



111 E. COMMERCIAL STREET  
WILLITS, CALIFORNIA 95490  
(707) 459-4601 TEL  
(707) 459-1562 FAX

**WILLITS CITY COUNCIL  
AGENDA  
APRIL 14, 2010 ♦ 6:00 P.M. ♦ COUNCIL CHAMBERS**

1. **OPENING MATTERS** – a) Call to Order; b) Pledge to Flag; c) Roll Call
2. **PUBLIC MATTERS**
  - a. Presentation of Proclamation in Recognition of the Skunk Train's 125<sup>th</sup> Anniversary
  - b. Presentation of Proclamation in Recognition of National Library Week, April 11-17, 2010
3. **PUBLIC COMMUNICATIONS**

*Council welcomes participation in its meetings. Comments shall be limited to five minutes per person so that everyone may be given an opportunity to be heard. To expedite matters and avoid repetition, whenever any group of persons wishes to address the Council on the same subject matter, the Mayor may request that a spokesperson be chosen by the group. This item is limited to matters under the jurisdiction of the City Council which are not on the posted agenda. Public criticism of the City Council, Commission, Boards and Agencies will not be prohibited. No action shall be taken.*
4. **CONSENT CALENDAR**

*Matters listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by a single motion and roll call vote by the City Council. Items may be removed from the Consent Calendar upon request of a Councilmember and acted upon separately by the City Council.*

The following items are recommended for approval:

  - a. City Council Minutes of March 25, 2010 (Special Meeting)
  - b. Disbursements Journal (Dated March 31, 2010), Including Warrant Nos. 15139-15286, Totaling \$254,963.53
5. **RIGHT TO APPEAL**

*Persons who are dissatisfied with the decisions of the City Council may have the right to a review of that decision by a court. The City has adopted Section 1094.6 of the Code of Civil Procedure which generally limits to 90 days the time within which the decisions of the City boards and agencies may be judicially challenged.*
6. **COMMISSIONS, AGENCIES AND AUTHORITIES**

*The City of Willits City Council meets concurrently as the City of Willits Community Development Agency and Planning Commission.*
7. **OLD BUSINESS**
8. **CITY MANAGER REPORTS AND RECOMMENDATIONS**
  - a. Discussion and Possible Action Approving Contracts and Related Forms for Merchant Bankcard Processing
  - b. Other Reports – Verbal/No Action
9. **DEPARTMENT RECOMMENDATIONS**
  - a. Police Chief
  - b. City Planner
  - c. City Attorney

- d. Public Works Director
- e. City Engineer
- f. Finance Director
- g. City Clerk

**10. CITY COUNCIL AND COMMITTEE REPORTS**

- a. Mendocino Council of Governments (MCOG)
- b. Local Agency Formation Commission (LAFCO)
- c. Mendocino Transit Authority (MTA)
- d. Revit-ED Committee
- e. Mendocino Solid Waste Management Authority-Joint Powers Authority (MSWMA-JPA)
- f. Economic Development and Financing Corporation (EDFC)
- g. League of California Cities
- h. Water Resources Committee
- i. Sewer System Committee
- j. Finance Committee
- k. Caltrans Ad Hoc Committee
- l. Other Committee Reports

**11. COUNCIL MEMBER REPORTS AND RECOMMENDATIONS**

- a. Discussion and Possible Adoption of a Resolution in Support of the Redwood Forest Foundation and the Foundation's Sale of a Conservation Easement
- b. Discussion and Possible Adoption of a Resolution in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010

**12. ENACTMENT OF ORDINANCES**

- a. Discussion and Possible Adoption of an Ordinance Deleting Title 14 and Enacting a New Title 14 Entitled "Water Service" of the Willits Municipal Code

**13. GOOD & WELFARE**

**14. CLOSED SESSION NOTICE**

- a. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) – Existing Litigation: California Trenchless, Inc., a California Corporation, vs. City of Willits, a Public Entity, and DOES 1 through 50, Inclusive; Case No. SCUJ CVG-090054892
- b. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) – Existing Litigation: City of Willits, et al. vs. Mildred Sanchez, et al.; Case No. SCUJ CVG-0798692
- c. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) – Anticipated Litigation: Significant Exposure to Litigation (One Case)

**15. ADJOURNMENT**

*I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Willits City Hall, located at 111 East Commercial Street, Willits, California, not less than 72 hours prior to the meeting set forth on this agenda.*

*Dated this 9<sup>th</sup> day of April, 2010.  
Adrienne Moore, City Clerk*

**AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE**

*The meeting room is wheelchair accessible and disabled parking is available. If you are a person with a disability and need disability-related modifications or accommodations to participate in this meeting, please contact Adrienne Moore at (707) 459-7120 or Fax (707) 459-1562. Requests for such modifications or accommodations must be made at least two full business days prior to the meeting.*

**ADDITIONAL MEETING INFORMATION FOR INTERESTED PARTIES**

*Materials related to an item on this Agenda submitted to the Willits City Council, Planning Commission, or Community Development Agency after distribution of the agenda packet are available for public inspection at City Clerk's office at 111 E. Commercial Street, Willits, during normal business hours.*

# PROCLAMATION

## RECOGNIZING THE 125<sup>TH</sup> ANNIVERSARY OF THE SKUNK TRAIN

WHEREAS, the Fort Bragg Railroad was established in 1885 by C.R. Johnson and his fellow investors as a logging railroad and played a key role in the area's industrial life, as well as its social and cultural activities; and

WHEREAS, no other logging railroad in America made the deep impression on American life that was created by the railroad line from Fort Bragg... first by the beauty of its route and later by the distinctiveness of its equipment; and

WHEREAS, the Fort Bragg Railroad became California Western Railroad & Navigation Company and was later referred to as The Skunk Train, deriving its name from folks who were familiar with steam locomotives and said that the gas fumes were "like the odor of a skunk" and "You can smell 'em before you can see 'em"; and

WHEREAS, the Skunk Train has ushered in two centuries, saw the Quake of 1906, lived through two World Wars, the economic collapse of 1929 and the Great Depression to follow, the floods of 1964 and 1974, the transfer from a lumber company, and the survival of bankruptcy; making it one of Mendocino County's oldest and continuous businesses; and

WHEREAS, now in its 125<sup>th</sup> year, the Skunk Train operates as a scenic passenger railway, bringing thousands of visitors to Mendocino County playing an important role in our local economy; and

WHEREAS, the Skunk Train is a valuable tourist attraction that has helped make Willits and Mendocino County a destination for tourists from around the world; and

WHEREAS, the City of Willits would also like to acknowledge the management, staff and crew of the Skunk Train for making sure that this community treasure continues for future generations.

NOW, THEREFORE, I, Bruce Burton, Mayor of the City of Willits, do hereby proclaim our congratulations to the Skunk Train for 125 years of service in Mendocino County.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the CITY OF WILLITS to be affixed this 14<sup>th</sup> day of April, 2010.

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Bruce Burton, Mayor

ATTEST:

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Adrienne Moore  
City Clerk



Item No. 2b

Meeting Date: April 14, 2010

### AGENDA SUMMARY REPORT

**To:** Honorable Mayor and Council Members

**From:** Adrienne Moore, City Clerk

**Agenda Title:** PRESENTATION OF PROCLAMATION IN RECOGNITION OF NATIONAL LIBRARY WEEK, APRIL 11-17, 2010

**Type:**  Presentation  Consent  Regular Agenda  Public Hearing  Urgent Time: 15 min.

**Summary of Request:** The week of April 11-17, 2010, schools, campuses and communities across the country celebrate National Library Week, a time to remind the public about the contribution libraries, librarians and library workers make to their communities every day.

In today's tough economy, libraries offer free resources to help people find jobs and learn new skills. People of all ages and backgrounds find entertainment, develop skills and come to find their place in the community. People gather for book discussions, for storytime with their children, or to volunteer or look for volunteer work. Our own Willits Library helps our community thrive.

What makes the library unique is access to trained professionals – librarians – to help people find and interpret the information they need to make a difference in their lives. Our libraries also help keep us connected, providing a space for people of all ages, classes and races to come together, while keeping us connected to events and people around the world.

Ms. Barbarie Gonzalez, the City of Willits' appointee to the Library Advisory Board, will be present to accept the proclamation and make a brief presentation to the Council.

**Recommended Action:** Adopt proclamation in recognition of National Library Week, April 11-17, 2010.

**Alternative(s):** None recommended.

**Fiscal Impact:** None.

**Personnel Impact:** None.

**Reviewed by:**  City Manager  City Attorney  Finance Director  Human Resources  Risk

**Council Action:**  Approved  Denied  Other: \_\_\_\_\_

**Records:**  Agreement  Resolution # \_\_\_\_\_  Ordinance # \_\_\_\_\_  Other \_\_\_\_\_

# PROCLAMATION

## RECOGNIZING NATIONAL LIBRARY WEEK 2010 APRIL 11<sup>TH</sup> – 17<sup>TH</sup>, 2010

WHEREAS, libraries everywhere play a vital role in supporting the quality of life in their communities; and

WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever; and

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, libraries serve as crucial technology hubs for people in need of free Web access, computer training, and assistance finding job resources; and

WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend; and

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, I, Bruce Burton, Mayor of the City of Willits, do hereby proclaim National Library Week, April 11-17, 2010. I encourage all residents to visit the Willits Library this week to take advantage of the wonderful library resources available the Willits Library.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the CITY OF WILLITS to be affixed this 14<sup>th</sup> day of April, 2010.

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Bruce Burton, Mayor

ATTEST:

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Adrienne Moore  
City Clerk



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**WILLITS CITY COUNCIL  
SPECIAL MEETING MINUTES  
THURSDAY, MARCH 25, 2010**

Mayor Burton called a special meeting of the City Council to order at 6:00 p.m. in Council Chambers. The meeting was preceded by the pledge to the flag.

**Roll Call:** Council Members Victor Hanson, Greg Kanne, Holly Madrigal, Larry Stranske, and Mayor Bruce Burton were present.

Also present were staff members: Paul Cayler, City Manager; Jim Lance, City Attorney; Alan Falleri, Community Development Director; Gerry Gonzalez, Police Chief; Joanne Cavallari, Finance Director; John Sherman, Code Enforcement Officer; and Adrienne Moore, City Clerk/Human Resources Director.

**2A. PRESENTATION REGARDING STARTING A BUSINESS IN WILLITS, A SMALL BUSINESS DEVELOPMENT SEMINAR SCHEDULED FOR SATURDAY, APRIL 17, 2010**

Paul Cayler, City Manager, reported that City staff has been working with the Chamber of Commerce, Richard Willoughby of the Bank of Willits, and Bear Kamaroff of Bell Springs Publishing to develop a small business workshop to provide an opportunity for interested parties to learn about various resources and requirements involved in starting a small business in Willits and operating it successfully. He invited Ron Moorhead, President, Willits Chamber of Commerce, to address the Council.

Mr. Moorhead described each of the three sessions, noting that established business owners are also welcome to attend. He also emphasized the importance of preregistration due to limited space (interested parties may call the Chamber office or register online on their website). He further commented that it is more and more evident that a strong local economy is essential in small rural communities, and expressed appreciation for the support of the City Council and the local business community.

**2B. DISCUSSION AND POSSIBLE APPROVAL OF A NO-COST MEMBERSHIP FOR THE CITY TO JOIN THE 3/50 PROJECT, A NATIONWIDE CAMPAIGN TO SUPPORT LOCAL BUSINESSES**

Alan Falleri, Community Development Director, introduced the matter, noting that this is closely related to the mission of the Chamber of Commerce's Local First Committee. He commented that, like BALLE (Business Alliance for Local Living Economies), *The 3/50 Program* provides another networking opportunity for the local business community. The premise is simple – pick three local businesses and commit to spending a total of \$50 per month – and is designed to educate the community about how local dollars cycle through the community and provide a greater return on the dollar compared to spending outside the community. Mr. Falleri recommended Council approval of a no-cost membership to The 3/50 Project as a way of demonstrating the City's support for the local business community.

**Motion by Stranske/Second by Kanne and carried unanimously to approve a no-cost membership for the City to join *The 3/50 Project*, a nationwide campaign to support local businesses.**

**2C. DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATION TO APPOINT AN AIRPORT COMMISSIONER**

Council Member Hanson reported that prior issues regarding an appointment to the Airport Commission have been resolved, recommending that Mike Smith be appointed to fill an unexpired term on the Airport Commission.

**Motion by Hanson/Second by Kanne and carried unanimously to accept the Commission's recommendation and appoint Mike Smith to the Willits Airport Commission to fill an unexpired term, ending May 1, 2012.**

**2D. DISCUSSION AND POSSIBLE APPROVAL OF CITY COUNCIL MINUTES OF MARCH 10, 2010**

**Motion by Madrigal/Second by Stranske and carried unanimously to approve the City Council minutes of March 10, 2010.**

**2E. DISCUSSION AND POSSIBLE APPROVAL OF DISBURSEMENTS JOURNAL (DATED MARCH 16, 2010), INCLUDING WARRANT NOS. 15035-15138, TOTALING \$388,019.32**

*(See motion below.)*

**2F. DISCUSSION AND POSSIBLE APPROVAL OF DISBURSEMENTS JOURNAL (DATED MARCH 18, 2010), INCLUDING WARRANT NOS. 15033-15034, TOTALING \$1,536.35**

**Motion by Madrigal/Second by Hanson and carried unanimously to approve the Disbursements Journal (dated March 16, 2010), including Warrant Nos. 15035-15138, totaling \$388,019.32; and the Disbursements Journal (dated March 18, 2010), including Warrant Nos. 15033-15034, totaling \$1,536.35.**

*THE CITY COUNCIL ADJOURNED AND CONVENED AS THE PLANNING COMMISSION*

**3A. DISCUSSION AND POSSIBLE ACTION REGARDING APPLICATION SUBMITTED BY MICHAEL GARRITY FOR USE PERMIT NO. U-09-01 TO CONSTRUCT A MODULAR HOME FOR A TEMPORARY CARETAKER RESIDENCE**

Alan Falleri, Community Development Director, introduced the matter, noting that Mike Garrity, owner of the Willits Power Equipment/Carhartt clothing complex, is requesting a conditional use permit to allow the construction of a single-family residence (modular home) to house a caretaker for the existing businesses, which would be located behind the business.

Council Members Stranske and Madrigal sought clarification regarding the process at the end of two-year permit. Mr. Falleri noted that the applicant would need to seek approval for a renewal and/or modification of the permit.

**Motion by Kanne/Second by Stranske and carried unanimously to adopt Resolution No. 2010-04 approving Use Permit No. U-09-01 (Garrity), making findings in Exhibits A and B, and subject to the conditions listed in Exhibit C.**

*THE PLANNING COMMISSION ADJOURNED AND RECONVENED AS THE CITY COUNCIL*

*ADJOURNED TO CLOSED SESSION AT 6:18 P.M.*

**4. CLOSED SESSION NOTICE**

- a. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) – Existing Litigation: City of Willits, et al. vs. Mildred Sanchez, et al.; Case No. SCUK CVG-0798692

- b. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) – Anticipated Litigation: Significant Exposure to Litigation (One Case)

There was nothing to report out of Closed Session.

**Moved by Hanson/seconded by Stranske and carried by unanimous roll call vote to adjourn the meeting at 7:40 p.m.**

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Bruce Burton, Mayor

ATTEST:

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Adrienne Moore, City Clerk

Disbursements Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S	ACCOUNT
GENERAL CHECK FORM									
15139	03/16/10	PERPETUAL ENERGY SYS	4254 SOLAR ELEC WATER PL	4,316.91	508467	WIL 1013		P N H	503.5033.2110.000
15140	03/16/10	SAN HEDRIN NURSERY	292 PLANTS FOR WISC PRO	1,100.08	508471	3052010		P M H	206.2060.2101.037
15141	03/17/10	PETTY CASH	123 NEWSPAPERS	14.00	508472	PC 03/17/2010		P N H	100.1002.2055.000
15141	03/17/10	PETTY CASH	123 OFFICE SUPPLIES	49.72	508472	PC 03/17/2010		P N H	100.1002.2055.000
15141	03/17/10	PETTY CASH	123 DEIONIZED WATER	18.40	508472	PC 03/17/2010		P N H	501.5013.2101.034
15141	03/17/10	PETTY CASH	123 SHORTAGE	7.15	508472	PC 03/17/2010		P N H	100.1002.2055.000
				89.27	*CHECK TOTAL				
15143	03/17/10	MARINES' MEMORIAL CL	4356 LODGING 2 DAYS	390.40	508474	800682		P N H	100.1022.2105.000
15143	03/17/10	MARINES' MEMORIAL CL	4356 PARKING	51.30	508474	800682		P N H	100.1022.2105.000
				441.70	*CHECK TOTAL				
15144	03/19/10	MENDO-LAKE CREDIT UN	104 DIRECT DEPOSIT	3,000.00	508475	03192010		P N H	690.237
15145	03/19/10	AFLAC	4036 125 PLAN POL PREM	883.64	508476	206768		P N H	690.246
15146	03/19/10	HARTFORD LIFE INSURA	709 DEFERRED COMPENSATI	1,810.00	508477	GRP 0109420		P N H	690.236
15147	03/19/10	MENDOCINO CHILD SUPP	1057 CHILD SUPPORT	295.00	508478	03142010		P N H	690.233
15148	03/19/10	CONTRA COSTA CHILD S	4267 CHILD SUPPORT	194.50	508479	03142010		P N H	690.233
15149	03/19/10	FRANCHISE TAX BOARD	695 PAYROLL DEDUCTION	428.41	508480	03192010		P N H	690.233
15150	03/19/10	UNITED STATES TREASU	4252 PAYROLL DEDUCTION	300.00	508481	03142010		P N H	690.233
15151	03/19/10	PERS	256 EMPLOYER CONTRIBUT	21,749.91	508482	ID CODE 0876		P N H	690.229
15151	03/19/10	PERS	256 EMPLOYEE CONTRIBUTI	7,874.00	508482	ID CODE 0876		P N H	690.230
				29,623.91	*CHECK TOTAL				
15152	03/19/10	ACE COPY & SHIPPING	4112 COPIES WWTP BOOKS	3,033.04	508470	604621-604623		P M H	430.4330.2055.001
15152	03/19/10	ACE COPY & SHIPPING	4112 COPIES WWTP BOOKS	1,212.35	508470	604621-604623		P M H	430.4330.2055.001
15152	03/19/10	ACE COPY & SHIPPING	4112 COPIES WWTP BOOKS	112.10	508470	604621-604623		P M H	430.4330.2055.001
				4,357.49	*CHECK TOTAL				
15153	03/22/10	DAVIDSON TRAINING	4368 WASTEWATER CERTIFICAT	250.00	508468	TEST PREP CLAS		P N H	501.5013.2110.000
15154	03/22/10	UNITED PARCEL SERVIC	165 SHIPPING CHARGES	900.00	508469	958793110		P N H	100.1002.2055.000
15155	03/23/10	PERPETUAL ENERGY SYS	4254 SOLAR ELEC WATER PL	2,890.58	508466	WIL 1013		P N H	503.5033.2110.000
15156	03/30/10	WESTAMERICA BANK	4161 PRINCIPAL	2,745.89	508464	526-00871		P N H	100.1098.3001.000
15156	03/30/10	WESTAMERICA BANK	4161 INTEREST	1,046.25	508464	526-00871		P N H	100.1098.3002.000
15156	03/30/10	WESTAMERICA BANK	4161 PRINCIPAL	3,093.78	508465	526-01054		P N H	501.5011.3001.000
15156	03/30/10	WESTAMERICA BANK	4161 INTEREST	1,217.01	508465	526-01054		P N H	501.5011.3002.000
				8,102.93	*CHECK TOTAL				

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S	ACCOUNT
GENERAL CHECK FORM									
15157	03/30/10	MACIAS/SANDRA	.08600 CLEANING DEPOSIT REFU	250.00	508463	02142010		P N H	600.602
15198	03/31/09	A T & T	259 WP PHONE	171.55	508382	96073902035551		P N W	503.5030.2015.000
15199	03/31/09	ACS	1432 CASS CERTIFICATION	325.47	508373	510412		P N W	503.5030.2055.000
15200	03/31/09	AFLAC	1018 125 PLAN	25.00	508371	041696ER		P N W	690.246
15201	03/31/09	AMERA-CHEM, INC	4375 DRUG I.D. BIBLE	46.95	508374	032610		P N W	100.1020.2050.000
15202	03/31/09	ANTHEM BLUE CROSS	627 MEDICAL INS PREMIU	59,695.98	508385	000281027B		P N W	690.231
15203	03/31/09	ATT MOBILITY	4253 ENGINEERING CELL PHON	101.49	508372	838580415		P N W	100.1042.2015.000
15203	03/31/09	ATT MOBILITY	4253 PW CELL PHONES	86.44	508372	838580415		P N W	100.1040.2015.000
15203	03/31/09	ATT MOBILITY	4253 PLANNING/WATER CONSERV	44.73	508372	838580415		P N W	206.2060.2015.000
15203	03/31/09	ATT MOBILITY	4253 CODE ENFORCEMENT	14.77	508372	838580415		P N W	206.2060.2015.000
15203	03/31/09	ATT MOBILITY	4253 WATER DEPT CELL PHONE	24.57	508372	838580415		P N W	503.5030.2015.000
15203	03/31/09	ATT MOBILITY	4253 SEWER DEPT CELL PHONE	97.02	508372	838580415		P N W	501.5013.2015.000
15203	03/31/09	ATT MOBILITY	4253 BUILDING DEPT CELL	41.27	508372	838580415		P N W	100.1015.2015.000
15203	03/31/09	ATT MOBILITY	4253 POLICE MOBILE PHONE	151.36	508372	838580415		P N W	100.1020.2015.000
				561.65	*CHECK TOTAL				
15204	03/31/09	AUTO MART	750 VEHICLE MAINTENANCE #	121.63	508375	10174		P M W	100.1022.2044.000
15205	03/31/09	BANK OF AMERICA	10 SHELVING	192.10	508376	9825		P N W	651.6510.2199.000
15205	03/31/09	BANK OF AMERICA	10 CA STATUTE BOOKS	199.03	508376	9825		P N W	100.1042.2055.000
15205	03/31/09	BANK OF AMERICA	10 OFFICE DESK SET	793.09	508376	9825		P N W	100.1016.2055.000
15205	03/31/09	BANK OF AMERICA	10 WATER PLANT INTERNET	59.99	508376	9825		P N W	503.5030.2015.000
15205	03/31/09	BANK OF AMERICA	10 BUDGET BOOKS	194.35	508376	9825		P N W	100.1003.2055.000
15205	03/31/09	BANK OF AMERICA	10 AVG SOFTWARE	62.26	508376	9825		P N W	100.1042.2055.000
15205	03/31/09	BANK OF AMERICA	10 AP FUEL TEST	2.54	508376	9825		P N W	500.5001.2041.000
15205	03/31/09	BANK OF AMERICA	10 FINANCE CHARGE/LATE FE	52.97	508376	9825		P N W	100.1003.2199.000
				1,556.33	*CHECK TOTAL				
15206	03/31/09	BLUEPRINTS & COPIES	591 AS-BUILT KIDS CLUB	14.19	508377	COPIES		P M W	406.4060.4003.000
15206	03/31/09	BLUEPRINTS & COPIES	591 WEST COMMERCIAL ST	146.54	508377	COPIES		P M W	207.2070.2055.001
15206	03/31/09	BLUEPRINTS & COPIES	591 WWTP	2,481.95	508377	COPIES		P M W	430.4330.2055.001
15206	03/31/09	BLUEPRINTS & COPIES	591 SCANS	19.58	508377	COPIES		P M W	100.1042.2081.030
15206	03/31/09	BLUEPRINTS & COPIES	591 WWTP COPIES	1,216.64	508377	COPIES		P M W	430.4330.2055.001
				3,878.90	*CHECK TOTAL				
15207	03/31/09	BROOKTRAILS	4369 WCAC ADVERTISING	60.00	508378	03092010		P N W	600.601
15208	03/31/09	BURTNESS/BRANDI	4376 MILEAGE REIMBURSEMENT	85.60	508384	1043		P N W	503.5030.2105.000
15209	03/31/09	BURTNESS/KEVIN	4185 COMPUTER SUPPORT ENGI	100.00	508383	CW 2010-07		P M W	100.1042.2081.030
15209	03/31/09	BURTNESS/KEVIN	4185 COMPUTER SUPPORT PW	50.00	508383	CW 2010-07		P M W	100.1040.2081.030
				150.00	*CHECK TOTAL				

Disbursements Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S	ACCOUNT
GENERAL CHECK FORM									
15210	03/31/09	CAMPBELL/MELISSA	.08595 WATER DEPOSIT REFUND	61.11	508391	10202487001		P N W	503.111
15211	03/31/09	CATHERINE KILLION'S	4027 COM CENTER JANITORIAL	800.00	508386	66&PW&ENG09/10		P M W	100.1016.2061.020
15211	03/31/09	CATHERINE KILLION'S	4027 CLEANING AFTER PARTY	75.00	508386	66&PW&ENG09/10		P M W	600.602
15211	03/31/09	CATHERINE KILLION'S	4027 PW JANITORIAL	130.00	508386	66&PW&ENG09/10		P M W	100.1040.2081.030
15211	03/31/09	CATHERINE KILLION'S	4027 ENG JANITORIAL	130.00	508386	66&PW&ENG09/10		P M W	100.1042.2081.030
				1,135.00	*CHECK TOTAL				
15212	03/31/09	CAYLER/PAUL	4259 CELL PHONE REIMBURSEM	100.00	508379	CPR03192010		P N W	100.1002.2015.000
15213	03/31/09	CENTURY 21/SHARON	.08594 WATER DEPOSIT REFUND	35.50	508390	10203670004		P N W	503.111
15214	03/31/09	CHEVRON USA, INC.	27 MARCH FUEL	253.52	508419	23998583		P N W	100.1022.2044.000
15215	03/31/09	COAST RANGE DIGITAL	4048 RECORD COUNCIL MEETIN	315.00	508380	09 150		P M W	100.1001.2081.030
15216	03/31/09	COUNTY OF MENDOCINO	33 JC ELEC SVC FEB 2010	811.77	508388	2010-2		P N W	100.1020.2110.000
15216	03/31/09	COUNTY OF MENDOCINO	33 JC WATER SVC FEB 2010	121.38	508388	2010-2		P N W	100.1020.2110.000
15216	03/31/09	COUNTY OF MENDOCINO	33 JC GARBAGE SVC FEB 201	71.45	508388	2010-2		P N W	100.1020.2110.000
				1,004.60	*CHECK TOTAL				
15217	03/31/09	COUNTY OF MENDOCINO	223 PROPERTY TAX	931.76	508411	03282010		P N W	503.5030.3010.000
15217	03/31/09	COUNTY OF MENDOCINO	223 PROPERTY TAX	6,197.13	508411	03282010		P N W	501.5010.3010.000
15217	03/31/09	COUNTY OF MENDOCINO	223 PROPERTY TAX	94.78	508411	03282010		P N W	100.1045.3010.000
15217	03/31/09	COUNTY OF MENDOCINO	223 PROPERTY TAX	347.75	508411	03282010		P N W	213.2130.3010.000
				7,571.42	*CHECK TOTAL				
15218	03/31/09	COUNTY OF MENDOCINO	4133 JAN SVC AGREEMENT 201	660.00	508381	20101-2		P N W	100.1020.2081.030
15218	03/31/09	COUNTY OF MENDOCINO	4133 JAN HOURLY SUPPORT 20	198.50	508381	20101-2		P N W	100.1020.2081.030
15218	03/31/09	COUNTY OF MENDOCINO	4133 JAN SCV CREDIT 2010	198.50CR	508381	20101-2		P N W	100.1020.2081.030
15218	03/31/09	COUNTY OF MENDOCINO	4133 FEB SVC AGREEMENT 201	660.00	508381	20101-2		P N W	100.1020.2081.030
15218	03/31/09	COUNTY OF MENDOCINO	4133 FEB HOURLY SUPPORT 20	147.26	508381	20101-2		P N W	100.1020.2081.030
15218	03/31/09	COUNTY OF MENDOCINO	4133 FEB SVC CREDIT 2010	147.26CR	508381	20101-2		P N W	100.1020.2081.030
				1,320.00	*CHECK TOTAL				
15219	03/31/09	COX CASTLE NICHOLSON	4176 LEGAL SERVICES	3,609.87	508389	336745		P M W	206.2060.2061.020
15220	03/31/09	CTI VALUELINE	4377 ENG SUPPLIES	481.75	508387	423094		P N W	100.1042.2055.000
15221	03/31/09	DIRECT IMAGE PRINTIN	4382 POSTERS FOR LOCAL 1ST	150.00	508460	24769		P N W	206.2060.2081.030
15222	03/31/09	DISCOVERY OFFICE SYS	4244 TONER FOR FAX MACHINE	171.13	508392	55E1005595		P N W	100.1020.2055.000
15223	03/31/09	DONAHUE/JAKE	4338 DINNER PER DIEM	20.00	508473	03172010		P N W	100.1022.2105.000
15223	03/31/09	DONAHUE/JAKE	4338 PER DIEM	80.00	508473	03172010		P N W	100.1022.2105.000
				100.00	*CHECK TOTAL				
15224	03/31/09	DURAN CONSTRUCTION	4083 MADDEN ST DRIVEWAY	3,500.00	508393	1297		P M W	203.2030.4003.000

Disbursements Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S	ACCOUNT
GENERAL CHECK FORM									
15225	03/31/09	EEL RIVER FUELS	28 FUEL	4,119.45	508459	65600		P N W	100.125
15226	03/31/09	FEDERAL EXPRESS	50 SHIPPING CHARGES	22.47	508394	7-028-55453		P N W	206.2060.2061.020
15227	03/31/09	FISHER WIRELESS	4105 RADIO MICROPHONES	1,017.62	508395	1479		P N W	100.1022.2101.033
15228	03/31/09	FRYMAN SEPTIC TANK S	56 RENTAL SEWER PLANT	108.75	508396	678951&678952		P M W	501.5013.2061.020
15228	03/31/09	FRYMAN SEPTIC TANK S	56 BALL PARK & SKATE PAR	244.69	508396	678951&678952		P M W	100.1050.2101.045
				353.44	*CHECK TOTAL				
15229	03/31/09	GCS ENVIRONMENTAL	4370 GUTTER BROOM	158.99	508397	2200		P N W	201.2011.2101.038
15230	03/31/09	GRAINGER/W.W.	173 FIXTURE	209.96	508399	9200031293		P N W	100.1050.2045.000
15231	03/31/09	GROENIGER & CO INC.	4072 AIR RELEASE VALVE	409.44	508398	4011776-00		P N W	503.5031.2041.000
15232	03/31/09	HIS DESIGN	4237 SEWER SYSTEM PLAN	1,035.00	508400	09-09-WSS-O		P M W	501.5011.2081.030
15233	03/31/09	HOWE/SHERI	4371 WCAC FOOD REIMBURSEME	466.60	508401	03292010		P N W	600.601
15234	03/31/09	HYDEC	4378 WP PARTS	165.68	508402	15967		P N W	503.5033.2041.000
15235	03/31/09	I B E W	255 EMPLOYEE CONTRIBUTION	375.84	508403	IBEW MARCH2010		P N W	690.235
15236	03/31/09	JDS	4324 PARKING CITATION FEB'	100.00	508404	1008		P N W	100.1023.2081.030
15237	03/31/09	LAWRASON/JERRY	.08596 WATER DEPOSIT REFUND	63.60	508406	10200340003		P N W	503.111
15238	03/31/09	LTD ENGINEERING, INC	4355 TECHNICAL REPORT	2,104.52	508405	1119		P N W	503.5033.4003.000
15239	03/31/09	MEAD & HUNT INC	4031 PROF SVCS	1,250.40	508410	215954		P N W	500.5001.2101.041
15240	03/31/09	MENDOCINO GLOVE COMP	4372 SP GLOVES	195.88	508408	237555		P N W	501.5011.2041.000
15241	03/31/09	MENDOCINO JANITORIAL	4255 PD JANITORIAL SERVI	1,100.00	508407	1439		P M W	100.1016.2061.020
15242	03/31/09	MOTION INDUSTRIES IN	705 GEAR REDUCER REPAIR P	157.45	508409	CA23-457114		P N W	501.5013.2041.000
15243	03/31/09	NORCAL INC	4067 SLURRY	408.90	508413	3047 & 3058		P N W	201.2011.2101.035
15243	03/31/09	NORCAL INC	4067 CONCRETE	83.50	508413	3047 & 3058		P N W	201.2011.2101.035
				492.40	*CHECK TOTAL				
15244	03/31/09	NTU TECHNOLOGIES	211 SP CHEMICALS	2,484.00	508412	6853		P N W	501.5013.2101.034
15245	03/31/09	OCE IMAGISTICS	158 COPIER	13.31	508414	700317		P M W	100.1040.2041.000
15245	03/31/09	OCE IMAGISTICS	158 COPIER	13.31	508414	700317		P M W	100.1042.2041.000
				26.62	*CHECK TOTAL				

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S	ACCOUNT
GENERAL CHECK FORM									
15246	03/31/09	OPTIC FUEL CLEAN OF	4373 CLEAN FUEL TANK AT	1,263.00	508415	10CA5633	003355	P N W	500.5001.2045.000
15247	03/31/09	ORME/LAURA	.08597 WATER DEPOSIT REFUND	36.40	508416	10201940005		P N W	503.111
15248	03/31/09	P G & E COMPANY	114 CITY HALL	1,782.28	508417	PG&E 03/2010		P N W	100.1016.2110.000
15248	03/31/09	P G & E COMPANY	114 PD RADIO	9.76	508417	PG&E 03/2010		P N W	100.1020.2110.000
15248	03/31/09	P G & E COMPANY	114 PUBLIC WORKS	1,390.75	508417	PG&E 03/2010		P N W	100.1040.2110.000
15248	03/31/09	P G & E COMPANY	114 PARKS	379.12	508417	PG&E 03/2010		P N W	100.1050.2110.000
15248	03/31/09	P G & E COMPANY	114 STREET LIGHTS	488.17	508417	PG&E 03/2010		P N W	201.2010.2110.000
15248	03/31/09	P G & E COMPANY	114 AIRPORT	914.54	508417	PG&E 03/2010		P N W	500.5001.2110.000
15248	03/31/09	P G & E COMPANY	114 SP COLLECTION	43.04	508417	PG&E 03/2010		P N W	501.5011.2110.000
15248	03/31/09	P G & E COMPANY	114 SEWER	11,727.75	508417	PG&E 03/2010		P N W	501.5013.2110.000
15248	03/31/09	P G & E COMPANY	114 WATER	514.76	508417	PG&E 03/2010		P N W	503.5033.2110.000
15248	03/31/09	P G & E COMPANY	114 ENGINEERING	137.37	508417	PG&E 03/2010		P N W	100.1042.2110.000
15248	03/31/09	P G & E COMPANY	114 TENNIS COURTS	19.95	508417	PG&E 03/2010		P N W	100.1050.2110.000
15248	03/31/09	P G & E COMPANY	114 WATER	18.33	508417	PG&E 03/2010		P N W	503.5033.2110.000
				17,425.82	*CHECK TOTAL				
15249	03/31/09	PACE SUPPLY CORP	12 SADDLE TEE	47.01	508420	02824440		P N W	501.5011.2041.000
15249	03/31/09	PACE SUPPLY CORP	12 BASEBALL FIELD	6,659.76	508421	02843223		P N W	405.4050.4003.000
15249	03/31/09	PACE SUPPLY CORP	12 GASKET	27.88	508422	02850922		P N W	100.1050.2101.045
				6,734.65	*CHECK TOTAL				
15250	03/31/09	PEAT/LESTER	4281 WATER OPERATOR III	2,380.00	508423	LP 3/31/2010		P M W	503.5033.2081.030
15251	03/31/09	PITNEY BOWES	125 COPIER LEASE	1,520.91	508424	284432-MR10		P N W	100.1002.2095.000
15251	03/31/09	PITNEY BOWES	125 COPIER LEASE	147.42	508424	284432-MR10		P N W	100.1020.2095.000
				1,668.33	*CHECK TOTAL				
15252	03/31/09	POLLARDWATER.COM-EAS	4361 HOSE/GAUGE	429.75	508425	1268504-IN	003356	P N W	503.5031.2041.000
15253	03/31/09	PRINCIPAL MUTUAL LIF	629 LIFE INSURANCE PREMIU	899.53	508426	B85577-1		P N W	690.231
15254	03/31/09	PRINTING PLUS	127 POSTERS WCAC	152.25	508427	PP 3/30/2010		P M W	600.601
15254	03/31/09	PRINTING PLUS	127 REHAB PROJ W COMMER	2,505.17	508427	PP 3/30/2010		P M W	207.2070.2055.001
15254	03/31/09	PRINTING PLUS	127 WATER BILLS	987.45	508427	PP 3/30/2010		P M W	503.5030.2055.000
15254	03/31/09	PRINTING PLUS	127 BUSINESS CARDS ADRIENN	70.69	508427	PP 3/30/2010		P M W	100.1001.2055.000
15254	03/31/09	PRINTING PLUS	127 WWT REPORT	2,448.96	508427	PP 3/30/2010		P M W	430.4330.2055.001
15254	03/31/09	PRINTING PLUS	127 BUSINESS LICENSE PAPER	88.09	508427	PP 3/30/2010		P M W	100.1002.2055.000
				6,252.61	*CHECK TOTAL				
15255	03/31/09	PROFLAME	96 WP FUEL	1,573.25	508462	669555		P N W	503.5033.2110.000
15256	03/31/09	R E M I F	135 DENTAL INS PREMIUM	6,033.00	508430	APRIL 2010		P N W	690.231
15256	03/31/09	R E M I F	135 VISON INS PREMIUM	900.00	508430	APRIL 2010		P N W	690.231
15256	03/31/09	R E M I F	135 EAP INS PREM (MAR 10)	247.21	508430	APRIL 2010		P N W	690.231
				7,180.21	*CHECK TOTAL				

Disbursements Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
GENERAL CHECK FORM								
15257	03/31/09	RATCLIFF/MELISSA	.08598 WATER DEPOSIT REFUND	24.30	508428	10202870009		P N W 503.111
15258	03/31/09	RESERVE ACCOUNT	4129 POSTAGE	2,000.00	508429	20415030		P N W 100.1002.2055.000
15259	03/31/09	RONCO/JEREMY	4380 D-2 CERT TEST	58.00	508431	MILEAGE 3/10		P N W 503.5030.2105.000
15260	03/31/09	SCOTTS TANKS	4275 ADAPTOR/PLUG	9.46	508432	24228		P M W 503.5033.2041.000
15261	03/31/09	SHAW ENVIRONMENTAL I	4257 2ND SEM-ANN MON RPR	3,458.00	508433	509813R800501		P N W 213.2133.2081.030
15262	03/31/09	SHIN/YUNG	.08599 WATER DEPOSIT REFUND	25.00	508435	10204560003		P N W 503.111
15263	03/31/09	SIERRA CHEMICAL CO.	4330 WP CHEMICALS	1,821.20	508434	SCC 03/30/2010		P N W 503.5033.2101.034
15263	03/31/09	SIERRA CHEMICAL CO.	4330 SP CHEMICALS	1,551.00	508434	SCC 03/30/2010		P N W 501.5013.2101.034
15263	03/31/09	SIERRA CHEMICAL CO.	4330 CONTAINER DEPOSIT RET	600.00CR	508434	SCC 03/30/2010		P N W 503.5033.2101.034
15263	03/31/09	SIERRA CHEMICAL CO.	4330 CONTAINER DEPOSIT R	1,000.00CR	508434	SCC 03/30/2010		P N W 501.5013.2101.034
15263	03/31/09	SIERRA CHEMICAL CO.	4330 SP CHEMICALS	3,176.31	508434	SCC 03/30/2010		P N W 501.5013.2101.034
15263	03/31/09	SIERRA CHEMICAL CO.	4330 CONTAINER DEPPSIT R	2,000.00CR	508434	SCC 03/30/2010		P N W 501.5013.2101.034
				2,948.51	*CHECK TOTAL			
15264	03/31/09	STANLEY SECURITY SOL	4283 KEYED	192.70	508436	CA-648866		P N W 100.1016.2025.000
15265	03/31/09	TIGER DIRECT INC	4037 COMPUTER FOR AP FUEL	357.07	508458	P20850460102		P N W 500.5001.2041.000
15266	03/31/09	TOSHIBA	4242 COPIER LEASE	154.09	508438	7335466		P N W 100.1002.2095.000
15267	03/31/09	TOSHIBA	4263 COPIER LEASE	299.16	508437	147350557		P N W 100.1002.2095.000
15268	03/31/09	UKIAH PAPER SUPPLY I	164 PAPER SUPPLIES CH	201.49	508439	880226-2		P N W 100.1016.2025.000
15268	03/31/09	UKIAH PAPER SUPPLY I	164 SUPPLIES WP	86.78	508439	880226-2		P N W 100.1050.2101.045
15268	03/31/09	UKIAH PAPER SUPPLY I	164 CREDIT	7.87CR	508439	880226-2		P N W 100.1016.2025.000
				280.40	*CHECK TOTAL			
15269	03/31/09	ULINE	4379 EVIDENCE ROOM SUPPLIES	62.95	508418	31814558		P N W 100.1022.2101.031
15270	03/31/09	UNITED PARCEL SERVIC	165 SHIPPING	40.00	508440	00005382F9110		P N W 100.1040.2055.000
15270	03/31/09	UNITED PARCEL SERVIC	165 SHIPPING	40.00	508440	00005382F9110		P N W 100.1042.2055.000
				80.00	*CHECK TOTAL			
15271	03/31/09	USA BLUEBOOK INC	3997 PUMP/10 MIL PLASTIC	141.13	508441	110509/107446		P N W 501.5013.2101.034
15271	03/31/09	USA BLUEBOOK INC	3997 SIGN	107.05	508441	110509/107446		P N W 503.5031.2041.000
				248.18	*CHECK TOTAL			
15272	03/31/09	W P O A	262 AUDIO/VIDEO EQUIPMENT	612.82	508443	REIMBURSE		P N W 651.6510.2199.000
15272	03/31/09	W P O A	262 EMPLOYEE CONTRIBUTION	922.68	508449	WPOA MAR 2010		P N W 690.234
				1,535.50	*CHECK TOTAL			
15273	03/31/09	WATER WORKS ENGINEER	4285 WTP EXPANSION	26,764.97	508444	1226		P M W 503.5034.2061.012

Disbursements Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S	ACCOUNT
GENERAL CHECK FORM									
15274	03/31/09	WEED TECH	4204 PRAY FOR WEED AIRPORT	900.00	508456	MAR 25 2010		P M W	500.5001.2045.000
15275	03/31/09	WESTGATE PETROLEUM I	4045 SP SOFTWALL MXM HOSE	114.95	508442	511190		P N W	100.1041.2044.000
15275	03/31/09	WESTGATE PETROLEUM I	4045 SP DIESEL FUEL	325.63	508447	81859		P N W	503.5033.2041.000
				440.58	*CHECK TOTAL				
15276	03/31/09	WILLIAMS SCOTSMAN IN	4116 MOBILE OFFICE RENT SP	273.42	508448	94881050		P N W	501.5010.2096.000
15277	03/31/09	WILLITS AUTO PARTS	176 WRENCH	5.43	508461	14355 FEB 2010		P N W	100.1041.2101.045
15277	03/31/09	WILLITS AUTO PARTS	176 AUTO PARTS	37.08	508461	14355 FEB 2010		P N W	201.2011.2101.045
				42.51	*CHECK TOTAL				
15278	03/31/09	WILLITS KIDS CLUB	3981 PAYROLL DEDUCTION	40.00	508451	WKC MARCH 2010		P N W	690.248
15279	03/31/09	WILLITS NEWS	179 WWTP	1,019.54	508445	2113097		P N W	430.4330.2055.000
15279	03/31/09	WILLITS NEWS	179 W COM ST REHAB	1,740.44	508445	2113097		P N W	207.2070.2055.000
				2,759.98	*CHECK TOTAL				
15280	03/31/09	WILLITS POWER	1245 TAP N GO HEAD 10MM	32.61	508453	84903/83894		P M W	501.5013.2041.000
15280	03/31/09	WILLITS POWER	1245 CHAIN/OIL/MIX	43.05	508453	84903/83894		P M W	501.5011.2041.000
				75.66	*CHECK TOTAL				
15281	03/31/09	WILLITS ROTARY	4374 NON USE OF GREAT ROOM	50.00	508455	REFUND		P N W	600.601
15282	03/31/09	WILLITS SOBER GRAD	4381 SOBER GRAD DONATION	2,000.00	508450	WSG MARCH 2010		P N W	600.626
15283	03/31/09	WILLITS UNIFIED SCHO	457 CLEANING DEPOSIT REFU	300.00	508452	SCIENCE FAIR		P N W	600.602
15284	03/31/09	WILSON/BILL	4363 MEAL PER DIEM	63.44	508446	03182010		P N W	503.5033.2105.000
15284	03/31/09	WILSON/BILL	4363 MILEAGE	221.30	508446	03182010		P N W	503.5033.2105.000
15284	03/31/09	WILSON/BILL	4363 ENROLLMENT REIMBURSEM	350.00	508446	03182010		P N W	503.5033.2105.000
15284	03/31/09	WILSON/BILL	4363 LODGING 2 NIGHTS	123.86	508446	03182010		P N W	503.5033.2105.000
				758.60	*CHECK TOTAL				
15285	03/31/09	WIPF CONSTRUCTION	1032 VACTOR OUT SINK HOLE	375.00	508454	28323		P M W	201.2011.2081.030
15286	03/31/09	ZONES	4365 VIRUS PROTECTION	172.26	508457	S17845320101	003354	P N W	100.1003.2041.000
15286	03/31/09	ZONES	4365 VIRUS PROTECTION	57.42	508457	S17845320101	003354	P N W	206.2060.2041.000
15286	03/31/09	ZONES	4365 VIRUS PROTECTION	172.26	508457	S17845320101	003354	P N W	501.5010.2041.000
15286	03/31/09	ZONES	4365 VIRUS PROTECTION	172.26	508457	S17845320101	003354	P N W	503.5030.2041.000
				574.20	*CHECK TOTAL				
GENERAL CHECK FORM			TOTAL	254,963.53					

Disbursements Journal

WARRANT DATE VENDOR

DESCRIPTION

AMOUNT

CLAIM

INVOICE

PO#

F 9 S ACCOUNT

REPORT TOTALS:

254,963.53

RECORDS PRINTED - 000194



Item No. **8a**

Meeting Date: **April 14, 2010**

### AGENDA SUMMARY REPORT

**To:** Honorable Mayor and Council Members

**From:** Joanne Cavallari, Finance Director

**Agenda Title:** DISCUSSION AND POSSIBLE ACTION APPROVING CONTRACTS AND RELATED FORMS FOR MERCHANT BANKCARD PROCESSING

**Type:**  Presentation  Consent  Regular Agenda  Public Hearing  Urgent Time: 10 min

**Summary of Request:** The enclosed documents are required by Savings Bank (soon to be merged with Bank of Willits) to allow the City to accept debit and credit cards for payment of utility bills and other fees and charges. This would allow customers to pay their bill over the telephone, or by debit/credit card at the front counter. We will also be able to offer the convenience of online payments, pending modifications to our present website. The Airport will need this service for its card reader fuel sales, and the Cultural Arts Commission has expressed interest in being able to offer their art auction customers this option.

We are bringing this proposal to the Council because of our concern about the fees, which under the terms of the attached agreement, can't be charged back to the customer. Based on an average charge of \$50, the per-transaction fee is estimated to be \$1.53. If 25% of our residential customers utilize this service, it could cost the Water Fund as much as \$8,200 per year (1,783 single family customers \* 25% = 446 transactions per month \* 12 months = 5,352 transactions per year @ \$1.53 = \$8,189). The representative at the bank estimated that as many as 60% of our single family customers may choose to use this service, which would result in fees of approximately \$20,000 per year. Start-up costs include the terminal/printer at \$287, and a one-time set up fee of \$50.

Offering this convenience to our customers should reduce the number of late payments, returned checks, and uncollectible accounts. Although we do recover returned check charges from the customer, significant staff time is spent accounting for returned items.

**Recommended Action:** By minute order, approve the execution of the attached agreement with Savings Bank for Merchant Bankcard Processing.

**Alternative(s):** Do not approve the agreement, and continue to accept only cash and checks for utility payments.

**Fiscal Impact:** Start-up costs of \$337, with annual bank fees as estimated above.

**Personnel Impact:** Minimal.

**Reviewed by:**  City Manager  City Attorney  Finance Director  Human Resources  Risk

**Council Action:**  Approved  Denied  Other: \_\_\_\_\_

**Records:**  Agreement  Resolution # \_\_\_\_\_  Ordinance # \_\_\_\_\_  Other \_\_\_\_\_

# Savings Bank

OF MENDOCINO COUNTY

Member FDIC

www.savingsbank.com

A Full Service Community Bank

RECEIVED

MAR 25 2010

March 24, 2010

City of Willits  
Joanne Cavallari  
111 East Commercial Street  
Willits CA 95490

Dear Ms. Cavallari:

As per your request enclosed are the contracts and related forms for Merchant Bankcard Processing. Please complete all highlighted information and sign where noted on page 4. Also please provide copies of last two years Financial Statements. The Equipment Purchase Agreement needs to be signed and returned as well.

The Master Card, Visa and Discover discount rate for Retail Merchants is currently 1.90% for qualified items, 1.40% for CheckCard items, 2.00% for Rewards Qualified items, 2.56% for Partially Qualified items and 3.37% for Non-qualified items. There is also a \$0.15 per item fee and a \$0.10 authorization fee. The monthly merchant statement fee is \$5.00. The non-refundable application fee is \$50.00.

Please do not send a check for any of these fees. All fees will be debited from your account by Elavon once the application process is complete. Please return the application, equipment purchase agreement and financial statements to my attention in the enclosed envelope.

Once the documents are completed and signed, they will be sent to our processor, Elavon. It takes approximately 3 to 5 business days to complete the process. Please call me at 462-6613 ext. 276 with any questions you may have regarding this matter.

Sincerely,



Sharla B Reed  
Business Services Specialist

Enclosures

UKIAH MAIN	SOUTH MAIN	HOPLAND	NORTH UKIAH	FORT BRAGG	REDWOOD VALLEY	MENDOCINO	PEAR TREE	LAKEPORT
200 North School PO Box 3600 Ukiah, CA 95482 (707) 462-8613	1100 Airport Park Blvd. PO Box 3600 Ukiah, CA 95482 (707) 462-1496	13411 South Hwy 101 PO Box 455 Hopland, CA 95449 (707) 744-1313	904 North State PO Box 3800 Ukiah, CA 95482 (707) 462-9787	490 South Franklin PO Box 1269 Fort Bragg, CA 95437 (707) 964-4723	8431 East Road PO Box 300 Redwood Valley, CA 95470 (707) 485-0381	10500 Lansing PO Box 687 Mendocino, CA 95460 (707) 937-0545	414 East Perkins PO Box 3600 Ukiah, CA 95482 (707) 468-8933	650 North Main PO Box 156 Lakeport, CA 95453 (707) 263-7102

SAVINGS BANK OF MENDOCINO COUNTY

EQUIPMENT PURCHASE AGREEMENT

(Return to Merchant Bankcard Department)

DATE: 3/24/10

MERCHANT NAME: City of Willits

MERCHANT ADDRESS: 111 East Commercial St

MERCHANT ID #: \_\_\_\_\_

MERCHANT DDA #: 0100555301

ELECTRONIC DATA CAPTURE EQUIPMENT ORDERED:

TERMINAL MODEL: T4210

PRINTER MODEL: \_\_\_\_\_

PIN PAD: \_\_\_\_\_

\*\*\*\*\*

PRICE:	TERMINAL (S)	\$ 263.90
	PRINTER (S)	\$ _____
	PIN PAD (S)	\$ _____
	SUB TOTAL	\$ 263.90
	SALES TAX	\$ 23.09
	TOTAL PRICE	\$ 286.99

PLEASE INDICATE PREFERRED PAYMENT OPTION BELOW:

- PAYMENT IN FULL UPON DELIVERY – please sign the bottom of this agreement. We will debit your account and send you a receipt.
- PAY IN INSTALLMENTS (see terms below)- please sign the bottom of this agreement.

\*\*\*\*\*

**INSTALLMENT AGREEMENT AND TERMS for purchase of Data Capture Equipment for electronic processing of credit / debit card transactions.**

DOWN PAYMENT \$ \_\_\_\_\_

ONE QUARTER DOWN PAYMENT REQUIRED UPON DELIVERY OF EQUIPMENT WITH THE BALANCE DUE TO BE CHARGED MONTHLY TO MY BUSINESS CHECKING ACCOUNT # \_\_\_\_\_ IN THREE EQUAL INSTALLMENTS OF \$ \_\_\_\_\_ EACH ON THE \_\_\_\_\_ OF EACH MONTH.

(AUTHORIZED MERCHANT SIGNATURE)

# City of Willits

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## MEMORANDUM

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Date: April 9, 2010  
To: Honorable Mayor and City Council  
From: Paul Cayler, City Manager  
Subject: Administrative Progress Report

The following developments may be of interest to you and the community-at-large. Please contact me at (707) 459-4601, if you have any questions.

### **WATER MAIN FLUSH PROGRAM UPDATE**

Since my last report, the Water Main Flush program continues. The water mains on Main Street have been completed through the City. I want to thank the following City employees that have been working the "Flush": Steve Anderson, JC England, Bill Wilson, Clarence Tarver, Darin Bowles and Simon Mulliush. Flushing the Main Street mains required night work in order not to inconvenience motorists or customers. Now that Main Street is completed, people can now expect to see the flush crew moving into neighborhoods on either side of Main Street. As I am writing this report, the crew is working in the Highway 20 and Coast Street area.

There have been a few delays caused by weather. For example, flushing was cancelled due to the snow day on Monday April 5<sup>th</sup>. Also, night flushing of Main Street was cancelled due to stormy weather last week.

The continued rainy weather is good though. It means that the reservoir water storage capacity is not being used up by the water needed to flush. See my item below on information that I received from the Mendocino County Emergency Service Coordinator on the extended weather forecast for April 2010. It looks like more rain!

A special Flushing Program public information telephone line has been set up. Interested people may call 459-7104 for a recorded message. This message is updated daily to report where flushing operations will take place from day-to-day.

### **SALES TAX RECEIPTS**

The City recently received sales tax data for the Fourth Quarter of 2009. The data shows that the economy continued to shrink. Sales tax declined by a negative 2.9% when comparing the Fourth Quarter of 2009 to the Fourth Quarter of 2008. Willits performed better than Ukiah with a -6.2, Fort Bragg with a -9.0% and Mendocino County with a -12.6%. This is the first single digit decrease in sales tax in the past year.

The most recent four quarter total sales tax data indicates that over the past four quarters that sales tax is a negative 14.9% in Willits. Based on this data, Willits is in the middle of the pack when compared to Ukiah with a -12.2%, Fort Bragg with a -17.7%, and Mendocino County with a -18.3%.

The sales tax data indicates that Willits is presently at approximately the same annual sales tax collection as the City gathered in Fiscal Year 2005/2006.

This information of course impacts our efforts to bring the City's budget in line for Fiscal Year 2010/2011. The challenge will be great. I am hopeful that the trend toward single digit decline in sales tax collection is an indicator that the recession is beginning to bottom out and that we'll see a flattening of the sales tax trend line in the 1<sup>st</sup> and 2<sup>nd</sup> Quarters of 2010. The conventional wisdom is that the economic recovery will be slow and gradual.

### **EXTENDED WEATHER FORECAST**

I received an email from the Mendocino County Emergency Services Coordinator that the National Weather Service is calling for below temperatures and above normal rainfall in April 2010. The reason for this forecast is that El Nino conditions continue in the equatorial Pacific Ocean with sea surface temperature anomalies between plus 1.0 to 2.0 degrees Celsius. The El Nino conditions are expected to gradually weaken through springtime. As of the writing of this report, this extended forecast appears consistent with the five day weather forecast which calls for rain this coming weekend.

### **WILLITS CHAMBER OF COMMERCE BROWN BAG LUNCHESES**

I attended the Willits Chamber of Commerce's first Bag Bag Lunch on Wednesday, April 7<sup>th</sup>, at the Chamber's Conference Room at the Train Depot. Council Member Larry Stranske was the featured speaker. The conference room was full of interested citizens and Chamber members. Council Member Stranske addressed a number of important issues facing the City, such as the Bypass Project, the Sewer Project, and progress made in the Water Department. Chamber President Ron Moorhead is the Moderator for the Brown Bag Lunch. I understand that the Chamber will be inviting more community leader to talk at the Brown Bag lunches twice per month. I fully support the Chamber's efforts in this area. Ongoing community dialog and communication is critical for the numerous challenges facing the community. Thank you Willits Chamber of Commerce for organizing this program. The next lunch will be April 21<sup>st</sup>. I have it on my calendar to try and attend. People interested in the lunches should contact the Chamber of Commerce at 459-7910 for advanced registration.



Item No. 11a

Meeting Date: April 14, 2010

### AGENDA SUMMARY REPORT

**To:** Honorable Mayor and Council Members

**From:** Council Member Madrigal

**AGENDA TITLE:** DISCUSSION AND POSSIBLE ADOPTION OF A RESOLUTION IN SUPPORT OF THE REDWOOD FOREST FOUNDATION AND THE FOUNDATION'S SALE OF A CONSERVATION EASEMENT

**Type:**  Presentation  Consent  Regular Agenda  Public Hearing  Urgent Time: 10 min.

**Summary of Request:** The Redwood Forest Foundation is looking to sell an easement on the Usal Redwood Forest to The Conservation Fund – funded by the State of California. This item has been brought forward because as an interested party of the committee to form a Parks, Recreation and Open Space District, it behooves us to support efforts to preserve and protect our natural resources. If approved, Willits will join the cities of Ukiah and Fort Bragg as well as the County of Mendocino in supporting this resolution.

**Recommended Action:** Adopt a resolution in support of the Redwood Forest Foundation and the Foundation's sale of a conservation easement.

**Alternative(s):**

**Fiscal Impact:** None.

**Personnel Impact:** None.

**Reviewed by:**  City Manager  City Attorney  Finance Director  Human Resources  Risk

**Council Action:**  Approved  Denied  Other: \_\_\_\_\_

**Records:**  Agreement  Resolution # \_\_\_\_\_  Ordinance # \_\_\_\_\_  Other \_\_\_\_\_

## Key Points

1. Conservation easements are an effective tool that landowners and local communities can use to protect important natural resources while leaving the property in private hands, on the tax rolls and in production.
2. The sale of a conservation easement by the Redwood Forest Foundation to The Conservation Fund will allow the Foundation to reduce debt and thereby insure its ability to implement conservation management practices in perpetuity that include, among other provisions, prohibiting development and fragmentation, increasing forest inventory; improving water quality; and maintaining sustainable timber production.
3. Failure to sell a conservation easement threatens the Redwood Forest Foundation's ability to retain ownership of the property and increases the likelihood that property would be managed for purposes other than long-term sustainable forestry.
4. This project is exactly what Prop 84 envisioned.
5. It protects a large working forest that is threatened by fragmentation.
6. It creates a new model that brings environmentalists and industry together.
7. It will provide for large-scale conservation and economic benefits.
8. Increase the tax base for the county
9. Economic Benefits
  - a. Increased employment – well paying jobs
    - i. 115 jobs to over 415 jobs in 15 years.
    - ii. Retail dollars spent in Cities.
  - b. Restoration economy – bridge to a vibrant resource based economy.
    - i. Logging, sawmill, biomass
    - ii. Fishing
    - iii. Tourism
10. Excess revenues redistributed to the community.
  - a. 20 to 30 years out.
11. Economic / Ownership model that can replicated.
  - a. Public / Private Partnership
  - b. i.e. Biomass plant ownership
12. Supporters Include:
  - a. Congressman Mike Thompson
  - b. Assemblyman Wes Chesbro
  - c. State Senator Pat Wiggins
  - d. State Senator Fran Pavely
  - e. Ex-Assemblyperson Patty Berg
  - f. Institute for Sustainable Forestry
  - g. Save the Redwoods League
  - h. Anderson Logging
  - i. Shuster's Logging
  - j. Wylatti Resources Management
  - k. Mendocino Land Trust
  - l. Mendocino County Board of Supervisors

## Usal Forest Jobs Estimate (January 2010)

5-Year Period	2010-2014	2015-2019	2020-2024	2025-2029	2030-2034	2035-2039	2040-2044	2045-2049	2050-2054	2055-2059
<b>Direct Jobs/year</b>										
Forest Management <sup>1</sup>	12	12	12	12	12	12	12	12	12	12
Industry <sup>2</sup>	17	70	76	84	88	88	88	88	88	88
Mill <sup>3</sup>	9	35	38	42	44	44	44	44	44	44
<i>Subtotal</i>	<i>38</i>	<i>117</i>	<i>126</i>	<i>138</i>	<i>144</i>	<i>144</i>	<i>144</i>	<i>144</i>	<i>144</i>	<i>144</i>
<b>Indirect Jobs/year<sup>4</sup></b>										
<i>Subtotal</i>	<i>76</i>	<i>234</i>	<i>252</i>	<i>276</i>	<i>288</i>	<i>288</i>	<i>288</i>	<i>288</i>	<i>288</i>	<i>288</i>
<b>Total/Year</b>	<b>114</b>	<b>351</b>	<b>378</b>	<b>414</b>	<b>432</b>	<b>432</b>	<b>432</b>	<b>432</b>	<b>432</b>	<b>432</b>

Note: These job estimates were calculated using industry standard estimates of the number of jobs that are generated from each million board feet of timber harvested and the Redwood Forest Foundation's preliminary projections of harvest levels. Actual harvest and jobs may vary based on a range of environmental and market conditions.

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<sup>1</sup> Forest Management jobs are those associated with managing the forest

<sup>2</sup> Industry jobs are those associated with logging, truck drivers, timber fallers, mechanics, etc.

<sup>3</sup> Mill jobs are those associated with manufacturing logs in milling facilities

<sup>4</sup> Two indirect jobs (grocery, gas, real estate, financial service, etc.) are estimated to be associated with every one direct job.

## RESOLUTION NO. 2010-

### RESOLUTION OF THE WILLITS CITY COUNCIL IN SUPPORT OF THE REDWOOD FOREST FOUNDATION AND THE FOUNDATION'S SALE OF A CONSERVATION EASEMENT

WHEREAS, approximately 50% of Mendocino County is comprised of some of the most productive timberlands in the world; and

WHEREAS, the forest products and its allied industries continues to serve as an important tax base and generator of family wage jobs for the citizens of Willits and Mendocino County; and

WHEREAS, Mendocino County's private industrial forests sequester and hold significant amounts of carbon; provide important salmon, steelhead, spotted owl, marbled murrelet and other threatened and endangered species habitats; provide abundant and high quality water sources; and serve as a source for a wide array of recreational opportunities; and

WHEREAS, approximately 59 million acres of the nation's 70 million acres of industrial timberland have changed ownership due to macro-economic trends that make it attractive to fragment and sell forestlands, and whereas this trend is expected to continue as investors exit their timberland investments; and

WHEREAS, Willits citizens have often held strong and differing perspectives regarding how local forests should be managed to ensure the many environmental, economic and social benefits they provide; and

WHEREAS, a group of Mendocino County citizens with backgrounds in timber industry, conservation, finance, forestry, local government, and other disciplines formed the Redwood Forest Foundation out of concern that changes in forestland ownership could undermine forest management practices that provide the environmental, economic and social benefits highlighted above; and

WHEREAS, the Redwood Forest Foundation acquired the 50,000 acre Usal Redwood Forest to assure that this property will be perpetually managed as a working forest and whose economic attributes include a substantial inventory of high quality redwood and Douglas-fir timber which will allow for a sustained yield of timber volume and generate a sustained annual cash flow and whose environmental attributes include: a diversity of natural communities representative of the redwood forest eco-region, including mixed coniferous forest, mixed evergreen forest and oak woodlands, and associated rare or sensitive species such as northern spotted owl, southern torrent salamander, tailed frog and Vaux swift; and the entirety of several important streams and tributaries to the Benbow HSA of the South Fork of the Eel River and the Usal Creek HSA of the Mendocino Coast HU, which are identified as high priorities for restoration and management in the California Coho Recovery Strategy; and

WHEREAS, conservation easements are an effective tool that landowners and local communities can use to protect important natural resources while leaving the property in private hands, on the tax rolls and in production; and

WHEREAS, the sale of a conservation easement by the Redwood Forest Foundation to The Conservation Fund will allow the Foundation to reduce debt and thereby insure its ability to implement conservation management practices in perpetuity that include, among other provisions, prohibiting development and fragmentation, increasing forest inventory; improving water quality; and maintaining sustainable timber production; and

WHEREAS, failure to sell a conservation easement threatens the Redwood Forest Foundation's ability to retain ownership of the property and increases the likelihood that property would be managed for purposes other than long-term sustainable forestry; and

WHEREAS, 2% of the Usal Redwood Forest abuts the Pacific Ocean and is best suited for acquisition by the Save the Redwood League for permanent preservation.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Willits City Council supports the Redwood Forest Foundation's unique overnance structure that brings people with different perspectives together to determine how to best manage its forest.
- (2) The Willits City Council supports the Redwood Forest Foundation's acquisition of the Usal Forest and desires to see this model succeed for the benefit of the County and the State of California.
- (3) The Willits City Council encourages that Proposition 84 and other public and philanthropic sources be used to fund The Conservation Fund's and Save the Redwood League's acquisition of a conservation easement and coastal tract from the Redwood Forest Foundation so that this forest will remain in sustainable forest production.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Willits, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
BRUCE BURTON, Mayor  
City Council of the City of Willits

ATTEST:

\_\_\_\_\_  
ADRIENNE MOORE  
City Clerk



Item No. 11b

Meeting Date: April 14, 2010

### AGENDA SUMMARY REPORT

**To:** Honorable Mayor and Council Members

**From:** Council Member Madrigal

**Agenda Title:** DISCUSSION AND POSSIBLE ADOPTION OF A RESOLUTION IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010

**Type:**  Presentation  Consent  Regular Agenda  Public Hearing  Urgent Time: 15 min.

**Summary of Request:** The Local Taxpayer, Public Safety and Transportation Protection Act is an initiative to close loopholes to prevent the state from borrowing, raiding or otherwise redirecting local government, transportation or public transit funds. To date, City officials up and down the state are responsible for collecting 52,138 of the total 880,000 signatures gathered to help qualify the initiative for the November 2010 statewide ballot. If adopted the City of Willits will join the League of California Cities, Multiple Fire Agencies, as well of a growing list of city mayors.

**Recommended Action:** Adopt a Resolution in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

**Alternative(s):**

**Fiscal Impact:**

**Personnel Impact:**

**Reviewed by:**  City Manager  City Attorney  Finance Director  Human Resources  Risk

**Council Action:**  Approved  Denied  Other: \_\_\_\_\_

**Records:**  Agreement  Resolution # \_\_\_\_\_  Ordinance # \_\_\_\_\_  Other \_\_\_\_\_



[www.savelocalservices.com](http://www.savelocalservices.com)

## YES to Protect Local Taxpayers and Funding for Public Safety, Transportation & Other Vital Local Services from State Raids

### **THE PROBLEM:** STATE RAIDS AND BORROWING ARE JEOPARDIZING PUBLIC SAFETY, EMERGENCY RESPONSE, TRANSPORTATION, TRANSIT AND OTHER VITAL LOCAL SERVICES.

California voters have overwhelmingly passed separate ballot measures to dedicate local funding sources to essential local services and to prevent the State from shifting or raiding local government, transit and transportation funds. Despite this, the State recently passed a budget that borrowes and takes approximately \$5 billion in city, county, transit, redevelopment and special district funds this year. This year's raids and previous, ongoing state raids and borrowing are jeopardizing the services Californians need most:

- X *Police, fire and emergency 911 services have been cut.*
- X *Healthcare services for children, seniors and the disabled are being slashed.*
- X *Road repair and maintenance, congestion relief and safety improvements are constantly at risk.*
- X *Public transit like buses, commuter rail and shuttles are being slashed and fares are being raised.*
- X *Parks and libraries are closing, and other local government services critical to protect our neighborhoods and improve our quality of life are shutting down.*
- X *Vital community economic development and job creation projects are being shut down.*

State raids of local funds are fiscally irresponsible. The fiscally irresponsible practice of borrowing local taxpayer and transportation funds makes our budget problems worse down the line because local government and transportation funds have to be repaid, with interest. Additionally, many of the outright raids are ultimately rejected by the courts, creating even larger state budget deficits down the line.

### **THE SOLUTION:** PROHIBIT THE STATE FROM RAIDING LOCAL GOVERNMENT, TRANSIT AND TRANSPORTATION FUNDS.

The Local Taxpayer, Public Safety and Transportation Protection Act, scheduled for the November 2010 statewide ballot, would:

- ✓ Prohibit the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services. The measure would close loopholes to prevent the taking of local taxpayer funds currently dedicated to cities, counties, special districts and redevelopment agencies. It would also revoke the State's authority to borrow local government property tax funds.
- ✓ Protect vital, dedicated transportation and public transit funds from state raids. The measure would prevent State borrowing, taking or redirecting of the state sales tax on gasoline (Prop 42 funds) and Highway User Tax on gasoline (HUTA) funds that are dedicated to transportation maintenance and improvements. It would also prevent the State from redirecting or taking public transit funds.
- ✓ Protect local taxpayers by keeping more of our local tax dollars local where there's more accountability to voters, and by ensuring once and for all that our gas taxes go to fund road improvements. The measure also reduces pressure for local tax and fee increases that become necessary when the State redirects local funds.
- ✓ Reform state government and enhance fiscal accountability. This measure is a key step in reforming California's broken budget system by restoring more local control and accountability. It also stops the irresponsible practice of the State borrowing special funds that have to be repaid with interest, which only puts our State further in debt.



[www.savelocalservices.com](http://www.savelocalservices.com)

## Questions & Answers About the Local Taxpayer, Public Safety and Transportation Protection Act

### WHAT IS YOUR MEASURE AND WHAT DOES IT PROPOSE TO DO?

The Local Taxpayer, Public Safety and Transportation Protection Act is a constitutional amendment that we are working to place on California's November 2010 statewide ballot. The initiative would stop the State from raiding or borrowing funding for local public safety, transportation, transit and other essential local government services. Specifically, the measure would:

- ✓ **Prohibit the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services.** The measure would close loopholes to prevent the taking of funds currently dedicated to cities, counties, special districts and redevelopment agencies. It would also end the State's fiscally irresponsible practice of borrowing local government property tax funds.
- ✓ **Protect vital, dedicated transportation and public transit funds from State raids.** The measure would prevent State borrowing, taking or redirecting of the state sales tax on gasoline (Prop 42 funds) and Highway User Tax on gasoline (HUTA) funds that voters have dedicated to transportation maintenance and improvements. It would also prevent the State from redirecting or taking public transit funds.
- ✓ **Protect local taxpayers** by keeping more of our local tax dollars local where there's more accountability to voters, and by ensuring once and for all that our gas taxes go to fund road improvements. The measure also reduces pressure for local tax and fee increases that become necessary when the State redirects local funds.

### WHY IS IT NEEDED?

Unfortunately, the State has continued its irresponsible practice of taking and borrowing local taxpayer dollars and dedicated transportation funds. The 2009/10 state budget borrows and takes approximately \$5 billion in city, county, transit, redevelopment and special district funds this year despite the fact that voters have overwhelmingly passed ballot measures to keep local funding at the local level to provide essential local services. This year's raids and previous, ongoing state raids and borrowing jeopardize the services Californians need most, including police, fire and emergency 911 services; local economic development and redevelopment; mass transit like buses and commuter rail; and transportation improvements like road repairs and congestion relief. We need to pass this measure to protect these vital local services from State raids and borrowing.

### ISN'T FUNDING FOR LOCAL GOVERNMENT AND TRANSPORTATION ALREADY PROTECTED FROM STATE RAIDS?

California voters have overwhelmingly passed separate measures to prevent the State from raiding local government and transportation funds. However, each and every year the State attempts to take or borrow local government, transportation and transit funding using loopholes, or illegal funding diversions that have only been stopped after expensive and lengthy court battles. This year alone, the Legislature:

- Borrowed approximately \$2 billion in property taxes from local governments, despite no clear path to repay these funds.

- Took \$2.05 billion in local redevelopment funds, despite a recent Superior Court ruling that says these types of raids are unconstitutional.
- Shifted \$910 million in transit funding away from local transit agencies. The courts have since ruled these types of raids are unconstitutional.
- Voted to take more than \$1 billion of the local government share of the Highway User Tax (HUTA) to repay state bond debt (but the measure stalled in Assembly). These are funds that have always been used to finance local road repairs and maintenance.
- Took action to eliminate the state sales tax on gasoline (Prop 42 funds) and HUTA and replace with a gasoline “fee” that would have no constitutional protection from future raids by the legislature (the Governor ultimately vetoed this measure).
- Threatened to borrow Prop 42 transportation funds to address the State’s deficit.

Our measure would close loopholes in current law that the legislature has exploited to take or divert local funds. And it would tighten sections of the law to prevent illegal State funding raids of local government and transportation funds before they happen.

### **WHY DOES YOUR MEASURE PREVENT THE STATE FROM BORROWING LOCAL GOVERNMENT AND TRANSPORTATION FUNDS?**

The local government revenue protection measure in 2004 (Prop 1A) and the transportation revenue protection measure in 2006 (Prop 1A) included provisions that allow the State to borrow these funds during fiscal emergencies. However, after several budget cycles it is clear that these borrowing provisions are not only bad for local governments and transportation services, but fiscally irresponsible for the State. Borrowing these dedicated funds only plunges our state deeper into debt because the funds must to be repaid, *with interest* within three years.

The borrowing was meant to provide an outlet in short-term budget emergencies, but it’s instead being used to paper over structural budget problems. For example, the State has no clear way to pay back the \$2 billion plus interest in local property taxes that the State is borrowing as part of this year’s 2009-2010 State budget, yet lawmakers borrowed these funds anyway.

What’s more, because the State has the authority to borrow local government and transportation funds, it creates mass uncertainty for cities and counties who need to plan and pass their local budgets, and for transportation and transit planners who aren’t sure if they can rely on these revenues in any given year.

### **DOES THIS MEASURE INCREASE OR DECREASE REVENUES FOR LOCAL GOVERNMENTS OR FOR TRANSPORTATION AND TRANSIT?**

This measure does not increase or decrease the existing revenues that are dedicated to local government, transportation and transit funds. It simply prevents the State from borrowing or raiding *existing* local government, transportation and transit revenues that voters have dedicated to these services.

### **WON’T THIS MAKE OUR STATE’S BUDGET SYSTEM EVEN WORSE BY FURTHER PUTTING A LOCK BOX ON BILLIONS OF DOLLARS IN FUNDING?**

First, these are revenues that have historically been dedicated to cities, counties and special districts to fund local government services. It’s fiscally irresponsible for State Government to raid funds from local governments.

Second, it’s important to remember that these are funds that voters have **ALREADY** dedicated to local government, transportation and transit services. We are not dedicating any **NEW** funding for these services, but instead ensuring

that the will of voters is upheld by protecting local government and transportation funds from further State raids and borrowing.

This reform is fiscally responsible and a key step in long-term reform for California. The State has gotten itself into this deep fiscal mess in large part because lawmakers have relied on budget gimmicks like tapping into voter-protected funds and borrowing which only pushes our problems into the future.

### **HOW DOES THIS MEASURE FIT INTO THE NEED FOR BROAD REFORM OF STATE GOVERNMENT IN CALIFORNIA?**

This measure is a necessary and responsible first step toward fiscal reform in California. Virtually everyone agrees that State reforms must include the restoration of more local control over local tax dollars, and moving services closer to the people at the local level. This measure ensures local control, predictability, and accountability for local tax dollars that are used to provide the most essential local services.

### **WILL THIS MEASURE IMPACT FUNDING FOR PUBLIC SCHOOLS, HEALTHCARE OR OTHER SERVICES?**

No. This measure does not take away funding from schools or any other service funded by the State because it only protects EXISTING funds that are already dedicated to local services like public safety and transportation. And this measure in no-way alters Proposition 98, which guarantees funding levels for K-14 schools.

### **HOW WILL THIS MEASURE IMPACT TAXPAYERS?**

This measure provides further protections for *existing* revenues that voters have already dedicated to local government, transportation and transit services. It does not increase taxes. In fact, this measure protects taxpayers by keeping more of our tax dollars local where they're more accountable. And this measure decreases pressure for local tax and fee increases at the local government level that become needed when the state takes local revenues and local governments are forced to look for new revenues to protect vital services.

**RESOLUTION NO. 2010-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLITS IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010**

WHEREAS, California voters have repeatedly and overwhelmingly passed separate ballot measures to stop State raids of local government funds, and to dedicate the taxes on gasoline to fund local and state transportation improvement projects; and

WHEREAS, these local government funds are critical to provide the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit; and

WHEREAS, despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years; and

WHEREAS, this year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds have lead to severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services; and

WHEREAS, State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these locally-dedicated funds; and

WHEREAS, a coalition of local government, transportation and transit advocates recently filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, for potential placement on California's November 2010 statewide ballot; and

WHEREAS, approval of this ballot initiative would close loopholes and change the constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willits formally endorses the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, a proposed constitutional amendment.

BE IT FURTHER RESOLVED that we hereby authorize the listing of the City of Willits in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 and instruct staff to fax a copy of this resolution to campaign offices at 916.442.3510.

The above and foregoing Resolution was introduced by Councilmember seconded by Councilmember , and passed and adopted at a regular meeting of the City Council of the City of Willits, held on the 14<sup>th</sup> day of April, 2010, by the following vote:

AYES:  
NOES:  
ABSENT:

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BRUCE BURTON, Mayor  
City Council of the City of Willits

ATTEST:

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ADRIENNE MOORE  
City Clerk



Item No. 12a

Meeting Date: April 14, 2010

### AGENDA SUMMARY REPORT

**To:** Honorable Mayor and Council Members

**From:** Paul Cayler, City Manager

**Agenda Title:** DISCUSSION AND POSSIBLE ADOPTION OF AN ORDINANCE DELETING TITLE 14 AND ENACTING A NEW TITLE 14 ENTITLED "WATER SERVICE" OF THE WILLITS MUNICIPAL CODE

**Type:**  Presentation  Consent  Regular Agenda  Public Hearing  Urgent Time: 5 min

**Summary of Request:** This ordinance amends an existing section (14.36.090 "Meters installed but not yet activated") and adds new sections (14.56.090 "Connection fees paid and meter not installed"; 14.56.100 "Service connection purchased after building permit issued" and 14.72.025 "Delinquent accounts on undeveloped premises"), to address inconsistencies in the Willits Municipal Code as related to actual water service practices.

The City Council introduced and waived the reading of the proposed Water Service Ordinance at their March 10, 2010, meeting. Subsequently, the City Clerk caused a summary of the proposed ordinance to be published in the Willits News, as required by law. At the time of agenda publication, no comments were received.

**Recommended Action:** Adopt the proposed ordinance deleting Title 14 and enacting a New Title 14 entitled "Water Service" of the Willits Municipal Code.

**Alternative(s):** Reject or modify the final draft revisions

**Fiscal Impact:** The fiscal impact of the proposed revisions is expected to be nominal. Many of the proposed revisions reflect current practice. Some additional revenue will be generated by temporarily disconnected meters paying the minimum meter service charge.

**Personnel Impact:** None

**Reviewed by:**  City Manager  City Attorney  Finance Director  Human Resources  Risk

**Council Action:**  Approved  Denied  Other: \_\_\_\_\_

**Records:**  Agreement  Resolution # \_\_\_\_\_  Ordinance # \_\_\_\_\_  Other \_\_\_\_\_

**ORDINANCE NO. 2010-\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLITS DELETING  
TITLE 14 OF THE WILLITS MUNICIPAL CODE AND ENACTING A NEW TITLE 14  
ENTITLED “WATER SERVICE ORDINANCE.”**

The City Council of the City of Willits hereby ordains as follows:

**SECTION ONE.**

Title 14 of the Willits Municipal Code is hereby deleted and replaced with the new Title 14 to read as follows:

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**Title 14 – WATER SERVICE**

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Chapters:

- 14.04 General Provisions
- 14.08 Definitions
- 14.12 Water Department
- 14.16 Application for Water Service
- 14.20 Water Main Extensions
- 14.24 Commercial and Shopping centers
- 14.28 General Use Regulations
- 14.36 Meters
- 14.40 Credit
- 14.44 Billing
- 14.48 Collection by Suit
- 14.52 Complaints
- 14.56 Disconnection of Services
- 14.60 Public Fire Suppression
- 14.64 Private Fire Suppression Service
- 14.68 Temporary Service
- 14.72 Rates and Charges
- 14.80 Special Agreements
- 14.90 Water Shortage Emergencies

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**Chapter 14.04 – GENERAL PROVISIONS\***

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Sections:

- 14.04.010 Short title
- 14.04.020 Water system
- 14.04.030 Uniformity of application

City of Willits, Title 14, Water Service

- 14.04.040 Severability
- 14.04.050 Penalty for violation
- 14.04.060 Relief on application
- 14.04.070 Oaths

**14.04.010 Short title.** The ordinance codified in this title shall be known and may be cited as the Willits water service ordinance.

For statutory provisions on municipal water systems, see Government Code § 38730 et seq.

**14.04.020 Water system.** Water service will be provided by the city by means of an enterprise identified as the "Willits water system," which enterprise consists of improvements, buildings, subsystems, plants, facilities and other undertakings used for or useful for the obtaining, conserving, treating and supplying of water for domestic use, irrigation, or any other public or private uses, within the city and as an incident thereto without the city. Without limiting the generality of the foregoing, the Willits water system shall include all lands, facilities, improvements, extensions, buildings and other structures, including (but not limited to) all dams, water reservoirs, wells, tanks, pumps, pipes, lines, treatment plants and other works, and all appurtenances thereto, together with all easements and other real property, including timber and minerals, and all permits, licenses, water and other rights, and all personal property which may be affixed to any thereof or which may have been affixed or a part thereof but which may have been severed therefrom, now or at any time used or useful in connection with the enterprise as distinguished from general city administration which may include administration of the enterprise as a part thereof.

**14.04.030 Uniformity of application.** Where provision is made in this title for the implementation of this title by resolution, the provisions of such resolution shall apply uniformly to all persons similarly situated and affected thereby.

**14.04.040 Severability.** If any section, subsection, sentence, clause or phrase of this title is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this title.

**14.04.050 Penalty for violation.** For the failure of the customer to comply with all of this title, and any ordinance, resolution or order fixing rates and charges and rules or regulations of this city, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated.

**14.04.060 Relief on application.**

A. When any person, by reason of special circumstances, is of the opinion that any provision of this title is unjust or inequitable as applied to his premises, he may make written application to the city council, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

B. If such application be approved, the city council may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

**14.04.070 Oaths.** Each member of the city council, or the city clerk, may administer oaths and affirmations in connection with the giving of testimony at any hearing, investigation, or other matter pending before the city council.

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## Chapter 14.08 – DEFINITIONS

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Sections:

14.08.005	Generally
14.08.010	Above primary
14.08.020	Applicant
14.08.030	City
14.08.040	City engineer
14.08.050	City manager
14.08.060	Commercial/industrial property
14.08.070	Connection fee(s)
14.08.080	Control valve
14.08.090	Cross-connection
14.08.100	Curb stop
14.08.110	Distribution main
14.08.120	Domestic property
14.08.130	Domestic service
14.08.140	Dwelling
14.08.150	Extensions
14.08.160	Multiple users
14.08.170	Owner
14.08.180	Person
14.08.190	Premises
14.08.200	Main zone
14.08.210	Private fire suppression service
14.08.220	Public fire suppression service
14.08.230	Service or service connection
14.08.240	Unit
14.08.250	Water department
14.08.260	Water service, regular
14.08.270	Water service, temporary

**14.08.005 Generally.** As used in this title, and unless otherwise provided or unless the context otherwise requires as used in any ordinance, resolution or order fixing rates and charges and rules or regulations of this city, the definitions of terms set forth in this chapter shall apply.

City of Willits, Title 14, Water Service

**14.08.010 Above primary.** "Above primary" means that portion of the city wherein it is necessary that water be pumped through a booster pumping system in order that it be delivered to the premises of the customers.

**14.08.020 Applicant.** "Applicant" means a person making written application for main line extension, water service or a water subsystem within a tract of land.

**14.08.030 City.** "City" means the city of Willits.

**14.08.040 City engineer.** "City engineer" means the registered civil engineer appointed by the city council to act as such, either on a regular basis or from time to time.

**14.08.050 City manager.** "City manager" means the city manager of the city or his authorized representative.

**14.08.060 Commercial/industrial property.** "Commercial/industrial property" means the premises devoted primarily to the conduct of a business or trade, exclusive of including property utilized for motel, hotel, mobile home park or similar residential purposes.

**14.08.070 Connection fee(s).** "Connection fee(s)" means a fee to be paid by an applicant for new water service connections determined by the city council.

**14.08.080 Control valve.** "Control valve" means a valve, independent of the city's facilities, located in the customer's piping as close to the meter as practicable, the operation of which will control the entire water supply from the meter.

**14.08.090 Cross-connection.** "Cross-connection" means any physical or potential connection between the piping system from the city service and that of any other water supply whereby water from the unapproved source may be forced or drawn into the city distribution mains.

**14.08.100 Curb stop.** "Curb stop" means a valve between the distribution main and the meter for the use of the city in controlling the water supply to a customer.

**14.08.110 Distribution main.** "Distribution main" means water lines located in streets, alleys, and easements that are used for public and private fire suppression and for general distribution of water.

**14.08.120 Domestic property.** "Domestic property" means premises used for residential purposes, including such residential uses as are excluded, by definition, from commercial property.

**14.08.130 Domestic service.** "Domestic service" means the supplying of water for residential purposes.

City of Willits, Title 14, Water Service

**14.08.140 Dwelling.** "Dwelling" means a habitable place of residence, including but not limited to: (1) home; (2) apartment; (3) hotel room; (4) motel room; and (5) duplex unit.

**14.08.150 Extensions.** "Extensions" means the addition of distribution mains, exclusive of service connections, beyond existing facilities.

**14.08.160 Multiple users.** "Multiple users" means water service and facilities rendered for separate houses, buildings, living or business quarters, such as motels, mobile home parks, commercial and shopping centers, under single control or management, and/or a single premises.

**14.08.170 Owner.** "Owner" means the person(s) owning an interest in the fee, or the person(s) in whose name the legal title to the property appears, by deed duly recorded in the county recorder's office or the person(s) in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner(s).

**14.08.180 Person.** "Person" means an individual, company, association, co-partnership, public or private corporation, city, county, special district, state, the United States or agency thereof, any federally recognized Indian tribe, or any group or combination acting as a unit.

**14.08.190 Premises.** "Premises" means: (1) a vacant lot or parcel of real property under one ownership and (2) each dwelling, provided, however, that the water department may, in its sole discretion, treat any number of premises as a single premises.

**14.08.200 Main zone.** "Main zone" means that portion of the city wherein water need not pass through a booster pumping system in order that it be delivered to the premises of the customers.

**14.08.210 Private fire suppression service.** "Private fire suppression service" means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire suppression and the water available thereto.

**14.08.220 Public fire suppression service.** "Public fire suppression service" means the service and facilities of the entire water supply, storage and distribution system of the city, including the fire hydrants affixed thereto, and the water available for fire suppression, excepting house service connections and appurtenances thereto.

**14.08.230 Service or service connection.** "Service" or "service connection" means the pipe line and appurtenant facilities such as the curb stop, meter and meter box, all used to extend water service from a distribution main to premises. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service and each shall be separately metered.

**14.08.240 Unit.** "Unit" means one hundred cubic feet of water or seven hundred forty-eight gallons.

**14.08.250 Water department.** "Water department" means the department of the city which administers the Willits water system, which department is staffed by the city manager and other persons designated by the city council to perform functions related to water service within and without the city.

**14.08.260 Water service, regular.** "Regular water service" means water service and facilities rendered for normal domestic, commercial or industrial purposes on a permanent basis, and the water available therefore.

**14.08.270 Water service, temporary.** "Temporary water service" means water service and facilities rendered for construction work and other uses for a period not to exceed 90 days per location.

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### Chapter 14.12 – WATER DEPARTMENT

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**14.12.010 Creation.** A water department is created, consisting of the city manager, water department supervisor, and such other personnel as the city manager may designate.

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### Chapter 14.16 – APPLICATION FOR WATER SERVICE

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Sections:

14.16.010	Application—Required
14.16.020	Application—Contents
14.16.030	(Reserved for future use)
14.16.040	Undertaking of applicant
14.16.050	Payment for previous service
14.16.060	Installation of service
14.16.070	Location of facilities
14.16.080	Installation and hookup fees
14.16.083	Option to hire private contractor
14.16.090	Refund of fees

**14.16.010 Application-Required.** Each applicant for regular water service shall be required to sign an application form provided by the city.

**14.16.020 Application-Contents.** Each application shall be in a form and contain such information as the water department shall from time to time require.

**14.16.030 (Reserved for future use.)**

**14.16.040 Undertaking of applicant.** Such application will signify the customer's willingness and intention to comply with this and other ordinances, resolutions, rules or regulations relating to the regular water service and to make prompt payment for water service.

**14.16.050 Payment for previous service.** Unless payment in full has been made for service previously rendered to the applicant by the city, no water service shall be provided to the applicant at any premises unless the applicant pays a new deposit to the city and any delinquent or outstanding balance.

**14.16.060 Installation of service.** In addition to an applicant's payment of the expenses described at section 14.16.080 below, it shall be the sole responsibility of the applicant to bare all costs associated with providing metered service to a location determined by the water department in any of the following circumstances: (1) when an applicant cannot provide evidence satisfactory to the water department that the water service was previously provided to the premises; (2) where in the determination of the water department the applicant's proposed installation of a new service may cause an undue burden on existing services; and (3) where no metering or necessary service connection equipment exists.

**14.16.070 Location of facilities.** Regular water service will be installed at the location determined by the water department. Service installations will be made only to property fronting on a main line in public streets or on such distribution mains as may be constructed in alleys or easements. The installation of such facilities may be required by the water department to be completed at the front corner property line, unless existing physical conditions warrant locating such facilities otherwise as the water department may determine.

**14.16.080 Installation and connection hookup fees.** Every applicant for new service shall pay at the time of making application connection fee(s) including but not limited to meter installation deposit and capital improvement fee(s).

**14.16.083 Option to hire private contractor.** Applicant may hire a licensed contractor for meter installation.

**14.16.090 Refund of fees.** An applicant may request in writing to the city manager withdrawal of his application anytime within one hundred days from the date of the application. All fees and charges paid by applicant shall be refundable, less actual costs and expenses, including time and materials, incurred by the city in processing the application and performing the installation.

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## Chapter 14.20 – WATER MAIN EXTENSIONS

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Sections:

- 14.20.020 Application for main extension
- 14.20.030 Term and conditions
- 14.20.040 Deposit

## City of Willits, Title 14, Water Service

14.20.050	Specifications and construction
14.20.060	Maintenance bond
14.20.070	Main extensions—Property of city
14.20.080	Extensions by city
14.20.090	Fees and deposits—Environmental quality
14.20.100	Deposit of fees and costs
14.20.110	Title insurance, easements
14.20.120	Title insurance, other real property
14.20.130	Application for meter
14.20.140	Reimbursement agreement
14.20.150	Special reimbursement agreements

**14.20.020 Application for main extension.** Each application for a main extension shall include such information as the water department may from time to time require.

**14.20.030 Terms and conditions.** Any extensions of city water mains to service new customers shall be under such terms and conditions as the city council may establish from time to time by resolution.

**14.20.040 Deposit.** Applicants for main extensions shall be required to deposit with the city, before construction is commenced, cash or surety bonds approved by the city manager covering the estimated reasonable total installed cost of the necessary facilities, as estimated by the city engineer. The total installed cost shall include engineering, environmental, legal, inspection, reasonable overhead and other fees and costs attributable to a project in addition to the cost of labor and materials.

**14.20.050 Specifications and construction.**

A. The size, type and quality of materials and location of the main line shall be specified by the city engineer. The actual construction will be done by a licensed contractor hired by the applicant and acceptable to the city and will be inspected by the city engineer. A detailed print of the proposed plan shall be submitted to the city manager by the applicant, and the city manager shall require that this print be over the signature of a licensed engineer. No acceptance of a water main extension will be made unless and until all fees for inspection and all other charges therefore established have been paid to the city.

B. The applicant or his contractor shall provide bonds and insurance as required by the city's standard specifications, as revised.

C. All work shall be done in accordance with said city standard specifications.

**14.20.060 Maintenance bond.** Before any main extension, which is installed pursuant to this chapter, shall be accepted by the city, the applicant shall file, or cause to be filed, a maintenance bond guaranteeing the main extension against defects in workmanship and materials. The bond shall be in an amount determined by the city manager but not less than twenty percent of the total cost of construction. The obligations of a maintenance bond shall be deemed fulfilled at the end of one year from the date of final acceptance of the main extension, provided that at that time the main extension is in good condition and meets the requirements of the plans and specifications.

## City of Willits, Title 14, Water Service

Any bond shall be approved by the city manager and city attorney before being accepted for filing.

**14.20.070 Main extensions-Property of city.** All facilities installed pursuant to this chapter shall become the property of the city.

**14.20.080 Extensions by city.** The city may make or permit the making of extensions to the facilities constructed under this chapter without obligation to applicant.

**14.20.090 Fees and deposits.** Environmental quality. Where city is the lead agency or a responsible agency for any project under the state and local guidelines adopted pursuant to the California Environmental Quality Act of 1970, the National Environmental Policy Act, or other similar or successor acts, the person or persons beneficially interested shall deposit with the city the estimated costs of city preparation of materials, reports and the making of evaluations of the proposed project as estimated by the city manager. Should the amount of deposit be inadequate to meet the city's cost as lead agency or as a responsible agency involved in providing consultation to the lead agency, as required by law, city shall, prior to completion of the city's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary to complete the review of the proposed project, which shall be immediately deposited with the city. Should there be a surplus remaining in the deposit following completion of the city's evaluation of the project, the surplus shall be returned to the person or persons making such deposit.

**14.20.100 Deposit of fees and costs.** All administrative fees and costs, legal fees and costs and engineering fees and costs incurred by the city in relation to the proposed facilities shall be paid by the applicant. For this purpose, the city shall collect in advance a minimum deposit to be established by resolution of the city council prior to commencing any preliminary review. Should city expense at any time exceed the deposit, the city shall require an additional deposit prior to proceeding with the preliminary review. Any excess will be refunded to the applicant.

**14.20.110 Title insurance, easements.** When any extension is to be constructed within easements over private property, the city shall require an applicant to furnish at applicant's expense title insurance to evidence title satisfactory to the city. Such insurance shall be provided prior to commencement of construction and as a condition of acceptance of the extension and the facilities by the city.

**14.20.120 Title insurance, other real property.** Title to any property conveyed to the city for the construction of or otherwise in connection with water facilities shall be evidenced by title insurance furnished at applicant's expense.

**14.20.130 Application for meter.** The installation of a meter shall be completed by the water department following receipt of the completed application for regular water service and the connection fee, cost of meter and any other applicable charges.

**14.20.140 Reimbursement agreement.** Where the cost of the public water main extension has been paid by the person making such extension, the city may thereafter, but not for longer than

ten years after the date such extension is originally connected to the city's water system, collect from any person connecting to such extension, except the person originally installing such extension, that fraction of the cost of such extension, as approved by the city, as the amount of lineal footage of recorded parcels along such extension owned by such person subsequently connecting to such extension bears to the total amount of lineal footage of recorded parcels held by potential users along the extension as determined by the city as of the time the extension is connected to the city's water system. Such sums as are thus actually received by the city shall be paid by the city to the person originally making such extension, but the city shall in no way be obligated to assure that the person making such extension is paid the total cost thereof nor to initiate any action nor incur any expense to collect any sum to be paid such person; nor shall such refund be made from any other revenues of the city. Where more than one person contributes toward the making of the extension, such sums as are actually collected shall be refunded to such persons, pro rata, according to the amount which they severally contribute toward the cost of the extension and pursuant to the preceding formula.

**14.20.150 Special reimbursement agreements.** Where special conditions exist, in the opinion of the city, relating to any agreement pursuant to the immediately preceding section of this title, they shall be the subject of a special contract between the city and the person making the public water main extension.

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## Chapter 14.24 – SUBDIVISIONS

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Sections:

14.24.010	Subdivisions
14.24.020	Application
14.24.030	Application—Contents
14.24.040	Investigation
14.24.050	Agreement, design and construction
14.24.060	Deposit before construction
14.24.070	Property of city
14_24.080	Service connections
14.24.090	Meters
14.24.100	Improvement district
14.24.110	Further requirements
14.24.120	Extensions by city
14.24.130	Time limit on application
14.24.140	Environmental quality

**14.24.010 Subdivisions.** A subdivision is a tract of land consisting of five or more parcels.

**14.24.020 Application.** A person desiring to provide a public water system for a tract of land, which he proposes to subdivide, shall make written application therefore.

**14.24.030 Application-Contents.** The application shall state the number of the tract, the name of the subdivision and its location. It shall be accompanied by a copy of the tentative map and of the plans, profiles and specifications of the street work, sanitary sewer, water and storm drain work therein.

**14.24.040 Investigation.** Upon receiving the application, the city manager shall make an investigation of the proposed subdivision and shall report his findings to the city council including a recommendation as to the facilities required and the estimated cost of the proposed water system therefore. The size, type and quality of materials shall be in accordance with the city's standards and specifications in effect at the time of application.

**14.24.050 Agreement, design and construction.**

A. A person desiring to provide a water system for a subdivision shall enter into a subdivision agreement with the city. The applicant shall have prepared, by a licensed engineer, project plans and specifications acceptable to the city.

B. The size, type and quality of materials, and the location of the lines, shall be specified by the city engineer. The actual construction will be done by a licensed contractor hired by the applicant and acceptable to the city, and inspected by the city engineer. The applicant shall submit a detailed print of the proposed project to the city council.

C. The applicant or his contractor shall provide bonds and insurance as required by the city's standard specifications.

D. All work shall be done in accordance with said city's standard specifications.

**14.24.060 Deposit before construction.** Applicants for main extensions to service subdivisions, tracts or housing projects shall be required to deposit with the city before construction is commenced cash or surety bonds approved by the city manager, covering the estimated reasonable total installed costs, as estimated by the city engineer, of the necessary facilities exclusive of meters.

**14.24.070 Property of city.** All water facilities shall be the property of the city and shall be conveyed to the city by a proper instrument in writing at or before the time the facilities are completed and before they are accepted by the city.

**14.24.080 Service connections.** The subdivider shall, at his cost, provide and install the service connection to each premises in the tract, in accordance with city specifications and/or details.

**14.24.090 Meters.** The applicant shall, at the time of the application for water service, pay the city connection fee and other applicable charges in effect at the time of application, including the cost of a meter.

**14.24.100 Improvement district.** All necessary facilities for providing water service to a new subdivision or area may be financed through the formation of an improvement district or special assessment district, in which event all costs mentioned in this chapter may be provided through such financing; provided, however, that the use of such procedures shall remain at the sole discretion of the city council.

**14.24.110 Further requirements.** In granting an application, the city council may make whatever further requirements or establish such conditions as may appear to be necessary or desirable.

**14.24.120 Extensions by city.** The city may make extensions to the facilities constructed under this chapter without obligation to applicant.

**14.24.130 Time limit on application.** If work under an application is not commenced and completed within the time specified in the subdivision agreement, the city council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

**14.24.140 Environmental quality.** The requirements of Section 14.20.090 of this title shall be applicable under this chapter and are incorporated by reference.

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### Chapter 14.28 – COMMERCIAL AND SHOPPING CENTERS

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Sections:

- 14.28.010 Application
- 14.28.020 Requirements for water service

**14.28.010 Application.** A person desiring to provide a public water system for a tract of land proposed for a commercial or shopping center shall make written application therefore.

**14.28.020 Requirements for water service.** The ordinances, rules and regulations of the city and all provisions of Chapter 14.24 are applicable to commercial and shopping centers and are incorporated by reference.

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### Chapter 14.32 – GENERAL USE REGULATIONS

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Sections:

- 14.32.010 Supply to separate dwellings
- 14.32.020 Supply to multiple users
- 14.32.030 Charges to multiple users
- 14.32.040 Water waste
- 14.32.050 Owner of facilities
- 14.32.060 Responsibility for equipment on premises
- 14.32.070 Damage to water system facilities
- 14.32.080 Control valve on the customer's property
- 14.32.090 Control of backflow and cross-connections
- 14.32.100 Interruptions in service

## City of Willits, Title 14, Water Service

- 14.32.110 Ingress and egress
- 14.32.120 Resale of water
- 14.32.130 Health and safety—Discontinuance of service
- 14.32.140 Investigation—right of entry
- 14.32.150 Unlawful acts

**14.32.010 Supply to separate dwellings.** No more than one premises shall be served from each service connection, and there shall be only one service connection per premises, except as provided for in Section 14.32.020.

**14.32.020 Supply to multiple users.** Separate houses, buildings, living or business quarters and motor homes or travel trailers on the same parcel of land, occupied for less than ninety days, may be served at the option of the city, under such terms and conditions as the water department, in its sole discretion shall determine.

**14.32.030 Charges to multiple users.** Charges for water service to multiple users may be fixed by the city council by resolution or ordinance.

**14.32.040 Water waste.** It is unlawful for any person to willfully or negligently use water supplied by the city, without reasonable control or supervision thereof, in such manner as to waste the same by flowing from the premises of the user onto other premises or onto the public streets or thoroughfares in excessive or unusual amounts; or to sprinkle or irrigate any yard, lawn or premises with water supplied by the city between the hours of twelve midnight and five a.m., unless the water device being used is controlled by an automatic shutoff device or an individual in immediate attendance and view; or to water any lawns with water supplied by the city except by the use of a hose held in the hand or a sprinkling device.

**14.32.050 Owner of facilities.** All facilities installed from the main up to and including the meter box shall be and shall remain the property of the city and may be maintained, repaired or replaced by the water department without the notification, consent or interference of the owner or occupant of the property.

**14.32.060 Responsibility for equipment on premises.** All facilities installed by the city on private property for the purpose of rendering water service shall remain the property of the city and may be maintained, repaired or replaced by the water department without the notification, consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining facilities on private property.

**14.32.070 Damage to water system facilities.** The customer shall be liable for any damage and the resultant water loss to the city-owned customer water service facilities when such damage results from causes originating on the premises. The cost for repairing any such damage and water loss shall be paid by the customer, and the cost shall be due and payable to the city upon the city's rendering a bill therefore.

**14.32.080 Control valve on the customer's property.** The customer shall not use the city meter curb stop to turn the water on or off. If a customer shutoff valve exists between the meter and the home, it can be used for the customer's convenience. If the meter is not equipped with a customer shutoff valve on their side of the meter, the water department must be contacted to turn the city meter curb stop.

**14.32.090 Control of backflow and cross-connections.**

A. General. In accordance with the requirements of the regulations of the California Administrative Code, Title 17, Chapter V, Sections 7583 to 7622, inclusive, and any subsequent amendments thereto no water service connection to any premises shall be installed or maintained by the city unless the public water supply is protected as required by said state regulations and the requirements stated below. This section supplements and does not supersede local plumbing regulations, codes or ordinances, or State Board of Public Health Regulations relating to water supply.

B. Where Protection is Required. Backflow prevention devices shall be installed on the service connection to any premises having:

1. Access to any auxiliary water supply;
2. Any substance handled under pressure in such fashion as to permit entry into the water system; Any material dangerous to health or toxic substance that might possibly be introduced into the water system;
3. Any lawn or garden sprinkling system, not installed in accordance with the Uniform Plumbing Code;
4. Swimming pool or spa system.

C. Type of Protection. In general, types of backflow prevention devices shall be required as follows:

1. A service connection to premises having an auxiliary water supply, internal pressure boosting system, or internal systems containing water of deteriorated quality shall be protected by an approved double check valve assembly.
2. A service connection to premises handling dangerous or toxic materials such as industrial plants, wharves, hospitals, mortuaries, etc., shall be protected by an approved reduced pressure principle backflow prevention device properly located and installed.
3. A service connection to any sewage treatment plant or sewage pumping station shall be protected by an air-gap separation properly located and installed.

D. Responsibility for Installation, Inspection and Maintenance. Backflow prevention devices required herein shall be approved by the city and shall be installed, inspected and maintained at the expense of the customer. The backflow prevention device shall be inspected at least annually by the water department or its authorized subcontractor. The city shall charge and the customer shall pay a monthly fee established from time to time by resolution of the city council to cover the cost of the inspection.

E. Discontinuance of Service. The city may discontinue service of water to any premises and may physically disconnect the customer's piping from the city's water distribution system if a backflow prevention device required by this section is not installed, tested and maintained, or if any defect is found in an installed backflow prevention device, or if it is found that a backflow prevention device has been removed or bypassed or if unprotected cross-connections exist on the premises; and service will not be restored until such conditions or defects are corrected.

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F. Prevention of Flow from One Service Connection through Another. If premises are supplied by more than one water connection to the city's facilities, the customer shall be required to install an approved backflow prevention device at each service connection to prevent the backflow of water from one service through another.

G. Exception. Any installation of equipment, such as sprinkler systems, pools, spas, etc., installed in accordance with the Uniform Plumbing Code and providing backflow devices shall be exempt from this section.

**14.32.100 Interruptions in service.** The city shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the water department. Temporary shut-downs may be made by the water department to make improvements and repairs. The city reserves the right to shut off the water to any premises or to any part of the system as long as necessary and without notice to customers at any time when the exigencies of the occasion may require it, but in all cases of extensions or connections, and otherwise whenever possible and as time permits, the water department will notify customers and the departments of the necessity of shutting off water and the probable length of time the water shall be shut off before taking such action. Affected fire departments will be notified promptly upon restoration of service.

**14.32.110 Ingress and egress.** Right of Ingress to and Egress from Customer's Premises. Water department personnel and representatives of the state and county shall have the right of ingress and egress of the customer's premises at all reasonable hours for any purpose reasonably related to the furnishing of water service and the exercise of any and all rights secured to it by law or these regulations, including inspection of the customer's piping and equipment as to compliance.

**14.32.120 Resale of water.** Except by agreement with the city, no customer shall resell or make profit from any of the water received by him from the city, nor shall such water be delivered to premises other than those specified in the application for service.

**14.32.130 Health and safety-Discontinuance of service.** If a condition on the customer's premises is found to be hazardous to the health and safety of the public arising from the use of water, the use and maintenance of any apparatus, appliances or equipment or otherwise, the water department may discontinue service to such premises without notice. The water department in such event shall make reasonable effort to notify the customer of the discontinuance of service, and corrective action shall be taken by the customer before service will be restored.

**14.32.140 Investigation-Right of entry.** Any duly authorized agent of the water department shall have the authority to enter any building or premises for the purpose of investigating the property of any applicant or consumer of water in order to designate the rate to be applied to the property and to view the water lines and equipment connected therewith. Except in emergency situations, such agents of the water department shall not enter any building or premises without the consent of the owner or occupant thereof, unless an investigation warrant authorizing such entry and investigation is first obtained. No person shall hinder or prevent the agents of the water department while in the performance of the duties described in this section from entering upon and into any and all property at all reasonable hours for the purpose of inspecting the same in

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order to carry out the provisions of this chapter. No person except a duly authorized agent of the water department shall turn the water on or off from any building or premises, and no person shall tap, cut or move any water line laid in streets or alleys unless permission to do so has been granted by the water department supplying the water.

### **14.32.150 Unlawful acts.**

A. It is unlawful for any person to do any of the following:

1. Open any street hydrant or valve or tamper with or interfere with any street service, water connection, reservoir, pumping plant, or any water meter attached to any service line connected with the city mains or water lines or hydrants of the city;

2. Turn on and off water mains or water lines of the city or occupy premises the water service to which has been turned on without authorization of the water department after having been shut off for a violation of this title or other rules or regulations; or tap, break or damage any water main, water line, meter or other fittings of the city laid in any easement, right of way, or other public place;

3. Tamper with, deposit, or cause to be deposited in any water main or line of the city any fluid or solid matter or substance of any kind or to do any act that might cause water to become polluted;

4. Make or add any water connection, line, main or service not authorized by the water department.

5. Take, pump or draw water from any water main, line or hydrant of the city without first arranging with the water department for the same and paying the established rate therefore.

B. If an unlawful water connection, line, main or service or water consumption is found to exist on any premises by the water department, the water department shall post in a conspicuous place on the premises a written notice specifying that the same are in violation of this section, giving the particulars thereof; and if the violation shall thereafter continue for forty-eight hours without correction, the water department shall terminate water service to the premises, which water service shall not again be turned on until the violation has been cured in accordance with the specifications of the water department and the charge for a renewal of service has been paid. In addition to and at the time of posting the notice, a copy thereof shall be mailed to the person occupying the premises addressed to the address of the premises or in lieu thereof, delivered personally to the occupant.

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## **Chapter 14.36 - METERS**

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Sections:

14.36.010	Installation
14.36.020	Meter installations
14.36.030	Meter readings
14.36.040	Non-registered meters
14.36.050	Meter maintenance
14.36.060	Change in location of meters
14.36.070	Meter tests
14.36.080	Access to meter and curb stop

## City of Willits, Title 14, Water Service

### 14.36.090 Meters installed but not yet activated

**14.36.010 Installation.** All active services shall be metered. The applicable fees and charges shall be paid to the city prior to installation of the facilities, together with any deposits required under this code and any resolutions enacted pursuant thereto. Title to the meters shall be held by the city.

**14.36.020 Meter installations.** Meters will be installed at the location determined by the city.

**14.36.030 Meter readings.** Meters will be read as nearly as possible on the same calendar day of each billing period.

**14.36.040 Non-registering meters.** If a meter is found not to be registering, the charges for service shall be based on the estimated consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the city manager, and its decision shall be final.

**14.36.050 Meter maintenance.** The city shall maintain, repair and renew all meters when such maintenance, repair or renewal is made necessary by reason of normal wear and tear.

**14.36.060 Change in location of meters.** Meters moved for the convenience of the customer or to provide required access to the meter will be relocated at the customer's expense. Any relocation must be approved by the city manager in writing. Meters moved to protect the city's property will be moved at its expense. Meters shall be relocated only by the water department or under the supervision of the water department. This section applies only to the change in location of the meter at a single premises, and on the same parcel of land.

**14.36.070 Meter tests.** All meters are tested prior to installation, and no meter will be installed which registers more than two percent fast. Any customer may request that the meter serving his premises be tested by the water department. Such request shall be in writing and shall be accompanied by a deposit, the amount of which shall be determined from time to time by resolution of the city council. Upon receipt of such request and the required deposit, the city manager shall cause the meter to be tested. The customer or his representative may, but need not, be present during the conducting of the test. If the meter is shown to be defective, the city shall refund the deposit to the customer.

**14.36.080 Access to meter and curb stop.** It shall be the duty of each customer to keep the space about the meter and curb stop servicing his property free and clean of trash, garbage, barrels or boxes, dirt, oil, building material, or other obstructions that may in any way interfere with the free access to the same by the employees of the water department at any time; and upon failure to do so, the city manager may cause notice to be given, either in writing or in person, to the owner or occupant of the property to remove such obstruction within twenty-four hours; and on failure to do so, the obstruction may be removed by the water department and the cost thereof charged against the customer or the property owner thereof, or the water department may remedy the obstruction as directed by the city manager, including (but not limited to) movement of the

meter or curb stop, and the charge therefore shall be due and payable at the same time and in the same manner and upon the same bill, together with and not separately from the other charges thereon.

**14.36.090 Meters installed but not activated.** Meters installed at the customer's request but not activated shall be subject to a minimum monthly charge as set forth by resolution.

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### Chapter 14.40 - CREDIT

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Sections:

- 14.40.010 Establishment and maintenance of credit
- 14.40.020 Application of deposit to water bill
- 14.40.030 Interest on deposit
- 14.40.040 Return of deposit
- 14.40.050 Inability to return deposit. Transfer to water enterprise fund.

**14.40.010 Establishment and maintenance of credit.** Each applicant for water service shall pay a deposit to the city. The amount of the deposit shall be established, from time to time, by resolution of the city council.

**14.40.020 Application of deposit to water bill.** The city may apply, without notice, the amount of any deposit prescribed herein toward the payment of any water bill or other indebtedness which may become past due and owing the city and to unpaid bills for water service when such service has been discontinued.

**14.40.030 Interest on deposit.** No interest shall be paid to any applicant or owner on any deposit made with the city pursuant to the provisions of this title.

**14.40.040 Return of deposit.** Upon or after discontinuance of service or after one year, the city shall apply any balance of the deposit in excess of unpaid bills or other indebtedness to the city to the customer's account, providing that the customer is in good standing.

**14.40.050 Inability to return deposit-Transfer to water enterprise fund.** Should the customer entitled to the refund of a deposit be unavailable at the time the refund is to be made, and should the city be unable to locate said customer for a period of six months following discontinuance of the customer's water service, the amount of said deposit shall be transferred to the water enterprise fund of the city.

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### Chapter 14.44 - BILLING

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Sections:

## City of Willits, Title 14, Water Service

14.44.010	Billing period
14.44.020	Opening and closing bills
14.44.030	Payment of bills
14.44.040	Penalties for nonpayment
14.44.050	Billings of separate meters not combined
14.44.060	Public fire suppression service charge
14.44.070	Collection
14.44.080	Delinquency date

**14.44.010 Billing period.** The regular billing period will be monthly or bimonthly at the option of the city.

**14.44.020 Opening and closing bills.** Opening and closing bills for less than the normal billing period shall be prorated.

**14.44.030 Payment of bills.** A customer shall be charged for water service by the unit. Bills for water service shall be mailed or delivered to each customer as soon as convenient after the monthly billing period for which the bill is rendered. Bills shall be due and payable on presentation.

**14.44.040 Penalties for nonpayment.** In addition to the discontinuance of service as provided in Chapter 14.04 of this title, penalties, as determined from time to time by resolution of the city council, for nonpayment of charges for water service shall become due.

**14.44.050 Billings of separate meters not combined.** Separate bills will be rendered for each meter installation except where the water department has, for its convenience installed two or more meters in place of one meter. Where such installations are made, the meter readings will be combined for billing purposes.

**14.44.060 Public fire suppression service charge.** Bills for public fire suppression service shall be rendered as the city council may provide by resolution.

**14.44.070 Collection.** Where property is subject to rates and charges for other water service, such rates and charges shall be collected, together with and not separately from the rates and charges herein provided for public fire suppression service.

**14.44.080 Delinquency date.** Rates and charges which are not paid on or before the thirtieth day following the billing date shall be delinquent, at which time a notice will be sent advising that the service will be discontinued if payment is not received within fifteen days.

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### Chapter 14.48 – COLLECTION BY SUIT

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Sections:

City of Willits, Title 14, Water Service

- 14.48.010 Suit
- 14.48.020 Assignment of debt

**14.48.010 Suit.** All unpaid rates, charges and penalties may be collected by suit against the applicant/ customer or owner or both. If the city has to initiate suit to collect any unpaid rates, charges or penalties, and the city is a prevailing party, the city shall be entitled to recover its costs and attorneys' fees.

**14.48.020 Assignment of debt.** The city shall have the right to assign and sell any unpaid rates, charges and/ or penalties due the city to any collection agency.

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**Chapter 14.52 - COMPLAINTS**

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Sections:

- 14.52.010 Report and adjustment
- 14.52.020 Appeal to board

**14.52.010 Report and adjustment.** Should any customer have complaints with regard to water service, such customer shall contact the water department supervisor for adjustment.

**14.52.020 Appeal to board.** Should a customer be unable to have his complaint resolved by the water department supervisor, or should he object to the water department supervisor's decision, he may make appeal to the city manager. After receipt of all necessary information a decision by the city manager shall be rendered within thirty days and shall be final.

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**Chapter 14.56 – DISCONNECTION OF SERVICES**

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Sections:

- 14.56.010 Mailed notices
- 14.56.020 Procedure for disputed bills
- 14.56.030 Notify code enforcement officer
- 14.56.040 Notices
- 14.56.050 Additional deposit
- 14.56.060 Conditions for restoring service
- 14.56.070 Disconnection by customer
- 14.56.080 Temporary disconnection
- 14.56.090 Connection fees paid and meter not installed
- 14.56.100 Service connection purchased after building permit issued

## City of Willits, Title 14, Water Service

**14.56.010 Mailed notices.** When a water bill becomes delinquent, the city manager shall mail or cause to be mailed a notice to the delinquent customer notifying the customer that water service will be disconnected if the bill is not paid within fifteen days after the date of mailing. If full payment is not received, or arrangements for payments have not been made to the satisfaction of the city, the service shall be disconnected as provided in the notice.

**14.56.020 Procedure for disputed bills.** If a customer disputes the correctness of the billing, the water department supervisor shall hear and investigate or cause to be heard and investigated the dispute and shall make adjustments as he/she deems appropriate under the circumstances. The customer may appeal the decision of the water department supervisor to the city manager whose decision shall be final. The customer shall file his notice of appeal with the city manager within ten days after receiving notice of the water department supervisor's decision. The water department supervisor's decision shall be in writing and shall state the customer's right of appeal and that if the notice of appeal is not filed, the service will be disconnected without further notice. If the customer does not appeal and full payment is not received, the service shall be disconnected. If the customer files an appeal but does not comply with the decision of the city manager and full payment is not received, the service shall be disconnected.

**14.56.030 Notify code enforcement officer.** Upon discontinuance of service, the water department may notify the city code enforcement officer of the service disconnection.

**14.56.040 Notices.** All notices shall be in a form established from time to time by the city clerk in consultation with the city attorney.

**14.56.050 Additional deposit.** If a customer has been previously delinquent in the payment of its water bill or bills or has been previously disconnected for nonpayment of a bill, the city manager may require an additional deposit, in excess of the regular deposit to be set by the city council per section 14.40.010. The amount of the additional deposit may not exceed the amount set forth in section 14.72.080.

**14.56.060 Conditions for restoring service.** Water service will not be restored to the disconnected property until all delinquent water charges, late fees, interest charges, penalties for disconnection and required security deposits have been paid.

**14.56.070 Disconnection by customer.** A request for disconnection for customer service shall only be honored by the city from the customer in whose name the service was established.

**14.56.080 Temporary disconnection.** If a customer requests that water service be temporarily disconnected, the water department shall terminate water service by turning off the service at the meter and, in such event, the customer shall be subject to the monthly water meter minimum charge.

**14.56.090 Connection fees paid and meter not installed.** The meter must be installed within a twelve month period after fees have been paid or connection fees shall be refunded to applicant, and connection forfeited. If the connection fees were paid in full by an applicant prior to the

effective date of this ordinance, then the applicant will not be required to install meter within 12 months.

**14.56.100 Service connection purchased after building permit issued.** New service connection(s) are not permitted to be purchased until a building permit for the corresponding project is issued by the City of Willits.

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### Chapter 14.60 – PUBLIC FIRE SUPPRESSION

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Sections:

- 14.60.010 Use of fire hydrants
- 14.60.020 Penalties

**14.60.010 Use of fire hydrants.**

A. Fire hydrants are only for use by the city or by organized fire suppression agencies. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the water department prior to use, and shall operate the hydrant in accordance with instructions issued by the water department, and they shall pay all applicable fees.

B. The cost of repairing damage to the water system caused by the improper use of any fire hydrant shall be paid by the person using the fire hydrant.

**14.60.020 Penalties.** The city council shall provide penalties for the unauthorized use of hydrants. Unauthorized use of hydrants will be prosecuted according to law.

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### Chapter 14.64 – PRIVATE FIRE SUPPRESSION SERVICE

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Sections:

- 14.64.010 Payment of cost
- 14.64.030 Use
- 14.64.040 Meter rates
- 14.64.050 Monthly rates

**14.64.010 Payment of cost.** The applicant for private fire suppression service shall pay the total actual cost of installation of the service. All maintenance required on private fire suppression service, from a location at the city water main to its terminus, shall be the sole responsibility of the owner.

**14.64.030 Use.** There shall be no water used throughout the fire suppression service except for fire repression and for testing the fire fighting equipment.

**14.64.040 Meter rates.** Any consumption of water recorded on the meter will be charged for at applicable rates, except that no charge will be made for water used to extinguish accidental fires where such fires have been reported to the fire and water departments.

**14.64.050 Monthly rates.** The rates for private fire suppression service shall be applicable.

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### Chapter 14.68 – TEMPORARY SERVICE

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Sections:

- 14.68.010 Deposit
- 14.68.020 Installation and operation.
- 14.68.030 Rates
- 14.68.040 Duration

**14.68.010 Deposit.** An applicant shall make application for temporary water service on an approved city form and deposit, in advance, the costs and fees established from time to time by resolution of the city council.

**14.68.020 Installation and operation.** All facilities for temporary service to the customer connection shall be installed by the water department and shall be operated in accordance with its instructions.

**14.68.030 Rates.** The rates for temporary service shall be the applicable rates in effect at the time of application.

**14.68.040 Duration.** The city's water department supervisor may grant a temporary service pursuant to Chapter 14.68 for a period of time not to exceed six months and may extend the six-month period for an additional six-month period upon receipt of payment in advance of the costs and fees established pursuant to Section 14.68.010.

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### Chapter 14.72 – RATES AND CHARGES

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Sections:

- 14.72.010 Rate schedule
- 14.72.020 Penalty on delinquent accounts
- 14.72.025 Delinquent accounts on undeveloped premises
- 14.72.030 Renewal of service
- 14.72.040 Connection fee(s)
- 14.72.050 Deposit for meter test
- 14.72.060 Adjustment for meter errors
- 14.72.070 Relocation / Meter change

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14.72.080	Additional maximum amount of deposit
14.72.090	Replacement of change of deposit
14.72.100	Fire suppression rates
14.72.110	Unauthorized use of fire hydrants
14.72.120	After hour service
14.72.130	Charge for city employees performing work beyond normal duties
14.72.140	Cost of standard specifications
14.72.150	Subsequent rate changes
14.72.160	Service outside city
14.72.170	Leak adjustment

**14.72.010 Rate schedule.** Rates for water service are to be established by resolution of the city council.

**14.72.020 Penalty on delinquent accounts.** The basic penalty for nonpayment of charges for water service shall be established from time to time by resolution of the city council.

**14.72.025 Delinquent accounts on undeveloped premises.** If delinquent charges accrue on an undeveloped parcel for a period in excess of twelve months, the owner shall forfeit the connection for metered service, and capital improvement fees may be refunded in an amount not to exceed the capital improvement fees paid, less the delinquent charges.

**14.72.030 Renewal of service.** The amount to be paid for renewal of a customer's service which has been discontinued for a violation of city's rules, regulations and ordinances is to be established by resolution of the city council in addition to all other charges provided for or established pursuant to said rules, regulations and ordinances.

**14.72.040 Connection fee.** The connection fee per service connection, exclusive of service, meter and meter installation charges, is to be established by resolution of the city council.

**14.72.050 Deposit for meter test.** Any customer requesting that the meter serving his premises be tested for accuracy by the water department shall do so in writing, and his request shall be accompanied by a deposit to be established by resolution of the city council. If the meter is found to register over two percent more water than actually passes through it, the deposit will be refunded, but if the meter registers less than two percent more water than actually passes through it, the deposit will be retained by the city to offset the administrative cost of such testing.

**14.72.060 Adjustment for meter errors.** If a meter shall be found to register over two percent more water than actually passes through it, the water bill for the current billing period shall be adjusted proportionately.

**14.72.070 Relocation / Meter change.** A customer requesting a meter change or relocation for his/her own convenience shall pay the cost of the installation and all work associated thereto in addition to a relocation application fee in an amount to be set from time to time by resolution of

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the city council. All applications for the relocation of meters or change of meter shall be determined by the water department.

**14.72.080 Additional maximum amount of deposit.** A minimum cash deposit to be established by resolution of the city council shall be required of each applicant for water service. For good cause, the city manager may require an additional deposit in excess of said minimum cash deposit from an applicant or user, but not to exceed one year's charges for water service. Good cause shall include but not be limited to: 1) History of late payment or failure to pay; 2) Violation of General Use Regulations as set forth in Chapter 14.32; and 3) Damaging City equipment.

**14.72.090 Replacement or change of deposit.** The city manager may require, as a condition of service at any time, that the deposit prescribed herein be replaced if the deposit or any part thereof has been applied to the payment of any bill or indebtedness to the city, or may require that the deposit be increased if depleted, found to be insufficient, or good cause otherwise exists.

**14.72.100 Fire suppression rates.** The monthly rates for private fire suppression shall be established by resolution of the city council.

**14.72.110 Unauthorized use of fire hydrants.** A penalty to be established by resolution of the city council shall be charged for water estimated to have been taken or wasted by the unauthorized use of a fire hydrant. The estimate shall be made by the city manager, and the penalty charges shall be due and payable on demand.

**14.72.120 After hours service.** There shall be a charge to be established by resolution of the city council for customer-requested turn-on or turn-off of water service at any time other than during normal working hours, which are from eight a.m. to twelve noon and from one p.m. to five p.m., Monday through Friday, excepting holidays.

**14.72.130 Charge for city employees performing work beyond normal duties.** The charge to persons for work performed by city employees beyond their normal duties is established at two and one-half times the hourly wage rate of said city employees for each hour or part of an hour worked.

**14.72.140 Cost of standard specifications.** The city's standard specifications for water facility installations shall be available at the city office for use and examination and copies shall be made available to interested persons at a cost to be established by resolution of the city council.

**14.72.150 Subsequent rate changes.** All rates or charges established by this title are to be established by resolution of the city council.

**14.72.160 Service outside city.** Nothing contained in this title shall be construed to preclude any special agreement or arrangement between the city and any person or entity whereby water service may be furnished by the city outside its boundaries, subject to payment therefore and to such other terms and conditions as may be established by resolution of the city council and other regulatory agencies.

**14.72.170 Leak adjustment.** Customers may request a leak adjustment on the water bill and the city may make a reasonable adjustment to the customers account following proof of repair(s). There will be only one leak adjustment per address per year.

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**Chapter 14.80 – SPECIAL AGREEMENTS**

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Sections:

14.80.10 Service outside city – Special agreements

**14.80.010 Service outside city-Special agreements.** No statement contained in this title shall be construed as preventing any special agreement or arrangement between the city or any person or entity whereby water may be accepted or provided by the city subject to such terms and conditions as might be required by the city as set forth in a resolution of the city council.

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**Chapter 14.90 – WATER SHORTAGE EMERGENCIES**

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Sections:

14.90.010 Procedure for Establishment of Water Emergency Limitation Phases  
14.90.015 Discontinuance of Service  
14.90.020 Phase I Water Regulations  
14.90.030 Phase II Water Regulations  
14.90.040 Phase III Water Regulations  
14.90.050 Phase IV Water Regulations  
14.90.060 Phase V Water Regulations  
14.90.070 Termination of Water Emergency Regulation Phases  
14.90.080 Exception Permits  
14.90.090 Violation--Misdemeanor

**14.90.010 Procedure for establishment of water emergency limitations phases:** At any time that the council finds and determines that a water shortage emergency condition exists within the criteria of Sections 14.90.020 through 14.90.060 of this article, and that it is necessary to limit usage by the customers of the municipal water department (Department), the council shall adopt a resolution setting forth the applicable regulatory phase. As soon as is practicable after adoption of such resolution, the clerk shall cause to be published at least once, in a newspaper of general circulation published and circulated in the City, a notice declaring the establishment of such regulatory phase. Such notice shall set forth the limitations of water use applicable to the particular phase being established and shall further declare that violations of such limitations are punishable in accordance with the provisions of Section 14.90.090 of this article. The

establishment of a particular phase shall be completed and effective at midnight of the day on which the newspaper containing such notice is distributed.

**14.90.015 Discontinuance of service:**

A. The wasteful use of water shall be prohibited and is determined to be detrimental and injurious to the City and its residents. The City may, at any time, refuse to furnish water and may discontinue service to any premises where the Manager or his or her designee finds that wasteful or negligent use of water exists on any premises which affects the City's water service. The City shall have the right to refuse or discontinue water service to any premises if necessary to protect itself against fraud or abuse.

B. Enforcement by City Manager: The City Manager, or his or her designee, (hereinafter Manager) is charged with the enforcement of all the provisions of this chapter and any water restriction or conservation regulations hereafter adopted by the Council.

C. Discontinuance for Certain Violations: In the event of violation, other than nonpayment of water service charges, of any terms of this chapter, the Manager may disconnect any premises from the water system after first notifying in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which, upon the failure of such person to prevent or rectify the violation, the Manager will exercise his or her authority to disconnect the premises from the water system; provided, that such time shall not be less than five (5) days after the deposit of such notice in the United States Post Office at Willits, Mendocino County, California, addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the Manager may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

D. Reconnection Fee: Whenever any premises have been disconnected from the water system for any violation of this chapter, such premises shall not be reconnected to the water system until all delinquent charges, penalties and interest have been paid, together with a reconnection charge as may be set by resolution of the council.

**14.90.20 Criteria for establishing Phase I through Phase V emergencies; and Phase I water regulations:** The criteria for establishing a Phase I through Phase V water emergency shall be based upon the total combined storage volume in Centennial and Morris Reservoirs including 150 acre feet of dead pools ("Reservoirs"). Each of the five phased water emergencies set forth herein shall be triggered if the total storage volume is less than the value indicated within Phases I through V.

A. The criteria for establishing Phase I shall be that:

1. The water in storage in the City Reservoirs on February 1 is less than 290 acre feet (AF); or on May 1 is less than 1,170 AF; or on August 1 is less than 830 AF; or on November 1 is less than 500 AF; or

2. Conditions requiring the establishment of a Phase II water emergency appear to be imminent.

B. The following voluntary conservation measures by customers of the Department shall be encouraged and publicized by the City:

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1. All customers are encouraged to conserve water and to reduce their monthly water consumption by a minimum of ten percent (10%) from their customary monthly consumption for the applicable months.

2. All customers are encouraged to immediately install water-saving devices in their plumbing, appliances, or improvements.

3. All customers are encouraged to limit the expansion or installation of new water-using appliances, plumbing or improvements, such as lawns, gardens, landscaping, pools, sprinkler irrigation systems, wash-down equipment, larger washing machines or garbage disposal units.

4. Customers are encouraged to only wash cars, other vehicles, and other hard surfaces from buckets, with a quick rinse from a hose equipped with a shut-off nozzle.

5. All schools, social and professional groups, etc., are encouraged to discuss water conservation as a regular agenda item and to exchange information with the Department for consideration and implementation.

6. All public facilities are encouraged to establish the following irrigation program: hand watering for all plants and shrubs; use shut-off nozzle on hoses used for hand watering; maintenance watering of lawns and fields; maximum water for lawns and fields, forty (40) minutes per week; night watering of fields and lawns to be watered between 7 p.m. and 10 a.m.

7. Wasting water is prohibited by Section 14.90.015 and is sufficient grounds to discontinue service to the premises of the customer.

### **14.90.030 Phase II water regulations:**

A. The criteria for establishing Phase II shall be that:

1. The water in storage in the City Reservoirs on February 1 is less than 270 AF; or on May 1 is less than 1,070 AF; or on August 1 is less than 760 AF; or on November 1 is less than 470 AF; or

2. Conditions requiring the establishment of a Phase III water emergency appear imminent.

B. All voluntary measures established by Phase I, Section 14.90.020, shall be encouraged and publicized by the City, except insofar as they are inconsistent with subsection (C).

C. The following mandatory restrictions by customers of the Department shall be enforced by the Manager:

1. Even numbered addresses shall water lawns and landscaping only on Tuesday, Thursday and Saturday and odd numbered addresses shall water lawns and landscaping only on Wednesday, Friday and Sunday. Watering or irrigation shall not be permitted on Mondays. All watering or irrigation of lawns and landscaping shall be prohibited between the hours of 10:00 a.m. and 7:00 p.m.

D. During a Phase II water emergency the following administrative practices will be followed:

1. The City will advise customers of the water shortage and of restrictions and opportunities for exemptions that are available under Section 14.90.080 of this chapter.

2. Any applicant for a building permit for construction that may be affected by the existence of a Phase III, Phase IV or Phase V water emergency shall be informed of the impact of such phases prior to issuance of a building permit, but lack of such notice shall not permit a new water connection that is otherwise prohibited.

**14.90.40 Phase III water regulations:**

A. The criteria for establishing Phase III shall be:

1. The water in storage in the City Reservoirs as of February 1 is less than 260 AF; or on May 1 is less than 970 AF; or on August 1 is less than 690 AF; or on November 1 is less than 430 AF; or
2. Conditions requiring the establishment of a Phase IV water emergency appear imminent.

B. All voluntary measures established by Phase I, Section 14.90.020 shall be encouraged and publicized by the City, except insofar as they are inconsistent with subsection (C).

C. The following mandatory restrictions by customers of the Department shall be enforced by the Manager:

1. The mandatory measures in Section 14.90.030 shall be enforced except insofar as they are inconsistent with this subsection (C).

2. Commercial and industrial users shall reduce their water use by fifteen percent (15%) of their use during the corresponding period of the preceding non-rationed year, provided that no commercial or industrial user will be required to reduce usage to less than one hundred (100) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the Department.

3. Residential users shall be limited to two hundred fifty (250) gallons per occupied residential unit per day (10 units per month).

4. All nonessential uses of water shall be prohibited. Nonessential uses shall include, but not be limited to, the following:

- a. The washing of sidewalks, walkways, driveways, parking lots, tennis courts, and all other hard surfaced areas;
- b. The washing of motor vehicles, trailers, airplanes, or boats;
- c. The refilling of swimming pools, hot tubs and spas, except as required by the fire chief for use as standby neighborhood fire suppression. (The fire chief shall cause a list of such pools as he or she determines are necessary to be kept full to be filed with the department.)

**14.90.50 Phase IV water regulations:**

A. The criteria for establishing Phase IV shall be:

1. The water in storage in the City Reservoirs on February 1 is less than 250 AF; or is less than 870 AF on May 1; or is less than 630 AF on August 1; or is less than 400 AF on November 1; or.

2. Conditions requiring the establishment of a Phase V water emergency appear imminent.

B. All voluntary measures established by Phase I, Section 14.90.020 (B) shall be encouraged and publicized by the City except insofar as they are inconsistent with subsection (C).

C. The following mandatory restrictions by customers of the Department shall be enforced by the Manager:

1. The mandatory restrictions in Section 14.90.030(C) and 14.90.040(C) shall be enforced except insofar as they are inconsistent with this subsection (C).

2. Commercial and industrial users shall reduce their water use by twenty-five percent (25%) of their use during the corresponding period of the preceding non-rationed year, provided that no commercial or industrial user will be required to reduce usage to less than seventy-five

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(75) gallons per day. Users with no prior record of use shall be governed by comparable facilities usage records as determined by the Department.

3. Residential users shall be limited to two hundred (200) gallons per occupied residential unit per day (8 units per month).

4. No new water connections or expansions of existing uses will be permitted even if previously authorized by building permit.

a. A “new water connection” is defined as a water connection for the benefit of any user or use of water, whether industrial, commercial, residential, institutional, or otherwise, who or which was not currently receiving water from the Department at the time Phase IV conditions were established.

b. A user whose water was temporarily disconnected at the establishment of Phase IV shall not be deemed a “new water connection”.

c. All new construction, not actually receiving water for other than construction uses at the time of establishment of Phase IV, shall be deemed a new water connection, notwithstanding the fact that such new construction may have received all permits and consents required of it by any governmental agency, including the City, and notwithstanding the fact that the applicable fees for water connection may have been prepaid by the applicant.

### **14.90.060 Phase V water regulations:**

A. The criteria for establishing Phase V shall be:

1. The water in storage in City Reservoirs on February 1 is less than 230 AF; or less than 760 AF on May 1; or less than 560 AF on August 1; or less than 360 AF on November 1; or

2. The sources of water storage, supply, production and replenishment appear to be insufficient to furnish the necessary water to service the minimum requirements of the Department’s customers, thereby constituting an immediate hazard to the safety and welfare of the and its residents and other customers of the Department.

B. All voluntary measures established by Phase I, Section 14.90.020(B), shall be encouraged and publicized by the City, except insofar as they are inconsistent with subsection (C).

C. The following mandatory restrictions by customers of the Department shall be enforced by the Manager:

1. The mandatory restrictions in Sections 14.90.030, 14.90.040 and 14.90.050 of this article shall be enforced except insofar as they are consistent with this section.

2. Commercial and industrial users shall reduce their water use by thirty-five percent (35%) of their use during the corresponding period of the preceding non-rationed year, provided that no commercial or industrial user will be required to reduce usage to less than fifty (50) gallons per day. Users with no prior record of use shall be governed by comparable facilities’ usage records as determined by the Department.

3. Residential users shall be limited to one hundred fifty (150) gallons per occupied residential unit per day (6 units per month).

4. The use of water for watering or irrigation purposes shall be prohibited unless accomplished within the limitation of 150 gallons.

**14.90.065 Authority to establish Phase I through V water regulation in extraordinary circumstances:** In addition to the criteria set forth within Sections 14.90.020 through 14.90.060, the City Council may also by resolution impose a Phase I through V Water Regulation as provided in this Chapter, upon its determination that extraordinary circumstances exist and that

such imposed water regulation is necessary to maintain an adequate water supply for essential water service.

**14.90.070 Termination of water emergency regulation phases:** Water emergency limitation phases shall be terminated or changed to a less critical phase in the same manner as they are established in accordance with criteria set forth in the preceding sections and at the discretion of the City Council.

**14.90.080 Exception permits:**

A. Under a Phase III, Phase IV or Phase V water emergency, the Manager shall, upon such conditions as seem to him or her to be reasonable, grant exception permits authorizing residential water usage up to a maximum of four hundred (400) gallons per day (16 units per month) on application of a water customer submitted under penalty of perjury, and based on the following:

1. For each full-time resident of a dwelling exceeding four (4) residents, the quantity of fifty (50) gallons per day; or
2. For medical conditions of a resident, a quantity as required to maintain health standards.

B. Any decision of the Manager in granting or denying exceptions may be appealed by the applicant to the City Council by filing a written appeal with the City Clerk within five (5) days after the date of mailing of written notice to the applicant of the decision rendered. The City Council shall attempt to hear such appeal within twenty (20) days, and shall affirm, reverse or modify the decision.

C. The City Council may hereafter prescribe necessary procedures for the application for and use of exception permits.

D. The City Council may grant permits for uses of water or for exceptions to water conservation measures or for water connections otherwise prohibited by Sections 14.90.040, 14.90.050 and 14.90.060 of this article if it finds and determines that such regulations would:

1. Cause an unnecessary and undue hardship to the applicant or to the public; or
2. Cause an emergency condition affecting the health, sanitation, fire suppression, or safety of the applicant or public;

E. Any decision of the City Council shall be the final administrative decision of the City, subject to judicial review pursuant to the provisions set forth at WMC 1.12.180.

**14.90.090 Violation-Misdemeanor:** Notwithstanding any provision of this code to the contrary, the provisions of Section 377 of the California Water Code shall be applicable to any violation of this article. Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding one thousand dollars (\$1,000.00), or both. Upon the discretion of the Manager, such violations may be prosecuted as infractions.

**SECTION TWO.**

**1. COMPLIANCE WITH CEQA.** The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions the following categorical exemptions apply, Sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment), and 15321 (action by agency for enforcement of a law, general rule, standard, or objective administered or adopted by the agency).

**2. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have adopted this Ordinance and any section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**3. EFFECTIVE DATE.** This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Willits, and shall become effective thirty (30) days after its adoption.

Introduced by title only on March 10, 2010, by the following roll call vote:

AYES: Councilmembers Stranske, Kanne, Hanson, and Burton  
NOES: None  
ABSENT: Councilmember Madrigal  
ABSTAIN: None

Adopted on \_\_\_\_\_, 2010 by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Bruce Burton Mayor

ATTEST:  
\_\_\_\_\_  
Adrienne Moore, City Clerk