that money is set aside in the 2020-2021 Budget.			X	This project will be put on hold for an unknown period of time due to lack of ability to fund related to COVID- 19.
4. At the June 10, 2020 City Council meeting	Public Works Superintendent, working with a consultant	Present a water meter technology upgrade strategy, including funding options, to the City Council for direction.			X	This project will be put on hold for an unknown period of time due to lack of ability to fund related to COVID- 19.
5. At the June 24, 2020 City Council meeting	City Planner	Present at least two permit tracking software options to the City Council for direction.			X	Recently notified of funding award currently in discussion of getting costs from vendors tentatively December 9, 2020

THREE-YEAR GOAL: *Improve and maintain fiscal stability and sustainability*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the April 8, 2020 City Council meeting	Mayor Reinette Senum, with input from the Nevada County Arts Council	Present to the City Council a Citywide Art Installation Plan, timeline and promotion for consideration.			X	On hold due to COVID-19.
2. At the May 13, 2020 City Council meeting	City Manager	Present the results of the AB1600 Development Impact Fees Study and recommend adoption of the fees to the City Council.			X	Currently still in process – revise date to December 9, 2020 due to COVID-19 interruption.
3. At the June 10, 2020 City Council meeting	City Manager and Administrative Services Manager	Present a pre-funding pension option for CalPERS unfunded liabilities to the City Council for action.			X	On hold until further notice due to unstable financial condition and lack of funding options because of COVID-19.
4. By June 15, 2020	City Manager (lead), City Attorney, City Engineer and Consulting City Engineer	Complete legal and practical requirements to place a tax measure on the ballot to extend Measure S's one half-cent sales tax and to fund water distribution, wastewater collection and roads.	X			
5. At the July 22, 2020 City Council meeting	City Planner, with input from the 100% Renewables Committee	Review and present to the City Council the progress on the 2015 Energy Action Plan goals.	X			

THREE-YEAR GOAL: *Improve safety and security of the city residents and visitors*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By the April 22, 2020 City Council meeting	Fire Chief (lead), City Attorney and Councilmember Erin Minett	Report back to the City Council with recommendations to amend the hazardous vegetation ordinance to include overhanging trees.	X			Staff recommends not moving forward with this because in most instances, it is a neighbor dispute (civil) and an Ordinance could open the City up to liability and would be difficult to enforce.
2. At the April 22, 2020 City Council meeting	Councilmember Erin Minett	Recommend to the City Council the appointment of specific categories as members of a Nevada City Fire Safety Advisory Committee to assist in defining goals and objectives for overall citywide vegetation management.	X			
3. By the May 13, 2020 City Council meeting	Councilmember Erin Minett	Host a citywide Town Hall meeting to address fire concerns and educate the public on the high/low sirens.			X	On hold due to COVID-19
4. At the May 13, 2020 City Council meeting	Public Works Superintendent and Police Chief	Propose to the City Council a plan to include security at City facilities.	X			
5. At the May 13, 2020 City Council meeting	Police Chief (lead), City Attorney and Fire Chief	Present a new ordinance to the City Council preventing camping on Sugar Loaf Mountain and the Nevada City Trails due to the extreme public safety issues of wildfires and contaminated water- ways.	X			Staff is recommending not moving forward with this at this time because other jurisdictions such as Yuba County and Sacramento that have put this type of Ordinance in place have received lawsuits associated to such Ordinance.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

October 28, 2020

TITLE:— **Resolution 2020-XX of the City Council of Nevada City Authorizing the Application for the Permanent Local Housing Allocation Program Non-Entitlement Local Government Competitive Component**

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City authorizing the application for the Permanent Local Housing Allocation Program (PLHA) non-entitlement local government competitive component.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The Department of Housing and Community Development (HCD) has been authorized to provide \$15 million to Cities and Counties from SB 2 Permanent Local Housing Allocation Program Competitive Component from the Building Homes and Jobs Trust Fund for affordable housing projects.

HCD issued a Notice of Funding Availability (NOFA) dated 8/31/2020 under the PLHA Program. The City of Nevada City is an eligible non-entitlement local government who has applied for program funds to administer to an eligible activity. This Resolution would authorize the Regional Housing Authority (RHA) and the Central California Housing Corporation (CCHC) to submit an application on behalf of the City to be provided back to RHA and CCHC for the Cashin's Field Affordable Housing Project.

If the City is awarded a grant of PLHA funds from the Department pursuant to the above referenced PLHA Competitive Component NOFA, it certifies that the City will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts the City may have with the Department.

The City agrees that, if funds are awarded for the development of an Affordable Rental Housing Development, the Local Government shall make PLHA assistance in the form of a low-interest, deferred loan to RHA and CCHC for the Cashin's Field Affordable Housing Project. The loan would be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with the Department-approved underwriting of the Project for a term of at least 55 years.

FISCAL IMPACT: None.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Authorizing the Application for the Permanent Local Housing Allocation Program (PLHA) Non-Entitlement Local Government Competitive Component

RESOLUTION NUMBER 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY AUTHORIZING THE APPLICATION FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM NON-ENTITLEMENT LOCAL GOVERNMENT COMPETITIVE COMPONENT

A majority of the City Council of the City of Nevada City, California a municipal law corporation (“Applicant”), hereby consents to, adopts and ratifies the following resolution:

- A. **WHEREAS**, the Department is authorized to provide up to \$15 million under the SB 2 Permanent Local Housing Allocation Program Competitive Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq.

(Chapter 364, Statutes of 2017 (SB 2));
- B. **WHEREAS** the State of California (the “State”), Department of Housing and Community Development (“Department”) issued a Notice of Funding Availability (“NOFA”) dated 08/31/2020 under the Permanent Local Housing Allocation (PLHA) Program Competitive Component;
- C. **WHEREAS** the City of Nevada City is an eligible non-entitlement Local government who has applied for program funds to administer an eligible activity; and
- D. **WHEREAS** the Department may award, subject to selection criteria set forth in PLHA guidelines section 403, funding allocations for applicants recommended for funding, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement and other contracts between the Department and PLHA competitive grant recipients.

NOW THEREFORE BE IT RESOLVED THAT:

- 1. If Applicant is awarded a grant of PLHA funds from the Department pursuant to the above referenced PLHA Competitive Component NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.
- 2. Applicant hereby agrees to use the PLHA funds for the eligible activity for which the Applicant has submitted an application, as set forth in Section 401 of the Guidelines, and as awarded and approved by the Department in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement and other contracts between the Applicant and the Department.

3. Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for the eligible Activity for which the Applicant has submitted an application, and consistent with all program requirements.
4. Applicant certifies that, if funds are awarded for the development of new multifamily housing at or below 60 AMI or substantial rehabilitation of multifamily rental housing at or below 60 percent of AMI, Applicant shall comply with Uniform Multifamily Regulations Subchapter 19, Title 25, Division 1, Chapter 7, commencing with Section 8300 and the Multifamily Housing Program Guidelines commencing with Section 7300,;
5. Applicant certifies that, if funds are awarded for the development of an Affordable Rental Housing Development, the Local Government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with the Department-approved underwriting of the Project for a term of at least 55 years.
6. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department.
7. Catrina Olson, City Manager, is authorized to execute the PLHA Competitive Component Program Application, the PLHA Competitive Component Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA Competitive Component grant awarded to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED at a regular meeting of the City of Nevada City this
28th day of October 2020 by the following vote:

AYES:

ABSTENTIONS:

NOES:

ABSENT:

Approved as to Form: _____

Niel Locke, City Clerk

INSTRUCTION: The attesting officer cannot be the person identified in the resolution as the authorized signor

CERTIFICATE AND SIGNATURE OF THE ATTESTING OFFICER

The undersigned, Officer of Niel Locke does hereby attest and certify that the [foregoing / attached] Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the City of Nevada City which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST:

Signature of Attesting Officer

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

October 28, 2020

TITLE: Resolution 2020-XX of the City Council of Nevada City Supporting Measure “M”, a Ballot Measure to Continue a 1/2-Cent Sales Tax for City Streets, Sidewalks and Drainage and Adding Water Distribution and Sewer Collection Systems

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City supporting Measure “M” a ballot measure to continue a 1/2-cent sales tax for City streets, sidewalks and drainage and adding water distribution and sewer collection systems.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION: In 2006, Nevada City voters approved a half-cent local transactions and use tax that funds the City's streets, including sidewalks, pathways and street drainage.

This tax is collected along with other state and local sales and use taxes. Because the rate of the tax is 0.5%, the tax on a \$1.00 taxable purchase is one-half cent. The tax will expire on March 31, 2023.

Measure M would replace the existing tax and remove the 2023 sunset date. Proceeds of the new tax could be used by the City only to improve and maintain Nevada City's streets, sidewalks, pathways, drainage, and water distribution and sewer collection systems and for no other purposes. The rate of the tax would not change.

If Measure M is approved, the existing tax will not be collected after December 31, 2021 and the new tax will start being collected on January 1, 2022.

The combined rate of all state and local sales taxes on a one-dollar purchase in Nevada City is 8.375 cents. Of this, the City levies only:

- the half-cent tax that would be replaced by this measure;
- a 0.375 cent "fire and police" tax; and
- a one cent tax known as the Bradley-Bums Tax that is imposed by each city in California.

These taxes levied by Nevada City total 1.875 cents. The remaining 6.5 cents of sales taxes are levied by the State of California and by Nevada County. Measure M would not increase the overall tax rate above the rate currently in place.

LEGAL COMPLIANCE: In compliance with state law, the City Council is permitted go on record at a council meeting in support of a ballot measure (*League of Women Voters of California v. Countywide Criminal Justice Coordination Committee* (1988) 203 Cal.App.3d 529, 550) but no public funds will be used to support any campaign activities or against the measure.

FISCAL IMPACT: Provides approximately \$550,000 annually.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City Supporting Measure “M” a Ballot Measure to Continue a 1/2-Cent Sales Tax for City Streets, Sidewalks and Drainage and Adding Water Distribution and Sewer Collection Systems

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY SUPPORTING MEASURE “M,” A BALLOT MEASURE TO CONTINUE A 1/2-CENT SALES TAX FOR CITY STREETS, SIDEWALKS AND DRAINAGE AND ADDING WATER DISTRIBUTION AND SEWER COLLECTION SYSTEMS

WHEREAS, the City of Nevada City voters approved Measure “S” a ½ cent local transactions and use tax in 2006 that funded the City’s streets, including sidewalks, and street drainage; and

WHEREAS, the ½ cent local transaction and use tax expires on March 31, 2023 and the need for the revenue to fund these uses, as well as the City’s water and sewer systems continues to exist; and

WHEREAS, on July 8, 2020 the Nevada City Council, as part of the City’s strategic plan, unanimously approved adding a ballot measure to extend the ½ cent sales tax for the same purposes additionally adding water distribution and sewer collection system infrastructure removing the sunset clause; and

WHEREAS, on July 27, 2020 the City submitted Resolution 2020-50 to the County of Nevada to add the ballot question to add the ½ cent local transaction and use tax the November 2020 naming it Measure “M”.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City supports Measure “M” as it will continue to provide a much needed funding source for the development and maintenance of the City’s streets, sidewalks, and drainage systems, while adding a new source of revenue to assist the City in its provision and maintain of its water distribution and sewer collection system; and

BE IT FURTHER RESOLVED THAT, in compliance with state law, no public funds shall be used in the campaign for or against the measure.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 28th day of October 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk