

CITY OF CRESCENT CITY

Mayor Blake Inscore
Council Member Alex Fallman
Council Member Isaiah Wright

Mayor Pro Tem Heidi Kime
Council Member Jason Greenough

AGENDA REGULAR CITY COUNCIL MEETING VIRTUAL VIA ZOOM

MONDAY

SEPTEMBER 21, 2020

6:00 P.M.

Due to the current public health emergency resulting from COVID-19, the public may access and participate in the public meeting using one or more of the following three methods: (1) participate online via Zoom – details to join the meeting will be on both the [City of Crescent City – City Hall Facebook page](#) as well as the [City of Crescent City website \(www.crescentcity.org\)](#); (2) watch the meeting via livestream on YouTube (Channel: City of Crescent City, California) and submit comments via publiccomment@crescentcity.org; or submit a written comment by filing it with the City Clerk at 377 J Street, Crescent City, California 95531 prior to 4:00 pm, September 21, 2020. If you require a special accommodation, please contact City Clerk Robin Patch at 464-7483 ext. 223.

OPEN SESSION

Call to order
Roll call
Pledge of Allegiance

PUBLIC COMMENT PERIOD

Any member of the audience is invited to address the City Council on any matter that is within the jurisdiction of the City of Crescent City. Comments of public interest or on matters appearing on the agenda are accepted. Note, however, that the Council is not able to undertake extended discussion or act on non-agendized items. Such items can be referred to staff for appropriate action, which may include placement on a future agenda. All comments shall be directed toward the entire Council. Any comments that are not at the microphone are out of order and will not be a part of the public record. After receiving recognition from the Mayor, please state your name and city or county residency for the record. Public comment is limited to three (3) minutes. The public is additionally allotted three minutes each in which to speak on any item on the agenda prior to any action taken by the Council.

CEREMONIAL ITEMS

1. Moment of silence for Crescent Fire and Rescue Firefighter David Soule

CONSENT CALENDAR

2. Council Meeting Minutes

- Recommendation: Approve the September 8, 2020 special meeting minutes of the City Council.

3. Warrant Claims List

- *Recommendation: Receive and file the warrant claims list for the period September 1, 2020 through September 14, 2020.*

4. Payroll Report

- *Recommendation: Receive and file the biweekly payroll report for the period ending September 4, 2020 paid September 18, 2020.*

5. Surplus Equipment

- *Recommendation: Declare the attached list of equipment surplus and authorize staff to auction the equipment*

6. Budget-to-Actual Financial Report for August 2020

- *Recommendation: Receive and file the monthly budget-to-actual financial report of the City's major operating funds for the month of August 2020*

7. League of California Cities Virtual Annual Conference Budget Allocation

- *Recommendation: Authorize the City Manager to expend up to \$400 in registration fees for various staff and Council to attend the virtual 2020 League of California Cities Annual Conference.*

REPORTS AND PRESENTATIONS

8. Beachfront Park Prop 68 Update

PUBLIC HEARINGS - None

CONTINUING BUSINESS

9. Discussion of Beach Fire Regulations

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Direct staff on changes to beach fire regulations*

NEW BUSINESS

10. Selection of a Firm to Perform a Climate Change Readiness Study Plan for the Crescent City Wastewater Treatment Plant

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Authorize the City Manager to sign Task Order 12 to the professional services agreement with Stover Engineering to prepare a Climate Change Readiness Study Plan, in the not-to-exceed amount of \$60,000*

11. Donation of Drug Terminator by RX Safe Del Norte

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Authorize the City Manager to accept the donation of Drug Terminator from RX Safe Del Norte*

12. Resolution Packet for the 2020 League of California Cities Annual Conference

- *Recommendation: Hear staff report*
- *Receive public comment*

- Consider and take a position on the resolution for the voting delegate to represent the City at the 2020 League of California Cities Annual Conference.

CITY COUNCIL ITEMS

- **Legislative Matters** – Consider miscellaneous legislative matters pertinent to the City of Crescent City. Authorize the Mayor to sign the appropriate letters and/or positions with respect to such matters.
- **City Manager Report and City Council Directives** – Pursuant to Crescent City Municipal Code § 2.08.200, the City Council may instruct the city manager on matters of importance to the administrative services of the City and provide direction with respect to subordinates of the City Manager. (Directives from individual Council Members that are not objected to by any member present shall be considered an order of the City Council.)
 - **Pool report**
- **Reports, Concerns, Referrals, Council travel and training reports** – In accordance with Gov't Code § 54954.2(a), City Council Members may make brief announcements or brief reports on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda.

ADJOURNMENT

***Adjourn to the regular meeting of the City Council of the City of Crescent City scheduled for Monday, October 5, 2020 at 6:00 p.m., via Zoom, Crescent City, CA 95531.

POSTED:

September 18, 2020

/s/ Robin Patch

City Clerk/Administrative Analyst

Vision:

The City of Crescent City will continue to stand the test of time and promote quality of life and community pride for our residents, businesses and visitors through leadership, diversity, and teamwork.

Mission:

The purpose of our city is to promote a high quality of life, leadership and services to the residents, businesses, and visitors we serve. The City is dedicated to providing the most efficient, innovative and economically sound municipal services building on our diverse history, culture and unique natural resources.

Values:

Accountability
Honesty & Integrity
Excellent Customer Service
Effective & Active Communication
Teamwork
Fiscally Responsible

Moment of silence for Firefighter David Soule





CITY OF CRESCENT CITY

Mayor Blake Inscore
Council Member Alex Fallman
Council Member Isaiah Wright

Mayor Pro Tem Heidi Kime
Council Member Jason Greenough

MINUTES
SPECIAL CITY COUNCIL MEETING
VIRTUAL VIA ZOOM

TUESDAY

SEPTEMBER 8, 2020

6:00 P.M.

CLOSED SESSION

Call to order Mayor Inscore called the closed session to order at 5:04 p.m.

Roll call Council Members present: Council Member Alex Fallman, Council Member Jason Greenough, Council Member Isaiah Wright, Mayor Pro Tem Heidi Kime, and Mayor Blake Inscore
Staff present: City Manager Eric Wier, City Attorney Martha Rice, and Human Resources Administrator Sunny Valero

ANNOUNCEMENT OF CLOSED SESSION ITEMS

- **Conference with Legal Counsel: Existing Litigation** (Govt. Code § 54956.9(d)) **Alice Brown v. State of California, et al., Case No. 18-CV-7826-EMC, William Paul v. City of Crescent City, et al., N.D. Cal (20-CV-01967-CRB)**
- **Conference with Labor Negotiator** (Gov. Code § 54957.6), **City Representative: Eric Wier, Employee Organizations: Crescent City Employees Association, Crescent City Management Employees Association, Clerical Employees of Crescent City Association and Crescent City Police Officers Association**

There were no public comments on closed session items.

OPEN SESSION

Call to order Mayor Inscore called the open session to order at 6:02 p.m.

Roll call Council Members present: Council Member Alex Fallman, Council Member Jason Greenough, Council Member Isaiah Wright, Mayor Pro Tem Heidi Kime, and Mayor Blake Inscore
Staff present: City Manager Eric Wier, City Attorney Martha Rice, City Clerk/Administrative Analyst Robin Patch, Human Resources Administrator Sunny Valero, Finance Director Linda Leaver, Housing Authority Executive Director Megan Miller, Public Works Director Jon Olson, Police Chief Richard Griffin, and Fire Chief Bill Gillespie

Pledge of Allegiance led by Mayor Inscore

REPORT OUT ON CLOSED SESSION

City Attorney Rice reported there were no actions taken on closed session items.

PUBLIC COMMENT PERIOD

The following citizens addressed the Council:

Jeff McCaddon: submitted a public comment via email for City Clerk to read aloud: spoke in regard to the current pandemic, the economic crisis, civil rights and the United States Constitution.

Linda Sutter: stated that the Council is placing residents in peril for the Hwy 199 item on the agenda and she curses the Council if they vote yes on the item. She further stated that it is her hope that the first people to perish on 199 be a Council Member or one of their family members.

CEREMONIAL ITEMS

1. Constitution Week Proclamation

Mayor Inscore read the proclamation aloud, DAR California State Recording Secretary Wendy Malone thanked the Council for recognizing the Proclamation and gave the history of the week.

Jeff McCaddon: spoke against the Council doing a proclamation for the Constitution as he was of the opinion the Council did not support the Constitution.

Mayor Inscore spoke against any violence to anyone, stated that Ms. Sutter's comments about hoping someone would lose their life was inappropriate. Wishing death on a Council Member or their family is the worst of humanity. The Council also took an Oath to the Constitution of the United States and the Constitution of the State of California and every one of these Council Members have upheld the Constitution and holds it in great respect. Mayor Pro Tem Kime stated as someone who has been in a head on collision on the road Ms. Sutter spoke of, she appreciated Mayor Inscore's statement. Council Member Wright stated that for someone who has lost a child he also appreciates Mayor Inscore's eloquent statement in support of the Council. Council Member Fallman echoed his fellow Council Members comments and said the discord in the country has become deadly and he had hoped Crescent City was immune to it, but that is not the case. Council Member Greenough also stated that anyone who wishes death on anyone is despicable and that we should be coming together.

CONSENT CALENDAR

2. Council Meeting Minutes

- *Recommendation: Approve the August 17, 2020 regular meeting minutes of the City Council.*

3. Warrant Claims List

- *Recommendation: Receive and file the warrant claims list for the period August 8, 2020 through August 31, 2020.*

4. Payroll Report

- *Recommendation: Receive and file the biweekly payroll report for the period ending August 29, 2020 paid September 4, 2020.*

5. CCPD Budget Amendment for Training and Travel Request for Chief Griffin

- *Recommendation: Adopt Resolution No. 2020-77, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AMENDING THE FISCAL YEAR 2020-2021 BUDGET*

6. Amend the Standard Volunteer RV Park Camp Host Agreement

- *Recommendation: Adopt Resolution No. 2020-78, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AMENDING THE STANDARD VOLUNTEER RV PARK CAMP HOST AGREEMENT*

On a motion by Mayor Pro Tem Kime, seconded by Council Member Wright, and carried unanimously on a 5-0 polled vote the City Council of the City of Crescent City adopted the consent calendar consisting of items 2-6 as presented.

REPORTS AND PRESENTATIONS - None

PUBLIC HEARINGS - None

CONTINUING BUSINESS - None

NEW BUSINESS

7. Beach Fire Regulations

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Give direction to staff on future actions requested*

City Manager Wier stated that there have been some complaints about beach fires on private property. The areas not included are Lighthouse Way (between Front and Batter Point) that are located outside of the prohibited area. Fire Chief Gillespie spoke on beach fires and how even fires that have been put out still can produce enough heat for a burn injury. He also reported where the most calls come from. Council Member Greenough asked how many calls in the area they have gone one; Chief Gillespie reported 8 calls since June 1st and 14 on the areas outside that with the majority being Battery Point. Council Member Greenough doesn't want to criminalize something that everyone wants to enjoy because a few people make mistakes, especially it seems that it doesn't seem like it's a huge problem. Mayor Inscore stated that the areas where the fires are being built are not public spaces, but private property. He further stated that there should be no fires within those areas where there are residences, in his opinion. There should be increased access and fire rings on Howe Drive. Council Member Greenough agreed with protecting the homes and thought that perhaps we could extend where they can be burn. Council Member Fallman suggested a fire curfew to make it easier to manage. The proximity to homes is what makes him nervous. Council Member Wright stated that a couple of those homeowners are of an older generation and he is concerned with their being able to evacuate should there be a fire on the beach that comes close to their property. Mayor Pro Tem Kime loves having bonfires on the beach and that it is something that many Californians have enjoyed throughout the years. Spoke about an unattended fire that went on for quite some time and that it took about 2 hours for the fire department to put out since it grew too much. Doesn't want to take away beach fires, would like to see restrictions close to the bluff. Is leary of banning the things that make our community wonderful and enjoyable that those in Southern California cannot do. Mayor Inscore said he is concerned with the public understanding doing a fire in a public or private area, they won't know where the appropriate spot is even with signage. Chief Gillespie said it's a hardship for the fire department to get down to the fire to put it out. Mayor Inscore stated he would agree

with 6th St being the limit as there are no homes there or near Preston Island. Is more concerned with 6th St to the end of Lighthouse Way due to the homes being there.

Herman Rinkel: likes having beach fires as he lives in the area. The problem is the burning of inappropriate items as well as parties. Suggested permitting to have one for oversight at no cost.

Tamera Leighton: my house is 120 years old and has called in many unsafe fires never one that was small and safe. Not opposed to fires, but those built next to the brush. Permitting makes sense as well as using Preston Island.

Linda Perry: was surprised by the signs and that the code stops at 6th St.; people build up against the brush line and wanted the protection expanding further than 6th.

Natalie Phanning: it is a continued behavior from tourists and locals alike. Disagrees with permits for use on a private property.

Mayor Pro Tem Kime stated it sounds like the ordinance already in place isn't being enforced so what is the guarantee that if we were to create a new one, it will be enforced. City Manager Wier stated that staff will enforce with the resources we have to do so. Council Member Greenough suggested educating people who are visiting & residing here of the rules, supports signage. City Manager Wier stated that temporary signs are already in place prohibiting fires in those locations, permanent ones will be placed. Council Member Greenough suggested telling people where they can have the fires on the sand; Chief Gillespie said that would be difficult as most people want to be out of the wind and against the bluff. Council Member Fallman stated that there has not been a house that has burnt down since this ordinance was written, encouraged enforcement for when the fires get out of hand. Council Member Wright agreed with more enforcement. Mayor Inscore stated that there is an area that doesn't have a protection (the streets not covered). Mayor Pro Tem Kime stated that the problem isn't with tourists or families for small campfires, Ms. Fahning spoke about mattresses being burnt, etc. Chief Griffin addressed the lack of enforcement and stated that he will change that and tell his officers to patrol for enforcement. He encouraged citizens to call in the beach fires so CCPD knows they are happening. Will also work with Fish & Game. Mayor Inscore stated that the area needs to be extended to Battery Point to be added to the prohibited area. Council Member Greenough stated that clear signage for the rules will help; Mayor Inscore agreed as well as all down Howe Drive. There was no consensus to have the prohibited areas be from Front St on to the end of Lighthouse Way to extend to guidelines; Mayor Pro Tem Kime and Council Member Greenough stated that signage and enforcement should be first. Mayor Inscore should the properties have consistent code they can apply and ask enforcement for? Mayor Pro Tem Kime answered yes but add the signage and enforcement. Council Member Greenough suggested saying the beach fires just say to be on the sand. Mayor Inscore stated that from Front and 6th St there are no fire rings for people to use according to the municode. Council Member Wright asked for clarification of the use of fire rings; Mayor Inscore said it's from 3rd to 6th; there should be consistency from 6th to the lighthouse. There was no consensus to make any changes. City Manager Wier suggested the Council make a motion.

Council Member Greenough made made the following motion: Put signs up in the areas of where it is currently prohibited stating that fires are prohibited and place signage where it is allowed. It should further say you should have it on the beach, for it to be put completely out and there will be a penalty to not do so. *Mayor Inscore stated there is already consensus on all of those items. Council Member Greenough withdrew his motion.*

On a motion by Council Member Fallman, seconded by Mayor Inscore and carried unanimously on a 5-0 polled vote, the City Council of the City of Crescent City agreed to amend Ordinance 559 to extend the prohibition of beach fires on public beaches from the last residence on Lighthouse Way to 6th St.

Natalie Fahning: her main concern is fires near the homes. Needs to be extended to protect the homes, all of them.

Herman Rinkel: agreed for the area to be extended

Tamera Leighton: wants her home and neighbors to be protected doesn't understand why their homes would be excluded.

Linda Sutter: what has the Coastal Commission said about this?

Discussion on having City provided fire rings spots; there was unanimous Council consensus to have them provided. There was also consensus that the whole ordinance needs to be revisited and rewritten.

Mayor Inscore called a 10-minute recess at 7:58 to reconvene by 8:10pm. Mayor Inscore called the meeting back to order at 8:10pm.

8. Safe STAA Access on State Route 197/US Hwy 199

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Adopt Resolution No. 2020-79, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY ENDORSING THE SAFE SURFACE TRANSPORTATION ASSISTANCE ACT ACCESS ON CALIFORNIA STATE ROUTE 197 AND US HIGHWAY 199 FROM US HIGHWAY 101 TO INTERSTATE 5*

City Manager Wier reported to the Council that what is being requested is a letter of support for this project for Del Norte Local Transportation Commission Executive Director Tamera Leighton; presently this project is held up in court. Executive Director Leighton has said the City Council has supported this project since 2008 since LTCO has received funding. The Council was in agreement that the road needs to be widened for the sake of safety.

Linda Sutter: said that if the Council read the court case, they wouldn't support this project. She stated that it was Walmart who proposed it.

On a motion by Council Member Greenough, seconded by Mayor Pro Tem Kime, and carried unanimously on a 5-0 polled vote, the City Council of the City of Crescent City adopted Resolution No. 2020-79, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY ENDORSING THE SAFE SURFACE TRANSPORTATION ASSISTANCE ACT ACCESS ON CALIFORNIA STATE ROUTE 197 AND US HIGHWAY 199 FROM US HIGHWAY 101 TO INTERSTATE 5

9. CalFire Volunteer Fire Assistance Program Grant

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Adopt Resolution No. 2020-80, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY APPROVING THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION VOLUNTEER FIRE ASSISTANCE PROGRAM GRANT AGREEMENT #7FG20029*
- *Adopt Resolution No. 2020-81, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AMENDING THE FISCAL YEAR 2020-21 BUDGET*

Fire Chief Gillespie reported that the City was notified mid-August that the funding was approved in the matching amount of \$19,968.50 this will be used to upgrade the wildland PPE (coat, pants and helmet assemblies) as well as dual compliant equipment. Mayor Inscore said that this turnout gear would be a lot lighter and would allow our volunteers to respond to a multitude of calls. Chief Gillespie stated that the gear looks similar to the structural fire gear, with a flame-resistant outer wear; on the wildland gear there is no lining which makes it lighter. Council Member Greenough appreciates the availability of said grant.

On a motion by Council Member Fallman, seconded by Council Member Wright, and carried unanimously on a 5-0 polled vote, the City Council of the City of Crescent City adopted Resolution No. 2020-80, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY APPROVING THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION VOLUNTEER FIRE ASSISTANCE PROGRAM GRANT AGREEMENT #7FG20029

On a motion by Council Member Greenough, seconded by Council Member Fallman, and carried unanimously on a 5-0 polled vote, the City Council of the City of Crescent City adopted Resolution No. 2020-81, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AMENDING THE FISCAL YEAR 2020-21 BUDGET

10. Crescent Fire Protection Benefit Assessment Ballot

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Vote to approve or not approve the proposed assessment for Fire Protection and Emergency Response Services for the four City owned properties located in the Crescent Fire Protection District.*

The City received four ballots as the City owns properties within the District which are all owned by our water system, Wonder Stump Road (Water Booster Station), Amador (Water Storage Tank), Washington Blvd (Water Storage Tank), and Railroad (Water Booster Station). The direction sought from the Council is to either approve or not approve each assessment – total would be \$81.40 per year, per property for fire protection. Chief Gillespie stated like Measure S, this is the District looking for an assessment to replace the one that is sunsetting. The ballot period ends on October 12th and a public hearing will be held to close the ballot period, then an independent third party will tally the ballots. Council Member Fallman asked about the Oversight Committee and how he was encouraged about that fact. Gillespie confirmed that there will be a 7-member oversight committee from the district. Mayor Pro Tem Kime thinks it's unfortunate that these properties have never been included before as we should pay our fair share.

Linda Sutter: asked what government code is to allow public properties to participate and who the independent third party will be who is counting the ballots? *City Manager Wier stated that a lot of this was based on the engineering report for the assessment; Chief Gillespie stated that the County Elections department is seeking advice to make sure they are able to do the independent count and will get back to the District.*

On a motion by Council Member Kime, seconded by Council Member Fallman, and carried unanimously on a 5-0 polled vote, the City Council of the City of Crescent City voted to approve the proposed assessment for Fire Protection and Emergency Response Services for the four City owned properties located in the Crescent Fire Protection District.

11. Del Norte County's Application for Project Homekey

- *Recommendation: Hear staff report*
- *Receive public comment*

- *Give direction as necessary and appropriate including considering submitting a letter stating the City's support or opposition to the County Board of Supervisors*

City Manager Wier stated that this is a County project and HCD has focused some funding to be used towards housing for the homeless as a transitional housing. The Board of Supervisors (BOS) has already approved the submission of an application. The location the County has selected is Coastal Inn and Suites that is already a functioning hotel with tens of thousands of TOT provided to the City. If it were to be turned into the homeless transitional houses, there would be no TOT or property taxes given to the City which means for revenue impacts for the City. It is unknown if other properties were looked at or considered by the County; there are properties that would have met the requirements. The timeline is a quick one, escrow would need to be closed by December 30th. Health and Human Services Director Heather Snow reported to City Manager Wier that funds have been reserved for the HomeKey geographic reason, funding is still not guaranteed, supplemental information and documents are still needed. Mayor Pro Tem Kime asked if the County had ever reached out to the City to let us know that they were seeking a piece of property that would take TOT from the City. City Manager Wier said it was through his own outreach where he obtained the information that he had. Mayor Pro Tem Kime asked if there were other County owned properties that could have been used? City Manager Wier stated there were and when they looked at the "No Place Like Home" funding – the feasibility study showed that the McCarthy Center would have been an ideal location. This would have been a housing complex along with special support services for the homeless community. The Project Room Key would just provide transitional housing. Mayor Pro Tem Kime said it makes her nervous knowing there will be mentally unstable people living right on the highway. Council Member Greenough stated it is a good opportunity, but the property is not the right fit for the program. This sounds last minute, and the County didn't look at all of their options, to include the fact that the City will lose TOT. Does not agree with supporting this – they should go back to the drawing board and find other properties to consider. Council Member Fallman stated that the homeless population already congregates along 101; supports the program, not the location – however if it's this location or no location, we need to support this location. Mayor Inscore stated that the shower program is no longer being offered at the hotel, it will be moved to the Recreation Department with the support from the County. Mayor Inscore stated that he is disappointed that the County didn't reach out to let us know what they were working on since it is such a good opportunity. There is a value to partnerships. Not anti-project, just pro-communication. Council Member Greenough said he is disappointed that there are no County staff members present to speak on this. City Manager Wier explained that he had reached out to County staff to be here tonight, they are going to present this to the BOS, so the item tonight is to have a letter to go before the Board. Council Member Greenough is in support of the funding but would like the County to look at other options for location.

Roger Gitlin: submitted an email for public comment, City Clerk Patch read it into the record: spoke in support of the project but not the location.

Mayor Pro Tem Kime thanked Roger Gitlin for his comment and agreed that the location is inappropriate.

Council Member Fallman made the motion to support the project as is, motion failed for lack of a second.

Mayor Inscore suggested language for a draft letter to the County stating we are supportive of Project Home Key and DNCO applying for funds to establish additional housing for the homeless. Further, it is the City's desire for the County to pursue other properties other than Coastal Inn and Suites and that there is an open level of communication with any project that directly impacts the City. Since there was not unanimous consensus for this language, a motion was made.

On a motion by Council Member Greenough, seconded by Mayor Pro Tem Kime, with Council Member Fallman voting no, on a 4-1 polled vote, the City Council of the City of Crescent City approved sending a letter of support of the project with the language proposed by Mayor Inscore to be sent to the County of Del Norte.

Council Member Greenough excused himself from the meeting at 9:24 pm as he had to go to work.

12. Local Road Safety Plan Grant

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Authorize the City Manager to sign and submit LRSP grant application*

Public Works Director Olson stated that the State is required to have a local road safety plan, if we do not have one in place, we will miss out on Strategic Highway Safety Plan (SHSP) funding. This requires a 10% match. LTCo Executive Director Leighton said there are planning dollars that can be used as a match. It is being sought of the Council to have permission to move forward for this grant application with the 10% match of \$7,200 and to request matching funds for the Del Norte Local Transportation Commission. This is funding for planning only not for construction.

On a motion by Council Member Fallman, seconded by Council Member Wright, and carried unanimously on a 4-0 polled vote, with Council Member Greenough absent, the City Council of the City of Crescent City authorized the City manager to sign and submit LRSP grant application.

13. Recycled Water Grant Application

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Adopt Resolution No. 2020-82, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL WATER RECYCLING FUNDING PROGRAM GRANT AGREEMENTS AND TO ADMINISTER THEM*
- *Direct staff to release a request for qualifications and take other actions as needed*

Public Works Director Olson stated he found an opportunity for \$150k of grant funds to develop a plan and to evaluate the feasibility beneficial reuse of treated water for irrigation or other uses. Recycled water has been discussed before but has never come to fruition. This funding is only for a feasibility study to look at all of the local industrial users that discharge to us under a permit. Mayor Inscore asked if there was a timing associated with this; when funds would be awarded and when available? Director Olson stated that these are discretionary funds that are presently available; there is a priority to recycled water and was told by the Water Board that we are a highly likely candidate. The funds are available on an ongoing basis, so not on a timeline. As soon as our application is submitted, they will time stamp it and say from this time forward your staff time and consultant are reimbursable. Mayor Pro Tem Kime asked about the breweries effluent and if it is being considered, after treatment, to be used to water the parks during the dry season; Director Olson stated that is something being considered. Mayor Inscore stated he is a big proponent for using recycled water.

On a motion by Council Member Kime, seconded by Council Member Wright, and carried unanimously on a 4-0 polled vote, the City Council of the City of Crescent City adopted Resolution No. 2020-82, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL WATER RECYCLING FUNDING PROGRAM GRANT AGREEMENTS AND TO ADMINISTER THEM

Mayor Inscore obtained unanimous consensus from the Council for staff to release a request for qualifications.

14. Voting Delegate and Alternate Designation and Resolution Packet for the 2020 League of California Cities Annual Conference

- *Recommendation: Hear staff report*
- *Receive public comment*
- *Make a designation for the Voting Delegate and Alternate for the League of California Cities Annual Conference*
- *Consider and take action on the resolution for the voting delegate to represent the City at the 2020 League of California Cities Annual Conference.*

Mayor Inscore appointed himself as the Voting Delegate and Council Member Greenough as the alternate.

No action taken on the resolution – will be moved to the next meeting.

CITY COUNCIL ITEMS

- **Legislative Matters – None**
- **City Manager Report and City Council Directives –** City Manager Wier stated that the COVID 19 website is a good site to check for guidance on reopening. Under past restrictions, we couldn't open the pool, however, now we cannot open the pool due to economics. Given the budget restrictions we cannot consider opening the pool. At the October 5th meeting a pool item will be brought forward with Director Wendt. The air quality in Del Norte County is poor, stay inside, even though there are no fires in Crescent City. There are evacuations in surrounding communities, and they are coming here, so we can expect to see people here.
 - **Chief Griffin report on scams**
 - Chief Griffin reported that an elderly woman was taken for several thousand dollars in gift cards as someone called saying there was a warrant for her arrest, and she had to pay. Most of the time it's from a foreign country and they use a "ghost number". In this case the caller was using a line from an actual number for the Sheriff's Department, so it had more realism to it. Chief Griffin cautioned the public not to give out information and that law enforcement will never call demanding money over the phone.
- **Reports, Concerns, Referrals, Council travel and training reports – None**

ADJOURNMENT

There being no further business to come before the Council, Mayor Inscore adjourned the meeting at 9:50 p.m. to the regular meeting of the City Council of the City of Crescent City scheduled for Monday, September 21, 2020 at 6:00 p.m., via Zoom, Crescent City, CA 95531.

ATTEST:

Robin Patch
City Clerk/Administrative Analyst

Accounts Payable

Checks by Date - Summary by Check Date

User: blacey
 Printed: 9/17/2020 5:16 PM



Check No	Vendor No	Vendor Name	Check Date	Void Checks	Check Amount
436953	YERIES	Jennifer Yeries	09/03/2020	0.00	50.60
436954	UB*05135	LOIS WRIGHT TRUSTEE	09/03/2020	0.00	42.77
436955	WOONER	Tracy Wooner	09/03/2020	0.00	145.75
436956	UB*05131	SAMUEL WHITLOW	09/03/2020	0.00	205.80
436957	UB*05129	JEFFREY WHITE	09/03/2020	0.00	58.58
436958	UB*05124	DEANNA WAGGENER	09/03/2020	0.00	250.00
436959	VERIZO3	Verizon Wireless Services LLC	09/03/2020	0.00	2,490.10
436960	UB*05126	SUNNY VALERO	09/03/2020	0.00	23.90
436961	USPS	USPS-POC	09/03/2020	0.00	2,000.00
436962	UB*05136	MITZI TRAVIS	09/03/2020	0.00	98.56
436963	TIDEWA	Tidewater Contractors Inc	09/03/2020	0.00	477,593.84
436964	TWOGUY	T.G. Manufacturing Inc	09/03/2020	0.00	84.65
436965	DNOFFI	Debra Stover	09/03/2020	0.00	103.00
436966	UB*05134	TOSHA STILES	09/03/2020	0.00	230.02
436967	SIGMAALD	Sigma-Aldritch, Inc.	09/03/2020	0.00	118.86
436968	PRDIAMON	PR Diamond Products Inc.	09/03/2020	0.00	423.00
436969	UB*05133	ANTONIO PIRES	09/03/2020	0.00	119.64
436970	PACPOW	PacifiCorp	09/03/2020	0.00	29,890.37
436971	OREILLY	O'Reilly Auto Enterprises LLC	09/03/2020	0.00	6.44
436972	OFFICEDE	Office Depot	09/03/2020	0.00	211.84
436973	MARTINSO	Keith Martinson	09/03/2020	0.00	55.00
436974	UB*05128	DANIEL LYBRA	09/03/2020	0.00	227.16
436975	UB*05125	VIRGIL KEOGH	09/03/2020	0.00	201.59
436976	BESTSTOR	Brian Iorg	09/03/2020	0.00	900.00
436977	UB*05130	AMANDA HAWKINS	09/03/2020	0.00	113.00
436978	UB*05127	JESSICA HARTGROVE	09/03/2020	0.00	144.39
436979	HDFOWLER	H. D. Fowler Company, Inc	09/03/2020	0.00	2,496.97
436980	VERIZO2	Frontier California Inc	09/03/2020	0.00	760.94
436981	FERGUS	Ferguson US Holdings Inc	09/03/2020	0.00	4,347.07
436982	ENGLUN	Englund Marine Supply Co.	09/03/2020	0.00	22.70
436983	DERSCH	Jamie Dersch	09/03/2020	0.00	49.50
436984	dncoas	D N Co Assessor's Office	09/03/2020	0.00	10.00
436985	CHARTEC	Charter Communications	09/03/2020	0.00	399.00
436986	BYRNE	Mark Byrne	09/03/2020	0.00	28.99
436987	CURRYE	Brad Coleman Inc	09/03/2020	0.00	15.59
436988	BATTSYS	Battery Systems, Inc.	09/03/2020	0.00	182.48
436989	UB*05132	CARLA AGUILAR	09/03/2020	0.00	40.86
Total for 9/3/2020:				0.00	524,142.96
ACH	PERS2	Public Emp Retirement Sys	09/08/2020	0.00	54,545.29
ACH	EDDTAX	State of California EDD TAX Auto Pay	09/08/2020	0.00	3,980.92
ACH	FITTAX	FIT Payroll Taxes Auto Pay	09/08/2020	0.00	17,823.89
ACH	PERS2	Public Emp Retirement Sys	09/08/2020	0.00	25,179.73
436990	EDDGarn	Employment Development Dept ATTN: W	09/08/2020	0.00	175.45
436991	CASTATE	CA State Disbursement Unit	09/08/2020	0.00	332.19
436992	WAMUTU	Crescent City Employees Association	09/08/2020	0.00	80.00

Check No	Vendor No	Vendor Name	Check Date	Void Checks	Check Amount
436993	CCPOLI	Crescent City Police Officer's Association	09/08/2020	0.00	550.00
436994	ICMARE	Icma Retirement Trust-457	09/08/2020	0.00	2,025.22
436995	ZCAFRAN2	State Of California	09/08/2020	0.00	150.00
436996	AMFAM	American Family Life	09/08/2020	0.00	2,459.77
436997	AMLIF	Ameritas Life Ins. Corp.	09/08/2020	0.00	4,857.60
436998	CLEA	California Law Enforcement Association	09/08/2020	0.00	269.50
436999	MYERSS	Myers-Stevens & Toohey Co Inc	09/08/2020	0.00	115.50
437000	CAPLIVE	Secure Screening Solutions, Inc	09/08/2020	0.00	40.00
437001	STANDAI	Standard Insurance Company	09/08/2020	0.00	2,203.69
437002	VISION	Vision Service Plan	09/08/2020	0.00	1,105.05
Total for 9/8/2020:				0.00	115,893.80
437003	FASTENAL	Fastenal Company	09/10/2020	0.00	67.08
437004	LOPEZA	Anthony Lopez	09/10/2020	0.00	74.25
Total for 9/10/2020:				0.00	141.33
Report Total (56 checks):				0.00	640,178.09

AP
9-1-20 to 9-14-20 Council



User: blacey
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check number	check date	acct 1	description	amount	selected for void
0	9/8/2020	001-111-4125-00000	Sep 20 Admin Fees	115.38	False
0	9/8/2020	630-000-4125-00000	Sep 20 Premiums-Retirees	6,328.00	False
0	9/8/2020	630-111-4409-00000	Sep 20 Admin Fees-Retirees	27.94	False
0	9/8/2020	610-000-2173-00000	Sep 20 Premiums	48,073.97	False
0	9/8/2020	610-000-2185-00000	PR Batch 00711.09.2020 State Income Tax	1,413.35	False
0	9/8/2020	610-000-2185-00000	PR Batch 00001.09.2020 State Income Tax	2,567.57	False
0	9/8/2020	610-000-2188-00000	PR Batch 00711.09.2020 Medicare Employee Portion	712.73	False
0	9/8/2020	610-000-2189-00000	PR Batch 00711.09.2020 Federal Income Tax	4,926.16	False
0	9/8/2020	610-000-2189-00000	PR Batch 00001.09.2020 Federal Income Tax	8,842.69	False
0	9/8/2020	610-000-2188-00000	PR Batch 00711.09.2020 Medicare Employer Portion	712.73	False
0	9/8/2020	610-000-2188-00000	PR Batch 00001.09.2020 Medicare Employee Portion	1,314.79	False
0	9/8/2020	610-000-2188-00000	PR Batch 00001.09.2020 Medicare Employer Portion	1,314.79	False
0	9/8/2020	610-000-2187-00000	PR Batch 00001.09.2020 EE Contribution	6,141.64	False
0	9/8/2020	610-000-2187-00000	PR Batch 00001.09.2020 ER Contribution	8,220.90	False
0	9/8/2020	610-000-2187-00000	PR Batch 00711.09.2020 Survivor Benefit	16.92	False
0	9/8/2020	419-371-4121-00000	Credit for FY 20 Retro Active Adjustment	-1.15	False
0	9/8/2020	610-000-2187-00000	PR Batch 00001.09.2020 Survivor Benefit	34.41	False
0	9/8/2020	610-000-2187-00000	PR Batch 00711.09.2020 EE Contribution	4,258.71	False
0	9/8/2020	610-000-2187-00000	PR Batch 00001.09.2020 Service Credit Purchase	413.20	False
0	9/8/2020	610-000-2187-00000	PR Batch 00711.09.2020 ER Contribution	6,095.10	False
436953	9/3/2020	412-000-3560-00000	Shoreline Refund- Overcharged one night	46.00	False
436953	9/3/2020	412-000-3570-00000	Shoreline Refund- Overcharged one night	4.60	False
436954	9/3/2020	413-000-2110-00000	Refund Check 007388-000, 230 E MADISON AVE	42.77	False
436955	9/3/2020	412-000-3560-00000	Shoreline Refund-medical emergency	132.50	False
436955	9/3/2020	412-000-3570-00000	Shoreline Refund-medical emergency	13.25	False
436956	9/3/2020	419-000-2110-00000	Refund Check 107385-000, 1372 ANZIO ST	205.80	False
436957	9/3/2020	419-000-2110-00000	Refund Check 110026-000, 2601 LE CLAIR AVE	58.58	False
436958	9/3/2020	419-000-2110-00000	Refund Check 106988-001, 240 WILLOW GLEN CT	250.00	False
436959	9/3/2020	419-371-4230-00000	Cell phone use 7/13/20-8/12/20	257.78	False
436959	9/3/2020	420-115-4230-00000	Cell phone use 7/13/20-8/12/20	67.89	False
436959	9/3/2020	001-250-4230-00000	Cell phone use 7/13/20-8/12/20	20.28	False
436959	9/3/2020	413-353-4230-00000	Cell phone use 7/13/20-8/12/20	107.77	False
436959	9/3/2020	413-351-4230-00000	Cell phone use 7/13/20-8/12/20	50.78	False

check number	check date	acct 1	description	amount	selected for void
436959	9/3/2020	001-120-4230-00000	Cell phone use 7/13/20-8/12/20	55.39	False
436959	9/3/2020	419-120-4230-00000	Cell phone use 7/13/20-8/12/20	85.95	False
436959	9/3/2020	413-352-4230-00000	Cell phone use 7/13/20-8/12/20	6.08	False
436959	9/3/2020	001-470-4230-00000	Cell phone use 7/13/20-8/12/20	23.89	False
436959	9/3/2020	419-371-4230-00000	Cell phone use 7/13/20-8/12/20	13.38	False
436959	9/3/2020	001-350-4230-00000	Cell phone use 7/13/20-8/12/20	81.00	False
436959	9/3/2020	001-113-4230-00000	Cell phone use 7/13/20-8/12/20	40.55	False
436959	9/3/2020	001-350-4230-00000	Cell phone use 7/13/20-8/12/20	4.06	False
436959	9/3/2020	412-100-4230-00000	Cell phone use 7/13/20-8/12/20	54.36	False
436959	9/3/2020	001-480-4230-00000	Cell phone use 7/13/20-8/12/20	11.42	False
436959	9/3/2020	001-230-4230-00000	Cell phone use 7/13/20-8/12/20	162.12	False
436959	9/3/2020	152-485-4230-1703i	Cell phone use 7/13/20-8/12/20	80.02	False
436959	9/3/2020	001-471-4230-00000	Cell phone use 7/13/20-8/12/20	8.92	False
436959	9/3/2020	508-508-4230-00000	Cell phone use 7/13/20-8/12/20	84.21	False
436959	9/3/2020	001-251-4230-00000	Cell phone use 7/13/20-8/12/20	6.08	False
436959	9/3/2020	413-120-4230-00000	Cell phone use 7/13/20-8/12/20	13.50	False
436959	9/3/2020	506-506-4230-00000	Cell phone use 7/13/20-8/12/20	36.23	False
436959	9/3/2020	001-240-4230-00000	Cell phone use 7/13/20-8/12/20	40.55	False
436959	9/3/2020	001-471-4230-00000	Cell phone use 7/13/20-8/12/20	4.06	False
436959	9/3/2020	001-364-4230-00000	Cell phone use 7/13/20-8/12/20	91.11	False
436959	9/3/2020	413-111-4230-00000	Cell phone use 7/13/20-8/12/20	13.50	False
436959	9/3/2020	001-111-4230-00000	Cell phone use 7/13/20-8/12/20	13.50	False
436959	9/3/2020	001-313-4230-00000	Cell phone use 7/13/20-8/12/20	4.87	False
436959	9/3/2020	001-114-4230-00000	Cell phone use 7/13/20-8/12/20	40.55	False
436959	9/3/2020	419-111-4230-00000	Cell phone use 7/13/20-8/12/20	13.55	False
436959	9/3/2020	001-110-4230-00000	Cell phone use 7/13/20-8/12/20	162.20	False
436959	9/3/2020	001-120-4230-00000	Cell phone use 7/13/20-8/12/20	13.50	False
436959	9/3/2020	413-120-4230-00000	Cell phone use 7/13/20-8/12/20	43.22	False
436959	9/3/2020	001-240-4230-00000	Cell phone use 7/13/20-8/12/20	488.23	False
436959	9/3/2020	001-250-4230-00000	Cell phone use 7/13/20-8/12/20	2.02	False
436959	9/3/2020	413-352-4230-00000	Cell phone use 7/13/20-8/12/20	82.07	False
436959	9/3/2020	419-120-4230-00000	Cell phone use 7/13/20-8/12/20	63.59	False
436960	9/3/2020	419-000-2110-00000	Refund Check 104135-001, 2613 LE CLAIR AVE	23.90	False
436962	9/3/2020	419-000-2110-00000	Refund Check 102062-023, 1371 ANZIO ST	98.56	False
436963	9/3/2020	152-000-2112-00000	Storm Drain Project Construction- Retention	-25,136.52	False
436963	9/3/2020	152-485-4799-1703I	Storm Drain Project Construction- Progress Payment #3	502,730.36	False
436964	9/3/2020	508-508-4390-00000	argon iss	84.65	False
436965	9/3/2020	001-470-4390-00000	lamination for park signs	17.20	False
436965	9/3/2020	001-230-4310-00000	Adhesive pop up flags	52.00	False
436965	9/3/2020	001-230-4310-00000	Pens, Folders	14.06	False
436966	9/3/2020	419-000-2110-00000	Refund Check 108415-000, 635 HAMILTON AVE #A	230.02	False
436967	9/3/2020	413-351-4685-00000	Annual Proficiency test	118.86	False
436968	9/3/2020	413-353-4390-00000	pip cutting	141.00	False

check number	check date	acct 1	description	amount	selected for void
436968	9/3/2020	419-371-4390-00000	pip cutting	141.00	False
436968	9/3/2020	001-364-4390-10025	pip cutting	141.00	False
436969	9/3/2020	419-000-2110-00000	Refund Check 109333-000, 2415 ALPAUGH AVE	119.64	False
436970	9/3/2020	001-480-4210-00000	Electricity 7/29/20-8/26/20	713.55	False
436970	9/3/2020	419-120-4210-00000	Electricity 7/29/20-8/26/20	79.53	False
436970	9/3/2020	412-100-4210-00000	Electricity 7/29/20-8/26/20	4,766.23	False
436970	9/3/2020	001-113-4210-00000	Electricity 7/29/20-8/26/20	42.37	False
436970	9/3/2020	001-350-4210-00000	Electricity 7/29/20-8/26/20	31.29	False
436970	9/3/2020	413-111-4210-00000	Electricity 7/29/20-8/26/20	12.39	False
436970	9/3/2020	413-353-4210-00000	Electricity 7/29/20-8/26/20	27.59	False
436970	9/3/2020	413-352-4210-00000	Electricity 7/29/20-8/26/20	34.55	False
436970	9/3/2020	001-120-4210-00000	Electricity 7/29/20-8/26/20	88.00	False
436970	9/3/2020	419-111-4210-00000	Electricity 7/29/20-8/26/20	13.69	False
436970	9/3/2020	001-471-4210-00000	Electricity 7/29/20-8/26/20	763.01	False
436970	9/3/2020	508-508-4210-00000	Electricity 7/29/20-8/26/20	623.01	False
436970	9/3/2020	419-371-4210-00000	Electricity 7/29/20-8/26/20	15,174.67	False
436970	9/3/2020	001-111-4210-00000	Electricity 7/29/20-8/26/20	15.65	False
436970	9/3/2020	420-115-4210-00000	Electricity 7/29/20-8/26/20	42.37	False
436970	9/3/2020	413-353-4210-35019	Electricity 7/29/20-8/26/20	409.17	False
436970	9/3/2020	001-470-4210-00000	Electricity 7/29/20-8/26/20	567.48	False
436970	9/3/2020	001-240-4210-00000	Electricity 7/29/20-8/26/20	583.19	False
436970	9/3/2020	413-120-4210-00000	Electricity 7/29/20-8/26/20	84.75	False
436970	9/3/2020	001-364-4210-10023	Electricity 7/29/20-8/26/20	4,502.47	False
436970	9/3/2020	413-351-4210-00000	Electricity 7/29/20-8/26/20	625.10	False
436970	9/3/2020	001-230-4210-00000	Electricity 7/29/20-8/26/20	402.90	False
436970	9/3/2020	001-250-4210-00000	Electricity 7/29/20-8/26/20	5.22	False
436970	9/3/2020	001-313-4210-00000	Electricity 7/29/20-8/26/20	11.73	False
436970	9/3/2020	001-251-4210-00000	Electricity 7/29/20-8/26/20	18.91	False
436970	9/3/2020	001-114-4210-00000	Electricity 7/29/20-8/26/20	42.37	False
436971	9/3/2020	508-508-4390-00000	Brake fluid #22	6.44	False
436973	9/3/2020	412-000-3560-00000	Shoreline refund-overcharged	50.00	False
436973	9/3/2020	412-000-3570-00000	Shoreline refund-overcharged	5.00	False
436974	9/3/2020	419-000-2110-00000	Refund Check 109799-000, 845 MURPHY AVE	227.16	False
436975	9/3/2020	419-000-2110-00000	Refund Check 109079-000, 135 SMUGGLERS COVE WAY	201.59	False
436976	9/3/2020	001-113-4450-00000	document storage 8/1/20-1/30/21	900.00	False
436977	9/3/2020	419-000-2110-00000	Refund Check 108393-000, 575 BUTTE ST	113.00	False
436978	9/3/2020	419-000-2110-00000	Refund Check 110006-000, 737 REDDY AVE	144.39	False
436979	9/3/2020	419-371-4390-00000	Water service line brass fittings to repair and replace	2,496.97	False
436980	9/3/2020	419-371-4230-00000	Water Syst Phone 707-1016 - 8/13/20-9/12/20	29.50	False
436980	9/3/2020	419-371-4230-00000	Water Syst Phone 707-1017 8/13/20-9/12/20	29.50	False
436980	9/3/2020	001-240-4230-00000	Radio to Sherriff - 8/13/20-9/12/20	30.65	False
436980	9/3/2020	419-371-4230-00000	Water System Phone 464-2826 - 8/13/20-9/12/20	66.67	False
436980	9/3/2020	419-371-4230-00000	Water System Ph Bills - 8/13/20-9/12/20	29.50	False

check number	check date	acct 1	description	amount	selected for void
436980	9/3/2020	419-371-4230-00000	Water System Ph. Bill 707-1007 - 8/13/20-9/12/20	72.77	False
436980	9/3/2020	419-371-4230-00000	Water System Phone 707-1015 8/13/20-9/12/20	29.50	False
436980	9/3/2020	419-371-4230-00000	Water System Phone 707-0083 - 8/13/20-9/12/20	28.20	False
436980	9/3/2020	413-353-4230-00000	Lift Station Phone PLO-0001 - 8/13/20-9/12/20	29.50	False
436980	9/3/2020	419-371-4230-00000	707-1013 chlor bdg 8/13/20-9/12/20	99.81	False
436980	9/3/2020	419-371-4230-00000	Water System Phone Bills - 8/13/20-9/12/20	29.50	False
436980	9/3/2020	419-371-4230-00000	Water System Phone - 0249 8/13/20-9/12/20	72.77	False
436980	9/3/2020	419-371-4230-00000	Water System Ph Bills - 8/13/20-9/12/20	29.50	False
436980	9/3/2020	419-371-4230-00000	Water System Phone Bill 707-1006 - 8/13/20-9/12/20	29.50	False
436980	9/3/2020	419-371-4230-00000	Water Syst Ph Bills - 8/13/20-9/12/20	72.77	False
436980	9/3/2020	419-371-4230-00000	707-465-3386 Water Scada Phone 8/14/20-9/13/20	81.30	False
436981	9/3/2020	419-371-4390-00000	Smart meters, setup, training, and annual service	4,347.07	False
436982	9/3/2020	506-506-4390-00000	washer & screws	3.81	False
436982	9/3/2020	506-506-4390-00000	fender washer	5.81	False
436982	9/3/2020	001-364-4390-10025	Wire rope return	-8.26	False
436982	9/3/2020	001-364-4390-10025	Wire rope	8.26	False
436982	9/3/2020	506-506-4390-00000	Proof coil chain	13.08	False
436983	9/3/2020	412-000-3560-00000	Shoreline Refund- overcharged a full day	45.00	False
436983	9/3/2020	412-000-3570-00000	Shoreline Refund- overcharged a full day	4.50	False
436984	9/3/2020	001-350-4310-00000	Maps x2	10.00	False
436985	9/3/2020	420-115-4230-00000	Fiber Internet DIA @ 520 I St- 8/21/20-9/20/20	399.00	False
436986	9/3/2020	413-353-4320-04320	Boot Reimbursement FY21	9.66	False
436986	9/3/2020	419-371-4320-04320	Boot Reimbursement FY21	9.67	False
436986	9/3/2020	001-364-4320-04320	Boot Reimbursement FY21	9.66	False
436987	9/3/2020	001-470-4390-00000	Stihl 6 pack	15.59	False
436988	9/3/2020	508-508-4390-60001	Battery for #5174	182.48	False
436989	9/3/2020	419-000-2110-00000	Refund Check 005690-000, 125 KERBY ST	40.86	False
436990	9/8/2020	610-000-2170-00000	PR Batch 00001.09.2020 Wage Garn - EDD	175.45	False
436991	9/8/2020	610-000-2170-00000	PR Batch 00711.09.2020 Child Support-CA %	133.73	False
436991	9/8/2020	610-000-2170-00000	PR Batch 00001.09.2020 Child Support-CA	198.46	False
436992	9/8/2020	610-000-2184-00000	PR Batch 00001.09.2020 Misc EE Association Fund	75.00	False
436992	9/8/2020	610-000-2184-00000	PR Batch 00711.09.2020 Misc EE Association Fund	5.00	False
436993	9/8/2020	610-000-2181-00000	PR Batch 00711.09.2020 CCPOA Dues	550.00	False
436994	9/8/2020	610-000-2178-00000	Plan #300878	146.32	False
436994	9/8/2020	610-000-2178-00000	Plan 300878	275.00	False
436994	9/8/2020	610-000-2186-00000	Plan #306752	168.18	False
436994	9/8/2020	610-000-2178-00000	Plan #300878	1,224.53	False
436994	9/8/2020	610-000-2186-00000	Plan #306752	30.50	False
436994	9/8/2020	610-000-2186-00000	Plan #306752	145.43	False
436994	9/8/2020	610-000-2186-00000	Plan #306752	35.26	False
436995	9/8/2020	610-000-2170-00000	PR Batch 00001.09.2020 Wage Garn-FTB	150.00	False
436996	9/8/2020	610-000-2174-00000	Sep 20 Premiums	2,459.77	False
436997	9/8/2020	610-000-2177-00000	Sep 20 Premiums	4,857.60	False

check number	check date	acct 1	description	amount	selected for void
436998	9/8/2020	610-000-2179-00000	Sep 20 Premiums	269.50	False
436999	9/8/2020	001-240-4125-00000	Sep 20 Premiums	115.50	False
437000	9/8/2020	412-100-4407-00000	Pre-employment screening	40.00	False
437001	9/8/2020	610-000-2179-00000	Sep 20 Premiums	2,203.69	False
437002	9/8/2020	610-000-2175-00000	Sep 20 Premiums	1,105.05	False
437003	9/10/2020	001-240-4390-00000	Gloves	67.08	False
437004	9/10/2020	001-240-4530-00000	Chico K9 Re-Certification	74.25	False
				637,595.41	

AP
9-1-20 to 9-14-20 Housing



User: blacey
Printed: 9/17/2020 5:15:07 PM

check number	check date	acct 1	description	amount	selected for void
436959	9/3/2020	110-490-4230-00000	Cell phone use 7/13/20-8/12/20	60.82	False
436959	9/3/2020	110-490-4230-00000	Cell phone use 7/13/20-8/12/20	81.10	False
436961	9/3/2020	110-490-4240-00000	Postage	2,000.00	False
436965	9/3/2020	110-490-4310-00000	office supplies- comet disinfecting cleaner with bleach	19.74	False
436970	9/3/2020	110-490-4210-00000	Electricity 7/29/20-8/26/20	209.18	False
436972	9/3/2020	110-490-4310-00000	office supplies- face mask, post it flags, tape	93.82	False
436972	9/3/2020	110-490-4310-00000	office supplies- First aid kit	118.02	False
				2,582.68	

CITY OF CRESCENT CITY
 BI-WEEKLY PAYROLL REPORT

PAYROLL END DATE
 PAYROLL PAID DATE
 CHECK NUMBERS

September 4, 2020
 September 18, 2020
 110194-110196

	Regular Pay	Overtime	Gross Pay	# Empl	Notes
Dept #110 City Council	1,409.84		1,409.84	5	
Dept #111 Admin/City Manager	11,015.52	323.95	11,339.47	3	
Dept #114 Human Resources	2,185.01	389.21	2,574.22	1	
Dept #120 Finance/Utility Billing	14,351.20		14,351.20	6	
Dept #230 Fire Department	6,967.68		6,967.68	2 + 1 part-time	
Dept #240 Police Department	33,802.93	2,627.20	36,430.13	12	
Dept #313 Planning			1,032.38	1 Part-time	
Dept #350 Public Works-All Depts	50,421.29	1,380.57	51,801.86	23+ 5 Part-time	
Dept #450 Recreation & Events			2,656.00	1 + 1 Part-time	
Dept #480 Swimming Pool Fund	1,591.43		1,591.43	1	
Dept #490 Housing Authority	9,261.44		9,261.44	3 + 1 Part-time	
TOTALS	131,006.34	4,720.93	139,415.65	59 + 9 Part-time	

The payroll summarized above is listed where assigned. The actual costs of each employee are allocated each pay period to the department and/or fund where the actual work was performed.

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CITY COUNCIL AGENDA REPORT

TO: MAYOR INSCORE AND MEMBERS OF THE CITY COUNCIL

FROM: ERIC WIER, CITY MANAGER

DATE: SEPTEMBER 21, 2020

SUBJECT: SURPLUS EQUIPMENT

RECOMMENDATION

- Declare the attached list of equipment surplus and authorize staff to auction the equipment

BACKGROUND/DISCUSSION

As City equipment cannot be utilized or is unsuitable for City use, that equipment should be declared surplus and sold (if of value) or disposed of. The City Municipal Code section 14.32.010 gives that authority to the City Manager:

14.32.010 Authority to sell surplus supplies and equipment.

The city manager or designee is authorized to dispose of supplies or equipment which cannot be used for any department or which have become unsuitable for city use, or to exchange the same for, or trade the same on, new supplies or equipment, all in accordance with city-adopted policies. (Ord. 808 § 2, 2019)

The City's Capital Asset Policy clarifies that surplus assets may be disposed of in a manner approved by the City Manager, so long as each asset is valued under \$5,000. In the case of capital assets such as vehicles which may generate public interest, staff feels it is best practice to bring the action before the Council for approval.

The attached list of vehicles has been deemed by the City's Sr. Mechanic to be unusable by the City and has requested it to be deemed surplus and sold. Staff is proposing to use an on-line equipment auction site named "GovDeals" to assist in the selling of the equipment. The auction process is as follows:

- Auction will run online for the duration selected (usually 7 – 10 days)
- After the auction closes, the buyers have (5 business days) for payment and (10 business days) to collect their items
- GovDeals will collect the money from the buyer that includes (purchase price, sales tax & buyer's premium of 10%) – GovDeals will only collect the 10% premium, the City will receive 100% of purchase price
- After the asset is collected and marked as "picked up" by the City, the payment check will be processed from GovDeals and mailed the following week.

The equipment will be advertised on the GovDeals Web Site as well as on the City's social media.

FISCAL ANALYSIS

The minimum requested bid price for each item is listed on the attached list of proposed surplus equipment. This is the minimum amount the City would receive, however since this is an auction, the amount actually received could be higher. If no bids that meet that minimum requested sale price, the City could adjust the minimum and request GovDeals to conduct another auction.

If all vehicles are sold for their minimum asking price the City would receive \$8,500 in revenue to the Equipment Fund.

ATTACHMENTS

1. Proposed List of Surplus Vehicles (Sept 2020)

City of Crescent City

Surplus Vehicle List

September 2020

<u>City Vehicle #</u>	<u>Vehicle Description</u>	<u>Odometer Reading</u>	<u>Minimum Bid Price</u>
6	1984 GMC Pro 1 (Fire Engine)	19,327	\$ 3,500
55	2001 Ford Windstar (Mini Van)	71,033	\$ 1,000
59	2004 Ford Crown Victoria (Police Car)	154,454	\$ 1,000
60	2001 Ford Crown Victoria (Police Car)	95,715	\$ 1,000
61	2005 Ford Crown Victoria (Police Car)	107,848	\$ 1,000
64	2005 Ford Crown Victoria (Police Car)	135,112	\$ 1,000



CITY COUNCIL AGENDA REPORT

TO: MAYOR INSCORE AND MEMBERS OF THE CITY COUNCIL
FROM: ERIC WIER, CITY MANAGER
BY: LINDA LEAVER, FINANCE DIRECTOR
DATE: SEPTEMBER 21, 2020
SUBJECT: BUDGET-TO-ACTUAL FINANCIAL REPORT FOR AUGUST 2020

RECOMMENDATION

- Receive and file monthly budget-to-actual financial report of the City's major operating funds for the month of August 2020

BACKGROUND

In order to provide timely information to the City Council and to the public, the City's Finance Department has prepared the attached monthly budget-to-actual report. This report provides a summary overview as of August 31, 2020 of the fiscal year-to-date revenues and expenses of the City's major operating funds: General Fund, Housing Authority Fund, Shoreline RV Park Fund, Sewer Fund and Water Fund.

ITEM ANALYSIS

As of August 31, 2020, we are 17% of the way through the fiscal year, with 83% of the year remaining. If revenues were received and expenditures made evenly throughout the year, there would be 83% of each budget line remaining. However, revenues and expenditures are not even throughout the year for many reasons. Many revenues are not received evenly throughout the year (particularly tax revenues and grant reimbursements), most expenses are not recorded until the invoice is received in the following month, and budgets may include large projects that have not yet been completed. In addition, the Finance Department is currently working on closing the books for Fiscal Year 2019-20. Many revenues and invoices (expenses) received by the City during July and August will ultimately be accrued back to FY 2019-20, which can result in July and August activity appearing to be very low.

This report summarizes the actual revenues and expenditures for the year to date; additional information is provided in the budget-to-actual report attached.

It is important to note the City's budget is expected to be adjusted multiple times throughout the year as we continue to work through the COVID-19 emergency and

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its economic impacts. The adopted budget includes conservative projections of revenues in most of the major funds and reduced expenditures.

- **General Fund**

General Fund revenues show that 94% of the budgeted amount is yet to be received. This is dependent on the timing of when certain revenues are received. For example, many taxes, third party billings, and grant reimbursements are recorded quarterly. In addition, many revenues received in July and August are accrued back to Fiscal Year 2019-20. General Fund actual expenditures show that 90% of the budgeted amount is yet to be expended.

- **Housing Authority Fund**

The Housing Authority is funded by monthly disbursements from the federal government. At this point, actual revenues show 83% remaining to be and actual expenditures have remaining amounts of 84%.

- **Shoreline RV Park Fund**

Revenues collected by the Shoreline Recreational Vehicle Park (RV Park) show 20% remaining to be collected. RV Park revenues are highly seasonal, and most rental revenues are typically received in the summer months. Revenue projections this year were anticipating the park to be mostly closed due to COVID-19, but that restriction was lifted in late June. Actual expenses in the RV Park show 87% of the budget left to be expended.

- **Sewer Fund**

The Sewer Fund earns revenue primarily from charges to the users of its services. Actual revenues show 82% of the total revenue budget remaining to be collected. Operational expenses (not including debt service or capital improvements) show 86% of the budget remaining to be expended.

- **Water Fund**

The Water Fund earns revenue primarily from charges for service. Actual revenues show 79% of the budget remaining to be collected and 85% of budgeted operational expenses (not including debt service or capital improvements) remaining to be expended.

- **Summary**

The following table summarizes the actual revenues and expenses for the City's five major operating funds, not including encumbrances:

	Budget	Actual	Remaining \$	Remaining %
General Fund				
Revenue	5,107,648	321,074	4,786,574	94%
Expense	5,713,966	596,993	5,116,973	90%
Net	(606,318)	(275,919)		
Housing Fund				
Revenue	3,799,743	663,986	3,135,757	83%
Expense	3,883,939	612,985	3,270,954	84%
Net	(84,196)	51,001		
RV Park Fund				
Revenue	192,950	154,407	38,543	20%
Expense	309,893	40,768	269,125	87%
Net	(116,943)	113,639		
Sewer Fund				
Revenue	4,113,149	744,456	3,368,693	82%
Operating Expense	3,478,660	485,162	2,993,498	86%
Debt Service	1,600,000	1,600,000	-	0%
Transfer to CIP	450,000	-	450,000	100%
Net	(1,415,511)	(1,340,706)		
Water Fund				
Revenue	2,435,687	513,966	1,921,721	79%
Operating Expense	2,279,812	349,433	1,930,379	85%
Debt Service	350,000	-	350,000	100%
Transfer to CIP	-	-	-	
Net	(194,125)	164,533		

• **Long-term Liabilities**

The City’s long-term liability balances are included in the table below. Net Pension Liability, Net OPEB Liability, and Compensated Absences are updated annually during the audit process. These amounts below are from the most recent audit (June 30, 2019). The Sewer Fund and Water Fund loan balances are updated when payments are made (in July for the Sewer Fund loan, and in December and June for the Water Fund loan). These do not include interfund balances (amounts owed from one City fund to another).

Liability	Fund	Balance
Net Pension Liability	Multiple	10,074,682
Net OPEB Liability	Multiple	1,111,491
Compensated Absences	Multiple	299,868
SRF Loan	Sewer	33,953,253
SRF Loan	Water	1,225,000

FISCAL ANALYSIS

Preparation of this report is informational in nature and has no direct fiscal impact.

STRATEGIC PLAN ASSESSMENT

This report is consistent with Strategic Plan Goal 3 to “Maintain responsible fiscal management and accountability.”

ATTACHMENTS

1. Monthly budget-to-actual report for August 2020

Staff review:

EW
CM

City of Crescent City
FY 2020-21 General Fund Operating Report
As of August 31, 2020

% of Year Remaining: **83%**

Description	Notes	Budget	Actual	Remaining before Encumbrances		Encumbrances	Remaining after Encumbrances	
				\$ Remaining	% Remaining		\$ Remaining	% Remaining
Non-Departmental Revenue								
Tax Revenue	1	3,214,171	47,094	3,167,077	99%	-	3,167,077	99%
Licenses & Permits	1	280,616	55,857	224,759	80%	-	224,759	80%
Interest Income	1	25,167	438	24,729	98%	-	24,729	98%
Lease-Rental Income		28,029	5,339	22,690	81%	-	22,690	81%
Other Revenue		11,150	31	11,119	100%	-	11,119	100%
Departmental Revenue								
City Council	2	64,596	2,270	62,326	96%	-	62,326	96%
City Manager	3	39,000	49,000	(10,000)	-26%	-	(10,000)	-26%
City Clerk	2	104,041	9,958	94,083	90%	-	94,083	90%
Human Resources	2	34,209	1,576	32,633	95%	-	32,633	95%
Fire	1	392,322	33,800	358,522	91%	-	358,522	91%
Police	1	376,692	68,154	308,538	82%	-	308,538	82%
Code Enforcement		1,000	-	1,000	100%	-	1,000	100%
Building Inspection		96,200	29,508	66,692	69%	-	66,692	69%
Planning	4	172,450	11,865	160,585	93%	-	160,585	93%
Public Works Admin		1,500	-	1,500	100%	-	1,500	100%
Streets		227,505	-	227,505	100%	-	227,505	100%
Parks		34,000	-	34,000	100%	-	34,000	100%
Cultural Center		5,000	-	5,000	100%	-	5,000	100%
Swimming Pool	5	-	6,185	(6,185)	-	-	(6,185)	-
General Fund Revenue Total		5,107,648	321,074	4,786,574	94%	-	4,786,574	94%
Non-Departmental Expenditures								
		176,894	-	176,894	100%	-	176,894	100%
City Council		99,615	12,232	87,383	88%	-	87,383	88%
City Manager	3	111,313	10,851	100,462	90%	5,314	95,148	85%
Community Support		81,241	18,993	62,248	77%	54,000	8,248	10%
City Clerk		159,178	18,588	140,590	88%	5,232	135,358	85%
Human Resources		111,801	14,837	96,964	87%	1,145	95,819	86%
Finance		238,239	36,905	201,334	85%	9,696	191,638	80%
City Attorney		56,957	-	56,957	100%	-	56,957	100%
Fire		754,478	63,321	691,157	92%	25,848	665,309	88%
Police		2,339,297	262,645	2,076,652	89%	175,152	1,901,500	81%
Code Enforcement		15,222	1,919	13,303	87%	140	13,163	86%
Building Inspection		48,646	5,720	42,926	88%	326	42,600	88%
Planning	4	312,872	43,707	269,165	86%	69,800	199,365	64%
Public Works Admin		100,271	12,916	87,355	87%	700	86,655	86%
Streets		487,938	36,952	450,986	92%	153,708	297,278	61%
Parks		399,192	37,596	361,596	91%	35,710	325,886	82%
Cultural Center		93,687	8,543	85,144	91%	28,157	56,987	61%
Swimming Pool	5	127,125	11,269	115,856	91%	4,000	111,856	88%
General Fund Expenditure Total		5,713,966	596,993	5,116,973	90%	568,928	4,548,045	80%
NET OPERATING RESULTS		(606,318)	(275,919)					

GENERAL FUND NOTES:

- 1 General Fund revenues are not received evenly throughout the year. Many taxes, third party billings, interest, and grant revenues are received quarterly or semiannually.
- 2 Revenue is based on actual expenditures charged to other funds
- 3 Budget includes grant revenue (BHC) and expenses for cultural diversity project, as well as economic development contracts.
- 4 Budget includes grant revenue and expenses for SB2
- 5 Pool is not yet budgeted to reopen; some expenses will still occur

**Beachfront Park CIP
As of August 31, 2020**

Project	Bucket	Donations, Grants, Transfers, and Interest Earnings		
		Prior Years	FY 20-21	Total
Interest Earnings - unallocated		155	-	155
Amphitheater and Concessions	BFP01	-	-	-
Artistic Improvements	BFP02	-	-	-
Beach & Beach Access Improvements	BFP03	5,600	-	5,600
Bus Stop	BFP04	-	-	-
Disc Golf	BFP05	-	-	-
Dog Park	BFP06	33,132	-	33,132
Game Center	BFP07	-	-	-
General	BFP08	66	-	66
Howe Park East	BFP09	233	-	233
Pedestrian Access Improvements	BFP10	-	-	-
Playing Fields	BFP11	-	-	-
Street and Parking Improvements	BFP12	-	-	-
Trees and Beautification	BFP13	-	-	-
Town Square and Plaza	BFP14	-	-	-
Point of Honor	BFP15	-	-	-
		39,186	-	39,186

Project	Bucket	Prior Years	FY 20-21	Expenditures
				Total
Interest Earnings - unallocated		-	-	-
Amphitheater and Concessions	BFP01	-	-	-
Artistic Improvements	BFP02	-	-	-
Beach & Beach Access Improvements	BFP03	5,003	-	5,003
Bus Stop	BFP04	-	-	-
Disc Golf	BFP05	-	-	-
Dog Park	BFP06	33,132	-	33,132
Game Center	BFP07	-	-	-
General	BFP08	-	-	-
Howe Park East	BFP09	-	-	-
Pedestrian Access Improvements	BFP10	-	-	-
Playing Fields	BFP11	-	-	-
Street and Parking Improvements	BFP12	-	-	-
Trees and Beautification	BFP13	-	-	-
Town Square and Plaza	BFP14	-	-	-
Point of Honor	BFP15	-	-	-
		38,135	-	38,135

City of Crescent City
FY 2019-20 Housing Fund Operating Report
As of August 31, 2020

% of Year Remaining: **83%**

Description	Notes	Budget	Actual	Remaining before Encumbrances		Encumbrances	Remaining after Encumbrances	
				\$ Remaining	% Remaining		\$ Remaining	% Remaining
Revenue								
Interest	1	140	1	139	99%	-	139	99%
Recovery-Admin Fee 50%	2	12,500	-	12,500	100%	-	12,500	100%
Recovery-HAP 50%	2	12,500	-	12,500	100%	-	12,500	100%
HUD Admin Revenue		478,044	191,210	286,834	60%	-	286,834	60%
HUD Housing Assistance		3,291,437	470,078	2,821,359	86%	-	2,821,359	86%
HAP Owner Reimbursement	3	-	-	-	-	-	-	-
Port In - HAP	3	4,548	1,079	3,469	76%	-	3,469	76%
Port In - Admin	3	574	104	470	82%	-	470	82%
Other Revenue		-	1,514	(1,514)	-	-	(1,514)	-
Revenue Total		3,799,743	663,986	3,135,757	83%	-	3,135,757	83%
Expense								
Housing Assistance Payments		3,291,437	545,246	2,746,191	83%	-	2,746,191	83%
Personnel								
Housing		404,102	53,346	350,756	87%	-	350,756	87%
City Manager		4,111	477	3,634	88%	-	3,634	88%
Finance		19,255	2,370	16,885	88%	-	16,885	88%
City Attorney		500	-	500	100%	-	500	100%
Utilities and telephone		19,312	1,147	18,165	94%	4,000	14,165	73%
Materials and supplies		57,926	3,776	54,150	93%	11,941	42,209	73%
Contracts and services		56,874	3,785	53,089	93%	21,028	32,062	56%
Employee Support		10,220	1,359	8,861	87%	-	8,861	87%
Interest remitted to HUD	4	-	-	-	-	-	-	-
ISF Allocations		20,202	1,480	18,722	93%	-	18,722	93%
Expense Total		3,883,939	612,985	3,270,954	84%	36,968	3,233,986	83%
NET OPERATING RESULTS		(84,196)	51,001					

NOTES:

- 1 The majority of interest (LAIF) is received quarterly.
- 2 Fraud recovery is recorded after payments are received.
- 3 These revenues are reimbursements.
- 4 HUD requires that interest earned on HAP funds held by the Housing Authority is to be remitted to HUD if over \$500.

City of Crescent City
FY 2019-20 RV Park Fund Operating Report
As of August 31, 2020

% of Year Remaining: **83%**

Description	Notes	Budget	Actual	Remaining before Encumbrances		Encumbrances	Remaining after Encumbrances		
				\$ Remaining	% Remaining		\$ Remaining	% Remaining	
Revenue									
Interest	1	4,800	-	4,800	100%	-	4,800	100%	
Misc sales		2,500	3,549	(1,049)	-42%	-	(1,049)	-42%	
Rental revenue non-TOT	2	48,150	23,486	24,664	51%	-	24,664	51%	
Rental revenue - subject to TOT	2	137,500	127,372	10,128	7%	-	10,128	7%	
Other revenue		-	-	-	-	-	-	-	
Revenue Total		192,950	154,407	38,543	20%	-	38,543	20%	
Expense									
Personnel									
RV Park		86,691	12,721	73,970	85%	-	73,970	85%	
City Manager		10,279	1,193	9,086	88%	-	9,086	88%	
Finance		19,504	1,919	17,585	90%	-	17,585	90%	
Utilities and telephone		80,015	5,916	74,099	93%	56,345	17,754	22%	
Materials and supplies		13,225	1,146	12,079	91%	672	11,408	86%	
Contracts and services		50,522	2,166	48,356	96%	12,217	36,139	72%	
Other operating uses		1,000	-	1,000	100%	-	1,000	100%	
ISF Allocations		48,657	15,707	32,950	68%	-	32,950	68%	
Expense Total		309,893	40,768	269,125	87%	69,233	199,892	65%	
Debt Service		-	-	-	-	-	-	-	
CIP		-	-	-	-	-	-	-	
Total Expenditures		309,893	40,768						
NET OPERATING RESULTS		(116,943)	113,639						

Non-TOT = visitors staying longer than 30 days

Subject to TOT = visitors staying less than 30 days

NOTES:

- 1 LAIF interest is received quarterly.
- 2 Revenues are highly seasonal, and the impact of COVID is uncertain.

City of Crescent City
FY 2019-20 Sewer Fund Operating Report
As of August 31, 2020

% of Year Remaining: **83%**

Description	Notes	Budget	Actual	Remaining before Encumbrances		Encumbrances	Remaining after Encumbrances		
				\$ Remaining	% Remaining		\$ Remaining	% Remaining	
Revenue									
Interest	1	89,618	36	89,582	100%	-	89,582	100%	
Other Income	2	25,431	5,798	19,633	77%	-	19,633	77%	
Charges for services		3,631,445	717,772	2,913,673	80%	-	2,913,673	80%	
Sewer connections	3	38,728	19,364	19,364	50%	-	19,364	50%	
Sewer lab	4	114,000	1,486	112,514	99%	-	112,514	99%	
County collection systems	5	213,927	-	213,927	100%	-	213,927	100%	
Revenue Total		4,113,149	744,456	3,368,693	82%	-	3,368,693	82%	
Expense									
City Manager		93,143	15,070	78,073	84%	314	77,759	83%	
Finance		348,697	57,087	291,610	84%	24,735	266,874	77%	
City Attorney		23,122	-	23,122	100%	-	23,122	100%	
Sewer lab		499,243	67,014	432,229	87%	69,642	362,587	73%	
WWTP operations		1,749,741	249,988	1,499,753	86%	1,267,116	232,637	13%	
City collection systems		341,481	41,381	300,100	88%	13,970	286,130	84%	
County collection systems		214,493	31,998	182,495	85%	271	182,224	85%	
WWTP maintenance		208,740	22,624	186,116	89%	11,880	174,236	83%	
Operating Expense Total		3,478,660	485,162	2,993,498	86%	1,387,927	1,605,570	46%	
Debt service	6	1,600,000	1,600,000						
Transfers to CIP fund		450,000	-						
Total		5,528,660	2,085,162						
Net		(1,415,511)	(1,340,706)						

NOTES:

- 1 The majority of interest (LAIF) is received quarterly.
- 2 NSF and late fees for all utility accounts are recorded here and then allocated between water and sewer at the end of the year.
- 3 Actual results depend on the number of connections requested.
- 4 Internal lab services are billed after each quarter; external customers are billed the month following service.
- 5 Amounts depend on actual expenditures, billed after each quarter.
- 6 Annual debt service payment is made in July.

City of Crescent City
FY 2019-20 Water Fund Operating Report
As of August 31, 2020

% of Year Remaining: **83%**

Description	Notes	Budget	Actual	Remaining before Encumbrances		Encumbrances	Remaining after Encumbrances		
				\$ Remaining	% Remaining		\$ Remaining	% Remaining	
Revenue									
Interest	1	58,148	49	58,099	100%	-	58,099	100%	
Rental revenue	2	19,869	1,774	18,095	91%	-	18,095	91%	
Other revenue	3	25,080	-	25,080	100%	-	25,080	100%	
Charges for services		2,276,890	501,957	1,774,933	78%	-	1,774,933	78%	
Water connections	4	52,400	10,187	42,213	81%	-	42,213	81%	
Water CSD admin revenue		3,300	-	3,300	100%	-	3,300	100%	
Revenue Total		2,435,687	513,966	1,921,721	79%	-	1,921,721	79%	
Expense									
City Manager		95,190	15,251	79,939	84%	314	79,625	84%	
Finance		331,732	59,470	272,263	82%	23,129	249,134	75%	
City Attorney		23,122	-	23,122	100%	-	23,122	100%	
Water operations		1,789,990	268,386	1,521,604	85%	372,200	1,149,404	64%	
Water CSD		39,778	6,326	33,452	84%	406	33,046	83%	
Expense Total		2,279,812	349,433	1,930,379	85%	396,048	1,534,331	67%	
Debt service	5	350,000	-	-					
Transfers to CIP fund		-	-	-					
Total Expenditures		2,629,812	349,433						
Net Operating Results		(194,125)	164,533						

NOTES:

- 1 The majority of interest (LAIF) is received quarterly.
- 2 Cell tower rent.
- 3 NSF and late fees are allocated at the end of the year.
- 4 Includes both the connection fee and charges for equipment/materials related to the connection. Water connection revenues are dependent upon new connections requested.
- 5 Debt service payments are made in December and June.

CITY COUNCIL AGENDA REPORT



TO: MAYOR INSCORE AND MEMBERS OF THE CITY COUNCIL

FROM: ERIC WIER, CITY MANAGER

DATE: SEPTEMBER 21, 2020

**SUBJECT: LEAGUE OF CALIFORNIA CITIES VIRTUAL ANNUAL CONFERENCE
BUDGET ALLOCATION**

RECOMMENDATION

- Authorize the City Manager to expend up to \$400 in registration fees for various staff and Council to attend the virtual 2020 League of California Cities Annual Conference

BACKGROUND

The 2020 League of California Cities Annual Conference will be held in a virtual environment on October 7 -9th. Since this conference is virtual, the registration fee is \$50 per attendee. The deadline for registration is due before October 1, 2020.

Due to the COVID-19 pandemic and economic situation the City is facing, the approved FY20/21 budget does not include any training budget for the Council or several City Departments. During the budget workshop it was discussed that these training / travel opportunities would be evaluated on a case by case basis and brought back to the Council for budget approval as needed. The registration for this virtual conference is only \$50, where as in "normal" years the in person conference registration fee is several hundred dollars plus travel costs.

As stated on the League of California Cities Website regarding the conference:

Educational sessions at the annual conference offer professional development, focusing on workable solutions through current and timely topics. Targeting a broad audience, sessions address innovative, thought/discussion provoking, evidence based, trends, tools, and best practices. Connecting professional experience and collective understanding, these sessions aim to provide attendees the opportunity to gain practical skills and useful resources.

Although there are draw backs to a virtual conference, such as lack of in-person networking, this is also a unique opportunity for multiple staff to attend a statewide League of Cities conference with several beneficial sessions (see attached session schedule). The budget authorization requested of \$400 will allow for up to 8 staff / Council to attend the conference.

7

FISCAL ANALYSIS

How many staff or Council attend this training will affect which funds (General Fund, Water, Sewer, etc.) will need budget adjustments and for how much. With that information still unknown, staff is recommending the actual budget adjustment be authorized to be included in the midyear budget update expected in January or February of 2021.

STRATEGIC PLAN ASSESSMENT

This meets the goals and objectives of Goal 1 “Support quality services and community safety to enhance the lives of our citizens and visitors”.

ATTACHMENTS

1. League of California Cities Annual Conference Registration information and schedule of educational sessions.

WEDNESDAY

Orange County Division Meeting

8:30 - 10:00 a.m.

[\(show details\)](#)

Opening General Session - Annual Report and Keynote Address

10:00 - 11:30 a.m.

[\(show details\)](#)

Peninsula Division Meeting

11:30 - 12:45 a.m.

[\(show details\)](#)

North Bay Division Meeting

11:30 a.m. - 12:45 p.m.

[\(show details\)](#)

Sacramento Valley Division Meeting

11:30 a.m. - 12:45 p.m.

[\(show details\)](#)

East Bay Division Meeting

11:45 a.m. - 12:45 p.m.

[\(show details\)](#)

Los Angeles County Division Meeting

11:45 a.m. - 12:45 p.m.

[\(show details\)](#)

Riverside Division Meeting

12:00 - 1:00 p.m.

[\(show details\)](#)

The Role of Local Governments in Adapting to Climate Change

1:00 - 2:15 p.m.

[\(show details\)](#)

Rates, Policies and Reforms... How COVID-19 Will Impact CalPERS Employers

1:00 - 2:15 p.m.

[\(show details\)](#)

Building a Virtual Emergency Operations Center: Lessons Learned From COVID-19

1:00 - 2:15 p.m.

[\(show details\)](#)

Talking Together About Housing in Burlingame: Building Community Support

1:00 - 2:15 p.m.

[\(show details\)](#)

City Managers Department Business Meeting

1:15 - 2:00 p.m.

[\(show details\)](#)

Fiscal Officers Department Meeting

2:30 - 3:15 p.m.

[\(show details\)](#)

Local Government Apprenticeship and Workforce Strategies: A Latino Caucus Perspective

2:30 - 3:45 p.m.

[\(show details\)](#)

Leadership in a Time of Uncertainty, Fear and Recovery

2:30 - 3:45 p.m.

[\(show details\)](#)

Placemaking and Community Branding That Leverages Your Natural Assets

2:30 - 3:45 p.m.

[\(show details\)](#)

Using Big Data to Reduce Catastrophic Impacts of Wildfire

2:30 - 3:45 p.m.

[\(show details\)](#)

Fire Chiefs Department Business Meeting

3:45 - 4:15 p.m.

[\(show details\)](#)

Is Your City Really Prepared for Rising Pension Costs?

4:00 - 5:15 p.m.

[\(show details\)](#)

Resetting Your Community Post-COVID-19

4:00 - 5:15 p.m.

[\(show details\)](#)

Regional Partnership: How to Address Homelessness Differently

4:00 - 5:15 p.m.

[\(show details\)](#)

LGBTQ+ Executive/Ally: Bolstering Your City's Economic and Social Prosperity

4:00 - 5:15 p.m.

[\(show details\)](#)

Rural City Information Exchange Meeting

4:00 - 5:15 p.m.

[\(show details\)](#)

Personnel and Employee Relations Department Meeting

4:30 - 5:00 p.m.

[\(show details\)](#)

CitiPAC - Annual Leadership Reception

5:30 - 7:00 p.m.

[\(show details\)](#)

THURSDAY

General Session

9:00 - 11:00 a.m.

[\(show details\)](#)

Asian-Pacific Islander Caucus Business Meeting

10:45 - 11:15 a.m.

[\(show details\)](#)

What You Need to Know About Municipal Revenues

10:45 a.m. - 12:00 p.m.

[\(show details\)](#)

Is a Virtual Workforce Our New Normal?

10:45 a.m. - 12:00 p.m.

[\(show details\)](#)

Modern Emergencies: How to Incorporate Digital Communications Into Emergency Plans

10:45 a.m. - 12:00 p.m.

[\(show details\)](#)

What to Do When In-Person Engagement Isn't Possible

10:45 a.m. - 12:00 p.m.

[\(show details\)](#)

Lesbian Gay Bisexual-Transgender Queer Caucus Business Meeting

11:30 a.m. - 12:00 p.m.

[\(show details\)](#)

Coastal Cities Group Meeting

11:45 a.m. - 12:30 p.m.

[\(show details\)](#)

Monterey Bay Division Meeting

12:00 - 1:00 p.m.

[\(show details\)](#)

Latino Caucus Business Meeting

12:45 - 1:15 p.m.

[\(show details\)](#)

Scrap Your Fears About Food Waste Regulations: Preparing for SB1383

12:45 - 2:00 p.m.

[\(show details\)](#)

Housing Law Update

12:45 - 2:00 p.m.

[\(show details\)](#)

Informing Through Crisis: COVID-19's Impact on Black Communities in California

12:45 - 2:00 p.m.

[\(show details\)](#)

General Resolutions Committee

1:00 - 2:15 p.m.

[\(show details\)](#)

African-American Caucus Business Meeting

2:15 - 2:45 p.m.

[\(show details\)](#)

Ten Years After the Bell Scandal: Are We More Ethical?

2:15 - 3:30 p.m.

[\(show details\)](#)

From Vision to Reality: Lessons Learned in Complete Street Implementation

2:15 - 3:30 p.m.

[\(show details\)](#)

How Women in Government Can Navigate Their Way to Corporate Boards

2:15 - 3:30 p.m.

[\(show details\)](#)

Public Works Department Meeting

2:30 - 3:00 p.m.

[\(show details\)](#)

Understanding Public Service Ethics Laws and Principles (AB 1234)

3:00 - 5:00 p.m.

[\(show details\)](#)

Women's Caucus Business Meeting

3:45 - 4:15 p.m.

[\(show details\)](#)

Recovering From Ransomware

3:45 - 5:00 p.m.

[\(show details\)](#)

Social Media & Government: What Are the Rules of Engagement?

3:45 - 5:00 p.m.

[\(show details\)](#)

Beacon Spotlight Awards Reception

5:30 - 6:00 p.m.

[\(show details\)](#)

FRIDAY

Harassment Prevention Training for Supervisors and Officials (AB 1661)

8:30 - 10:45 a.m.

[\(show details\)](#)

City Attorney Department Business Meeting

9:00 - 9:30 a.m.

[\(show details\)](#)

Layoffs, Furloughs, & Concessions – Negotiating in Challenging Times

9:00 - 10:15 a.m.

[\(show details\)](#)

Libraries Respond in Crisis and Beyond

9:00 - 10:15 a.m.

[\(show details\)](#)

Mayors & Council Members Department Meeting

10:15 - 11:00 a.m.

[\(show details\)](#)

Telecommuting Policies – Hot Topics & Key Issues to Consider

10:30 - 11:45 a.m.

[\(show details\)](#)

Code Enforcement During a Pandemic: Lessons Learned

10:30 - 11:45 a.m.

[\(show details\)](#)

Integrating Lessons from Race and Trauma into Local Services: Achieving Better Results at Lower Cost

10:30 - 11:45 a.m.

[\(show details\)](#)

General Assembly

11:00 a.m. - 12:15 p.m.

[\(show details\)](#)

Beachfront Park Master Plan
and
Prop 68 Funding Opportunities Report



CITY COUNCIL AGENDA REPORT

TO: MAYOR INSCORE AND MEMBERS OF THE CITY COUNCIL

FROM: ERIC WIER, CITY MANAGER

BY: MARTHA D. RICE, CITY ATTORNEY

DATE: SEPTEMBER 21, 2020

SUBJECT: DISCUSSION OF BEACH FIRE REGULATIONS

RECOMMENDATION

- Hear staff report
- Receive public comment
- Direct staff on changes to beach fire regulations

BACKGROUND

The section of the municipal code that is being discussed is 12.20.030, which reads as follows:

12.20.030 Restrictions on location and use of beach fires on certain public beaches.

- A. Use of Fire Rings on Certain Beaches. On the public beaches between Front and Sixth Street, individuals may only start beach fires in the fire rings provided by the city. The Del Norte County public health department may exceed this regulation for removal of certain matters which endanger the public health or safety.
- B. Abandonment of Fires Prohibited. Individuals igniting and/or tending beach fires on this public beach shall not abandon such fire until it is completely extinguished.
- C. Penalty. Any individual guilty of igniting or tending a beach fire in other than a fire ring or abandoning any beach fire on this public beach, shall be fined at least three hundred dollars for each offense. (Ord. 559 § 1, 1980; prior code § 12-603)

On September 8, 2020, the City Council gave direction to extend the area identified in subsection A to include the beach from Sixth Street to the end of the privately held property along Lighthouse Way, which is just before the Battery Point Vista Area (see map attached hereto). However, at that same meeting the Council discussed its desire to consider other related items such as, possibly removing the provision mentioning fire rings if the City does not plan to install fire rings, making it a municipal code violation to start a fire on private property, and possibly setting other limits on fires such as size and type of fuel.

ITEM ANALYSIS

Staff is requesting further direction from the Council on the rewrite of this ordinance.

- Does the Council want the language regarding fire pits removed?
 - The current ordinance prohibits beach fires in the specified area unless in a city-provided fire ring. The city does not currently provide any fire rings in that area, making all beach fires in that area prohibited.
 - Placing fire pits along this stretch of the beach is not advisable. In order to place the fire pit out of the tidal zone, they would have to be installed on private property.
 - *Recommendation:* remove language regarding city-provided fire pits in the prohibited area.

- Does the Council want to make it an ordinance violation to start a beach fire on private property?
 - It is not lawful to build or maintain a fire on private property without the written permission of the property owner. To do so would be a trespass, which is not a crime unless one has been specifically given notice that they are not allowed on the property. In addition, if a property has been damaged, then the owner could sue the trespasser for damages in civil court. However, making this conduct a municipal code violation would give law enforcement a tool (citation) that can be implemented immediately.
 - *Recommendation:* make it a municipal code violation to build or maintain a fire on private property.

- Does the council want to establish regulations for all beach fires where they are allowed regarding materials, size and location?
 - Prohibiting the burning of non-organic materials will clarify that trash, glass, cans, mattresses, etc. are not permitted to be set on fire or thrown into a fire. Additionally, the Council could set a base size that it deems reasonable for a beach fire (such as 4ft by 4ft). This would disallow setting fire to large pieces of driftwood. Another consideration is to require a certain amount of distance between a beach fire and vegetation. This will help in areas where fires are allowed, but people have built them against the bluff near vegetation. The point of these regulations is that if there is a complaint regarding size, location, or content of a beach fire, where beach fires are

allowed, then law enforcement will have a clear basis upon which to require the fire be put out. If someone has a relatively small fire, is burning only organic material, such as wood, and is safe distance from vegetation, then they are acting responsibly and should be allowed to have their fire.

- *Recommendation:*
 - prohibit the burning of non-organic materials on the beach
 - limit the size of beach fires to 4ft by 4ft
 - prohibit beach fires within 20 feet of vegetation

Staff will draft an ordinance to update the municipal code in accordance with Council's direction.

FISCAL ANALYSIS

The costs associated with the drafting of a new ordinance include staff time, attorney time, and publication costs.

STRATEGIC PLAN ASSESSMENT

This action supports Goal 1, empower and utilize Police, Fire and Public Works departments to make Crescent City one of the safest cities in the United States.

ATTACHMENTS

1. Map of city beaches
2. Map of area discussed Sept. 8

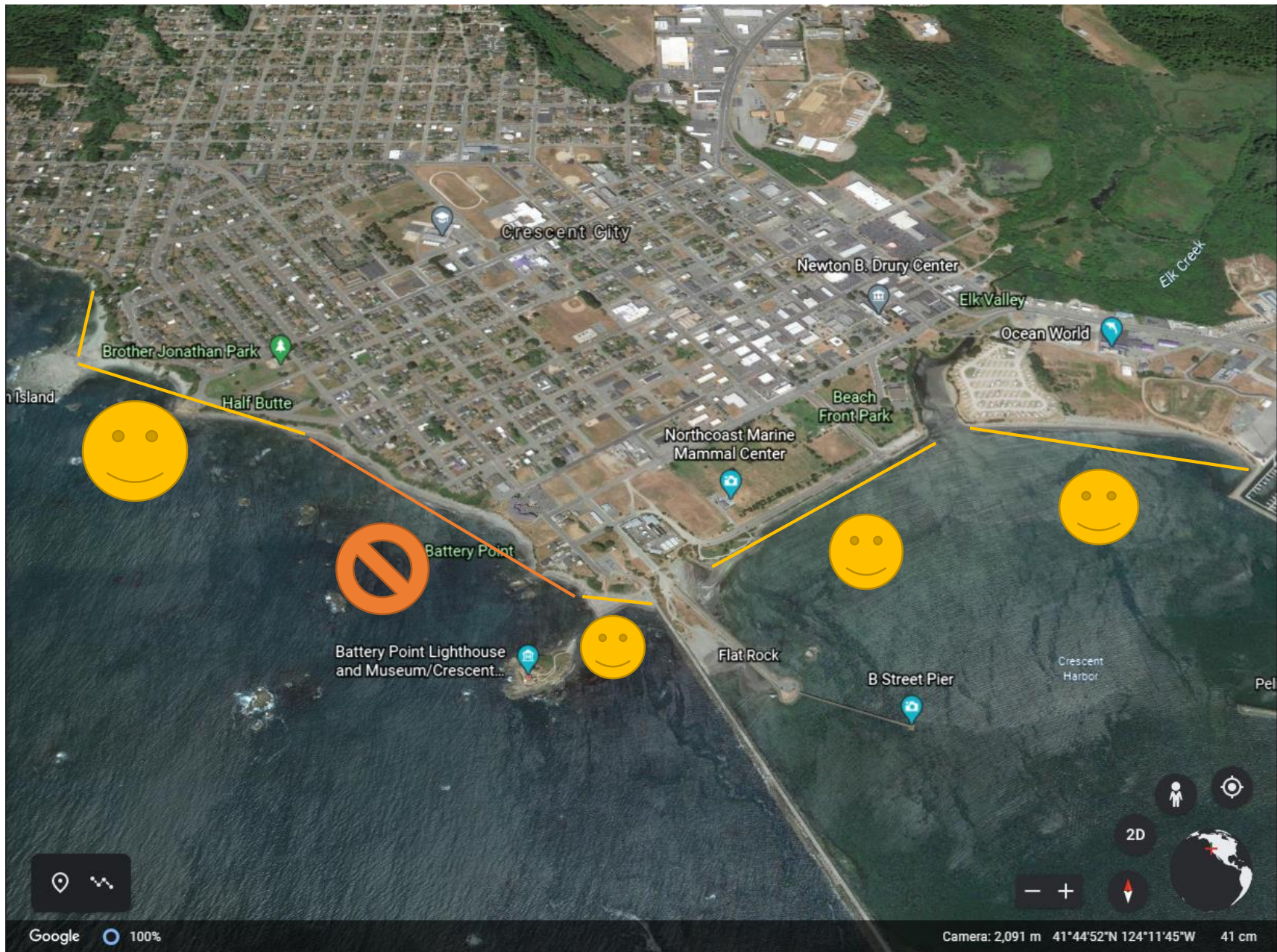
Staff review:



CM

Per Council direction on Sept. 8





Per Council direction on Sept. 8: fires will still be allowed on beaches marked with the smiley face.



CITY COUNCIL AGENDA REPORT

TO: MAYOR INSCORE AND MEMBERS OF THE CITY COUNCIL

FROM: ERIC WIER, CITY MANAGER

BY: JON OLSON, PUBLIC WORKS DIRECTOR

DATE: SEPTEMBER 21, 2020

SUBJECT: SELECTION OF A FIRM TO PERFORM A CLIMATE CHANGE READINESS STUDY PLAN FOR THE CRESCENT CITY WASTEWATER TREATMENT PLANT

RECOMMENDATION

- Hear staff report
- Receive public comment
- Authorize the City Manager to sign Task Order 12 to the professional services agreement with Stover Engineering to prepare a Climate Change Readiness Study Plan, in the not-to-exceed amount of \$60,000

BACKGROUND

The City of Crescent City sought formal proposals from our already engaged engineering and consulting teams for preparation of our National Pollution Discharge Elimination System (NPDES) permit required Climate Change Readiness Study Plan. This item is not optional from the State Water Board's perspective.

The purpose of the study is presented in the following NPDES permit excerpt:

"Climate Change Readiness Study Plan.

Extreme weather events, sea level rise, shifting precipitation patterns and temperature variability, all intensified by climate change, have significant implications for wastewater treatment and operations. In order to ensure that Facility operations are not disrupted, compliance with conditions of this Order are achieved, and receiving waters are not adversely impacted by permitted and unpermitted discharges, a Climate Change Readiness Study Plan shall be submitted to the Regional Water Board by April 1, 2021 for Executive Officer review.

The Permittee shall

(1) conduct an assessment of the wastewater treatment facility, operations, collection and discharge systems to determine areas of short- and long-term vulnerabilities related to climate change,

(2) identify control measures needed to protect, improve, and maintain wastewater infrastructure, waste discharge compliance, and receiving water quality under changing climate conditions, and

(3) develop a schedule to implement necessary control measures. Control measures shall include, but are not limited to, emergency procedures, contingency plans, alarm/notification systems, training, backup power and equipment, and the need for planned mitigations to ameliorate climate-induced impacts such as changing influent and receiving water quality and conditions, as well as the impact of rising sea level, storm surges and back to-back severe storms that are expected to become more frequent.”

ITEM ANALYSIS

The request for qualifications (RFQ) was issued on August 4th, 2020 to six firms that are currently under contract with the City. On August 24th, 2020 we received two qualifications packages.

The City Manager, Finance Director, and City Engineer reviewed the proposals and are recommending that Stover Engineering be selected as the most qualified firm for this required study.

FISCAL ANALYSIS

The adopted budget for fiscal year 2020-2021 anticipated this item and included a budget of \$62,000. The not-to-exceed amount for this task order is \$60,000.

STRATEGIC PLAN ASSESSMENT

This action supports Goal 1, provide and maintain an efficient, adequate infrastructure to provide for both current and future community needs. This action also supports Goal 3, seek methods to create efficiencies and add additional value without compromising safety or performance.

ATTACHMENTS

1. Stover Engineering's Qualifications Package
2. Task order # 12

Staff review:



CM

STOVER ENGINEERING

Civil Engineers and Consultants

PO Box 783 - 711 H Street
Crescent City CA 95531
Tel: 707.465.6742
Fax: 707.465.5922
info@stovereng.com

CITY OF CRESCENT CITY
JON OLSON, PUBLIC WORKS DIRECTOR/CITY ENGINEER
377 J STREET
CRESCENT CITY CA 95531

Job Number: 0190

25 August 2020

RE: RFQ for Climate Change Study per City NPDES Permit

Dear Jon,

The Stover Engineering/KJ team is pleased to submit our proposal to support the City of Crescent City (the City) in completing a Climate Change Readiness Study for the City's Sanitation Facilities. Our team offers the City the following benefits:

In-depth Knowledge of Crescent City. The Stover Engineering/KJ team has been working together since 2001 providing multi-disciplinary engineering services. Our working relationship with the City goes back to the late 1980s for projects at the wastewater plant and extends to the present with modeling the City's water system. Led by our Principal-in-Charge, Ward Stover, our project team has the local experience related to the City's wastewater facilities and the experience related to climate change analyses to successfully prepare the required plan by 1 April 2021. Ward has been involved with the City's wastewater collection and treatment facilities for nearly 20 years and has a good understanding of the performance standards and features expected by the City.

Meaningful Technical Expertise. Our project manager, Sachi Itagaki, P.E. with Kennedy Jenks has worked throughout California and brings climate vulnerability and risk assessment experience, negotiated and navigated wastewater permit compliance with a range of clients including NPDES permits for Yosemite National Park. She most recently worked with the South Tahoe Public Utility District on preparation of a Climate Adaptation Plan as described in the attached resume. Sachi will be supported by other Kennedy Jenks staff including Gerald Fejarang, P.E. an expert in risk and resiliency assessments and Connor Ruttan, P.E. who brings sea-level rise analysis experience.

The Stover Engineering/KJ team is committed to working with the City to implement a cost-effective, practical, and reliable approach to the preparation and submittal of the Climate Change Effects Vulnerability Assessment and Management Plan by 1 April 2021 within the City's \$60,000 budget. This assumes a contract award by 7 September 2020. If you have any questions regarding our proposal, please contact Ward; or Sachi Itagaki at 650-852-2817. We look forward to working with you on this important project.

Very truly yours,

STOVER ENGINEERING



Ward L. Stover, PE
Principal

Sachiko Itagaki, P.E.

Senior Engineer/Project Manager

Education

BS, Ocean Engineering, Stanford University, 1984
MS, Civil Engineering, Water Resources, Stanford University, 2001

Registrations

Professional Civil Engineer, California (50221)

Certifications

Qualified SWPPP Developer

Memberships/Affiliations

Association of California Water Agencies
California Stormwater Quality Association
WateReuse California

Years of Experience

28 years with the firm

Professional Summary

Sachiko (Sachi) has over 28 years of water resources and civil engineering experience, which started with her initial employment with the Regional Water Quality Control Board, Lahontan Region preparing National Pollutant Discharge Elimination System (NPDES) and other permits and assessing permit compliance. She has worked on a range of relevant projects including numerous Integrated Regional Water Management (IRWM) Plan climate change vulnerability analyses and climate change adaptation plans. Sachi has also prepared NPDES permit applications and compliance documents such as wastewater collection spill prevention plans, pretreatment and local limits plans, Sanitary Sewer Management Plans, and Stormwater Pollution Prevention Plans. She has also conducted numerous water resource planning and management projects including surface water and groundwater investigations; utility (water, recycled water, wastewater, and stormwater) infrastructure management, master planning, modeling, and design studies; water quality and hazardous waste investigations, and environmental permit.

Project Experience

SOUTH TAHOE PUBLIC UTILITY DISTRICT, CLIMATE ADAPTATION PLAN, SOUTH LAKE TAHOE, CA.

PROJECT MANAGER. STPUD's Climate Adaptation Plan (CAP) was prepared to understand the climate vulnerabilities of STPUD's water and wastewater assets and facilities and to support a State Revolving Fund loan application. The CAP explored climate-related hazards, activities that contribute to greenhouse gas production, assessed vulnerabilities and high-level risks to STPUD facility assets, and potential solutions, qualitative costs and timeline for STPUD facilities assigned the highest risk. Sachi used her knowledge of the Lake Tahoe basin to identify the climate-related hazards that may affect STPUD's assets by reviewing past weather events and future climate trends, as well as reviewing facility information from master plans, regional climate plans, and local hazard mitigation plans. The risk analysis including use of the Federal Emergency Management Agency's HAZUS hazard evaluation model.

INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) PLAN PREPARATION AND CLIMATE CHANGE VULNERABILITY ANALYSES, PROJECT MANAGER.

Sachi led the preparation of several IRWM Plans for the Westside Sacramento, Yosemite-Mariposa, Tahoe Sierra, Tuolumne Stanislaus, and Mojave IRWM that required preparation of the climate change vulnerability checklists which identified high priority vulnerabilities such as those related to flooding of critical infrastructure, sea level rise, the vulnerability of aquatic habitats to erosion and sedimentation, and water supply and demand challenges,

Proposed Scope of Work for Crescent City Climate Change Readiness Study Plan

Background:

Crescent City's WWTP NPDES permit includes an item for a Climate Change Readiness Study Plan (CCRSP) as follows:

“a Climate Change Readiness Study Plan shall be submitted to the Regional Water Board by April 1, 2021 for Executive Officer review. The Permittee shall (1) conduct an assessment of the wastewater treatment facility, operations, collection and discharge systems to determine areas of short and long term vulnerabilities related to climate change, (2) identify control measures needed to protect, improve, and maintain wastewater infrastructure, waste discharge compliance, and receiving water quality under changing climate conditions, and (3) develop a schedule to implement necessary control measures. Control measures shall include, but are not limited to, emergency procedures, contingency plans, alarm/notification systems, training, backup power and equipment, and the need for planned mitigations to ameliorate climate-induced impacts such as changing influent and receiving water quality and conditions, as well as the impact of rising sea level, storm surges and back to-back severe storms that are expected to become more frequent.”

Several resources that will inform the CCRSP include:

1. AB 691 Sea-Level Rise Assessment for Crescent City State Lands, September 30, 2019 which refers to
 - a. Del Norte 2018 Local Hazard Mitigation Plan and
 - b. 2017 FEMA Flood Insurance Study for Del Norte County for 100-year and 500-year flood mapping
2. Climate Change and Stormwater Management Plan, for Del Norte Local Transportation Commission, November 2015
3. ASCE Tsunami Hazard Tool
4. North Coast Resource Partnership (formerly Integrated Regional Water Management Group), Climate Change studies
5. GIS files with wastewater collection system, WWTP, discharge pipeline
6. Other local, relevant documents

Approach:

Our approach to completing this study is to use existing information to the greatest extent possible, prepare analyses to fill data gaps that may exist, and to coordinate with both the City and the Regional Water Board to provide a document that satisfies the permit compliance requirements. We have budgeted a level of effort for collecting data in the field if needed. Our scope of work is divided into 4 tasks which are detailed below.

Scope of Work

Task 1: Collect Review Background Materials

The background materials described above will be reviewed specifically for information related to:

- a. Sea Level rise projections (including storm surge from back to back storms) at WWTP, in collection system and discharge system as compared to tectonic uplift
- b. Nearshore seismic and tsunami effects (exacerbated by sea level rise)
- c. Flood hazard
- d. Other climate change impacts (e.g. storm-related power outages) that could impact waste discharge compliance and meeting receiving water limitations

Based on Task 2.1, CCRSP outline, identify data gaps and assess means of filling data gaps in Task 2.2.

Task 2: Prepare Climate Change Readiness Study Plan

Task 2.1 Prepare CCRS Outline

Concurrent with Task 1, this task includes preparing a study outline that addresses the topics required in the NPDES permit above including

1. Assessment of WWTP, operations and collection and discharge systems for short and long-term Climate Change vulnerabilities
2. Control measures to address identified Climate Change vulnerability as describe above and to include measures at vulnerable facilities to protect, accommodate and retreat (relocate/remove), if necessary
3. Implementation Schedule of proposed control measures to be developed in collaboration with City staff

Task 2.2 Conduct Data Analysis to Fill Data Gaps

Based on initial review of available documents, this task will likely include:

1. GIS Flood and sea level rise analysis of facilities outside of the 2019 State Lands analysis (eg collection system) for vulnerabilities to flood, sea level rise and tsunami
2. Evaluation of climate change impacts to WWTP operation that could affect compliance and meeting receiving water limitations such as consequences of sea level rise to influent wastewater quality and receiving water conditions, need for flow equalization and/or Infiltration/inflow reduction to accommodate peak influent flows, impacts of storm-related power outages, and others.
3. Analysis of impacts of back to back storms on collection, WWTP and discharge systems
4. Others analysis to fill identified data gaps

Task 2.3 Prepare Draft CCRSP

This task will include development of figures, tables and narrative to document elements requested in NPDES permit for City review. Deliverable will be in electronic form only

Task 2.4 Prepare CCRSP for Regional Board Review

This task will include incorporation of City comments and submittal to Regional Board for review. Deliverable will be in electronic form only

Task 2.5 Prepare Final CCRSP

This task will include incorporation of Regional Board comments (consolidated into a single set) on CCRSP submitted to Regional Board and preparation of a final electronic deliverable in pdf.

Task 3: Project Management, Calls and QA/QC

This task includes internal project coordination and management and QA/QC review of deliverables. In addition, up to 3 conference call/webcasts will be conducted and e-mail summary prepared.

Task Order to Master Agreement

CLIENT: City of Crescent City

MASTER AGREEMENT DATE: 19 February 2019 (Stover Master JN 4594)

JOB NUMBER: 4594.12 – Wastewater Climate Change Readiness Study Plan

SERVICES TO BE PERFORMED:

1. **Client** shall provide:
 - A. Access to wastewater facilities and provide all required safety equipment.
 - B. Provide other key data as outlined below.
2. **Consultant** shall perform the following services:

Background:

Crescent City's WWTP NPDES permit includes an item for a Climate Change Readiness Study Plan (CCRSP) as follows:

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2. Climate Change and Stormwater Management Plan, for Del Norte Local Transportation Commission, November 2015
3. ASCE Tsunami Hazard Tool
4. North Coast Resource Partnership (formerly Integrated Regional Water Management Group), Climate Change studies
5. GIS files with wastewater collection system, WWTP, discharge pipeline
6. Other local, relevant documents

Approach:

Our approach to completing this study is to use existing information to the greatest extent possible, prepare analyses to fill data gaps that may exist, and to coordinate with both the City and the Regional Water Board to provide a document that satisfies the permit compliance requirements. We have budgeted a level of effort for collecting data in the field if needed. Our scope of work is divided into 4 tasks which are detailed below.

Scope of Work

Task 1: Collect Review Background Materials

The background materials described above will be reviewed specifically for information related to:

- a. Sea Level rise projections (including storm surge from back to back storms) at WWTP, in collection system and discharge system as compared to tectonic uplift
- b. Nearshore seismic and tsunami effects (exacerbated by sea level rise)
- c. Flood hazard
- d. Other climate change impacts (e.g. storm-related power outages) that could impact waste discharge compliance and meeting receiving water limitations

Based on Task 2.1, CCRSP outline, identify data gaps and assess means of filling data gaps in Task 2.2.

Task 2: Prepare Climate Change Readiness Study Plan

Task 2.1 Prepare CCRS Outline

Concurrent with Task 1, this task includes preparing a study outline that addresses the topics required in the NPDES permit above including

1. Assessment of WWTP, operations and collection and discharge systems for short and long-term Climate Change vulnerabilities
2. Control measures to address identified Climate Change vulnerability as describe above and to include measures at vulnerable facilities to protect, accommodate and retreat (relocate/remove), if necessary
3. Implementation Schedule of proposed control measures to be developed in collaboration with City staff

Task 2.2 Conduct Data Analysis to Fill Data Gaps

Based on initial review of available documents, this task will likely include:

1. GIS Flood and sea level rise analysis of facilities outside of the 2019 State Lands analysis (eg collection system) for vulnerabilities to flood, sea level rise and tsunami
2. Evaluation of climate change impacts to WWTP operation that could affect compliance and meeting receiving water limitations such as consequences of sea level rise to influent wastewater quality and receiving water conditions, need for flow equalization and/or Infiltration/inflow reduction to accommodate peak influent flows, impacts of storm-related power outages, and others.
3. Analysis of impacts of back to back storms on collection, WWTP and discharge systems
4. Others analysis to fill identified data gaps

Task 2.3 Prepare Draft CCRSP

This task will include development of figures, tables and narrative to document elements requested in NPDES permit for City review. Deliverable will be in electronic form only

Task 2.4 Prepare CCRSP for Regional Board Review

This task will include incorporation of City comments and submittal to Regional Board for review. Deliverable will be in electronic form only

Task 2.5 Prepare Final CCRSP

This task will include incorporation of Regional Board comments (consolidated into a single set) on CCRSP submitted to Regional Board and preparation of a final electronic deliverable in pdf.

Task 3: Project Management, Calls and QA/QC

This task includes internal project coordination and management and QA/QC review of deliverables. In addition, up to 3 conference call/webcasts will be conducted and e-mail summary prepared.

COMPENSATION:

Client agrees to compensate Consultant as follows:

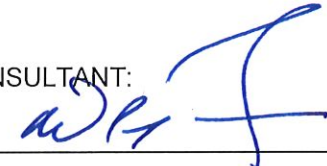
Time and materials in accordance with the attached 2020 Schedule of Charges not to exceed \$60,000 without the express written authorization of Client. Estimated Level of Effort is also attached.

CONDITIONS AND OTHER PROVISIONS:

This Task Order shall be made to the original Agreement made between Client and Stover Engineering (Consultant) on the Date referenced above. All other conditions and provisions of Agreement shall remain in full force and effect.

APPROVED

CLIENT:
BY: _____
NAME: _____
TITLE: _____
DATE: _____

CONSULTANT:
BY:  _____
NAME: Ward L. Stover, PE
TITLE: Principal
DATE: 9-15-20

[End of Task Order]

Stover Engineering Standard Rates and Charges

1. The following maximum hourly rates for professional services are to be charged as compensation for services rendered (actual rates invoiced will be based on individual performing the work):

Principal Engineer	\$139.00/hour	Senior/Project Engineer	\$130.00/hour
Staff Engineer	\$110.00/hour	Assistant Engineer	\$ 95.00/hour
Sr. Engineering Tech	\$ 91.00/hour	Engineering Technician	\$ 80.00/hour
Clerical	\$ 70.00/hour	Expert Witness	\$280.00/hour (Depositions/Hearings 2 HR min)
Construction Manager	\$139.00/hour		

Services subject to State or Federal Prevailing Wages Ask for up-to-date Quote
 (See Note 6 below)

2. In addition to the hourly professional service rates, the following direct charges shall be made:

CADD Plots on Bond	\$2.00 per 24"x36" sheet
Digital Scan	\$3.00 per 24"x36" sheet
Digital Copies/Prints	\$2.00 per 24"x36" sheet plus Scan
Ink on Mylar Original Plots	\$15.00 per 24"x36" sheet
Photocopies	\$0.15 per single sided page
Photocopies (Color)	\$0.80 per single sided page
Mileage	\$0.575 per mile traveled
Automatic Level	\$25.00 per day
Total Station	\$80.00 per day
Turbidimeter/ph Meter for SWPPP QSP	\$12.00 per Rain Day
Telephone (Long Distance Charges)	Cost plus 10%
Other Direct Expenses	Cost plus 10%
Equipment, miscellaneous	Call for quote

3. MATERIALS TESTING

Field Compaction Testing (ASTM 2922, Cal 231)	Staff Time + Mileage + Gauge
Nuclear Gauge	\$25.00/hr
Concrete Field Sampling (ASTM C-31, C-143)	Staff Time + Mileage
Other Tests not listed above or by another firm	Staff Time or Negotiated Fee

4. Overtime, which is requested by the Client or necessary by law, will be charged at 130% of the applicable hourly service rates.
5. Unless specified otherwise within this Agreement, subconsultants and subcontractors nominally will be cost plus 10% for their own rates, which may be higher than Consultant's Rates listed above.
6. Unless expressly conditioned in the Agreement, all work performed under this Agreement is professional in nature and Client expressly agrees that it is not subject to payment of State or Federal prevailing wages. Client agrees that if it is subsequently determined at a later date that portions of the work are subject to prevailing wages and must be paid to employees, Consultant shall be additionally compensated by Client the cost difference between the regular wage paid and prevailing wage to be paid times 1.35, plus the cost of any fines levied for violation of prevailing wage laws, plus reasonable and necessary legal fees and costs for defense related to prevailing wage issues.

These rates are effective until 1 January 2021 when at such time they may be modified.

[End of Standard Rates and Charges]

CITY COUNCIL AGENDA REPORT



TO: MAYOR INSCORE AND MEMBERS OF THE CITY COUNCIL

FROM: ERIC WIER, CITY MANAGER

BY: RICHARD GRIFFIN, CHIEF OF POLICE

DATE: SEPTEMBER 21, 2020

SUBJECT: DONATION OF DRUG TERMINATOR BY RX SAFE DEL NORTE

RECOMMENDATION

- Hear staff report
- Receive public comment
- Authorize the City Manager to accept the donation of Drug Terminator from RX Safe Del Norte.

BACKGROUND

Since taking office in October of 2019, Chief Griffin has been attending meetings for the RX Safe Del Norte Coalition. During these meetings, a need was discussed regarding disposing of narcotics that had been seized by the police department, and other law enforcement agencies in Del Norte County, and then adjudicated through the court process. Chief Griffin provided RX Safe Del Norte with information about a product called “The Drug Terminator” which would allow the Crescent City Police Department (CCPD) to destroy narcotics and paraphernalia on site at the CCPD.

The “Drug Terminator” allows for a safe and efficient disposal of confiscated narcotics once the court process is completed. The “Drug Terminator” allows narcotics and paraphernalia to be inserted into a metal drum after a wood fire is built up. The product then creates an intense “whirlwind” of fire inside the drum by utilizing high velocity air blowers.

As a result of this partnership and a need from local law enforcement, RX Safe Del Norte has donated a “Drug Terminator” to the Crescent City Police Department (CCPD).

ANALYSIS

The donation is valued at \$4240, (plus \$350 shipping) before tax. This donation will aid the CCPD in destroying adjudicated evidence without having to pay to transport the

narcotics out of county to be destroyed by another agency. The Drug Terminator will also be available to other agencies in Del Norte County when needed to assist with the destruction of narcotics.

FISCAL ANALYSIS

There will be no direct cost to the City in accepting this donation. Ongoing operational costs of operating the unit are expected to be minimal and consists primarily of City Staff time. This labor cost will be offset by the time that coordination of the out of town destruction and possible travel time would have taken. After the drug destruction process is complete, the remains consist of inert ash and can be disposed of as common trash.

When other law enforcement agencies request to utilize this equipment, they would be required to supply the personnel to supervise the process. If possible, Police Department staff would schedule a day such that a joint destruction of City and the outside Agency contraband could be completed, which would not result in any additional staff time.

STRATEGIC PLAN ASSESSMENT

This report is consistent with the City's Strategic Plan, Goal No. 1 "Support quality services, community safety, and health to enhance the quality of life and experience of our residents and visitors."

ATTACHMENTS

None



CM

CITY COUNCIL AGENDA REPORT



TO: MAYOR INSCORE AND MEMBERS OF THE COUNCIL

FROM: ERIC WIER, CITY MANAGER

BY: ROBIN PATCH, CITY CLERK/ADMINISTRATIVE ANALYST

DATE: SEPTEMBER 8, 2020

SUBJECT: RESOLUTION PACKET FOR THE 2020 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

RECOMMENDATION

- Hear staff report
- Receive public comment
- Consider and take a position on the resolution for the voting delegate to represent the City at the 2020 League of California Cities Annual Conference.

BACKGROUND

The League of California Cities hosts an annual conference and requests Council action to take a position for the League resolution for the 2020 Annual Conference.

ANALYSIS

See attached documentation.

FISCAL ANALYSIS

There are no fiscal impacts.

ATTACHMENT(S)

1. 2020 Annual Conference Resolution Packet

EW
CM



August 21, 2020

To: Mayors, City Managers and City Clerks

From: Melanie Perron, Deputy Executive Director, Advocacy and Public Affairs

Re: League's 2020 Annual Conference Resolution Packet

Please find an enclosed copy of the 2020 Resolution Packet for the League of California Cities' 2020 Annual Conference and Expo being held virtually October 7 – 8. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac.

One resolution has been submitted. The attached packet contains the proposed resolution, background materials supplied by the sponsors, supporting letters from cities and city officials, and League staff analyses for the resolution. The packet also includes detailed information on the League's resolution process. A copy of the resolution packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

Voting Delegates: In order to vote during the General Assembly, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity. If your city has not already done so, Please complete the Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference. The General Assembly will be held virtually on Friday, October 9 at 11:00 a.m. (subject to change).

We encourage each city council to consider the resolution and to determine a city position so that your voting delegate can represent your city's position on the resolution. Should you have any questions regarding the attached material, please contact Meg Desmond at mdesmond@cacities.org or by phone 916-837-6822.



*Annual Conference
Resolutions Packet*

2020 Annual Conference Resolutions



October 7 – 9, 2020

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

GENERAL ASSEMBLY: This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
 2 - General Resolutions Committee
 3 - General Assembly

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

WHEREAS, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

WHEREAS, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

WHEREAS, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

WHEREAS, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

WHEREAS, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

WHEREAS, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

WHEREAS, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

Background Information to Resolution

Source: City of Cerritos

Background:

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Charles Harvey, Legislative Representative
Bijan Mehryar, Legislative Representative
Caroline Cirrincione, Policy Analyst
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations
Public Safety

Summary:

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Background:

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

Staff Comments:

Overview:

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

Nation's Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the "Black Lives Matter" movement. It has been uncovered that these "flash robs"¹ were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

¹ The "flash robs" phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230’s liability shield would be to create additional exceptions, as it did with FOSTA and SESTA². If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)³, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider’s decision to restrict access to content was not made in good faith.

Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

² The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.

³ Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

Fiscal Impact:

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

Existing League Policy:

Public Safety:

Law Enforcement

The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Violence

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Governance, Transparency & Labor Relations:

Private Sector Liability

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

Questions to Consider:

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders’ respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution’s impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone’s privacy?*

Support:

The following letters of concurrence were received:

City of Hawaiian Gardens
City of Lakewood
City of Ontario
City of Rancho Cucamonga
City of Roseville

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Section 230 of the Communications
Decency Act of 1996



"Our Youth - Our Future"

CITY OF HAWAIIAN GARDENS

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Jeff Wood
Vice Mayor

Ariel Pa
Council Member

Steve Crutt
Council Member

Diane DuBois
Council Member



Todd Rogers
Mayor

August 5, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Lakewood

CITY OF



ONTARIO

303 EAST "B" STREET, CIVIC CENTER ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000

FAX (909) 395-2070

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

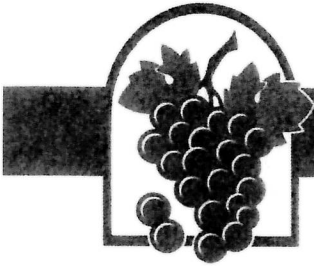
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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner
Council Member
League of California Cities Board Member

c: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us



CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | www.CityofRC.us

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us



City Council
311 Vernon Street
Roseville, California 95678

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. Allard II", is written over a horizontal line.

John B. Allard II,
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us
Jason Gonsalves, Joe A. Gonsalves and Son