AGENDA
REGULAR MEETING OF THE LAKEPORT CITY COUNCIL
(ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESOR AGENCY TO THE LAKEPORT REDEVELOPMENT AGENCY)
Tuesday, December 19, 2017
City Council Chambers, 225 Park Street, Lakeport, California 95453

Any person may speak for three (3) minutes on any agenda item; however, total public input per item is not to exceed 15 minutes, extended at the discretion of the City Council. This rule does not apply to public hearings. Non-timed items may be taken up at any unspecified time.

CLOSED SESSION:

5:05 p.m.
1. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6): Name of City Negotiator to Attend Closed Session: Mayor Mattina & Council Member Turner; Unrepresented Employee: City Manager.

I. CALL TO ORDER & ROLL CALL:
6:00 p.m.

II. PLEDGE OF ALLEGIANCE:

III. ACCEPTANCE OF AGENDA:
Move to accept agenda as posted, or move to add or delete items.
Urgency Items:
To add item, Council is required to make a majority decision that an urgency exists (as defined in the Brown Act) and a 2/3rds determination that the need to take action arose subsequent to the Agenda being posted.

IV. CONSENT AGENDA:
The following Consent Agenda items are expected to be routine and noncontroversial. They will be acted upon by the Council at one time without any discussion. Any Council Member may request that any item be removed from the Consent Agenda for discussion under the regular Agenda. Removed items will be considered following the Consent Calendar portion of this agenda.

A. Ordinances:
Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code Section 36934.

B. Minutes:
Approve minutes of the City Council regular meeting of November 21, 2017, and the special meeting of December 4, 2017.

C. Warrants:
Approve the warrant registers of December 7, 2017

D. Application 2018-002:
Approve Application 2018-002, with staff recommendations, for the Shakespeare at the Lake production of “As You Like It” on July 28 & 29, 2018.

E. Maddy Act:
Direct the City Clerk to prepare the 2018 Maddy Act Appointments List and post at City Hall and the Lakeport Public Library.

F. Change Orders:
Authorize the City Manager to sign Contract Change Orders No. 1 through No. 7 with Granite Construction Co. for the additional work on the Lakeshore Blvd ER Project.

V. PUBLIC PRESENTATIONS/REQUESTS:

A. Citizen Input:

Any person may speak for 3 minutes about any subject within the authority of the City Council, provided that the subject is not already on tonight’s agenda. Persons wishing to address the City Council are required to complete a Citizen’s Input Form and submit it to the City Clerk prior to the meeting being called to order. NOTE: Per Government Code §54954.3(a), the City Council cannot take action or express a consensus of approval or disapproval on any public comments regarding matters which do not appear on the printed agenda.

B. Presentation:
Presentation of the winners of the 2017 Holiday Decoration Contest sponsored by the Lakeport Main Street Association.

VI. PUBLIC HEARING

A. Personal Cannabis Cultivation Ordinance:
Hold a public hearing and approve the proposed ordinance amending Chapters 17.04, 17.05, 17.06, 17.07 and 17.38 of the Lakeport Municipal Code to permit and regulate personal cannabis cultivation within the City of Lakeport.

B. Commercial Cannabis Ordinance:
Hold a public hearing and approve the proposed ordinance adding Chapter 5.34 and amending Chapters 17.08, 17.10, 17.11 and 17.13 of the Lakeport Municipal Code to permit and regulate commercial cannabis operations within the City of Lakeport.

C. Hazard Mitigation Grant:
Adopt the proposed resolution approving the City of Lakeport’s Hazardous Mitigation Grant Program (HMGP) grant application for the creation of a Local
VII. COUNCIL BUSINESS:

A. Finance Director

B. City Manager
   1. Server Replacement: Approve the proposal for the replacement email server at City Hall.
   2. HVAC Replacement: Approve the proposal for the replacement of an HVAC unit at 916 N. Forbes (former Lakeport Police Station).
   3. Holiday Resolution: Adopt a resolution to declare December 27, 2017 as a holiday for the employees of the City of Lakeport.

C. City Clerk
   1. Appointment of Mayor and Mayor Pro Tem: Nomination and election of Mayor and Mayor Pro Tem for a period of one year.

VIII. CITY COUNCIL COMMUNICATIONS:

A. Miscellaneous Reports, if any:

IX. ADJOURNMENT:

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk’s Office at 225 Park Street, Lakeport, California, during normal business hours. Such documents are also available on the City of Lakeport’s website, www.cityoflakeport.com, subject to staff’s ability to post the documents before the meeting.

The City of Lakeport, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access, attend and/or participate in the City meeting due to disability, to please contact the City Clerk’s Office, (707) 263-5615, 72 hours prior to the scheduled meeting to ensure reasonable accommodations are provided.

_______________________________________
Hilary Britton, Deputy City Clerk
MINUTES
REGULAR MEETING OF THE LAKEPORT CITY COUNCIL
(ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESOR AGENCY TO THE LAKEPORT REDEVELOPMENT AGENCY)
Tuesday, November 21, 2017
City Council Chambers, 225 Park Street, Lakeport, California 95453

CLOSED SESSION: City Clerk Buendia announced at 5:05 p.m. that the meeting would be adjourned to 5:30 p.m. Mayor Mattina called the meeting to order at 5:30 p.m. and announced that the following item would not be discussed in closed session:

1. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code § 54957.6): Name of City Negotiator to Attend Closed Session: Margaret Long and Administrative Services Director Kelly Buendia; Employee Organizations: Lakeport Police Officer’s Association, Lakeport Employees Association (LEA) and the Unrepresented Management (UM) group.

Mayor Mattina adjourned the meeting to Closed Session at 5:33 p.m. to consider:

2. CONFERENCE WITH LEGAL COUNCIL; Initiation of Litigation (Gov. Code § 54956.9(d)(4)) Number of Potential Cases: One (1) case.

I. CALL TO ORDER & ROLL CALL: Mayor Mattina called the meeting to order at 6:13 p.m., with Council Member Barnes, Council Member Turner, Council Member Parlet, and Council Member Spurr present.

II. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Michael Green.

III. ACCEPTANCE OF AGENDA: A motion was made by Council Member Turner, seconded by Council Member Barnes, and unanimously carried by voice vote to accept agenda as amended, noting that the closed session item entitled Conference with Labor Negotiator was removed from the agenda and removing item VI.D.1 Application 2017-015 Amendment.

IV. CONSENT AGENDA: The following Consent Agenda items are expected to be routine and noncontroversial. They will be acted upon by the Council at one time without any discussion. Any Council Member may request that any item be removed from the Consent Agenda for discussion under the regular Agenda. Removed items will be considered following the Consent Calendar portion of this agenda.

A. Ordinances: Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code Section 36934.
B. Minutes: Approve minutes of the City Council regular meeting of November 7, 2017.
C. Warrants: Approve the warrant registers of November 14, 2017
D. Notice of Completion: Adopt the proposed resolution accepting construction of the Downtown Tree Installation Project by Neary Landscape, Inc., and authorize the filing of the Notice of Completion.
E. Claim Rejection: Reject Claim No. 2017-005, filed by Laurel Garabiles, as recommended by REMIF.
F. Measure Z Advisory Committee (MZAC): Receive and file draft minutes of the November 6, 2017 Measure Z Advisory Committee.

Vote on Consent Agenda: A motion was made by Council Member Parlet, seconded by Council Member Spurr, and unanimously carried by voice vote to approve the Consent Agenda, items A-F.

V. PUBLIC PRESENTATIONS/REQUESTS: A. Citizen Input: There was no input offered by the public.

VI. COUNCIL BUSINESS: A. Community Development Director
1. Ordinance Introduction: Commercial Cannabis

The staff report was presented by Community Development Director Ingram. Mayor Mattina accepted public comment at 6:30 p.m.

George Smith was not in favor of retail in the C-2 Zone from Clearlake Avenue to Eighth Street or Ninth Street. Ann Blue asked about police staffing, if the ordinance is enacted. Michael Green spoke in favor of the ordinance for several reasons including potential positive effects on the local economy.

Mayor Mattina closed the public comment at 6:44 p.m.

Michael Green, Ken Wicks, and Michael Froio of the Planning Commission commented and answered questions from the Council regarding the Commission’s recommendations.

At 7:18 p.m. Mayor Mattina called for a short recess. The meeting resumed at 7:23 p.m.

Mayor Mattina clarified that Council agrees to:

1. Accept the City Attorney’s changes to the ordinance, shown in blue on the proposed ordinance.
2. Allow testing in Professional Office zone.

The City Council gave staff direction:

Mayor Mattina requested data and information on the following topics to be brought as an agenda item at the next regular meeting for discussion only:

1. Retail Sales – whether to allow, zoning, quantity restrictions, delivery, and inventory quantity restrictions
2. LPD to gather crime statistics relative to dispensary activity in similar cities.
3. CDD to research a potential Commercial Cannabis overlay zone.
4. Staff will bring back a revised draft removing the Cannabis Lounges and on site consumption, as well as clarifying the potential zoning for retail sales.

Subsequently, a motion was made by Council Member Parlet, seconded by Council Member Barnes, and unanimously carried by voice vote, with Council Member Turner temporarily absent, to introduce the proposed ordinance adding Chapter 5.34 and amending Chapters 17.08, 17.10, 17.11 and 17.13 of the Lakeport Municipal Code to permit and regulate commercial cannabis operations within the City of Lakeport and set a public hearing for December 19, 2017.

(Council Member Turner briefly stepped out of the Chamber for an emergency phone call and was present for discussion but not vote on this item.)

2. Ordinance Introduction: Personal Cultivation of Cannabis

The staff report was presented by Community Development Director Ingram.

The City Council gave staff direction:

1. Amend section 17.38.050 to change “opaque” to “solid”

Subsequently, a motion was made by Council Member Parlet, seconded by Council Member Barnes, and unanimously carried by voice vote to introduce the proposed ordinance amending Chapters 17.04, 17.05, 17.06, 17.07 and 17.38 of the Lakeport Municipal Code to permit and regulate personal cannabis cultivation within the City of Lakeport and set a public hearing for December 19, 2017.

B. Public Works Director

1. Budget Amendment: Dump Truck Purchase

The staff report was presented by Public Works Director Grider.

A motion was made by Council Member Barnes, seconded by Council Member Spurr, and unanimously carried by voice vote to approve a budget adjustment for an additional $25,000 for the purchase of a 10-Wheeler Dump Truck and
C. Police Chief
   2. Vehicle Purchase

The staff report was presented by Police Chief Rasmussen.

A motion was made by Council Member Spurr, seconded by Council Member Barnes, and unanimously carried by voice vote to authorize the City Manager to sign a purchase order and supporting documents for the procurement of two fully equipped 2018 Dodge Charger police vehicles for the Police Department, using lowest bidding vendors (Thurston Auto, Precision Wireless and sole source MAV vendor Watch Guard).

D. City Manager
   1. Application 2017-015 Amendment

This item was removed from the agenda.

VII. CITY COUNCIL COMMUNICATIONS:
A. Miscellaneous Reports, if any:

City Manager Silveira asked that a special meeting be held on December 4, 2017 and that the December 5, 2017 regular meeting cancelled. Several staff will be out of town and this would be to accommodate the cannabis discussions

City Attorney Ruderman gave no report.

Public Works Direct Grider reported on some asphalt failure on Main Street. The problems are related to the asphalt blend that is designed to withstand various temperatures, which our climate is exceeding with the higher temperatures in the summer.

Finance Director Walker reported citations, dog licenses payments now taken at the Police Department or City Hall.

Administrative Services Director Buendia reported that there are various openings on city commissions and encouraged interested parties to apply.

Police Chief Rasmussen reported a foot pursuit just took place with an officer assaulted.

Community Development Director Ingram had no report.

Council Member Spurr wished everyone a Happy Thanksgiving.

Council Member Parlet had no report.

Council Member Turner reported that the Dickens Faire will take place on Saturday. She will be attending the California League of Cities League Leaders meeting in Santa Cruz.

Council Member Barnes had no report.

Mayor Mattina reported that the Holiday Tree Lighting will take place at 530 p.m. on Saturday.

VIII. ADJOURNMENT:

Mayor Mattina adjourned the meeting at 8:25 p.m.

Stacey Mattina, Mayor

Attest:

Kelly Buendia, City Clerk
MINUTES
SPECIAL MEETING
OF THE LAKEPORT CITY COUNCIL
(ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESOR AGENCY TO THE LAKEPORT REDEVELOPMENT AGENCY)
Monday, December 4, 2017
City Council Chambers, 225 Park Street, Lakeport, California 95453

CLOSED SESSION:
Mayor Mattina opened the meeting at 5:05 p.m.

Nancy Ruzicka asked for a continuance on the Verizon item and is opposed to the cell phone tower.

Suzanne Lyons stated that she was unable to access the agenda online.

Mayor Mattina adjourned the meeting to Closed Session at 5:15 p.m. to consider:

1. Conference with Legal Counsel; Anticipated Litigation (Gov. Code § 54956.9(d)(2) & (d)(3)) A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City:

   Statement made at an open meeting of City (Gov. Code § 54956.9(e)(4)): Name of Person: Paul B. Albritton.

   Number of potential cases: one (1)

2. Public Employee Performance Evaluation (Gov. Code § 54957) Title: City Manager

REPORT OUT OF CLOSED SESSION
There was no report out of closed session.

CALL TO ORDER & ROLL CALL:
Mayor Mattina called the Special Meeting to order at 6:02 p.m., with Council Member Spurr, Council Member Parlet, Council Member Turner and Mayor Mattina present and Council Member Barnes absent. (Council Member Barnes was present for the Closed Session.)
COMMERCIAL CANNABIS ORDNANCE:

The staff report was presented by Community Development Director Ingram.

Kimberly Chilcutt, owner of a cannabis medicinal company, would like certain types of manufacturing (such as infusion with vegetable glycerin) allowed in R-1. Her proposed business would be defined as medicinal, type 6 and type N under the state permitting. She further commented that deliveries are dangerous.

Stan Jones is opposed to store front operations in the City of Lakeport but could live with delivery. He is against onsite consumption.

Michael Green thought the five pound limit was too low; questioned the 50 ft² limit for non-cannabis items in retail stores; he opposes any commercial cannabis activities in residential zones; he noted that neither the Counsel nor the Planning Commission had considered regulations for mini collectives or cooperatives, and he recommended that these uses not be permitted in residential zones. He also asked that Council to consider the potential consumer demand for retail establishments, be they medicinal or commercial.

Melissa Fulton, CEO of Lake County Chamber of Commerce, asked whether the County Board of Supervisors had decided upon a policy for retail in the unincorporated areas.

Chief Doug Hutchison, Lakeport Fire Protection District, stated that solvents are a big concern in any allowed processes. He requested that the District be notified of any solvents/chemicals listed in a permitted operation.

Gary Reese asked if home-based businesses are required to notify neighbors.

Kari Smith was not in favor of store front retail cannabis in C-2.

Ruby Jones was not in favor of any cannabis sales, store-front or delivery.

Michael Froio asked if there is sales tax on medical cannabis.

Council discussed and gave staff direction to:

1. Explore the possibility of creating an overlay zoning district for the South area of town.
2. Prohibit retail in C-2 on 11th street and North Main Street.
3. Determine appropriate zoning for microbusinesses which may be involved in distribution.
4. Remove the term “dispensary”, replace with “retail”
5. Replace “Commercial Cannabis Activities” throughout the ordinance rather than the term “Commercial Cannabis Uses”.
6. Remove reference to the Lake County Agriculture Commissioner in Section 5.34.09.A.2(vi), replace with language recommended by the Planning Commission
7. Remove “testing” as an allowed use for microbusinesses
8. Consider banning cannabis related special events at fairgrounds/agricultural district properties.
9. Amend language in Section 5.34.09.B.1 concerning Commercial Cannabis Manufacturing to be consistent with State definition.
10. Remove reference to ‘testing’ regarding microbusinesses within draft ordinance to be consistent with State licensing regulations.
11. Prohibit special cannabis related events.

These changes will be incorporated into a draft ordinance that will be considered at the December 19, 2017 public hearing.

I. WASTEWATER ENTERPRISE REVENUE BONDS:

The staff report was presented by Finance Director Walker.

1. Sitting as the City of Lakeport City Council:

A motion was made by Council Member Parlet, seconded by Council Member Turner, and unanimously carried by voice vote, with Council Member Barnes absent, to

Adopt (i) Resolution No. ___ (2017) adopting the USDA RUS Bulletin 1780-27 Loan Resolution, and (ii) Resolution No. ___ (2017) Approving a Trust Agreement, Installment Sale Agreement and Grant agreement and Certain Other Documents in Connection with the Authorization, Preparation, Sale and Delivery of Municipal Financing Agency of Lakeport, Series 2017 Wastewater Enterprise Revenue Bonds, and Authorizing and Directing Certain Actions with Respect thereto, and

2. Sitting as the Board of Directors of the Municipal Financing Agency of Lakeport:

A motion was made by Board Member Turner, seconded by Board Member Spurr, and unanimously carried by voice vote, with Board Member Barnes absent, to

Adopt Resolution No. JPA-__ (2017) Approving a Trust Agreement, Installment Sale Agreement, Assignment
II. **NEW CLASSIFICATION:** The staff report was presented by Administrative Services Director/City Clerk Buendia.

A motion was made by Council Member Spurr, seconded by Council Member Turner, and unanimously carried by voice vote, with Council Member Barnes absent, to

1. Approve a new classification for a Police Detective with a salary range 43.6 earning $4,708 to $6,012 per month, and
2. Reclassify one Police Officer position from the 2017/18 budget to Police Detective.

III. **PURCHASE AGREEMENT:** The staff report was presented by Public Works Director Grider.

A motion was made by Council Member Parlet, seconded by Council Member Turner, and unanimously carried by voice vote, with Council Member Barnes absent, to authorize the City Manager to sign the associated purchase order and purchase agreement for a 2017 Hamm Model HD-14-VV double drum vibratory roller.

IV. **ADJOURNMENT:** Mayor Mattina adjourned the meeting at 8:00 p.m.

____________________________________
Stacey Mattina, Mayor

Attest:

____________________________________
Kelly Buendia, City Clerk
12/8/2017

I hereby certify that the attached list of warrants has been audited, extensions are proper, purchase orders have been issued, and department heads have been given the opportunity to review and sign claim forms.

______________________________
Nicholas Walker
Finance Director
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<td>TECHNOFLO SYSTEMS</td>
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<td>-9,460.80</td>
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<tr>
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<td>52381</td>
<td>USA BLUE BOOK</td>
<td>Accounts Payable</td>
<td>Outstanding</td>
<td>Check</td>
<td>-13,184.70</td>
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</table>

Bank Account 15-0352000798 Total: (135) -447,993.87

Report Total: (135) -447,993.87
### Summary

<table>
<thead>
<tr>
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<th>Count</th>
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</thead>
<tbody>
<tr>
<td>135-0352000798 POOLED CASH BANK</td>
<td>135</td>
<td>-447,993.87</td>
</tr>
</tbody>
</table>

Report Total: 135  -447,993.87

<table>
<thead>
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<td>998 998-0000-101000   POOLED CASH - WEST AMERICA</td>
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</tr>
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</table>

Report Total: 135  -447,993.87

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<th>Amount</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Check</td>
<td>105</td>
<td>-356,712.20</td>
</tr>
</tbody>
</table>

Report Total: 135  -447,993.87
**APPLICATION FOR USE OF PUBLIC AREAS**

Please note: City Council meetings are held the FIRST and THIRD TUESDAY of the month. Application forms require City Council approval and must be completed and submitted to the City Clerk at least ten working days before the Council meeting at which they will be considered.

This section to be completed by City:

<table>
<thead>
<tr>
<th>Application Received (Date):</th>
<th>11/16/2017</th>
<th>Application No.</th>
<th>2018-002</th>
<th>For Council Meeting of (Date):</th>
<th>12/19/2017</th>
</tr>
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</table>

This section to be completed by Applicant (please answer all questions):

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Eileen Cichocki</th>
<th>Organization Name:</th>
<th>Mendocino College</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>1000 Hensley Creek Rd. Ukiah CA 95482</td>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Home Phone:</td>
<td></td>
<td>Work Phone:</td>
<td>707-468-3068</td>
</tr>
<tr>
<td>Email Address:</td>
<td><a href="mailto:ecichocki@mendocino.edu">ecichocki@mendocino.edu</a></td>
<td>Mobile Phone:</td>
<td></td>
</tr>
<tr>
<td>Other Contact:</td>
<td>Valerie Jensen</td>
<td>Phone for Other Contact:</td>
<td>707-468-3280</td>
</tr>
<tr>
<td>Organization is:</td>
<td>☑ Nonprofit Organization</td>
<td></td>
<td>☑ For Profit Organization</td>
</tr>
</tbody>
</table>

Name of Event: Shakespeare At The Lake

Description of Event: Theatrical Production of "As You Like It"

Specific Location of Event (Map Must be Attached): Library Park

Does this use involve public right of way, streets, or sidewalk? Yes ☑ No ☐ If yes, please indicate specific location:

If requesting closure of streets, sidewalk, etc., please describe notification procedure for affected businesses and/or residences:

Date(s) of Event: July 28 & July 29, 2018 (shows) set-up beginning July 25.

Total Number of Days: 5

Set Up Time:

Time of Event:

Tear Down Time:

Specify anticipated number of people (both participants and the public): 350 each evening

Will any vendors be present? Yes ☑ No ☐ Will any food booths be present? Yes ☑ No ☐

Requirements:

☑ Electricity (cannot be guaranteed by City)

☑ Barricades

☑ Street/Sidewalk Closures

☑ No irrigation in park prior to event

☑ Other (please specify):

Coordination of these requirements must be made through the Public Works Department: (707) 263-0751

Specific City Staff Needs:

☑ Police

☑ Public Works

☑ Parks

☑ Other (please specify):

The City reserves the right to bill applicant for related City costs.

Insurance Information:

Specify Insurance Company:

Policy Number:

Expiration Date:

Limits of Coverage:

**INSURANCE CERTIFICATE REQUIRED**

Note: The Insurance certificate provided to the City by your organization's insurance company must name the City of Lakeport as an additional insured for the event specified in this application and must include a copy of any endorsements. The minimum coverage amount required is $1,000,000. The certificate and endorsements must also be in a form acceptable to risk management and available for review 15 working days prior to the scheduled event.
Admin. Comments: Applicant must 1. Provide $15 application fee; 2. Provide insurance certificate prior to event; 3. Work with Bi-Costal Media for shared park usage during the 2018 Concert in the Park Series; 4. Obtain Alcohol Permits from the LPD, and ABC

<table>
<thead>
<tr>
<th>Staff Name:</th>
<th>Department:</th>
</tr>
</thead>
</table>
|              | □ No Fiscal Impact  
 □ Fiscal Impact  
 (Describe/Include Estimated Costs)  
 □ Police  
 □ Public Works  
 □ Parks  
 □ Other (please specify): |

<table>
<thead>
<tr>
<th>The following will be Required:</th>
<th></th>
</tr>
</thead>
</table>
| □ Business License  
 □ ABC License  
 □ Health Department Permit  
 □ Other (Specify): |

Staff Comments:

This section to be completed by City Clerk following Council meeting:

| Considered at Council Meeting (Date):  
 □ Application Approved  
 □ Application Denied  
 □ Application Approved With Conditions (See Below)  |

Conditions of Approval:

□ Attachments (specify):
Hello Hilary,

Attached please find our Public Use application for Library Park for the annual Shakespeare at the Lake event. We have submitted request for the $15 payment from our business office, and will provide Certificate of Insurance after July 1, as our insurer only issues for current fiscal year.

The Lake County Friends of Mendocino College group will be handling the wine sales and Wilda Shock is the one to contact in regards to the alcohol permits if there are any questions or follow-up needed there.

Please let me know if you have any questions.

Best,

Valerie

Valerie Jensen

Director of the Lake Center
Mendocino College
(707) 468-3280
USE OF ALCOHOL: Is a permit for alcoholic beverages requested? ☑ Yes ☐ No
If you have checked yes, you must obtain a signed permit from the Lakeport Police Department and attach it to this application. This will allow for consumption of alcoholic beverages in connection with the event but will NOT allow for the SALE of alcoholic beverages. If alcoholic beverages are going to be sold or included with the price of any ticket or admission to the event, then the applicant is required to obtain a one-day license from the California Department of Alcoholic Beverage Control. This one-day permit would be required in addition to a permit by the Lakeport Police Department.

<table>
<thead>
<tr>
<th>HOLD HARMLESS AGREEMENT</th>
</tr>
</thead>
</table>
In consideration of allowing the event(s) specified in this application, and to the fullest extent permitted by law, I/we agree to indemnify and hold harmless the City of Lakeport, its officers, agents, employees, and volunteers against and from any and all liability claims, lawsuits, damages, losses, expenses, and costs brought for, or on account of, injuries to or death of any person or persons, including myself and this organization, or damage to or destruction of property, arising out of, or other occurrence during or in connection with the foregoing event(s).

Signature of Applicant: ____________________________
Responsible Official of Applicant Organization: ____________________________
Dated: 11/14/17

---

STAFF RESPONSE

<table>
<thead>
<tr>
<th>Staff Name(s):</th>
<th>Department:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ No Fiscal Impact</td>
<td>☐ Fiscal Impact (Describe/Include Estimated Costs)</td>
</tr>
<tr>
<td>☐ Police</td>
<td>☐ Public Works</td>
</tr>
<tr>
<td>☐ Parks</td>
<td>☐ Other (please specify):</td>
</tr>
</tbody>
</table>

The following will be Required:

☐ Business License
☐ ABC License
☒ Health Department Permit
☐ Other (Specify):

Staff Comments:

Admin. Comments: Applicant must 1. Provide $15 application fee; 2. Provide insurance certificate prior to event; 3. Work with Bi-Costal Media for shared park usage during the 2018 Concert in the Park Series; 4. Obtain Alcohol Permits from the LPD, and ABC

All food vendors must have a temporary health permit to sell or give away food at this event and must submit their application 7 days prior to the event. The event sponsor must submit their sponsor temporary health permit application 14 days prior to the event.

Tina Rubi 12/4/17

---

This section to be completed by City Clerk following Council meeting:

<table>
<thead>
<tr>
<th>Considered at Council Meeting (Date):</th>
<th>☐ Application Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐ Application Denied</td>
</tr>
<tr>
<td></td>
<td>☐ Application Approved With Conditions (See Below)</td>
</tr>
</tbody>
</table>

Conditions of Approval:

☐ Attachments (specify):
Hillary,

I see that someone already addressed the alcohol permit so as long as that comes before the event next July, we are good. No other police concerns.

Lt

Jason Ferguson
Lieutenant
Lakeport Police Department
2025 S. Main St.
Lakeport, Ca. 95453
Office (707) 263-9654

A true hero is not defined simply by the uniform he or she is wearing but rather the person who's wearing it!

-----Original Message-----
From: Hilary Britton [mailto:hbritton@cityoflakeport.com]
Sent: Monday, December 4, 2017 10:35 AM
To: Amanda Frazell (Dean.Eichelmann@lakecountyca.gov), Cheryl Bennett (cheryl.bennett@lakecountyca.gov), 'Cynthia Ader', 'Daniel Chance', 'Doug Grider', 'Executive Management', 'Jason Ferguson', 'Jim Kennedy', 'Joe Eastham', 'Linda Sobieraj', Lori Price (lorip@co.lake.ca.us), Mark Wall (mwaconsulting@comcast.net), 'Matt Hartzog', 'Mike Sobieraj', Pheakdey Preciado (pheakdey.preciado@lakecountyca.gov), 'Rebekah Dolby', 'Ron Ladd', Sheriff's Dept (records@lakecountyca.gov), Tina Rubin (Tina.Rubin@lakecountyca.gov)
Subject: Application 2018-002 - Shakespeare at the Lake

Hi all,

Please find attached application 2018-002 for the Shakespeare at the Lake event, for your review.

We would like to submit this for Council approval at the meeting of 12/19/2017, so please have your comments back to me by 12/12/2017.

Thank you for your input.

Hilary Britton
Deputy City Clerk
City of Lakeport
225 Park Street
Lakeport, CA  95453
(707) 263-5615 x12
hbritton@cityoflakeport.com
Hi Hiliary,

I have reviewed the subject application. It does not appear that it will impact County roads. We do not have any conditions or recommendations to add to this application. Thank you for the opportunity to comment.

Sincerely,

Lori Price
Secretary III
Lake County Department of Public Works
255 N. Forbes Street, Rm 309
Lakeport, CA 95453
(707) 263-2341
lorip@co.lake.ca.us
Hilary Britton  
Deputy City Clerk  
City of Lakeport  
225 Park Street  
Lakeport, CA  95453  
(707) 263-5615 x12  
hbritton@cityoflakeport.com
WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:
The City Council is being asked to direct the City Clerk to prepare the annual Maddy Act Appointment List.

BACKGROUND/DISCUSSION:
The Maddy Act (Government Code Sections 54970 through 54974) states that a vast and largely untapped reservoir of talent exists among the citizenry of the State of California, and that rich and varied segments of this great human resource are, all too frequently, not aware of the many opportunities which exist to participate in and serve on local regulatory and advisory boards, commissions, and committees.

The Act requires that on or before December 31 of each year, each legislative body prepare an appointments list of all regular ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency.

Pursuant to the Maddy Act, the list must contain the list of all appointive terms that expire during the next calendar year (shown in red), with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position. In addition, the list will indicate those seats with terms that will expire on December 31, 2017, for which staff is currently recruiting applicants to serve.

Once the list is prepared, the City Clerk will make it available to the public in accordance with the Act and can continue recruiting any vacant positions.

Please Note: The appointments to those seats with terms expiring this year (shown in blue), will be scheduled for an upcoming Council meeting in January, and the list will be updated accordingly.

OPTIONS:
The Appointments list is statutorily mandated. The City Council could direct the City Clerk to complete the list and call a special meeting for approval prior to the December 31 deadline.

FISCAL IMPACT:
☒ None ☐ $  Budgeted Item? ☐ Yes ☒ No

Budget Adjustment Needed? ☐ Yes ☒ No  If yes, amount of appropriation increase: $

Affected fund(s): ☐ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

Comments:
SUGGESTED MOTIONS:

Move to direct the City Clerk to prepare the 2018 Maddy Act Appointments List and post at City Hall and the Lakeport Public Library.

Attachments:

1. DRAFT Maddy Act Appointment List
NOTICE: In compliance with the requirements of the Maddy Act (Government Code §54970, et seq.), the following appointments list was posted on or before December 31, 2017, at the City Hall, City of Lakeport, 225 Park Street, Lakeport, CA 95453, and at the Lakeport Library, 1425 North High Street, Lakeport, CA 95453. The City Council of the City of Lakeport will make appointments to the positions below which will expire or will otherwise become vacant in 2018. Unless noted otherwise, all appointees must be residents of the City of Lakeport.

PLANNING COMMISSION

The Planning Commission meets the second Wednesday of each month at 5:00 p.m. in the Council Chambers of City Hall. The city council may appoint one member who lives outside of the city limits but within the Lakeport zip code area.

<table>
<thead>
<tr>
<th>COMMISSIONER</th>
<th>DATE APPOINTED</th>
<th>TERM ENDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harold Taylor</td>
<td>December 2, 2014</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Suzanne Russell</td>
<td>December 2, 2014</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Michael Froio</td>
<td>December 20, 2016 (Partial Term)</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Ken Wicks</td>
<td>December 20, 2016</td>
<td>December 31, 2020</td>
</tr>
<tr>
<td>Michael Green</td>
<td>December 20, 2016</td>
<td>December 31, 2020</td>
</tr>
</tbody>
</table>

PARKS & RECREATION COMMISSION

The Parks & Recreation Commission meets on the second Thursday of each month at 3:00 p.m. in the Council Chambers at City Hall.

<table>
<thead>
<tr>
<th>COMMISSIONER</th>
<th>DATE APPOINTED</th>
<th>TERM ENDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ann Blue</td>
<td>December 15, 2015</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Cindy Ustrud</td>
<td>December 15, 2015</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Suzanne Russell</td>
<td>December 15, 2015</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Suzanne Lyons</td>
<td>December 20, 2016</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Kip Knorr</td>
<td>December 20, 2016</td>
<td>December 31, 2018</td>
</tr>
</tbody>
</table>

TRAFFIC SAFETY ADVISORY COMMITTEE (TSAC)

The Traffic Safety Advisory Committee meets, every other month on the second Monday of the month at 4:00 p.m. in the City Council Chamber. The City Council may appoint two members who are non-residents.

<table>
<thead>
<tr>
<th>COMMISSIONER</th>
<th>DATE APPOINTED</th>
<th>TERM ENDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ann Blue</td>
<td>December 15, 2015</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Vicki Cole</td>
<td>December 15, 2015</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Suzanne Russell</td>
<td>December 15, 2015</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Frank Dollosso</td>
<td>December 20, 2016</td>
<td>December 31, 2020</td>
</tr>
<tr>
<td>Nathan Maxman</td>
<td>December 20, 2016</td>
<td>December 31, 2020</td>
</tr>
</tbody>
</table>

LAKEPORT ECONOMIC DEVELOPMENT ADVISORY COMMITTEE (LEDAC)

This committee meets bimonthly, on the second Wednesday of the month, at 7:30 a.m. in the Conference Room at City Hall. Membership to this committee is open to anyone who lives, works, shops, or does business in the City of Lakeport, including those in the unincorporated areas of the Lakeport trade area.

<table>
<thead>
<tr>
<th>COMMISSIONER</th>
<th>DATE APPOINTED</th>
<th>TERM ENDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant</td>
<td>December 15, 2015</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Vacant</td>
<td>December 15, 2015</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Pamale Harpster</td>
<td>December 15, 2015</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Denise Combs</td>
<td>December 20, 2016</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>William Eaton</td>
<td>December 20, 2016</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Wilda Shock</td>
<td>December 20, 2016</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Terre Logsdon</td>
<td>December 20, 2016</td>
<td>December 31, 2018</td>
</tr>
</tbody>
</table>

MEASURE Z ADVISORY COMMITTEE

This committee meets quarterly to review all revenues and expenditures of the Measure Z transactions and use tax and make recommendations to the City Council regarding those expenditures.

<table>
<thead>
<tr>
<th>COMMISSIONER</th>
<th>DATE APPOINTED</th>
<th>TERM ENDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susan King</td>
<td>April 18, 2017</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Tim Wynacht</td>
<td>April 18, 2017</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Commissioner</td>
<td>Date Appointed</td>
<td>Term Ends</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Annette Hopkins</td>
<td>April 18, 2017</td>
<td>December 31, 2020</td>
</tr>
<tr>
<td>Dennis Rollins</td>
<td>April 18, 2017</td>
<td>December 31, 2020</td>
</tr>
<tr>
<td>Nathan Speed</td>
<td>April 18, 2017</td>
<td>December 31, 2020</td>
</tr>
</tbody>
</table>

**LAKE COUNTY VECTOR CONTROL DISTRICT BOARD OF TRUSTEES**

This Board of Trustees meets at 1:30 PM on the second Wednesday of each month at 410 Esplanade, Lakeport, CA. Members must be a voter in the City of Lakeport and reside within the district. Trustees serve a 2-year or 4-year term, at the discretion of the City Council.

<table>
<thead>
<tr>
<th>COMMISSIONER</th>
<th>DATE APPOINTED</th>
<th>TERM ENDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>George Spurr</td>
<td>December 15, 2015</td>
<td>December 31, 2019</td>
</tr>
</tbody>
</table>
STAFF REPORT

RE: Contract Change Orders for Lakeshore Blvd ER Project

MEETING DATE: 12/19/2017

SUBMITTED BY: Douglas Grider, Public Works Director

PURPOSE OF REPORT: □ Information only □ Discussion □ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize the City Manager to sign seven (7) Contract Change Orders with Granite Construction Co. to complete the Lakeshore Blvd ER Project.

BACKGROUND/DISCUSSION:

Change Order No. 1 – Provide additional Geocell material for the extended project limits damaged in 2017 flood.
Total for CCO 1= $13,356.00

Change Order No. 2 – Place surface mounted delineators on detour center line on Lakeshore Blvd. This was done as an additional safety measure to direct traffic through the detour.
Total for CCO 2= $5,725.27

Change Order No. 3 – Delete entire bid item of willow shoot planting from the contract. The mitigation measures were changed to a plant species that would not obstruct lake views at maturity.
Total for CCO 3= ($110,400.00)

Change Oder No. 4 – Remove four existing damaged culverts and replace with 18” pipe. This work only replaced the pipe running through the new rip rap. The remaining culvert under the roadway will be replaced in a future project. This work was done on time and materials.
Total for CCO 4= $12,656.71

Change Order No. 5 – Remove and replace curb and gutter for entire project limits. There was more extensive damage and undermining of the curb and gutter than anticipated. The engineer elected to have all the curb and gutter replaced instead of patching the damaged curb back together.
Total for CCO 5= $47,748.00

Change Order No. 6 – Extension of rock slope protection with Geocell system for an additional 123 feet due to damage caused in the storms of 2017.
Total for CCO6= $58,355.22

Change Order No. 7 – Escalation costs incurred due to the project being delayed one year. The contractor was not able to start work as planned in 2016 due to the City not having all the final permits needed for the work. Wage rates and materials costs increased over the 1 year span.
Total for CCO7= $16,603.00
The original contract price was $511,590.00. The revised contract price is $555,634.20.

This project is funded through the FHWA’s Emergency Relief program and is 88.53% reimbursable.

**OPTIONS:**

1. Authorize City Manager to sign change orders.
2. Provide direction.

It is staff’s recommendation that option one is in the best interest of the City as these were necessary to complete the project.

**FISCAL IMPACT:**

- None
- Budgeted Item? ☑ Yes ☐ No
- Budget Adjustment Needed? ☐ Yes ☑ No
- If yes, amount of appropriation increase:
- Affected fund(s): ☐ General Fund  ☑ Water OM Fund  ☐ Sewer OM Fund  ☐ Other:

**Comments:**

**SUGGESTED MOTIONS:**

Move to authorize the City Manager to sign Contract Change Orders No. 1 through No. 7. with Granite Construction Co. for the additional work on the Lakeshore Blvd ER Project.

**Attachments:**

1. Contract Change Order No. 1 – Detail/Change Order
2. Contract Change Order No. 2 – Detail/Change Order
3. Contract Change Order No. 3 – Detail/Change Order
4. Contract Change Order No. 4 – Detail/Change Order
5. Contract Change Order No. 5 – Detail/Change Order
6. Contract Change Order No. 6 – Detail/Change Order
7. Contract Change Order No. 7 – Detail/Change Order
CONTRACT CHANGE ORDER
Change Order No. 1

Project: Lakeshore Blvd ER Project ER 4403(003)
Contractor: Granite Construction Company
Change Requested By: City of Lakeport

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract:

Item 1 – Provide additional Geocell material for the extended project limits.

Item 2 – Modifications to Estimated Quantities

Modify the estimated quantities as indicated in the table below.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>Qty</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>8 inch Geocell</td>
<td>SF</td>
<td>3339</td>
<td>$4.00</td>
<td>$13,356.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Lakeshore Blvd ER Project - Change Order No. 1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Change Order Amount</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

$13,356.00

SUMMARY OF CHANGES
Contract Time (Working Days)

<table>
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<tr>
<th>Description</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract Time</td>
<td>30</td>
</tr>
<tr>
<td>Previous Change Orders</td>
<td>0</td>
</tr>
<tr>
<td>This Change Order</td>
<td>0</td>
</tr>
<tr>
<td>Revised Contract Time</td>
<td>30</td>
</tr>
</tbody>
</table>

Contract Cost:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract</td>
<td>$511,590.00</td>
</tr>
<tr>
<td>Previous Change Orders</td>
<td>$0.00</td>
</tr>
<tr>
<td>This Change Order</td>
<td>$13,356.00</td>
</tr>
<tr>
<td>Total Revised Contract</td>
<td>$524,946.00</td>
</tr>
</tbody>
</table>

We, the undersigned Contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as otherwise be noted herein, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown herein.

Note: This Change Order is not effective until approved by the City Manager or City Council as applicable.
Accepted by Contractor:

Granite Construction Co

By: ________________________________

Date: 10/16/17  Title: AREA MANAGER

If the Contractor does not sign acceptance of this Change Order, his attention is directed to the requirements of the specifications as to proceeding with ordered work and filing a written protest within the time therein specified.

Recommended By: ____________________________ Date: 9/25/2017

Public Works Director

Approved By: ____________________________ Date: 9/25/17

City of Lakeport City Manager
CONTRACT CHANGE ORDER
Change Order No. 2

Project: Lakeshore Blvd ER Project ER 4403(003)
Contractor: Granite Construction Company
Change Requested By: City of Lakeport

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract:

Item 1 – Place surface mounted delineators on detour center line at 12 foot intervals through construction limits on Lakeshore Blvd.

Item 2 – Modifications to Estimated Quantities

Modify the estimated quantities as indicated in the table below.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>Qty</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Delineators</td>
<td>LS</td>
<td>1</td>
<td>5,725.27</td>
<td>5,725.27</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Change Order Amount</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$5,725.27</strong></td>
</tr>
</tbody>
</table>

SUMMARY OF CHANGES
Contract Time (Working Days)
Original Contract Time 30
Previous Change Orders 0
This Change Order 0
Revised Contract Time 30

Contract Cost:
Original Contract $511,590.00
Previous Change Orders $13,356.00
This Change Order $5,725.27
Total Revised Contract Price $530,671.27

We, the undersigned Contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as otherwise be noted herein, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown herein.

Note: This Change Order is not effective until approved by the City Manager or City Council as applicable.
Accepted by Contractor:

Granite Construction Co

By: ________________________________

Date: _______________ Title: ________________________________

If the Contractor does not sign acceptance of this Change Order, his attention is directed to the requirements of the specifications as to proceeding with ordered work and filing a written protest within the tie therein specified.

Recommended By: ________________________________ Date: ______________,

Public Works Director

Approved By: ________________________________ Date: ______________,

City of Lakeport City Manager
CONTRACT CHANGE ORDER
Change Order No. 3

Project: Lakeshore Blvd ER Project ER 4403(003)
Contractor: Granite Construction Company
Change Requested By: City of Lakeport

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract:

Item 1 – Delete Item 19 (F): Willow Shoot Planting

Item 2 – Modifications to Estimated Quantities

Modify the estimated quantities as indicated in the table below.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>Qty</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>19(F)</td>
<td>Willow Shoot Planting</td>
<td>EA</td>
<td>-690</td>
<td>160.00</td>
<td>($110,400.00)</td>
</tr>
</tbody>
</table>

Total Change Order Amount ($110,400.00)

SUMMARY OF CHANGES
Contract Time (Working Days)
Original Contract Time 30
Previous Change Orders 0
This Change Order 0
Revised Contract Time 30

Contract Cost:
Original Contract $511,590.00
Previous Change Orders $19,081.27
This Change Order ($110,400.00)
Total Revised Contract Price $420,271.27

We, the undersigned Contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as otherwise be noted herein, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown herein.

Note: This Change Order is not effective until approved by the City Manager or City Council as applicable.
Accepted by Contractor:

Granite Construction Co

By: ________________________________

Date: ________________ Title: ________________________________

If the Contractor does not sign acceptance of this Change Order, his attention is directed to the requirements of the specifications as to proceeding with ordered work and filing a written protest within the tie therein specified.

Recommended By: ________________________________  Date: ________________

Public Works Director

Approved By: ________________________________  Date: ________________

City of Lakeport City Manager
CONTRACT CHANGE ORDER
Change Order No. 4

Project: Lakeshore Blvd ER Project ER 4403(003)
Contractor: Granite Construction Company
Change Requested By: City of Lakeport

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract:

Item 1 – Remove four existing damaged culverts and replace with 18” corrugated polyvinyl chloride pipe with smooth interior. Locations: Station 11+10; 13+14; 14+44, 17+23.

Item 2 – Modifications to Estimated Quantities

Modify the estimated quantities as indicated in the table below.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>Qty</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Culvert Repair</td>
<td>LS</td>
<td>1</td>
<td>$12,656.71</td>
<td>$12,656.71</td>
</tr>
<tr>
<td></td>
<td><strong>Total Change Order Amount</strong></td>
<td></td>
<td></td>
<td></td>
<td>$12,656.71</td>
</tr>
</tbody>
</table>

SUMMARY OF CHANGES

Contract Time (Working Days)

Original Contract Time 30
Previous Change Orders 0
This Change Order 2
Revised Contract Time 32

Contract Cost:

Original Contract $511,590.00
Previous Change Orders ($91,318.73)
This Change Order $12,656.71
Total Revised Contract Price $432,927.98

We, the undersigned Contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as otherwise be noted herein, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown herein.

Note: This Change Order is not effective until approved by the City Manager or City Council as applicable.
Accepted by Contractor:

Granite Construction Co

By: ________________________________

Date: ________________ Title: ________________________________

If the Contractor does not sign acceptance of this Change Order, his attention is directed to the requirements of the specifications as to proceeding with ordered work and filing a written protest within the time therein specified.

Recommended By: ________________________________ Date: ________________

Public Works Director

Approved By: ________________________________ Date: ________________

City of Lakeport City Manager
CONTRACT CHANGE ORDER
Change Order No. 5

Project: Lakeshore Blvd ER Project ER 4403(003)
Contractor: Granite Construction Company
Change Requested By: City of Lakeport

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract:

Item 1 – Remove and replace curb and gutter from Station 10+34 to Station 16+00 with City Standard 18” curb and gutter.

Item 2 – Modifications to Estimated Quantities

Modify the estimated quantities as indicated in the table below.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>Qty</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Concrete Curb</td>
<td>LF</td>
<td>-41</td>
<td>$55.00</td>
<td>($2,255.00)</td>
</tr>
<tr>
<td>16</td>
<td>Concrete Curb &amp; Gutter</td>
<td>LF</td>
<td>-58</td>
<td>$75.00</td>
<td>($4,350.00)</td>
</tr>
<tr>
<td>24</td>
<td>Concrete Curb &amp; Gutter R &amp; R</td>
<td>LF</td>
<td>577</td>
<td>$89.00</td>
<td>$51,353.00</td>
</tr>
<tr>
<td>25</td>
<td>Traffic Control-flagger</td>
<td>LS</td>
<td>1</td>
<td>$3000.00</td>
<td>$3000.00</td>
</tr>
</tbody>
</table>

Total Change Order Amount

$47,748.00

SUMMARY OF CHANGES

Contract Time (Working Days)

Original Contract Time 30
Previous Change Orders 2
This Change Order 5
Revised Contract Time 37

Contract Cost:

Original Contract $511,590.00
Previous Change Orders ($78,662.02)
This Change Order $47,748.00
Total Revised Contract Price $480,675.98

We, the undersigned Contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as otherwise be noted herein, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown herein.

Note: This Change Order is not effective until approved by the City Manager or City Council as applicable.
Accepted by Contractor:
Granite Construction Co

By:________________________________
Date:  ____________________  Title:______________________________

If the Contractor does not sign acceptance of this Change Order, his attention is directed to the requirements of the specifications as to proceeding with ordered work and filing a written protest within the tie therein specified.

Recommended By:_____________________________    Date:______________,
Public Works Director

Approved By:    ______________________________    Date:______________,
City of Lakeport City Manager
CONTRACT CHANGE ORDER
Change Order No. 6

Project: Lakeshore Blvd ER Project ER 4403(003)
Contractor: Granite Construction Company
Change Requested By: City of Lakeport

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract:

Item 1 – Extend the rip rap section to Station 17+19 (~21% additional length), skipping over the access abutment to the boat dock. Extend traffic control and erosion control measures accordingly. Delete Item 18, 6 Inch Hot Mix Asphalt Digout in its entirety. Item 11 paid for under CCO 1. Include Additive Alternate Items in this area. Protect existing curb and gutter, it will not be replaced. Replacement of storm drain pipe included in CCO 4. Cost escalation of unit costs addressed in subsequent change order including above items.

Item 2 – Modifications to Estimated Quantities

Modify the estimated quantities as indicated in the table below.

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Change Order 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization</td>
<td>LS</td>
<td>$38,282.00</td>
<td>0.21 8,039.22</td>
</tr>
<tr>
<td>2</td>
<td>Construction Site Management</td>
<td>LS</td>
<td>$500.00</td>
<td>0.21 105.00</td>
</tr>
<tr>
<td>3</td>
<td>Prepare Water Pollution Control Plan</td>
<td>LS</td>
<td>$525.00</td>
<td>0 0.00</td>
</tr>
<tr>
<td>4</td>
<td>Water Pollution Control</td>
<td>LS</td>
<td>$3,600.00</td>
<td>0.21 756.00</td>
</tr>
<tr>
<td>5</td>
<td>Erosion Control</td>
<td>LS</td>
<td>$2,500.00</td>
<td>0.21 525.00</td>
</tr>
<tr>
<td>6</td>
<td>Construction Staking</td>
<td>LS</td>
<td>$4,000.00</td>
<td>0 0.00</td>
</tr>
<tr>
<td>7</td>
<td>Construction Area Signs</td>
<td>LS</td>
<td>$3,150.00</td>
<td>0 0.00</td>
</tr>
<tr>
<td>8</td>
<td>Traffic Control System</td>
<td>LS</td>
<td>$41,000.00</td>
<td>0.21 8,610.00</td>
</tr>
<tr>
<td>9</td>
<td>Item Deleted</td>
<td></td>
<td>0</td>
<td>0 0.00</td>
</tr>
<tr>
<td>10(F)</td>
<td>Excavation &amp; Removal</td>
<td>CY</td>
<td>$50.00</td>
<td>223 11,150.00</td>
</tr>
<tr>
<td>11(F)</td>
<td>8 Inch Geocell</td>
<td>SF</td>
<td>$4.00</td>
<td>0 0.00</td>
</tr>
<tr>
<td>12(F)</td>
<td>3/4 Inch Class 2 Aggregate Base</td>
<td>TON</td>
<td>$80.00</td>
<td>177 14,160.00</td>
</tr>
<tr>
<td>13(F)</td>
<td>Rock Slope Protection (No. 2, Method B)</td>
<td>TON</td>
<td>$68.00</td>
<td>105 7,140.00</td>
</tr>
<tr>
<td>14(F)</td>
<td>Rock Slope Protection (1/2 T Method A)</td>
<td>TON</td>
<td>$62.00</td>
<td>170 10,540.00</td>
</tr>
<tr>
<td>15</td>
<td>Concrete Curb</td>
<td>LF</td>
<td>$55.00</td>
<td>0 0.00</td>
</tr>
<tr>
<td>16</td>
<td>Concrete Curb &amp; Gutter</td>
<td>LF</td>
<td>$75.00</td>
<td>0 0.00</td>
</tr>
<tr>
<td>17</td>
<td>Under Sidewalk Drain</td>
<td>EA</td>
<td>$300.00</td>
<td>0 0.00</td>
</tr>
<tr>
<td>18</td>
<td>6 Inch Hot Mix Asphalt Digout</td>
<td>SF</td>
<td>$20.00</td>
<td>-1 -7,760.00</td>
</tr>
<tr>
<td>19(F)</td>
<td>Willow Shoot Planting</td>
<td>EA</td>
<td>$160.00</td>
<td>0 0.00</td>
</tr>
<tr>
<td>20(F)</td>
<td>Rock Slope Protection (2T, Method A)</td>
<td>TON</td>
<td>$100.00</td>
<td>32 3,200.00</td>
</tr>
<tr>
<td>21</td>
<td>Hot Mix Asphalt (Type A)</td>
<td>TON</td>
<td>$300.00</td>
<td>6.3 1,890.00</td>
</tr>
</tbody>
</table>

Contract Change Order No. 6 $58,355.22

SUMMARY OF CHANGES
Contract Change Order No. 6

Contract Time (Working Days)

<table>
<thead>
<tr>
<th></th>
<th>Original Contract Time</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Change Orders</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>This Change Order</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Revised Contract Time</td>
<td></td>
<td>40</td>
</tr>
</tbody>
</table>

Contract Cost:

<table>
<thead>
<tr>
<th></th>
<th>Original Contract</th>
<th>$511,590.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Change Orders</td>
<td>($30,914.02)</td>
<td></td>
</tr>
<tr>
<td>This Change Order</td>
<td>$58,355.22</td>
<td></td>
</tr>
<tr>
<td>Total Revised Contract Price</td>
<td>$539,031.20</td>
<td></td>
</tr>
</tbody>
</table>

We, the undersigned Contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as otherwise be noted herein, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown herein.

**Note:** This Change Order is not effective until approved by the City Manager or City Council as applicable.

Accepted by Contractor:

Granite Construction Co

By: ________________________________

Date: ________________ Title: ________________________________

If the Contractor does not sign acceptance of this Change Order, his attention is directed to the requirements of the specifications as to proceeding with ordered work and filing a written protest within the tie therein specified.

Recommended By: ________________________________ Date: ________________

Public Works Director

Approved By: ________________________________ Date: ________________

City of Lakeport City Manager
CONTRACT CHANGE ORDER  
Change Order No. 7

Project: Lakeshore Blvd ER Project ER 4403(003)  
Contractor: Granite Construction Company  
Change Requested By: City of Lakeport

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract:

Item 1 – Project escalation costs incurred due to the project being delayed one (1) year: Prevailing wage increases and materials costs are reflected in this contract change order. Material cost increases are generalized by using the Consumer Price Index. The Geocell extra cost is due to escalation and additional shipping to complete the extended portion of the project. See back up documentation for wage increases, Consumer Price Index and Geocell cost.

Item 2 – Modifications to Estimated Quantities

Modify the estimated quantities as indicated in the table below.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>Qty</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Geocell-escalation and shipping</td>
<td>1</td>
<td>1</td>
<td>$2,611.00</td>
<td>$2,611.00</td>
</tr>
<tr>
<td>27</td>
<td>Escalation-Base scope</td>
<td>1</td>
<td>1</td>
<td>$12,242.00</td>
<td>$12,242.00</td>
</tr>
<tr>
<td>28</td>
<td>Escalation-Added 21%</td>
<td>1</td>
<td>1</td>
<td>$1,750</td>
<td>$1,750.00</td>
</tr>
</tbody>
</table>

Total Change Order Amount $16,603.00

SUMMARY OF CHANGES

Contract Time (Working Days)  
Original Contract Time 30  
Previous Change Orders 10  
This Change Order 0  
Revised Contract Time 40

Contract Cost:  
Original Contract $511,590.00  
Previous Change Orders $27,441.20  
This Change Order $16,603.00  
Total Revised Contract Price $555,634.20
We, the undersigned Contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as otherwise be noted herein, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown herein.

Note: This Change Order is not effective until approved by the City Manager or City Council as applicable.

Accepted by Contractor:

Granite Construction Co

By: _____________________________

Date: ________________ Title: ____________________________________

If the Contractor does not sign acceptance of this Change Order, his attention is directed to the requirements of the specifications as to proceeding with ordered work and filing a written protest within the tie therein specified.

Recommended By: _____________________________ Date: ________________

Public Works Director

Approved By: _____________________________ Date: ________________

City of Lakeport City Manager
STAFF REPORT

RE: Proposed Amendments to Chapter 17.38 of the Zoning Ordinance Permitting Personal Cannabis Cultivation and Associated Amendments to Chapters 17.04, 17.05, 17.06 And 17.07 of the Zoning Ordinance

MEETING DATE: 12/19/2017

SUBMITTED BY: Kevin M. Ingram, Community Development Director

PURPOSE OF REPORT: ☒ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to conduct a public hearing for the consideration of a proposed amendment to Chapter 17.38 of the Zoning Ordinance permitting personal cannabis cultivation along with associated amendments to the ‘Uses Permitted’ sections of the “R-1”, Low Density Residential; “R-2”, Medium Density Residential; “R-3”, High Density Residential; and, “R-5” Resort/High Density Residential zoning districts.

BACKGROUND/DISCUSSION:

On November 21, 2017 the aforementioned draft Ordinance amending the Zoning Ordinance to permit and regulate personal cannabis cultivation within the City of Lakeport was introduced and an opportunity for public comment was provided. Following discussion, the City Council made a motion to introduce the proposed Ordinance and a public hearing was scheduled for December 19, 2017. The City Clerk prepared a legal notice that was published in the Record-Bee.

In response to the adoption of AUMA (Proposition 64) by the California voters in November 2016 and recent amendments made by the State Legislature, commonly referred to as SB 94, the City of Lakeport formed a Working Group consisting of two City Council Members, the City Manager, the City Attorney, the Police Chief, and the Community Development Director who began to formulate regulations pertaining to both personal cannabis cultivation and commercial cannabis uses. The proposed Zoning Ordinance amendments presented as a part of this ordinance revision are limited to personal cannabis cultivation regulations. Issues pertaining to commercial cannabis related used are a separate action item.

The de-criminalization of marijuana for recreational use, and particularly the allowance for the possession of six or less marijuana plants under AUMA, changes the use from a criminal activity (Police) to a land use activity (Community Development Department), and requires a review of the City’s existing ordinance which currently only permits the cultivation of marijuana for recommended medical use.

On February 8, 2017, the Planning Commission reviewed recommendations from the City’s Cannabis Working Group for possible amendments related to the cultivation of cannabis for non-commercial, personal use on residential parcels. During that discussion the Planning Commission made the determination that the existing medical marijuana regulations are working well and have generated very little in the way of compliance related issues and complaints. As a result the Planning Commission made the recommendation that efforts be made to
incorporate personal cultivation of cannabis into the existing framework already provided for medical marijuana cultivation as best possible.

Following the February 8, 2017 hearing, Staff provided the Planning Commission’s recommendation to the Working Group and made revisions to Chapter 17.38 based on the recommendations of the Planning Commission. These revisions were presented to the Planning Commission on October 11, 2017 at which time the Planning Commission made several additional recommended changes consisting of the following:

- *Amending Definitions Section (17.38.030) to be consistent with State terminology*
- *Amending Development and Operations Standards to allow cultivation within greenhouses meeting specified design criteria (17.38.050.F.10)*
- *Revising allowed zoning districts to include permitted mixed use—residential units in commercial zoning districts (17.38.040.A).*
- *Removal of ‘consumption’ related provisions (17.38.040.F).*

In addition to the revisions recommended by the Planning Commission on October 11, 2017, the City Attorney noted that Section 17.38.040.B of the draft ordinance which prohibits cannabis cultivation within 300 feet of schools, parks and daycare centers is inconsistent with the provisions of Proposition 64 and SB 94. Specifically, per California Health and Safety Code Section 11362.2(b)(2), the City cannot prohibit personal cultivation at a private residence even if it’s within 300 feet, so long as the cannabis is “fully enclosed and secure.” As such staff has removed Section 17.38.040.B from the draft ordinance and in addition removed the terms ‘Child care center’ and ‘School’ from the definitions section as well.

Following additional public input and a final review of proposed amendments the Planning Commission made a formal recommendation at its regular meeting of November 8, 2017 that the City Council adopt the recommended revisions to Chapter 17.38 permitting personal cannabis cultivation and associated revisions to the ‘Uses Permitted’ sections of the “R-1”, Low Density Residential; “R-2”, Medium Density Residential; “R-3” High Density Residential; and, “R-5” Resort/High Density Residential zoning districts.

OPTIONS:

1. After conducting the public hearing and consideration of the proposed amendments and revisions to the Zoning Ordinance permitting and regulating personal cannabis cultivation adopt the proposed Ordinance as presented by staff.
2. After conducting the public hearing and consideration of the proposed amendments and revisions to the Zoning Ordinance permitting and regulating personal cannabis cultivation, direct staff to make modifications or revisions to the proposed Ordinance.
3. After conducting the public hearing and consideration of the proposed amendments and revisions to the Zoning Ordinance permitting and regulating personal cannabis cultivation, take no action or deny the proposed Ordinance.

FISCAL IMPACT:

☑️ None ☐ $ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: $

Affected fund(s): ☐ General Fund ☐ Water OM Fund ☐ Sewer OM Fund ☐ Other:

Comments: None

SUGGESTED MOTION:

Move to approve the proposed ordinance amending Chapters 17.04, 17.05, 17.06, 17.07 and 17.38 of the Lakeport Municipal Code to permit and regulate personal cannabis cultivation within the City of Lakeport.

☑️ Attachments: 1. Draft Ordinance
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT AMENDING CHAPTERS 17.38, 17.04, 17.05, 17.06 AND 17.07 OF THE LAKEPORT MUNICIPAL CODE, REGARDING PERSONAL CANNABIS CULTIVATION

WHEREAS, the Federal Controlled Substances Act, 21 U.S.C. Section 801 et seq., classifies cannabis as a Schedule 1 Drug; as such, it is unlawful, under federal law, for any person to cultivate, manufacture, distribute, dispense, or possess cannabis, whether for medicinal or recreational purposes; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, the Compassionate Use Act (Health and Safety Code Section 11362.5), which was intended to enable persons who are in need of cannabis for medical purposes to obtain and use it under limited, specific circumstances, without being subject to criminal prosecution under certain state statutes; and

WHEREAS, SB 420, the Medical Marijuana Program Act (Health and Safety Code Section 11362.7 et seq.), was enacted in 2004 to expand and clarify the scope of Proposition 215, the Compassionate Use Act; and

WHEREAS, in 2015, the State enacted the Medical Marijuana Regulation and Safety Act (SB 643, AB 266, and AB 243) commonly referred to as MMRSA. Although MMRSA provides that patients and caregivers may cultivate cannabis under specified regulations, cities and counties retain local regulatory authority over medical cannabis, including personal cultivation; and

WHEREAS, the Governor signed SB 837 in June of 2016, changing references to the term “marijuana” in MMRSA to “cannabis” and renaming MMRSA the “Medical Cannabis Regulation and Safety Act” (MCRSA); and

WHEREAS, on November 8, 2016, Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) was enacted by the voters to decriminalize and regulate commercial and non-commercial recreations cannabis. AUMA provides that personal cultivation of up to six cannabis plants must be allowed inside a private residence or in a secured structure; and

WHEREAS, the Governor signed SB 94 in June of 2017, which amended Section 11362.2 permitting the cultivation of a maximum of six (6) cannabis plants within a single private residence subject to reasonable regulations enacted by local jurisdictions; and
WHEREAS, in response to MCRSA and AUMA, the Planning Commission, directed City staff through a minute order on February 8, 2017 to bring forward a zoning ordinance amendment to Chapter 17.38 (Medical Marijuana Cultivation) of the Lakeport Municipal Code to permit and regulate personal cannabis cultivation; and

WHEREAS, the City of Lakeport Municipal Code establishes rules and regulations for living and doing business within city limits; and

WHEREAS, the unregulated personal cultivation of cannabis in the city limits of Lakeport can adversely affect the health, safety, and well-being of the City, its residents and environment. The development of regulations for personal cannabis cultivation, including zoning regulation, is proper and necessary to reduce the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated indoor cannabis cultivation; and

WHEREAS, the ability to cultivate cannabis plants for medical or recreational purposes conferred by MCRSA, AUMA, and SB 94 does not confer the right to create or maintain a public nuisance, the City intends to minimize the risks and complaints regarding fire, odor, crime and pollution caused or threatened by the unregulated cultivation of cannabis.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEPORT DOES ORDAIN AS FOLLOW:

SECTION 1. Amendment to Chapter 17.38 “Medical Marijuana Cultivation”

Chapter 17.38 of Title 17 of the Lakeport Municipal Code is amended as follows. Additions are denoted by underlined text and deletions by struck through text.

Chapter 17.38

MEDICAL MARIJUANA CANNABIS CULTIVATION

17.38.010 Legislative findings.
The city council finds as follows:

A. In 1996, the voters of the state of California approved Proposition 215 which was codified as California Health and Safety Code Section 11362.5 and entitled “The Compassionate Use Act of 1996” (“the Compassionate Use Act” or “CUA”).

B. The intent of the Compassionate Use Act was to enable persons who are in need of marijuana for medical purposes to obtain and use it under limited, specific
circumstances, without being subject to criminal prosecution under certain state statutes.


D.—California Health and Safety Code Section 11362.83 expressly allows cities and counties to adopt and enforce ordinances that are consistent with Senate Bill 420.

E.—The city of Lakeport has adopted a zoning ordinance identified as Title 17 (Zoning) of the city of Lakeport Municipal Code.

F.—Prior to the enactment of this chapter, there were no regulations addressing cultivation of medical marijuana in the zoning ordinance.

G.—The city of Lakeport with a population of 4,622 (January 1, 2012) is a small town with a high percentage of non-owner-occupied residential units. Landlords have complained of damage caused by unauthorized cultivation activities in their rental properties.

H.—The city of Lakeport police department, city residents and other public entities have reported adverse impacts from medical marijuana cultivation, including disagreeable odors, increased risk of burglary and other property crimes, and acts of violence in connection with the commission of such crimes or the occupants’ attempts to prevent such crimes.

I.—The creation of persistent strong odors as marijuana plants mature and flower is offensive to many people and creates an attractive nuisance, alerting persons to the location of valuable marijuana plants and creating an increased risk of crime.

J.—The indoor cultivation of substantial amounts of marijuana also frequently requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow-lighting systems used in indoor cultivation.

K.—Children are particularly vulnerable to the effects of marijuana use, and the presence of marijuana plants has proven to be an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including schools, child care centers, parks, and other similar locations.
L. The city council finds and determines that the enactment of this chapter is exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3) in that there is nothing in this chapter or its implementation that could have a foreseeable significant effect on the environment. (Ord. 889 §1(part), 2013)

17.38.020 17.38.010 Intent.
A. The city council of the city of Lakeport, pursuant to this chapter, hereby intends to regulate the personal cultivation of cannabis marijuana for medical purposes, including but not limited to regulations as to location of the cultivation, size of the area used for cultivation, and the use of fencing or other screening and security structures, to accommodate the needs of qualified patients and their caregivers, and in furtherance of the public necessity, convenience and general welfare. Nothing in this chapter shall be construed to authorize any use, possession, cultivation, or distribution of marijuana for nonmedical purposes.

B. This chapter is established to regulate personal cannabis medical marijuana cultivation in a manner that mitigates potential impacts on surrounding properties and persons, and that is in conformance with the provisions of the Compassionate Use Act of 1996 (Proposition 215) and California Health and Safety Code Sections 11362.5 through 11362.83 the Adult Use of Marijuana Act (Proposition 64).

C. It is the intent of the city of Lakeport to enforce the provisions of this chapter primarily on the basis of legitimate and verified complaints received from the public related to nuisance conditions and/or other public safety issues.

17.38.030 17.38.020 Applicability.
The provisions of this chapter shall apply to all persons and businesses described herein whether the activities described herein were established before or after the effective date of this chapter. Chapter 17.36, Nonconforming Uses, Structures, and Lots, shall not apply to preexisting land or building uses inconsistent with the provisions of this chapter.

17.38.040 17.38.030 Definitions.
“Cannabis,” or “marijuana,” shall include the definition of “cannabis” as set forth in Business and Professions Code section 26001, subdivision (f), and Health and Safety Code section 11018, as each may be amended from time to time, and shall be used interchangeably and shall mean all parts of the plant Cannabis sativa linnaeus, Cannabis indica, or Cannabis ruderalis, whether for a medical purpose or a non-medical purpose, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. This includes the separated resin, whether crude or purified, obtained from marijuana. This definition does not mean “industrial hemp” as defined by California Food and Agricultural Code section 81000, as may be amended, or California Health and Safety Code section 11018.5, as may be amended.

“Canopy” means the total combined canopy area for all locations on a property where cannabis/medical marijuana is being cultivated, including indoor areas, as measured by the horizontal extent of the plant or combination of plants at the widest point and measured in a straight line.

“Child care center” means any licensed child care center, daycare center, or childcare home, or any preschool.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming processing of cannabis and/or marijuana, plants or any part thereof for medical use consistent with the Compassionate Use Act (Health and Safety Code Section 11362.5) or the Medical Marijuana Program Act (Health and Safety Code Section 11362.7 et seq.).

“Detached, fully enclosed and secure structure” is a building completely detached from a residence that complies with the California Building Standards Code, as adopted by the city of Lakeport, or if exempt from the permit requirements of the California Building Standards code, building and zoning codes and that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and is secure against unauthorized entry, and is accessible only through one or more lockable doors.

“Indoors” means within a fully enclosed and secure structure.
“Marijuana” shall have the same meaning as that set forth in California Health and Safety Code Section 11018.

“Medical marijuana” means medical marijuana that has been recommended by a licensed physician in strict accordance with California Health and Safety Code Sections 11018 through 11362.83, inclusive, commonly referred to as the Compassionate Use Act and the Medical Marijuana Program.

“Medical cannabis,” or “medical marijuana” means cannabis or marijuana that has been recommended by a licensed physician in strict accordance with Health and Safety Code Sections 11018 through 11362.9, inclusive, commonly referred to as the Compassionate Use Act and the Medical Marijuana Program.

“Outdoor” means any location within the city that is not within a fully enclosed and secure structure.

“Primary caregiver” shall have the same definition as California Health and Safety Code Section 11362.7(d), as may be amended.

“Qualified patient” shall have the same definition as California Health and Safety Code Sections 11362.7(c) and (f), as may be amended.

“Rear yard” is the rear open space portion of any premises, whether fenced or unfenced.

“Residential structure” is any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking and sanitation on a premises or legal parcel located within a residential or agricultural-residential zoning district.

“School” means an institution of learning for persons under twenty-one years of age, whether public or private, offering regular course of instruction including, without limitation, a kindergarten, elementary school, middle or junior high school, or senior high school.

“Solid fence” means a fence constructed of substantial material (such as wood) that prevents viewing the contents from one side to the other. “Solid” does not include tarpaulins, cloth material, scrap material, bushes, or hedgerows.
17.38.050-17.38.040 Regulation of location.

A. **Cannabis Medical Marijuana** cultivation shall be prohibited on any parcel within the incorporated area of the city of Lakeport except as an accessory use to a legally established residence residential structure within a legal accessory structure on a legal parcel within the R-1, R-2, R-3, R-5 and UR zoning districts as well as permitted mixed use—residential units.

B. No medical marijuana cultivation is permitted within three hundred feet of any school, child care center, park or playground. The distance between any marijuana cultivation and any school, child care center, park or playground shall be measured in a straight line, without regard to intervening structures, from the closest exterior wall of the detached accessory building in which the marijuana cultivation is occurring to the closest property line where the other building or activity is conducted.

BC. Except as provided in subsection DC of this section, cannabis Medical Marijuana cultivation may be undertaken only by person(s) a qualified patient who must occupy the residence residential structure on the parcel proposed for cultivation as their primary residence.

CD. A qualified primary caregiver, as defined, may undertake cultivation of medical cannabis marijuana on behalf of his/her qualified patient(s), but only in a detached, fully enclosed and secure accessory structure located on a parcel containing the primary caregiver’s or qualified patient’s primary residence.

DE. Cultivation shall only be permitted in a detached, fully enclosed and secure accessory structure and said the cultivation area, including the plant canopy, shall be limited to 80 square feet per parcel or residence, whichever is less, or six (6) plants. The cultivated cannabis marijuana may not be sold be used only by the qualified patient and not distributed, sold, given or transferred in any way to any other person or organization.

EF. The use of a detached, fully enclosed and secure accessory structure for cultivation of cannabis medical marijuana shall not reduce the required parking required per Chapter 17.23.

FG. Outdoor cultivation shall be unlawful and a public nuisance for any person owning, leasing, occupying or having charge for possession of any parcel within any zoning district in the city of Lakeport.
GH. Indoor cultivation within a residence residential structure shall be unlawful and a public nuisance with regard to any person owning, leasing, occupying or having charge for possession of any parcel within any zoning district in the city of Lakeport.

**17.38.050 Development and operational standards.**

A. From a public right-of-way there shall be no exterior evidence of cannabis medical marijuana cultivation located inside a detached, fully enclosed and secure accessory structure.

B. Person(s) engaged in cultivation The qualified patient or primary caregiver shall reside in the residence located on the parcel containing the detached, fully enclosed and secure accessory structure where the cannabis medical marijuana cultivation occurs, except as provided in subsection C of section 17.38.040.

C. Person(s) engaged in cultivation The qualified patient or primary caregiver shall not cultivate medical marijuana in any other location within the incorporated city of Lakeport other than in the accessory structure located on the parcel containing his/her primary residence, except as provided in subsection C of section 17.38.040.

D. The qualifying residence residential structure located on the property containing the detached, fully enclosed and secure accessory structure in which cannabis medical marijuana is cultivated shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and shall not be used for cannabis medical marijuana cultivation.

E. Cannabis Medical marijuana cultivation shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

F. Residential accessory structures used for cultivation shall meet the following criteria:

1. The structure shall be provided with a locking door or doors.

2. If a detached, fully enclosed, and secure structure is not feasible and the cultivation building is an unsecured structure then it shall additionally be surrounded by a secure solid six-foot-high fence located within ten feet of the unsecured structure and equipped with a lockable gate.
3. The structure shall be located in the rear yard portion of the lot and maintain a minimum of a ten-foot setback from the side and rear property lines and from any other building on the parcel.

4. Any accessory structure utilized for cultivation of cannabis marijuana shall be legally constructed with a building permit if it exceeds one hundred twenty square feet of size. No more than eighty square feet of floor area shall be used for the cultivation of cannabis marijuana. The plant canopy shall be contained within the eighty square feet of floor area. All electrical and plumbing fixtures shall be installed with a valid building permit from the city. Such building permits will only be issued to the owner of the property. If the resident is proposing to convert an existing accessory structure, or a portion of an existing structure, for cultivation of cannabis marijuana, an inspection will be required to ensure compliance with this chapter.

5. Cannabis medical marijuana cultivation lighting shall comply with the California Building, Electrical and Fire Codes as adopted by the city.

6. Flammable or volatile gas products or generators shall not be used within any detached structure used for the cultivation of cannabis medical marijuana.

7. Any detached, fully enclosed and secure structure used for the cultivation of cannabis medical marijuana must have a ventilation and filtration system installed that shall prevent nuisance cannabis marijuana-plant odors from exiting the interior of the structure. If a permanent, built-in ventilation and filtration system is installed, it shall be subject to the issuance of a building permit, approval by the building official and must be installed prior to commencing cultivation within the detached, fully enclosed and secure structure.

8. Accessory structures utilized for cultivation shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the subject property or adjacent properties.

9. Other activities may occur within a detached fully enclosed and secure accessory structure where cannabis medical marijuana is cultivated; provided, that the cultivation area within the structure, including the plant canopy, does not exceed eighty square feet of floor area; and further provided, that the cultivation area is segregated from all other building uses by permitted walls and all other conditions of this chapter are satisfied.
10. As an alternative to the requirement set forth in 17.38.050.F subsections (1) through (8) above, the cultivation of cannabis may occur in a prefabricated greenhouse structure constructed for nursery or agricultural purpose which does not include any service systems and which has a canopy which does not exceed eighty (80) square feet. Said structure shall be located in an area which is fully enclosed by an opaque fence at least six (6) feet in height. The structure must also meet all applicable permit requirements and shall be secure against unauthorized entry and accessible only through one or more lockable doors. The frame must be constructed of metal and the panels must be polycarbonate or other similar material which is no less than four (4) mm thick. In the alternative, the structure may be a chain-link or wire mesh type greenhouse which is overlaid with a one-piece cover made of polyethylene laminate fabric or other similar materials which is no less than eight (8) ml thick. The structure shall be equipped with an odor control filtration and ventilation system(s) adequate to prevent cannabis plant odors from exiting the interior of the structure.

G. Wherever medical marijuana is grown, a copy of a current and valid state-issued medical marijuana card or a current and valid physician’s recommendation for medical marijuana must be kept available to immediately present to officers of the city and law enforcement officers upon request.

GH. Nothing in this chapter shall be construed as a limitation on the city’s authority to abate any nuisance which may exist from the planting, growing, harvesting, drying, processing or storage of cannabis marijuana plants or any part thereof from any location, indoor or outdoor, including from within a detached, fully enclosed and secure structure.

17.38.070-17.38.060 Enforcement.
A. Right of Entry. Persons designated by resolution as code enforcement officers of the city are authorized to enter upon and inspect private properties to ensure compliance with the provisions of this chapter. Reasonable advance notice of any such entry and inspection shall be provided and, before entry, consent shall be obtained in writing from the owner or other person in lawful possession of the property. If consent cannot for any reason be obtained, an inspection warrant shall be obtained from a court of law prior to any such entry and inspection. In those cases where consent is denied, the city
may seek to recover the costs it incurs in obtaining a warrant from the property owner and/or person in lawful possession of the property.

B. Public Nuisance. The maintaining, cultivating or growing of cannabis marijuana upon private property within the city of Lakeport, unless in full compliance with the provisions of this chapter, is declared to be a public nuisance as defined in Section 370 of the California Penal Code and Chapter 8.22 of the Lakeport Municipal Code.

C. Citable Offense. Every person who, in violation of the provisions of this chapter, maintains, permits or allows cannabis marijuana to be grown upon his or her property or premises, and every person occupying, renting or leasing the property or premises of another who maintains, permits or allows cannabis marijuana to be grown thereon in violation of this chapter, is guilty of an infraction punishable as set forth in Section 1.08.010. After written notice is provided to any such person of such violation, the continued existence of such violation for each and every day after the service of such notice shall be deemed a separate and distinct offense.

D. Issuance of Citations. All persons designated by resolution as code enforcement officers of the city are authorized to issue citations to persons deemed to be in violation of the provisions of this chapter. Such citations shall be expeditiously processed through use of the administrative citation process or where appropriate through filing an infraction in the appropriate court of law.

E. Remedies Nonexclusive. The remedies provided herein shall not be the exclusive means of enforcing the provisions of this chapter nor the exclusive means available to the city to address problems associated with the cultivation of cannabis marijuana, whether for medical or other purposes. The city shall continue to have available to it the ability to pursue abatement of nuisances and other problems related to cannabis marijuana cultivation under California Penal Code Sections 372 and 373a and other applicable provisions of law. The city may also pursue the recovery of its abatement costs in the manner provided by the Lakeport Municipal Code.

17.38.070 Liability.
The provisions of this chapter shall not be construed to protect the property owner(s) of record for each legal parcel associated with the cultivation of cannabis medical marijuana, lessees, tenants, and other participants in the cultivation of cannabis medical marijuana, and members of collectives and/or cooperatives associated with the
cultivation of cannabis medical marijuana, from prosecution pursuant to any laws that may prohibit the cultivation, sale, and/or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of cannabis marijuana remain violations of federal law as of the date of adoption of the ordinance creating this chapter and this chapter is not intended to, and does not, protect any of the above described persons from arrest or prosecution under those federal laws. The property owner(s) of record for each legal parcel associated with the cultivation of cannabis medical marijuana, lessees, tenants, and other participants in the cultivation of cannabis medical marijuana, and members of collectives and/or cooperatives associated with the cultivation of cannabis medical marijuana, assume any and all risk and any and all liability that may arise or result under state and federal criminal laws from the cultivation of cannabis marijuana. Further, to the fullest extent permitted by law, any actions taken under the provisions of this chapter by any public officer or employee of the city of Lakeport or the city of Lakeport itself shall not become a personal liability of such person or the liability of the city of Lakeport.

SECTION 2. Section 17.04.030.I of 17.04, Regulations for the Low Density Residential or “R-1” District, of the Lakeport Municipal Code is hereby added as follows:

I. Personal cannabis cultivation subject to the regulations as set forth in Chapter 17.38.

SECTION 3. Section 17.05.030.I of 17.05, Regulations for the Medium Density Residential or “R-2” District, of the Lakeport Municipal Code is hereby added as follows:

I. Personal cannabis cultivation subject to the regulations as set forth in Chapter 17.38.

SECTION 4. Section 17.06.030.H of 17.06, Regulations for the High Density Residential or “R-3” District, of the Lakeport Municipal Code is hereby added as follows:

H. Personal cannabis cultivation subject to the regulations as set forth in Chapter 17.38.

SECTION 5. Section 17.07.030.G of 17.07, Regulations for Resort/Residential or “R-5” District, of the Lakeport Municipal Code is hereby added as follows:

G. Personal cannabis cultivation subject to the regulations as set forth in Chapter 17.38.
SECTION 6. Severability: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 7. CEQA. This ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. Additionally, the revision to the Lakeport Municipal Code will not result in a direct or reasonably foreseeable indirect physical change in the environment and thus is exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2). Furthermore, the ordinance constitutes a regulatory action to assure the protection of the environment and is categorically exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines.

SECTION 8. Effective Date. This ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 9. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting the entire text.

INTRODUCED and first read at a regular meeting of the City Council on the 21st day of November, 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

FINAL PASSAGE AND ADOPTION by the City Council of Lakeport occurred at a meeting thereof held on the 19th day of December 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
ATTEST:

STACEY MATTINA, MAYOR

__________________________
KELLY BUENDIA, City Clerk
City of Lakeport
## STAFF REPORT

**RE:** Proposed Commercial Cannabis Ordinance Adding Chapter 5.34 and Amending Chapters 17.08, 17.10, 17.11 and 17.13 to the Lakeport Municipal Code  

**MEETING DATE:** 12/19/2017

**SUBMITTED BY:** Kevin M. Ingram, Community Development Director

**PURPOSE OF REPORT:**  
- [ ] Information only  
- [ ] Discussion  
- [x] Action Item

### WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to conduct a public hearing for the consideration of a proposed Commercial Cannabis Ordinance adding Chapter 5.34 and amending the “PO”, Professional Office; “C-2”, Major Retail; “C-3”, Service Commercial; and, “I” Industrial Zoning Districts to allow specified commercial cannabis activities.

### BACKGROUND/DISCUSSION:

In response to the adoption of AUMA and MAUCRSA, commonly referred to as Proposition 64 and SB 94 respectfully, the City Council provided direction to staff earlier this year to look at potential revisions to the Lakeport Municipal Code as it pertains to commercial cannabis: cultivation, retail sales, processing/manufacturing and licensing/taxation.

Under SB 94, the State developed a regulatory structure for licensing the various uses associated with commercial cannabis. Local jurisdictions may pass their own regulations providing additional elements of local control. However, in accordance with SB 94 these local regulations must be in place by January 1, 2018. The City of Lakeport formed a Cannabis Working Group to draft an ordinance for the possible permitting and regulating of commercial cannabis activities. The Lakeport Planning Commission over the course of several public meetings reviewed and amended this draft Ordinance and on November 8, 2017 made a formal recommendation to the City Council to consider its adoption.

On November 21, 2017 the City Council introduced a proposed ordinance adding Chapter 5.34 to the Lakeport Municipal Code which outlines permitting procedures and regulations for commercial cannabis activities. Additionally, the proposed ordinance would also amend the Service Commercial (C-3), Industrial (I), Major Retail (C-2) and Professional Office (PO) zoning districts within Title 17 of the Lakeport Municipal Code permitting specific commercial cannabis activities with the approval of a Use Permit. The City Council set the date for a formal public hearing for the Ordinance’s consideration for its regular meeting of December 19, 2017. Additionally, the City Council also requested that an additional opportunity for public comment and discussion also be provided for the December 4, 2017 special meeting date.

As part of the City Council’s discussion of this topic on December 4th, the following recommended changes were proposed to be made to the draft Ordinance and are highlighted and reflected Attachment 1:

- Prohibit cannabis retail uses which include onsite consumption.
- Add language that prohibits cannabis related special events.
• Requiring additional input from Fire District on proposed cannabis manufacturing activities that include the use of volatile chemicals.
• Removal of all references to “dispensaries” and replacing with the term “cannabis retailer” to be consistent with State Licensing Regulations.
• Removal of all references to “cannabis uses” and replace with the term “cannabis activities.”
• Removed reference to the need for review of cannabis permit applications by the Lake County Agricultural Commissioner.
• Amend cannabis manufacturing uses to be consistent with State Licensing Regulations
• Removed references to “testing” in relation to regulations concerning cannabis microbusiness permit applications.

Other areas of the Ordinance noted as requiring additional discussion include:

• Retail Sales—whether to allow, limit to medicinal patients only, appropriate zoning districts, quantity restrictions upon processed cannabis, limitation on total number of permitted retailers, regulations pertaining to retail, etc.
• Analysis of the pros and cons related to the establishment of a Commercial Cannabis zoning overlay district as opposed to utilizing current 600 foot buffer from sensitive receptors outlined in Section 5.34.08.C of draft ordinance.
• Review of crime related statistics concerning retail sales from other communities.

It should be noted that in accordance with Government Code Section 36934 that when Ordinances contained substantive changes and alterations after they are introduced they require an additional reading at an adjourned regular meeting a minimum of five (5) days after alteration.

OPTIONS:

1. After conducting the public hearing and consideration of the proposed amendments and revisions to the Lakeport Municipal Code permitting and regulating commercial cannabis activities adopt the proposed Ordinance as presented by staff.
2. After conducting the public hearing and consideration of the proposed amendments and revisions to the Lakeport Municipal Code permitting and regulating commercial cannabis activities, direct staff to make modifications or revisions to the proposed Ordinance.
3. After conducting the public hearing and consideration of the proposed amendments and revisions to the Lakeport Municipal Code permitting and regulating commercial cannabis activities, take no action or deny the proposed Ordinance.

FISCAL IMPACT:

☒ None ☐ $ Budgeted Item? ☐ Yes ☒ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: $

Affected fund(s): ☐ General Fund ☐ Water OM Fund ☒ Sewer OM Fund ☐ Other:

Comments: None

SUGGESTED MOTION:

Move to approve the proposed ordinance adding Chapter 5.34 and amending Chapters 17.08, 17.10, 17.11 and 17.13 of the Lakeport Municipal Code to permit and regulate commercial cannabis operations within the City of Lakeport.

☒ Attachments: 1. Draft Ordinance (Amended to include recommendations discussed on 12/4/17)
2. Commercial Cannabis Zoning Use Matrix
3. Commercial Cannabis Buffer Map
ORDINANCE NO. (2017)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT ADDING CHAPTER 5.34 AND AMENDING CHAPTERS 17.08, 17.10, 17.11 AND 17.13 OF THE LAKEPORT MUNICIPAL CODE, REGARDING COMMERCIAL CANNABIS

WHEREAS, the Federal Controlled Substances Act, 21 U.S.C. Section 801 et seq., classifies cannabis as a Schedule 1 Drug; as such, it is unlawful, under federal law, for any person to cultivate, manufacture, distribute, dispense, or possess cannabis, whether for medicinal or recreations purposes; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, the Compassionate Use Act (Health and Safety Code Section 11362.5), which was intended to enable persons who are in need of cannabis for medical purposes to obtain and use it under limited, specific circumstances, without being subject to criminal prosecution under certain state statutes; and

WHEREAS, SB 420, the Medical Marijuana Program Act (Health and Safety Code Section 11362.7 et seq.), was enacted in 2004 to expand and clarify the scope of Proposition 215, the Compassionate Use Act; and

WHEREAS, in 2015, the State enacted the Medical Marijuana Regulation and Safety Act (SB 643, AB 266, and AB 243) commonly referred to as MMRSA, instituting a comprehensive state-level licensure and regulatory scheme for cultivation, manufacturing, distribution, transportation, laboratory testing, and dispensing of medical cannabis. Although MMRSA developed a state-level licensure and regulatory scheme it provided cities and counties the ability to retain local regulator authority over medical cannabis; and

WHEREAS, the Governor signed SB 837 in June of 2016, changing references to the term “marijuana” in MMRSA to “cannabis” and renaming MMRSA the “Medical Cannabis Regulation and Safety Act” (MCRSA); and

WHEREAS, on November 8, 2016, Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) was enacted by the voters to decriminalize and regulate commercial and non-commercial recreations cannabis. AUMA provides that cities and counties retain local regulatory control over commercial recreational cannabis; and

WHEREAS, the Governor signed SB 94 in June of 2017 (Medicinal and Adult-Use Cannabis Regulation and Safety Act or MAUCRSA), which amended Section 11362.2 of the California Health and Safety Code and allows cities and counties to enact and enforce reasonable regulations to reasonably regulate the cultivation, harvest, drying,
processing, transportation, purchase, possession, smoking, ingesting, obtaining and giving away cannabis, including concentrated cannabis and cannabis products; and

WHEREAS, in response to AUMA and MAUCRSA, the Planning Commission, directed City staff through a minute order on September 20, 2017 to bring forward an ordinance amending the Lakeport Municipal Code to permit and regulate commercial cannabis; and

WHEREAS, the City of Lakeport Municipal Code establishes rules and regulations for living and doing business within city limits; and

WHEREAS, the unregulated operations of commercial cannabis businesses in the city limits of Lakeport can adversely affect the health, safety, and well-being of the City, its residents and environment. The development of regulations for commercial cannabis operations, including zoning regulation, is proper and necessary to reduce the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated commercial cannabis operations; and

WHEREAS, the ability to operate a commercial cannabis business as conferred by AUMA and MAUCRSA does not confer the right to create or maintain a public nuisance, the City intends to minimize the risks and complaints regarding fire, odor, crime and pollution caused or threatened by the unregulated operation of commercial cannabis operations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEPORT DOES ORDAIN AS FOLLOW:

SECTION 1. Chapter 5.34 of Title 5 of the Lakeport Municipal Code is hereby adopted to read as follows:

Title 5—Business Taxes, Licenses and Regulations
Chapter 34—Commercial Cannabis

5.34.01 Purpose and Intent
The purpose of these regulations is to ensure that the development of commercial cannabis does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety, and general welfare of the residents, landowners, and businesses in the city. These regulations shall apply to all commercial cannabis activities in the city.

5.34.02 Definitions
   A. “Cannabis” means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus
Cannabis that may exist or be discovered, or developed, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products unless otherwise specified. “Cannabis” does not mean industrial hemp as defined by Health and Safety Code section 11018.5, as may be amended from time to time.

B. “Cannabis business owner” means any of the following:

1. Each person or entity having an ownership interest in the commercial cannabis business other than a security interest, lien, or encumbrance on property that will be used by the commercial cannabis business;

2. If the commercial cannabis business is a publicly traded company, the chief executive officer or any person or entity with an aggregate ownership interest of five percent (5%) or more; or

3. Each person who participates in the direction, control, or management of, or has a financial interest in, the commercial cannabis business.

C. “Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, processing, or trimming of cannabis, including cannabis nurseries.

D. “Cannabis dispensary” or “Cannabis retailer” means a facility, whether fixed or mobile, operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including a facility that delivers cannabis and/or cannabis products as part of a retail sale.

E. “Cannabis distribution” means a facility where a person conducts the business of procuring cannabis from licensed cultivators or manufacturers for sale to licensed cannabis dispensaries or cannabis retailers, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes, prior to transport to licensed cannabis dispensaries or cannabis retailers. This facility requires a Type 11 license pursuant to MAUCRSA or a state cannabis license type subsequently established.

F. “Cannabis manufacturing” means a facility that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a state licensee for these activities.

G. “Cannabis microbusiness” means a facility that cultivates less than 10,000 square feet of cannabis and acts as a licensed distributor, Level 1 manufacturer, and cannabis retailer and excludes cannabis testing. This facility requires a Type
12 license pursuant to MAUCRSA, or a state cannabis license type subsequently established.

H. “Cannabis nursery” means a state licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

I. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

J. “Cannabis testing service” or “cannabis testing laboratory” means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products, including the equipment provided by such laboratory, facility, or entity.

K. “City manager” means the city manager or the city manager’s designee, if any.

L. “Commercial cannabis activity” means any commercial cannabis activity licensed pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), including but not limited to, cultivation, possession, distribution, laboratory testing, labeling, retail, delivery, sale or manufacturing of cannabis or cannabis products.

M. “Medical cannabis” or “medicinal cannabis” means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (Health and Safety Code section 11362.5), the Medical Marijuana Program Act (Health and Safety Code section 11362.7 et seq.), the Medical Cannabis Regulation and Safety Act (“MCRSA," Business and Professions Code section 19300 et seq.), and MAUCRSA.

N. “Primary caregiver” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

O. “Qualifying patient” or “qualified patient” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

5.34.03 Permit Requirement

No cannabis business may engage in any commercial cannabis activity in the city without obtaining the appropriate permit to operate within the city. The permit is specific to the location where the commercial cannabis activity will occur. Multiple operating locations for the same cannabis business will require separate permits as outlined in sections 5.34.08 and 5.34.09.

5.34.04 Permit Applications

A. Applications for a commercial cannabis permit and other matters pertaining to this chapter shall be filed with the city manager on an official city application form.
B. The application shall be filed with all required fees, deposits, information, and materials as specified by this chapter.

C. The application shall be signed by each cannabis business owner under penalty of perjury, certifying that the information submitted, including all supporting documents, is, to the best of the applicant’s knowledge and belief, true, accurate and complete, and by the property owner for purposes of certifying that s/he has reviewed the application, and approves the use of the property for the purposes stated in the application. The signature of both the cannabis business owner and the property owner shall constitute evidence of their express consent to allow any city official or employee to enter upon and inspect the premises upon reasonable notice.

D. The information required by this section shall be confidential, and shall not be subject to public inspection or disclosure except as may be required by Federal, State or local law. Disclosure of information pursuant to this section shall not be deemed a waiver of confidentiality by the applicant or any individual named in the application. The city shall incur no liability for the inadvertent or negligent disclosure of such information.

E. Permit applicants are encouraged to contact the city manager before submitting an application to verify materials necessary for completing an application.

5.34.05 Application Review, Appeal, and Suspension

A. Review of Application. The city manager shall consider the application, and the results from any investigation into the application, as deemed necessary by the police chief.

B. Disapproval of Application. If the city manager disapproves an application, he or she shall notify the applicant in writing, stating the reasons for the disapproval. Notification of disapproval shall be deemed complete upon deposit by first class mail to the applicant to the address indicated on the application. No permit shall be issued unless a successful appeal of the disapproval is made within the requisite time frame.

C. Appeal of Disapproval.

1. Within ten (10) days after the city manager serves notice of disapproval, an applicant may appeal the disapproval by notifying the city clerk in writing of the appeal, the reasons for the appeal, and paying any applicable fees.

2. The city clerk shall set a hearing on the appeal and shall fix a date and time certain, within thirty (30) days after the receipt of the applicant’s appeal, unless the city and the applicant agree to a longer time, to consider the appeal. In no case will a hearing be continued for more than ninety (90) days from receipt of applicant’s appeal. The city clerk shall
provide notice of the date, time and place of hearing, at least seven (7) days prior to the date of the hearing.

3. The city council shall hear the applicant’s appeal, determine the order of procedure, and rule on all objections to admissibility of evidence. The applicant and the city manager shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses and argue their respective positions. The proceeding shall be informal, the technical rules of evidence shall not apply, and all evidence shall be admissible which is of the kind that reasonably prudent persons rely upon in making decisions.

4. An appellant's failure to attend a hearing shall constitute an abandonment of the appeal and a failure to exhaust administrative remedies.

5. The city council shall issue or cause to be issued a written decision within twenty-one (21) days after the close of the hearing. The decision of the city council shall be final.

6. An appellant may seek judicial review of the city council’s decision by filing a petition for review with the superior court, pursuant to Code of Civil Procedure sections 1094.5 and 1094.6, within ninety days after the effective date of the city council’s notice of decision.

D. Grounds for Denial, Revocation or Suspension of Permit. The granting of a permit or a renewal thereof may be denied and an existing permit revoked or suspended if:

1. The cannabis business owner has knowingly made a false statement in the application or in any reports or other documents furnished to the city.

2. The cannabis business owner has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the cannabis business for which the application is made, which includes but is not limited to:

   i. A violent felony conviction, as specified in Penal Code section 667.5(c).

   ii. A serious felony conviction, as specified in Penal Code section 1192.7.

   iii. A felony conviction involving fraud, deceit or embezzlement.

   iv. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering
to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

v. A felony conviction for drug trafficking with an enhancement pursuant to Health and Safety Code sections 11370.4 or 11379.8.

3. The cannabis business or a cannabis business owner has been sanctioned by a licensing authority or other city or county for unauthorized commercial cannabis activity.

4. The granting or renewing of the permit would perpetuate or encourage any of the following:
   i. Distribution of cannabis or cannabis products to minors;
   ii. Generation of revenue from the sale of cannabis or cannabis products to fund criminal enterprises, gangs or cartels;
   iii. Diversion of cannabis or cannabis products to jurisdictions outside of the state where cannabis and cannabis products are unlawful under state or local law;
   iv. Trafficking of other illegal drugs or facilitation of other illegal activity;
   v. Violence and the use of firearms in the cultivation and distribution of cannabis and cannabis products;
   vi. The use of public lands in the cultivation of cannabis; or
   vii. The use of federal property for commercial cannabis activity.

5. For any other reason that would allow the state to deny a license under MAUCRSA.

6. Fails to pay required city fees and taxes.

7. Violates any provision of MAUCRSA, this chapter or any other permits issued by the city for the commercial cannabis activity, such as a conditional use permit.

8. Except as provided in subsections (D)(2)(iv) and (v) of this section, an application for a permit shall not be denied if the sole ground for denial is based upon a prior conviction of either section 11350 or section 11357 of the Health and Safety Code. An application for a permit also shall not be denied if the state would be prohibited from denying a license pursuant to either section 26057, subdivision (b)(5), or section 26059 of the Business and Professions Code. Conviction of any controlled substance felony subsequent to permit issuance shall be grounds for revocation of a permit or denial of the renewal of a permit.

E. Suspension and Revocation.
1. If the city manager deems continuation of any commercial cannabis activity use will cause a significant threat to the health, safety, or welfare of the public, the city manager may suspend the permit and all rights and privileges thereunder until the city council renders a written decision on the revocation of the permit.

2. The city manager shall give notice to the cannabis business of his or her intent to revoke a permit in the same manner as notice of disapproval and provide the city clerk with a copy of the notice.

3. The appeal rights and hearing for the revocation of the permit shall be set and conducted in the same manner as an appeal of disapproval under section 5.34.05(C). The decision of the city council shall be final.

5.34.06 Permit Issuance

A. Before issuing any permit the city manager shall determine that all of the following requirements have been met:

1. The application is complete and all applicable city taxes and fees have been paid.

2. All land use permits have been approved and all conditions of approval have been met or are in good standing.

3. There are no outstanding notices of nuisance or other unresolved code compliance issues at the site of the proposed commercial cannabis activity use or related to the cannabis business owner(s).

B. By accepting the permit, each permittee agrees to indemnify, defend and hold harmless to the fullest extent permitted by law the city, its officers, agents and employees from and against any and all actual and alleged damages, claims, liabilities, costs (including attorney’s fees), suits or other expenses resulting from and arising out of or in connection with permittee’s operations, except such liability caused by the sole active negligence or willful misconduct of city, its officers, agents and employees.

C. The permit shall be valid for one (1) year from the date of issuance.

5.34.07 Transfer of Permit or Modifications to Permit

B. A permit is nontransferable to another location, and no transfer to another cannabis business owner or modifications to a permitted facility may be made except in accordance with this section.

C. A request for change in permit ownership shall be submitted to the city manager on a city form at least sixty (60) days prior to the anticipated transfer, together with any applicable fee(s). Requests submitted less than sixty (60) days before the transfer will be processed only in the city’s discretion and may be subject to an expedited processing fee. A new owner(s) shall meet all
requirements for applicants of an initial permit. The request shall include the following information:

1. Identifying information for the new cannabis business owner(s) and management as required in an initial permit application;
2. A written certification by the new cannabis business owner(s) as required in an initial permit application;
3. The specific date on which the transfer is to occur; and
4. Acknowledgement of full responsibility for complying with the existing permit.

D. A request to modify the security plan shall be submitted to the city manager on a city form at least thirty (30) days prior to the anticipated change, together with the applicable fee.

E. A request for change in cannabis business contact information shall be submitted to the city manager on a city form at least thirty (30) days prior to the anticipated change, together with the applicable fee.

F. A request for change in cannabis business trade or business name shall be submitted to the city manager on a city form at least thirty (30) days prior to the anticipated change, together with the applicable fee.

G. A permit renewal application and any applicable fees must be submitted to city manager at least sixty (60) days before the expiration of the permit. Failure to submit a renewal application prior to the expiration date of the permit will result in the automatic expiration of the permit on the expiration date. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that the new standards are met. No person shall have any entitlement or vested right to receive a permit under this chapter.

5.34.08 Standard Provisions for all Commercial Cannabis Uses Activities

A. All commercial cannabis uses activities shall have all appropriate state licensing required prior to commencement of use.

B. No permittee shall sell cannabis or cannabis products to persons under 21 years of age; allow any person under 21 years of age on its premises; or employ or retain persons under 21 years of age. No permittee shall sell medicinal cannabis products to persons under 18 years of age unless accompanied by a parent or guardian.

C. All commercial cannabis uses activities shall maintain a 600 foot distance from all properties containing schools, pre-schools, licensed day care facilities, and parks.
D. All commercial cannabis **activities** shall obtain and maintain a business license from the city.

E. Commercial cannabis **uses activities** shall not be allowed as a home occupation.

F. All applications shall provide an operations plan containing at a minimum the following items:

1. General project information
   i. Site plan providing both a graphic and written representation of the applicant’s intended development. The plan shall adhere to the general site plan standards contained in section 17.29.030 and shall include all structures, storage and circulation patterns of the site.
   ii. Written project description containing:
      a. General project description.
      b. A statement of present and proposed ownership.
      c. A complete list of all individuals and entities with a financial interest in the operation.
      d. A list and description of all uses shown in the provided site plan.
   iii. Floor plan showing the locations of all proposed **uses activities**.
   iv. Sign plan consistent with the provisions outlined in section 17.52 of this code.
   v. Agreement to maintain at all times commercial general liability providing coverage on an occurrence basis for bodily injury, including death, of one (1) or more persons, property damage and personal injury with limits of not less than one million dollars ($1,000,000.00) per occurrence and comprehensive automobile liability (owned, non-owned, hired) providing coverage on an occurrence basis for bodily injury, including death, of one (1) or more persons, property damage and personal injury, with limits of not less than one million dollars ($1,000,000.00). The commercial general liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the city shall be primary, and shall name the city, its officials and employees as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for suspension of the permit immediately, and ultimately, revocation.

i. Operations shall provide adequate security on the premises, including lighting, security cameras, security personnel and alarms, to ensure the safety of persons and to protect the premises from theft. Security camera footage shall be retained a minimum of 30 days.

ii. The plan shall include the name, phone number and email of community relations staff whom may be contacted at any time regarding operational problems associated with the commercial cannabis activity.

iii. A current register of the names of all employees currently employed by the use shall be provided and maintained on site. Employee register and contact information shall be current and up-to-date at all times. Any changes made to the employee register shall be provided to the city manager within thirty (30) days.

iv. All employees either direct or via contract shall undergo a background check by the city police department. An individual may fail the background check if they have been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the police chief determines that the applicant, owner, or licensee is otherwise suitable to be issued a license, and granting the license would not compromise public safety, the police chief shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, owner, licensee to be issued a license based on the evidence found through the review. In determining which offences are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the police chief shall include, but not be limited to, the following:

   a. A violent felony conviction, as specified in subdivision (c) of section 667.5 of the Penal Code.

   b. A serious felony conviction, as specified in subdivision (c) of section 1192.7 of the Penal Code.

   c. A felony conviction involving fraud, deceit, or embezzlement.

   d. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substances to a minor; or selling, offering to sell, furnishing, offering to furnish,
administering, or giving any controlled substance to a minor.

e. A felony conviction for drug trafficking with enhancements pursuant to section 11370.4 or 11379.8 of the Health and Safety Code.

f. Any other conviction that may disqualify an applicant/owner or permittee under state law.

v. Verification that the security provisions for the operation have been reviewed and approved by the city police department prior to the issuance of a development permit.

3. Public health and safety provisions

i. Facility improvement plan demonstrating that the operation is compliant with all applicable public health and safety provisions of the International Building Code. The facility improvement plan shall be reviewed and approved by the applicable fire agency and city building division prior to the issuance of a development permit.

ii. Statement of proposed water usage.

iii. Wastewater disposal plan reviewed and approved by the city utilities division prior to the issuance of any development permit. The wastewater disposal plan shall include any specific designs for pre-treatment of waste prior to entering municipal sewer system. No waste containing hazardous materials or other containments shall be permitted to enter the municipal sewer system consistent with Chapter 13.20 of this municipal code concerning “Sewer Use And Pretreatment.”

iv. Solid waste disposal plan, including the management of cannabis related waste.

v. Hazardous waste management plan to be approved by Lake County Health Department.

vi. Odor prevention plan that will prevent obnoxious odors or fumes from being emitted beyond the operation limits that are perceptible by a reasonable person. Minimum design specifications should include odor absorbing ventilation and exhaust systems.

G. All commercial cannabis uses activities shall submit an annual performance review report demonstrating compliance with required provisions of this section and all specific operating provisions and licensing required at the time of development approval. Failure to submit an annual report or failure to comply
with required provisions will result in revocation of the operating permit. The annual performance review report shall include inspection by city.

H. All permittees shall comply with the state track and trace requirements for cannabis and cannabis products.

I. The rights and privileges to conduct commercial cannabis activities on a specific parcel do not attach to title to the property and are not conveyed with the lease or sale of the property. Accordingly, a permit may not be sold, assigned, leased or otherwise conveyed or transferred by the person or entity holding the permit to any third party not named on the application without complying with this chapter and any other applicable law.

J. Except as provided herein, all other cannabis activities are prohibited.

5.34.09 Commercial Cannabis Performance Standards

A. Commercial Cannabis Cultivation Standards. (Type 1A, 1C, 2A, 3A, 4 & 12)

1. Use type includes:

   i. Cultivation of cannabis

   ii. Cannabis nursery including the production of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, cultivation of cannabis for sale to licensed commercial cannabis cultivators and licensed retail establishments. No retail sales are permitted.

   iii. Cannabis processing such as drying, curing, grading, or trimming.

   iv. Accessory uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

2. Specific Provisions:

   i. All commercial cannabis cultivation operations shall not engage in the retail sale of any product goods or services, excluding microbusiness with retail. Only wholesale activities are permitted.

   ii. All cultivation activities shall take place indoors, out of sight of the general public. No greenhouses shall be allowed.

   iii. All cannabis cultivation, that includes processing such as drying, curing, grading, or trimming shall take place indoors.

   iv. The permittee shall use best management practices to minimize water use with cannabis cultivation. This would include the use of low flow irrigation. The permit shall include a plan for water use associated with the cultivation.
v. If manufacturing of cannabis takes place on the site of the cannabis cultivation, compliance with the manufacturing standards of this chapter are also required.

vi. The applicant shall prepare an integrated management plan consistent with the regulations associated with the California Department of Toxic Substances Control to be reviewed and approved by the Lake County Agricultural Commission for all chemical, biological and cultural methods to control or prevent the introduction of pests on the cultivation site.

B. Commercial Cannabis Manufacturing Standards. (Type 6 & 7)

1. Use type includes: the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, volatile solvents, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container.

   i. Extractions using mechanical methods or nonvolatile solvents.

   ii. Extractions using volatile solvents.

2. Specific Provisions:

   i. Commercial cannabis manufacturing uses activities shall not conduct or engage in the retail sale of any product goods or services. Only wholesale activities are permitted.

   ii. Applicant shall enact sufficient methods or procedures to capture or otherwise limit risk of explosion, combustion, or any other unreasonably dangerous risk to public safety created by volatile solvents.

   iii. All commercial cannabis manufacturing shall take place indoors.

   iv. The permittee shall use best management practices to minimize water use with cannabis manufacturing.

   v. The permittee shall provide a list to the public works director and Lakeport Fire Department of all solvents, gasses and/or chemicals prior to commencement of use. No solvents, gasses and/or chemicals shall be allowed to enter the city’s wastewater system.

   vi. Manufacturing processes that use solvents exclusively within a closed-loop system that meets all of the following requirements:

      a. The system uses only solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
b. The system is designed to recapture and contain solvents during the manufacturing process, and otherwise prevent the off-gassing of solvents into the ambient atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.

c. Receives and maintains approval from the local fire official for the closed-loop system, other equipment, the extraction operation, and the facility and meets the following: the California Fire Code; the National Fire Protection Association (NFPA) standards; International Building Code (IBC); and the International Fire Code (IFC).

C. Commercial Cannabis Testing Standards. (Type 8)

1. Use type includes:
   i. Testing of cannabis and cannabis products.
   ii. Businesses and research institutions engaged in the research of cannabis and cannabis products, or devices used for the use of cannabis and cannabis products.
   iii. Business offices related to cannabis.
   iv. Accessory uses related to the testing of cannabis and cannabis products.

2. Specific Provisions
   i. Commercial cannabis testing operations shall not conduct or engage in the retail sale of any product goods or services.
   ii. The permittee shall use best management practices to minimize water use with cannabis testing.

D. Distribution of Commercial Cannabis (Type 11)

1. Use type includes:
   i. Businesses engaged in the distribution of commercial cannabis, cannabis products, or devices used for the use of cannabis products.
   ii. The procurement, sale, and transport of cannabis and cannabis products between entities licensed under state law.
   iii. Transporting cannabis or cannabis products.
   iv. Conducting quality assurance review to ensure compliance with labeling and packing requirements.
   v. Accessory uses related to the procurement, sale, and transport of cannabis and cannabis products.
2. Specific Provisions:
   
i. A distributor permittee shall be bonded and insured at a minimum level established by the licensing authority.

   ii. All cannabis distributor shall display a copy of the inspection receipt issued by the Lake County Sealer of Weights and Measures for all weighing and measuring devices.

   iii. All cannabis and cannabis products held bought, and sold be a cannabis distributor shall be obtained from a legal source and shall have the state issued track and trace information.

E. Commercial Cannabis Retailers Standards. (Type 10 & 12)

   1. Use type includes:
      
i. Retailer storefront with sales of cannabis, cannabis products or devices.

   ii. Retailer storefront with the delivery of cannabis, cannabis products or devices.

   iii. Retailer delivery of cannabis, cannabis products or devices.

   iv. Storefront retail with onsite consumption is prohibited.

   v. Microbusinesses with retail included.

   2. Specific Provisions:

      i. No more than two (2) cannabis retailers shall be permitted within the city limits at any one time.

      ii. Cannabis retailers shall not exceed one thousand five hundred square feet (1,500 square feet), exclusive of office space, restrooms and other non-dispensary cannabis retail or educational uses.

      No cannabis retailer dispensary, may increase in size without amending the use permit required by title 17. The size limitation shall be included in the operational plan required by 5.34.08(G) of this chapter.

      iii. A commercial cannabis permit for retailer issued in compliance with Section 5.34.04 shall be required for any cannabis retailer dispensary operating within the city. Cannabis retailers shall also be subject to permit requirements and regulations established by the state and those established by the city council through resolution or ordinance. Additionally, cannabis retailers must comply with all other applicable building codes and requirements, including accessibility requirements. Permits shall only be issued to cannabis dispensaries retailers coming under state cannabis
license Types 10 (Retailers) and 12 (Microbusiness). Commercial cannabis permits for retailers shall be subject to the requirements and limitations set forth in this Chapter and shall be issued according to the following procedure:

a. The city council shall, following an open application period and review of applications by the city manager, consider commercial cannabis permit applications for retailers meeting all minimum qualifications at a public hearing. The city council may approve up to two (2) commercial cannabis permits for two (2) retailers to operate in the city at the same time, with necessary conditions.

b. If a commercial cannabis permit for a retailer becomes available within twelve (12) months of a previous application period, city staff may first review all minimally qualified applications from the prior application process, and consider them for submittal to the city council prior to opening a new application process. If a new application process is opened, prior applicants may inform city staff in writing that they wish to re-submit their application rather than file a new application.

c. The city council may adopt by resolution such forms, fees, and procedures as are necessary to implement this chapter with respect to the initial selection, future selection, investigation process, renewal, revocation, and suspension of cannabis retail dispensary use permits. Such procedures may include a priority ranking system, and appointment of staff review panel for cannabis retailers use permits.

iv. A cannabis retailer may possess no more than (5) pounds of dried cannabis at any one time in addition to live plants for sale that are in a vegetative (not mature) state.

v. No exterior signage or symbols shall be displayed which advertises the availability of cannabis using drug-related symbols which are attractive to minors or which is carried out in a manner intended to encourage persons under twenty-one (21) years of age to consume cannabis or cannabis products, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.

vi. No cannabis retailer shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages on
the same premises. No alcoholic beverages shall be allowed or consumed on the premises.

vii. No cannabis retailer shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the permit. A retailer may sell live starter plants, clones and seeds from qualified nurseries, but shall not cultivate or clone cannabis (unless the retailer holds a microbusiness or cultivation license from the state and such uses activities are allowed on the same premises under state law). Not more than ten percent (10%) of the retailer area, up to a maximum of fifty (50) square feet may be devoted to the sale of incidental goods for personal cannabis cultivation and use, but shall not include clothing, posters or other promotional items.

viii. No cannabis shall be smoked on the premises, unless allowed under a condition of approval. The term “premises” includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings. Onsite consumption of cannabis may be allowed if the cannabis retailer permit explicitly allows it, and if done in accordance with state laws and regulations, as may be amended from time to time, and any conditions placed on the commercial cannabis permit, including those related to ventilation and odor control.

ix. The following signs, in measurements of not less than eight by ten inches (8x10”), shall be clearly and legibly posted in a conspicuous location inside the retailer where they will be visible to customers in the normal course of a transaction, stating:

a. “The sale of cannabis without a state license is illegal.”

b. “Smoking cannabis on this property, within twenty feet (20’) of the retailer, or in any public place is illegal under California law.”

c. For medical cannabis dispensaries retailers: “No one under the age of eighteen (18) shall be allowed on the premises, unless they are a qualified patient or a primary caregiver.”

d. For nonmedical cannabis retailers: “No one under the age of twenty-one (21) shall be allowed on the premises.”

x. Any commercial cannabis permit issued to microbusiness with a Type 12 state license, or a state cannabis license type subsequently established, that contains a retailer operation, will be subject to the permit procedures and requirements for cannabis retailers under this section 5.34.09(E). Any such permit
will count toward the city’s maximum number of retailers. Any commercial cannabis permit issued to a microbusiness with a cultivation, manufacturing, testing and/or distribution component will also be subject to the requirements of section 5.34.09(A), (B), (C) and/or (D) for those operations.

xii. Except as provided in section 5.34.09(E)(2)(xi) for microbusinesses, commercial cannabis cultivation and manufacturing and testing are prohibited on the same premises.

xiii. Cannabis retailers shall contain no window displays that are visible by normal unaided vision from a public place.

xiv. All cannabis deliveries shall have all records identifying the originating location and terminus of the cannabis or cannabis products, as well as all corresponding licenses consistent with all applicable state licensing requirements.

xv. The operating plan for all cannabis deliveries shall include driver identification and license information for all employees engaged in delivery operations. Vehicle information including license, year, make and model shall also be listed in the operating plan.

xvii. The sale of ancillary products, including books, herbal supplements, and devices facilitating the consumption of cannabis shall occur in a manner consistent with this section, and in compliance with all state requirements.

xvii. The maximum retail days and hours of operations shall be Monday through Sunday, 9:00 a.m. through 7:00 p.m.

F. Cannabis Events within the City of Lakeport are prohibited.

5.34.10 Fees

The city council shall, by resolution, establish a schedule of fees for commercial cannabis license applications, amendments, renewals and other matters pertaining to this chapter. The schedule of fees may be changed or modified by resolution of the city council. Applicants and permittees also shall pay the amount as prescribed by the Department of Justice of the State of California for the processing of applicant’s fingerprints. None of the above fees shall be prorated, or refunded in the event of a denial, suspension or revocation of the permit. Failure to pay the applicable fees is grounds for denial of an application.

5.34.11 Enforcement
A. Any person violating any provision of this chapter or misrepresenting any material fact in demonstrating compliance with requirements for operating engaging in a commercial cannabis activity use shall be deemed guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment for not more than twelve months, or by both such fine and imprisonment.

B. Any violation of this chapter is declared to be a public nuisance as defined in section 370 of the Penal Code, section 3480 of the Civil Code and Chapter 8.22 of this municipal code and shall be subject to injunctive relief, revocation of the certificate of occupancy for the property, disgorgement and payment to the city of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The city may also pursue any and all remedies and actions available and applicable under local and state law for any violation committed by the commercial cannabis owner, its managers, members or any person related or associated with the commercial cannabis activity use.

C. Any violation of the terms and conditions of the commercial cannabis activity use of in this chapter shall be grounds for suspension and revocation of the permit.

5.34.12 Liability

The provisions of this chapter shall not be construed to protect the record property owner(s) of a legal parcel associated with any commercial cannabis activity use, his or her lessees, tenants, and other participants in the operation of a commercial cannabis activity use, and/or members of collectives and/or cooperatives associated with such activity use, from prosecution pursuant to any laws that may prohibit the cultivation, sale, possession, distribution, and use of cannabis remain violations of federal law as of the date of adoption of the ordinance creating this chapter and this chapter is not intended to, and does not, protect any of the above described persons from arrest or prosecution under those federal laws. The record property owner(s) of a legal parcel associated with any commercial cannabis activity use, his or her lessees, tenants, and other participants in the such activity use, and/or members of collectives and/or cooperatives associated with such use, assume any and all risk and any and all liability that may arise or result under state and federal criminal laws from operating engaging in a commercial cannabis activity use. Further, to the fullest extent permitted by law, any actions taken under the provisions of this chapter by any public officer or employee of the city or the city itself shall not become a personal liability of such person or the liability of the city.

SECTION 2. Section 17.08.050.J of 17.08, Regulations for the Professional Office District or “PO” District, of the Lakeport Municipal Code is hereby added as follows:
J. Commercial cannabis testing subject to the regulations set forth in Chapter 5.34.

SECTION 3. Section 17.10.050.N of 17.10, Regulations for the Major Retail or “C-2” District, of the Lakeport Municipal Code is hereby added as follows:

N. Commercial cannabis consisting of testing and retailers uses activities not consisting of on-site consumption or microbusinesses subject to the regulations set forth in Chapter 5.34.

SECTION 4. Section 17.11.050.K of 17.11, Regulations for the Service Commercial or “C-3” District, of the Lakeport Municipal Code is hereby added as follows:

K. Commercial cannabis consisting of cultivation, manufacturing without volatile solvents, testing, distribution and retailers uses activities subject to the regulations set forth in Chapter 5.34.

SECTION 5. Section 17.13.040.R of 17.07, Regulations for Industrial or “I” Zoning District, of the Lakeport Municipal Code is hereby added as follows:

R. Commercial cannabis consisting of cultivation, manufacturing with and without volatile solvents, testing, distribution and retailers uses activities subject to the regulations set forth in Chapter 5.34.

SECTION 6. Severability: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 7. CEQA. This ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. Additionally, the revision to the Lakeport Municipal Code provides for a discretionary review process for the approval of commercial cannabis related permits and is eligible for the exemption from the CEQA Guidelines provided in Section 26055(h) of the California Business and Professions Code. Furthermore, the ordinance constitutes a regulatory action to assure the protection of the environment and is categorically exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines.
SECTION 8. Effective Date. This ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 9. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting the entire text.

INTRODUCED and first read at a regular meeting of the City Council on the 21st day of November, 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

FINAL PASSAGE AND ADOPTION by the City Council of Lakeport occurred at a meeting thereof held on the 5th day of December 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

___________________________
STACEY MATTINA, MAYOR

ATTEST:

_____________________________
KELLY BUENDIA, City Clerk
City of Lakeport
Title 5—Business Taxes, Licenses and Regulations

Chapter 34—Commercial Cannabis

5.34.01 Purpose and Intent

The purpose of these regulations is to ensure that the development of commercial cannabis does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety, and general welfare of the residents, landowners, and businesses in the city. These regulations shall apply to all commercial cannabis activities in the city.

5.34.02 Definitions

A. “Cannabis” means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or be discovered, or developed, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products unless otherwise specified. “Cannabis” does not mean industrial hemp as defined by Health and Safety Code section 11018.5, as may be amended from time to time.

B. “Cannabis business owner” means any of the following:

1. Each person or entity having an ownership interest in the commercial cannabis business other than a security interest, lien, or encumbrance on property that will be used by the commercial cannabis business;

2. If the commercial cannabis business is a publicly traded company, the chief executive officer or any person or entity with an aggregate ownership interest of five percent (5%) or more; or
3. Each person who participates in the direction, control, or management of, or has a financial interest in, the commercial cannabis business.

C. “Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, processing, or trimming of cannabis, including cannabis nurseries.

D. “Cannabis dispensary” or “cannabis retailer” means a facility, whether fixed or mobile, operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including a facility that delivers cannabis and/or cannabis products as part of a retail sale.

E. “Cannabis distribution” means a facility where a person conducts the business of procuring cannabis from licensed cultivators or manufacturers for sale to licensed cannabis dispensaries or cannabis retailers, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes, prior to transport to licensed cannabis dispensaries or cannabis retailers. This facility requires a Type 11 license pursuant to MAUCRSA or a state cannabis license type subsequently established.

F. “Cannabis manufacturing” means a facility that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a state licensee for these activities.

G. “Cannabis microbusiness” means a facility that cultivates less than 10,000 square feet of cannabis and acts as a licensed distributor, Level 1 manufacturer, and cannabis retailer. This facility requires a Type 12 license pursuant to MAUCRSA, or a state cannabis license type subsequently established.

H. “Cannabis nursery” means a state licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

I. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

J. “Cannabis testing service” or “cannabis testing laboratory” means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products, including the equipment provided by such laboratory, facility, or entity.

K. “City manager” means the city manager or the city manager’s designee, if any.

L. “Commercial cannabis uses” means any commercial cannabis activity licensed pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), including but not limited to, cultivation, possession, distribution, laboratory testing, labeling, retail, delivery, sale or manufacturing of cannabis or cannabis products.
M. “Medical cannabis” or “medicinal cannabis” means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (Health and Safety Code section 11362.5), the Medical Marijuana Program Act (Health and Safety Code section 11362.7 et seq.), the Medical Cannabis Regulation and Safety Act (“MCRSA,” Business and Professions Code section 19300 et seq.), and MAUCRSA.

N. “Primary caregiver” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

O. “Qualifying patient” or “qualified patient” shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

5.34.03 Permit Requirement

No cannabis business may engage in any commercial cannabis use in the city without obtaining the appropriate permit to operate within the city. The permit is specific to the location where the commercial cannabis use will occur. Multiple operating locations for the same cannabis business will require separate permits as outlined in sections 5.34.08 and 5.34.09.

5.34.04 Permit Applications

A. Applications for a commercial cannabis permit and other matters pertaining to this chapter shall be filed with the city manager on an official city application form.

B. The application shall be filed with all required fees, deposits, information, and materials as specified by this chapter.

C. The application shall be signed by each cannabis business owner under penalty of perjury, certifying that the information submitted, including all supporting documents, is, to the best of the applicant’s knowledge and belief, true, accurate and complete, and by the property owner for purposes of certifying that s/he has reviewed the application, and approves the use of the property for the purposes stated in the application. The signature of both the cannabis business owner and the property owner shall constitute evidence of their express consent to allow any city official or employee to enter upon and inspect the premises upon reasonable notice.

D. The information required by this section shall be confidential, and shall not be subject to public inspection or disclosure except as may be required by Federal, State or local law. Disclosure of information pursuant to this section shall not be deemed a waiver of confidentiality by the applicant or any individual named in the application. The city shall incur no liability for the inadvertent or negligent disclosure of such information.

E. Permit applicants are encouraged to contact the city manager before submitting an application to verify materials necessary for completing an application.

5.34.05 Application Review, Appeal, and Suspension

A. Review of Application. The city manager shall consider the application, and the results from any investigation into the application, as deemed necessary by the police chief.
B. Disapproval of Application. If the city manager disapproves an application, he or she shall notify the applicant in writing, stating the reasons for the disapproval. Notification of disapproval shall be deemed complete upon deposit by first class mail to the applicant to the address indicated on the application. No permit shall be issued unless a successful appeal of the disapproval is made within the requisite time frame.

C. Appeal of Disapproval.

1. Within ten (10) days after the city manager serves notice of disapproval, an applicant may appeal the disapproval by notifying the city clerk in writing of the appeal, the reasons for the appeal, and paying any applicable fees.

2. The city clerk shall set a hearing on the appeal and shall fix a date and time certain, within thirty (30) days after the receipt of the applicant’s appeal, unless the city and the applicant agree to a longer time, to consider the appeal. In no case will a hearing be continued for more than ninety (90) days from receipt of applicant’s appeal. The city clerk shall provide notice of the date, time and place of hearing, at least seven (7) days prior to the date of the hearing.

3. The city council shall hear the applicant’s appeal, determine the order of procedure, and rule on all objections to admissibility of evidence. The applicant and the city manager shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses and argue their respective positions. The proceeding shall be informal, the technical rules of evidence shall not apply, and all evidence shall be admissible which is of the kind that reasonably prudent persons rely upon in making decisions.

4. An appellant’s failure to attend a hearing shall constitute an abandonment of the appeal and a failure to exhaust administrative remedies.

5. The city council shall issue or cause to be issued a written decision within twenty-one (21) days after the close of the hearing. The decision of the city council shall be final.

6. An appellant may seek judicial review of the city council’s decision by filing a petition for review with the superior court, pursuant to Code of Civil Procedure sections 1094.5 and 1094.6, within ninety days after the effective date of the city council’s notice of decision.

D. Grounds for Denial, Revocation or Suspension of Permit. The granting of a permit or a renewal thereof may be denied and an existing permit revoked or suspended if:

1. The cannabis business owner has knowingly made a false statement in the application or in any reports or other documents furnished to the city.

2. The cannabis business owner has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the cannabis business for which the application is made, which includes but is not limited to:

   i. A violent felony conviction, as specified in Penal Code section 667.5(c).
ii. A serious felony conviction, as specified in Penal Code section 1192.7.

iii. A felony conviction involving fraud, deceit or embezzlement.

iv. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

v. A felony conviction for drug trafficking with an enhancement pursuant to Health and Safety Code sections 11370.4 or 11379.8.

3. The cannabis business or a cannabis business owner has been sanctioned by a licensing authority or other city or county for unauthorized commercial cannabis activity.

4. The granting or renewing of the permit would perpetuate or encourage any of the following:
   i. Distribution of cannabis or cannabis products to minors;
   ii. Generation of revenue from the sale of cannabis or cannabis products to fund criminal enterprises, gangs or cartels;
   iii. Diversion of cannabis or cannabis products to jurisdictions outside of the state where cannabis and cannabis products are unlawful under state or local law;
   iv. Trafficking of other illegal drugs or facilitation of other illegal activity;
   v. Violence and the use of firearms in the cultivation and distribution of cannabis and cannabis products;
   vi. The use of public lands in the cultivation of cannabis; or
   vii. The use of federal property for commercial cannabis activity.

5. For any other reason that would allow the state to deny a license under MAUCRSA.

6. Fails to pay required city fees and taxes.

7. Violates any provision of MAUCRSA, this chapter or any other permits issued by the city for the commercial cannabis use, such as a conditional use permit.

8. Except as provided in subsections (D)(2)(iv) and (v) of this section, an application for a permit shall not be denied if the sole ground for denial is based upon a prior conviction of either section 11350 or section 11357 of the Health and Safety Code. An application for a permit also shall not be denied if the state would be prohibited from denying a license pursuant to either section 26057, subdivision (b)(5), or section 26059 of the Business and Professions Code.
Conviction of any controlled substance felony subsequent to permit issuance shall be grounds for revocation of a permit or denial of the renewal of a permit.

E. Suspension and Revocation.

1. If the city manager deems continuation of any commercial cannabis use will cause a significant threat to the health, safety, or welfare of the public, the city manager may suspend the permit and all rights and privileges thereunder until the city council renders a written decision on the revocation of the permit.

2. The city manager shall give notice to the cannabis business of his or her intent to revoke a permit in the same manner as notice of disapproval and provide the city clerk with a copy of the notice.

3. The appeal rights and hearing for the revocation of the permit shall be set and conducted in the same manner as an appeal of disapproval under section 5.34.05(C). The decision of the city council shall be final.

5.34.06 Permit Issuance

A. Before issuing any permit the city manager shall determine that all of the following requirements have been met:

1. The application is complete and all applicable city taxes and fees have been paid.

2. All land use permits have been approved and all conditions of approval have been met or are in good standing.

3. There are no outstanding notices of nuisance or other unresolved code compliance issues at the site of the proposed commercial cannabis use or related to the cannabis business owner(s).

B. By accepting the permit, each permittee agrees to indemnify, defend and hold harmless to the fullest extent permitted by law the city, its officers, agents and employees from and against any and all actual and alleged damages, claims, liabilities, costs (including attorney’s fees), suits or other expenses resulting from and arising out of or in connection with permittee’s operations, except such liability caused by the sole active negligence or willful misconduct of city, its officers, agents and employees.

C. The permit shall be valid for one (1) year from the date of issuance.

5.34.07 Transfer of Permit or Modifications to Permit

B. A permit is nontransferable to another location, and no transfer to another cannabis business owner or modifications to a permitted facility may be made except in accordance with this section.

C. A request for change in permit ownership shall be submitted to the city manager on a city form at least sixty (60) days prior to the anticipated transfer, together with any applicable fee(s). Requests submitted less than sixty (60) days before the transfer will be processed only in the city’s discretion and may be subject to an expedited processing
fee. A new owner(s) shall meet all requirements for applicants of an initial permit. The request shall include the following information:

1. Identifying information for the new cannabis business owner(s) and management as required in an initial permit application;
2. A written certification by the new cannabis business owner(s) as required in an initial permit application;
3. The specific date on which the transfer is to occur; and
4. Acknowledgement of full responsibility for complying with the existing permit.

D. A request to modify the security plan shall be submitted to the city manager on a city form at least thirty (30) days prior to the anticipated change, together with the applicable fee.

E. A request for change in cannabis business contact information shall be submitted to the city manager on a city form at least thirty (30) days prior to the anticipated change, together with the applicable fee.

F. A request for change in cannabis business trade or business name shall be submitted to the city manager on a city form at least thirty (30) days prior to the anticipated change, together with the applicable fee.

G. A permit renewal application and any applicable fees must be submitted to city manager at least sixty (60) days before the expiration of the permit. Failure to submit a renewal application prior to the expiration date of the permit will result in the automatic expiration of the permit on the expiration date. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that the new standards are met. No person shall have any entitlement or vested right to receive a permit under this chapter.

5.34.08 Standard Provisions for all Commercial Cannabis Uses

A. All commercial cannabis uses shall have all appropriate state licensing required prior to commencement of use.

B. No permittee shall sell cannabis or cannabis products to persons under 21 years of age; allow any person under 21 years of age on its premises; or employ or retain persons under 21 years of age. No permittee shall sell medicinal cannabis products to persons under 18 years of age unless accompanied by a parent or guardian. (Alternative language suggested by City Attorney-- No permittee shall sell medicinal cannabis products to a person under 18 years of age, unless that person possesses a valid identification card under Section 11362.71 of the Health and Safety Code and a valid government-issued identification card and is accompanied by a parent or guardian.

C. No cannabis or cannabis product shall be smoked, ingested, or otherwise consumed on the property.
D. All commercial cannabis uses shall maintain a 600 foot distance from all properties containing schools, pre-schools, licensed day care facilities, and parks.

E. All commercial cannabis shall obtain and maintain a business license from the city.

F. Commercial cannabis uses shall not be allowed as a home occupation.

G. All applications shall provide an operations plan containing at a minimum the following items:
   1. General project information
      i. Site plan providing both a graphic and written representation of the applicant’s intended development. The plan shall adhere to the general site plan standards contained in section 17.29.030 and shall include all structures, storage and circulation patterns of the site.
      ii. Written project description containing:
         a. General project description.
         b. A statement of present and proposed ownership.
         c. A complete list of all individuals and entities with a financial interest in the operation.
         d. A list and description of all uses shown in the provided site plan.
      iii. Floor plan showing the locations of all proposed uses.
      iv. Sign plan consistent with the provisions outlined in section 17.52 of this code.
      v. Agreement to maintain at all times commercial general liability providing coverage on an occurrence basis for bodily injury, including death, of one (1) or more persons, property damage and personal injury with limits of not less than one million dollars ($1,000,000.00) per occurrence and comprehensive automobile liability (owned, non-owned, hired) providing coverage on an occurrence basis for bodily injury, including death, of one (1) or more persons, property damage and personal injury, with limits of not less than one million dollars ($1,000,000.00). The commercial general liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the city shall be primary, and shall name the city, its officials and employees as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for suspension of the permit immediately, and ultimately, revocation.
      i. Operations shall provide adequate security on the premises, including lighting, security cameras, security personnel and alarms, to ensure the
safety of persons and to protect the premises from theft. Security camera footage shall be retained a minimum of 30 days.

ii. The plan shall include the name, phone number and email of community relations staff whom may be contacted at any time regarding operational problems associated with the commercial cannabis use.

iii. A current register of the names of all employees currently employed by the use shall be provided and maintained on site. Employee register and contact information shall be current and up-to-date at all times. Any changes made to the employee register shall be provided to the city manager within thirty (30) days.

iv. All employees either direct or via contract shall undergo a background check by the city police department. An individual may fail the background check if they have been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the police chief determines that the applicant, owner, or licensee is otherwise suitable to be issued a license, and granting the license would not compromise public safety, the police chief shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, owner, licensee to be issued a license based on the evidence found through the review. In determining which offences are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the police chief shall include, but not be limited to, the following:

a. A violent felony conviction, as specified in subdivision (c) of section 667.5 of the Penal Code.

b. A serious felony conviction, as specified in subdivision (c) of section 1192.7 of the Penal Code.

c. A felony conviction involving fraud, deceit, or embezzlement.

d. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substances to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

e. A felony conviction for drug trafficking with enhancements pursuant to section 11370.4 or 11379.8 of the Health and Safety Code.

f. Any other conviction that may disqualify an applicant/owner or permittee under state law.
v. Verification that the security provisions for the operation have been reviewed and approved by the city police department prior to the issuance of a development permit.

3. Public health and safety provisions

i. Facility improvement plan demonstrating that the operation is compliant with all applicable public health and safety provisions of the International Building Code. The facility improvement plan shall be reviewed and approved by the applicable fire agency and city building division prior to the issuance of a development permit.

ii. Statement of proposed water usage.

iii. Wastewater disposal plan reviewed and approved by the city utilities division prior to the issuance of any development permit. The wastewater disposal plan shall include any specific designs for pre-treatment of waste prior to entering municipal sewer system. No waste containing hazardous materials or other containments shall be permitted to enter the municipal sewer system consistent with Chapter 13.20 of this municipal code concerning “Sewer Use And Pretreatment.”

iv. Solid waste disposal plan, including the management of cannabis related waste.

v. Hazardous waste management plan to be approved by Lake County Health Department.

vi. Odor prevention plan that will prevent obnoxious odors or fumes from being emitted beyond the operation limits that are perceptible by a reasonable person. Minimum design specifications should include odor absorbing ventilation and exhaust systems.

H. All commercial cannabis uses shall submit an annual performance review report demonstrating compliance with required provisions of this section and all specific operating provisions and licensing required at the time of development approval. Failure to submit an annual report or failure to comply with required provisions will result in revocation of the operating permit. The annual performance review report shall include inspection by city.

I. All permittees shall comply with the state track and trace requirements for cannabis and cannabis products.

J. The rights and privileges to conduct commercial cannabis uses on a specific parcel do not attach to title to the property and are not conveyed with the lease or sale of the property. Accordingly, a permit may not be sold, assigned, leased or otherwise conveyed or transferred by the person or entity holding the permit to any third party not named on the application without complying with this chapter and any other applicable law.
K. Except as provided herein, all other cannabis activities are prohibited.

5.34.09 Commercial Cannabis Performance Standards

A. Commercial Cannabis Cultivation Standards. (Type 1A, 1C, 2A, 3A, 4 & 12)

1. Use type includes:
   
   i. Cultivation of cannabis
   
   ii. Cannabis nursery including the production of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, cultivation of cannabis for sale to licensed commercial cannabis cultivators and licensed retail establishments. No retail sales are permitted.
   
   iii. Cannabis processing such as drying, curing, grading, or trimming.
   
   iv. Accessory uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

2. Specific Provisions:

   i. All commercial cannabis cultivation operations shall not engage in the retail sale of any product goods or services. Only wholesale activities are permitted.
   
   ii. All cultivation activities shall take place indoors, out of sight of the general public. No greenhouses shall be allowed.
   
   iii. All cannabis cultivation, that includes processing such as drying, curing, grading, or trimming shall take place indoors.
   
   iv. The permittee shall use best management practices to minimize water use with cannabis cultivation. This would include the use of low flow irrigation. The permit shall include a plan for water use associated with the cultivation.
   
   v. If manufacturing of cannabis takes place on the site of the cannabis cultivation, compliance with the manufacturing standards of this chapter are also required.
   
   vi. The applicant shall prepare an integrated management plan to be reviewed and approved by the Lake County Agricultural Commission for all chemical, biological and cultural methods to control or prevent the introduction of pests on the cultivation site.

B. Commercial Cannabis Manufacturing Standards. (Type 6 & 7)

1. Use type includes the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, volatile solvents, or by a combination of extraction and chemical synthesis at a fixed location that
packages or repackages cannabis or cannabis products or labels or re-labels its container.

2. Specific Provisions:
   i. Commercial cannabis manufacturing uses shall not conduct or engage in the retail sale of any product goods or services. Only wholesale activities are permitted.
   
   ii. Applicant shall enact sufficient methods or procedures to capture or otherwise limit risk of explosion, combustion, or any other unreasonably dangerous risk to public safety created by volatile solvents.
   
   iii. All commercial cannabis manufacturing shall take place indoors.
   
   iv. The permittee shall use best management practices to minimize water use with cannabis manufacturing.
   
   v. The permittee shall provide a list to the public works director of all solvents, gasses and/or chemicals prior to commencement of use. No solvents, gasses and/or chemicals shall be allowed to enter the city’s wastewater system.
   
   vi. Manufacturing processes that use solvents exclusively within a closed-loop system that meets all of the following requirements:
      a. The system uses only solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
      
      b. The system is designed to recapture and contain solvents during the manufacturing process, and otherwise prevent the off-gassing of solvents into the ambient atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.
      
      c. A licensed engineer certifies that the system was commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices.
      
      d. Receives and maintains approval from the local fire official for the closed-loop system, other equipment, the extraction operation, and the facility and meets the following: the California Fire Code; the National Fire Protection Association (NFPA) standards; International Building Code (IBC); and the International Fire Code (IFC).

C. Commercial Cannabis Testing Standards. (Type 8)
   
   1. Use type includes:
      
      i. Testing of cannabis and cannabis products.
ii. Businesses and research institutions engaged in the research of cannabis and cannabis products, or devices used for the use of cannabis and cannabis products.

iii. Business offices related to cannabis.

iv. Accessory uses related to the testing of cannabis and cannabis products.

2. Specific Provisions

i. Commercial cannabis testing operations shall not conduct or engage in the retail sale of any product goods or services.

ii. The permittee shall use best management practices to minimize water use with cannabis testing.

D. Distribution of Commercial Cannabis (Type 11)

1. Use type includes:

i. Businesses engaged in the distribution of commercial cannabis, cannabis products, or devices used for the use of cannabis products.

ii. The procurement, sale, and transport of cannabis and cannabis products between entities licensed under state law.

iii. Transporting cannabis or cannabis products.

iv. Conducting quality assurance review to ensure compliance with labeling and packing requirements.

v. Accessory uses related to the procurement, sale, and transport of cannabis and cannabis products.

2. Specific Provisions:

i. A distributor permittee shall be bonded and insured at a minimum level established by the licensing authority.

ii. All cannabis distributor shall display a copy of the inspection receipt issued by the Lake County Sealer of Weights and Measures for all weighing and measuring devices.

iii. All cannabis and cannabis products held bought, and sold be a cannabis distributor shall be obtained from a legal source and shall have the state issued track and trace information.

E. Commercial Cannabis Retailers Standards. (Type 10 & 12)

1. Use type includes:

i. Retailer storefront with sales of cannabis, cannabis products or devices.

ii. Retailer storefront with the delivery of cannabis, cannabis products or devices.
iii. Retailer delivery of cannabis, cannabis products or devices.

iv. Storefront retail with onsite consumption.

v. Microbusinesses with retail included.

2. Specific Provisions:

i. No more than two (2) cannabis retailers shall be permitted within the city limits at any one time.

ii. Cannabis retailers shall not exceed one thousand five hundred square feet (1,500 square feet), exclusive of office space, restrooms and other non-dispensary retail or educational uses.

No dispensary may increase in size without amending the use permit required by title 17. The size limitation shall be included in the operational plan required by 5.34.08(G) of this chapter.

iii. A commercial cannabis permit for retailer issued in compliance with Section 5.34.04 shall be required for any retailer dispensary operating within the city. Cannabis retailers shall also be subject to permit requirements and regulations established by the state and those established by the city council through resolution or ordinance.

Additionally, cannabis retailers must comply with all other applicable building codes and requirements, including accessibility requirements. Permits shall only be issued to cannabis dispensaries coming under state cannabis license Types 10 (Retailers) and 12 (Microbusiness). Commercial cannabis permits for retailers shall be subject to the requirements and limitations set forth in this Chapter and shall be issued according to the following procedure:

a. The city council shall, following an open application period and review of applications by the city manager, consider commercial cannabis permit applications for retailers meeting all minimum qualifications at a public hearing. The city council may approve up to two (2) commercial cannabis permits for two (2) retailers to operate in the city at the same time, with necessary conditions.

b. If a commercial cannabis permit for a retailer becomes available within twelve (12) months of a previous application period, city staff may first review all minimally qualified applications from the prior application process, and consider them for submittal to the city council prior to opening a new application process. If a new application process is opened, prior applicants may inform city staff in writing that they wish to re-submit their application rather than file a new application.

c. The city council may adopt by resolution such forms, fees, and procedures as are necessary to implement this chapter with respect to the initial selection, future selection, investigation process, renewal,
revocation, and suspension of cannabis dispensary use permits. Such procedures may include a priority ranking system, and appointment of staff review panel for cannabis retailers use permits.

iv. In addition to the general requirements of section 5.34.08(G), a cannabis retailer shall submit, as a part of their operating plan, a physician’s written recommendation in compliance with state law for medical cannabis sales, as well as photo identification for any person entering the site.

v. A cannabis retailer may possess no more than (5) pounds of dried cannabis at any one time in addition to live plants for sale that are in a vegetative (not mature) state.

vi. No exterior signage or symbols shall be displayed which advertises the availability of cannabis using drug-related symbols which are attractive to minors or which is carried out in a manner intended to encourage persons under twenty-one (21) years of age to consume cannabis or cannabis products, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.

vii. No cannabis retailer shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages on the same premises. No alcoholic beverages shall be allowed or consumed on the premises.

viii. No cannabis retailer shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the permit. A retailer may sell live starter plants, clones and seeds from qualified nurseries, but shall not cultivate or clone cannabis (unless the retailer holds a microbusiness or cultivation license from the state and such uses are allowed on the same premises under state law). Not more than ten percent (10%) of the retailer area, up to a maximum of fifty (50) square feet may be devoted to the sale of incidental goods for personal cannabis cultivation and use, but shall not include clothing, posters or other promotional items.

ix. No cannabis shall be smoked on the premises, unless allowed under a condition of approval. The term “premises” includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings. Onsite consumption of cannabis may be allowed if the cannabis retailer permit explicitly allows it, and if done in accordance with state laws and regulations, as may be amended from time to time, and any conditions placed on the commercial cannabis permit, including those related to ventilation and odor control.

x. The following signs, in measurements of not less than eight by ten inches (8x10”), shall be clearly and legibly posted in a conspicuous location
inside the retailer where they will be visible to customers in the normal course of a transaction, stating:

a. “The sale of cannabis without a state license is illegal.”

b. “Smoking cannabis on this property, within twenty feet (20’) of the retailer, or in any public place is illegal under California law.”

c. For medical cannabis dispensaries: “No one under the age of eighteen (18) shall be allowed on the premises, unless they are a qualified patient or a primary caregiver.”

d. For nonmedical cannabis retailers: “No one under the age of twenty-one (21) shall be allowed on the premises.”

xi. Any commercial cannabis permit issued to microbusiness with a Type 12 state license, or a state cannabis license type subsequently established, that contains a retailer operation, will be subject to the permit procedures and requirements for cannabis retailers under this section 5.34.09(E). Any such permit will count toward the city’s maximum number of retailers. Any commercial cannabis permit issued to a microbusiness with a cultivation, manufacturing, testing and/or distribution component will also be subject to the requirements of section 5.34.09(A), (B), (C) and/or (D) for those operations.

xii. Except as provided in section 5.34.09(E)(2)(xi) for microbusinesses, commercial cannabis cultivation, manufacturing and testing are prohibited on the same premises.

xiii. Cannabis retailers shall contain no window displays that are visible by normal unaided vision from a public place.

xiv. All cannabis deliveries shall have all records identifying the originating location and terminus of the cannabis or cannabis products, as well as all corresponding licenses consistent with all applicable state licensing requirements.

 xv. The operating plan for all cannabis deliveries shall include driver identification and license information for all employees engaged in delivery operations. Vehicle information including license, year, make and model shall also be listed in the operating plan.

xvi. Vehicles used in the delivery of cannabis shall have no signage and shall be un-marked.

xvii. The sale of ancillary products, including books, herbal supplements, and devices facilitating the consumption of cannabis shall occur in a manner consistent with this section, and in compliance with all state requirements.
5.34 Commercial Cannabis

xviii. The maximum retail days and hours of operations shall be Monday through Sunday, 9:00 a.m. through 7:00 p.m.

5.34.10 Fees

The city council shall, by resolution, establish a schedule of fees for commercial cannabis license applications, amendments, renewals and other matters pertaining to this chapter. The schedule of fees may be changed or modified by resolution of the city council. Applicants and permittees also shall pay the amount as prescribed by the Department of Justice of the State of California for the processing of applicant’s fingerprints. None of the above fees shall be prorated, or refunded in the event of a denial, suspension or revocation of the permit. Failure to pay the applicable fees is grounds for denial of an application.

5.34.11 Enforcement

A. Any person violating any provision of this chapter or misrepresenting any material fact in demonstrating compliance with requirements for operating a commercial cannabis use shall be deemed guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment for not more than twelve months, or by both such fine and imprisonment.

B. Any violation of this chapter is declared to be a public nuisance as defined in section 370 of the Penal Code, section 3480 of the Civil Code and Chapter 8.22 of this municipal code and shall be subject to injunctive relief, revocation of the certificate of occupancy for the property, disgorgement and payment to the city of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The city may also pursue any and all remedies and actions available and applicable under local and state law for any violation committed by the commercial cannabis owner, its managers, members or any person related or associated with the commercial cannabis use.

C. Any violation of the terms and conditions of the commercial cannabis use of this chapter shall be grounds for suspension and revocation of the permit.

5.34.12 Liability

The provisions of this chapter shall not be construed to protect the record property owner(s) of a legal parcel associated with any commercial cannabis use, his or her lessees, tenants, and other participants in the operation of a commercial cannabis use, and/or members of collectives and/or cooperatives associated with such use, from prosecution pursuant to any laws that may prohibit the cultivation, sale, and/or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of cannabis remain violations of federal law as of the date of adoption of the ordinance creating this chapter and this chapter is not intended to, and does not, protect any of the above described persons from arrest or prosecution under those federal laws. The record property owner(s) of a legal parcel associated with any commercial cannabis use, his or her lessees, tenants, and other participants in the such use, and/or members of collectives and/or cooperatives associated with such use, assume any and all risk and any and all liability that may arise or result under state and federal criminal
laws from operating a commercial cannabis use. Further, to the fullest extent permitted by law, any actions taken under the provisions of this chapter by any public officer or employee of the city or the city itself shall not become a personal liability of such person or the liability of the city.
# City of Lakeport

## Cannabis Regulation Matrix

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>State License Type(s)</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-5</th>
<th>PO</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
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<tr>
<td>Personal/Medicinal Cultivation</td>
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<tr>
<td>Commercial Cultivation</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Manufacturing (no volatile solvents)</td>
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<td>UP</td>
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<td>Distribution</td>
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<td>Retailers (general)</td>
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<tr>
<td>Retailers with on-site consumption</td>
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<td>UP</td>
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</tr>
<tr>
<td>Retailers, microbusiness</td>
<td>12</td>
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</tbody>
</table>

### State License Types:

- **Type 1** - Cultivation specialty outdoor, up to 5,000 sq. ft. of canopy or 50 Plants
  - **Type 1A** - Cultivation; Specialty indoor. Up to 5,000 sq. ft.
  - **Type 1B** - Cultivation; Specialty mixed light. Using exclusively artificial lighting
  - **Type 1C** - Specialty Cottage, Combo natural / artificial light, 2,500 sq. ft. or less canopy/ 25 plants
- **Type 2** - Cultivation: outdoor up to 5,000 sq. ft.
  - **Type 2A** - Cultivation; Indoor 5,001-10,000 sq. ft.
  - **Type 2B** - Cultivation; mixed light 5,001-10,000 sq. ft.
- **Type 3** - Cultivation; Outdoor 10,001 sq. ft. - 1 Acre
  - **Type 3A** - Cultivation: Indoor 10,001 - 22,000 sq. ft.
  - **Type 3B** - Cultivation; Mixed light 10,001 - 22,000 sq. ft.
- **Type 4** - Cultivation; Nursery, Indoor only
- **Type 6** - Manufacturer 1 for products not using volatile solvents
- **Type 7** - Manufacturer 2 for products using volatile solvents
- **Type 8** - Testing
- **Type 10** - Retailer
- **Type 11** - Distribution
- **Type 12** - Microbusiness
Re: City of Lakeport Notice of Intent to Apply for Cal OES Hazardous Mitigation Grant Program Funding for the Preparation of a Local Hazards Mitigation Plan

Meeting Date: 12/19/2017

Submitted by: Kevin M. Ingram, Community Development Director

Purpose of Report: [ ] Information only [x] Discussion [x] Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being requested to hold a public hearing, receive public comment, and consider the adoption of a resolution pertaining to the City’s proposed Notice of Intent (NOI) for funding through the California Office of Emergency Management Services (Cal OES) Hazardous Mitigations Grant Program (HMGP) to prepare a Local Hazards Mitigation Plan for the City of Lakeport.

BACKGROUND/DISCUSSION:

As the result of several declared federal disasters related to this past winter’s storm events, the State of California has been granted funding through FEMAs Hazards Mitigations Grant Program (HMGP). The HMGP is aim is to reduce and eliminate long-term risk to people and property from future disasters. General HMGP activities include hazard mitigation plans and cost-effective hazard mitigation projects. According to FEMA, studies show that for every $1 spent through the HMGP equals $4 of future damages mitigated.

Over the past couple of months the City has been in communication with several representatives from both FEMA and Cal OES who have encouraged the City to apply for HMGP funding for the creation of a Local Hazard Mitigation Plan. Mitigation plans identify the natural hazards and risks that can impact the community based on historical experience, estimate the potential frequency and magnitude of disasters, and assess potential loses to life and property. Based on this analysis the plan will lay out a mitigation strategy that identifies specific projects aimed at reducing and eliminating risk from future natural disasters. Following the completion of a Local Hazards Mitigation Plan the City would be eligible for additional FEMA funding for the completion of specified projects within the Mitigation Plan. See Attachment 3 for more details on FEMAs Local Hazard Mitigation Planning program.

City staff has prepared an application, Notice of Intent (NOI), seeking a maximum of $150,000 through the current HMGP application administered by Cal OES to be used for the creation of a Local Hazards Mitigation Plan. If awarded, the City would be required to commit to a 25% match of granted funds or a maximum of $37,500. However, it is important to note that this 25% match can include in-kind donations of time and resources (e.g. City staff time for preparation of plan). The City’s proposed application is provided as Attachment 2 of this staff report.
OPTIONS:
1. Adopt the proposed resolution and submit an HMGP grant application to Cal OES for the creation of a Local Hazards Mitigation Plan.
2. Direct staff to make modifications or revisions to the proposed Resolution and/or HMGP Application.
3. Take no action or take action to deny the proposed Resolution and/or HMGP Application. Alternatively, the City Council could provide other direction.

FISCAL IMPACT:
☐ None  ☒ $4,500  Budgeted Item? ☒ Yes  ☐ No
Budget Adjustment Needed? ☐ Yes  ☒ No  If yes, amount of appropriation increase: $
Affected fund(s): ☐ General Fund  ☐ Water OM Fund  ☐ Sewer OM Fund  ☒ Other: CDBG
Fiscal impacts include the cost of the application and is currently covered under our CDBG General Administration funds in the amount of $4500. Matching funds in the amount of $5,000 is required for all Planning Grants and will be committed from General Fund dollars if awarded.

SUGGESTED MOTION:
Move to adopt the proposed resolution approving the City of Lakeport’s Hazardous Mitigation Grant Program (HMGP) grant application for the creation of a Local Hazards Mitigation Plan and direct staff to submit a Notice of Intent (NOI) to Cal OES.

☒ Attachments:
1. Resolution
2. HMGP Application
3. FEMA Local Hazard Mitigation Planning Fact Sheet
RESOLUTION NO. ______ (2017)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT AUTHORIZING THE NOTICE OF INTEREST FOR AN HAZARD MITIGATION GRANT PROGRAM APPLICATION FOR THE FUNDING OF A LOCAL HAZARDS MITIGATION PLAN FOR THE CITY OF LAKEPORT

WHEREAS, the Governor’s Office of Emergency Services (Cal OES) has issued a Notice of Interest (NOI) for funding under its FEMA issued Hazard Mitigation Grant Program (HMGP) related to declared Federal disasters related 2016/17 winter storms throughout the State; and

WHEREAS, the City of Lakeport desires to apply for an HMGP grant for the completion of a Local Hazards Mitigation Plan; and

WHEREAS, Cal OES is authorized to approve funding allocations for a maximum of $150,000 for the completion of Local Hazard Mitigation Plans through the HMGP, subject to the terms and conditions outlined in the DR-4301, 4305, and 4308 Planning Subapplication Instructions guidelines published by Cal OES.

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

1. The City Council hereby approves the submittal of a NOI funding request to Cal OES for a funding request not to exceed $150,000 for the completion of a Local Hazards Mitigation Plan under the HMGP.

2. The City Manager is authorized to execute the NOI to Cal OES for funding through the current HMGP and to perform all other acts necessary for the award of the HMGP grant.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council on the 19th day of December, 2017, by the following vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

____________________________
Stacey Mattina, Mayor

___________________________
KELLY BUENDIA, City Clerk
Hazard Mitigation Grant Program

DR-4301, 4305, AND 4308
PLANNING
SUBAPPLICATION

Notice of Interest (NOI) approved subapplications
Are due to Cal OES on
January 1, 2018
PART I: STATE INFORMATION

PLANNING APPLICATION FORM

DR NO.: 4301, 4305, or 4308  STATE: CA  PROJECT NO.: TBD

SECTION I: STATE INFORMATION

STATE RECIPIENT INFORMATION

RECIPIENT: California Governor’s Office of Emergency Services
FIPS CODE: 000-92250
CONTACT: NAME: Jennifer Hogan
TITLE: State Hazard Mitigation Officer
ORGANIZATION: Hazard Mitigation Grants Program Unit
ADDRESS: 3650 Schriever Avenue
CITY: Mather
STATE: CA  ZIP CODE: 95655
LONGITUDE: -121.30505
LATITUDE: 38.57100
TELEPHONE: 916-845-8205  FAX NO: 916-845-8395
SECTION II: SUBAPPLICANT INFORMATION

1. SUBAPPLICANT:  >City of Lakeport
2. FIPS #:  >033-39710
3. DUNS #:  >086131034
4. COUNTY:  >Lake
5. TYPE:   LOCALGOVERNMENT  ☒ TRIBAL GOVERNMENT  ☐ PRIVATE NON-PROFIT  ☐ SPECIAL DISTRICT  ☐
6. POLITICAL DISTRICT(S): CONGRESSIONAL  ☒  STATE ASSEMBLY  ☐  STATE LEGISLATIVE  ☐
7. PRIMARY CONTACT:
   NAME:  Mr. / Ms.  >Ms.  First>Margaret  Last >Silveira
   TITLE:  >City Manager
   ORGANIZATION:  >City of Lakeport
   ADDRESS:  >225 Park Street
   CITY:  >Lakeport
   STATE:  >CA  ZIP CODE:  >95453
   TELEPHONE:  >707-263-5615 x32
   E-MAIL:  >msilveira@cityoflakeport.com
8. PLANNING CONTACT:
   NAME:  Mr. / Ms. >Mr  First>Doug  Last >Grider
   TITLE:  >Director of Public Works
   ORGANIZATION:  >City of Lakeport
   ADDRESS:  >591 Martin Street
   CITY:  >Lakeport
   STATE:  >CA  ZIP CODE:  >95453
   TELEPHONE:  >707-263-3578
   E-MAIL:  >Dgrider@cityoflakeport.com
9. ALTERNATE CONTACT:

NAME: Mr. / Ms. > Mr. First > Kevin Last > Ingram

TITLE: > Community Development Director

ORGANIZATION: > City of Lakeport

ADDRESS: > 225 Park Street

CITY: > Lakeport

STATE: > CA ZIP CODE: > 95453

TELEPHONE: > 707-263-5615 x11

E-MAIL: > kingram@cityoflakeport.com

10. NFIP PARTICIPATION: ☑ YES ☐ NO

LAST Community Assistance Visit (CAV) DATE: 3/16/2015

Community Rating System (CRS) Ranking: N/A

11. PLAN TYPE: Plans are either Single Jurisdictional (LHMP) or Multi-Jurisdictional (MJHMP).

State (X) the type of Plan this application will deliver:

☑ New Single Jurisdiction Local Hazard Mitigation Plan (LHMP)

☐ Update to a Single Jurisdiction Local Hazard Mitigation Plan (LHMP)

☐ New Multi-Jurisdiction Hazard Mitigation Plan (MJHMP)

☐ Update to a Multi-Jurisdiction Mitigation Plan (MJHMP)

If your application is for an update, please indicate the date FEMA approved your existing plan.

☐

If an MJHMP, a Letter of Commitment (LOC) from each participating jurisdiction is required. The subapplication must include an LOC for each identified jurisdiction clearly stating commitment to participate in the development of the plan. (See Page 13 and 14 of Planning Instructions document.)

SECTION III: PLANNING INFORMATION

12. PLAN TITLE: > City of Lakeport Hazard Mitigation Plan (Plan Name)

13. PLANNING LOCATION: (include the legal description, latitude and longitude):

> Incorporated Area of the City of Lakeport, 39.0430° N, 122.9158° W (City Hall)

14. MAPPING REQUIREMENTS: Attach or enclose Maps (USGS, City plat maps, and aerial photos), photographs and diagrams that clearly depict the exact plan location. Maps should be oriented with a North arrow. Describe the location and attachments:

> Attached (Exhibits 1, 2, 3, 4, 5)

15. OTHER PLANNING ACTIVITIES/INITIATIVES: Identify involvement with other mitigation activities: (i.e., Community Wildfire Protection Plan [CWPP], Flood Plan, Debris Plan, Local Recovery Plan, adoption and enforcement of codes/ordinances that promote mitigation, Climate Change reduction efforts, protection of the environment, address sustainability). Attach document and list location (page/s).

> Safety Element, Wildfire Map (Exhibit 6, 7)
16. COUNTY or COUNTIES COVERED IN PLAN: >Lake

CONGRESSIONAL DISTRICT(s) : >5

17. COMMUNITY INFORMATION: List all Communities, including your own, associated with this planning activity.

Enter Community # 1 : >Lakeport  Population: >4753
Enter Community # 2 :  Population: >
Enter Community # 3 :  Population: >
Enter Community # 4 :  Population: >
Enter Community # 5 :  Population: >
Enter Community # 6 :  Population: >
Enter Community # 7 :  Population: >
Enter Community # 8 :  Population: >
Enter Community # 10:  Population: >
Enter Community # 11:  Population: >
Enter Community # 12:  Population: >
Enter Community # 13:  Population: >
Enter Community # 14:  Population: >
Enter Community # 15:  Population: >

18. HAZARD AND RISK ANALYSIS: What hazard type(s) will this activity address? More than one box may be selected. Follow these instructions for checking a box:
   (1) Double click a box; then,
   (2) “Check Box Form Field Options” menu will appear;
   (3) Under Field Settings, select √ “Check box enabled”;
   (4) Under Default Value, use radio button for “Not checked” or “Checked”.

Check all items that apply from the following list (more than one hazard can be checked)

BIOLOGICAL ☒ CHEMICAL ☐ CIVIL UNREST ☒
COASTAL STORM ☐ CROP LOSSES ☒ DAM/LEVEE BREAK ☒
DROUGHT ☒ EARTHQUAKE ☒ FIRE ☒
FISHING LOSSES ☐ FLOOD ☒ FREEZING ☐
HUMAN CAUSE ☐ HURRICANE ☐ LAND SUBSISTENCE ☒
MUD/LANDSLIDE ☒ NUCLEAR ☐ SEVERE ICE STORM ☐
SEVERE STORM(S) ☒ SNOW ☐ SPECIAL EVENTS ☐
TERRORIST ☐ TORNADO ☐ TOXIC SUBSTANCES ☐
VOLCANO ☒ TSUNAMI ☐

OTHER (SPECIFY IN COMMENTS BELOW)

>Severe Weather; Will include all the above but not limited to
HISTORY: Describe the hazards and risks to life, safety and improved property at least during the last 25 years in the planning area.
(Provide description in box below using 4,000 characters or less or attach a separate Microsoft Word document.)

**See Safety Element (Exhibit 6)**

(Provide description in box below using 4,000 characters or less or attach a separate Microsoft Word document.)

*The Selected Contractor will create a new City of Lakeport Hazard Mitigation Plan for 2019. The Plan will address all current hazards and regulations in effect at the proposed time of approval (2019)*

**SECTION IV: WORK SCHEDULE**

Describe the major milestones and the duration of time to complete each one. Typical planning elements include: Public outreach, review of existing plans (i.e., fire-Community Wildfire Protection Plan, flood-Community Rating System plan, capital improvement, general plan, other FEMA approved jurisdictional LHMPs/MJHMPs), risk assessment sub-elements, mitigation strategy, plan maintenance elements, local adoption, hazard mapping, etc. A sample of typical elements included in a scope of work may be found on Page 15 of the Planning Instructions document.

Total schedule may not exceed 36 months.

1. DESCRIPTION: Proposals due to City Hall No later than April 1, 2018   TIME FRAME: 3 Months (e.g., Hazard Mapping 3 MONTHS)
2. DESCRIPTION: City Review of Proposals, Selection and Notification of Vendor (June, 2018)   TIME FRAME: 2 months
3. DESCRIPTION: Plan Review & Stakeholder ID by Vendor and OES by August 1, 2018   TIME FRAME: 2 months
4. DESCRIPTION: Hazard ID & Risk Assessment complete by Nov 1, 2018   TIME FRAME: 3 months
5. DESCRIPTION: Mitigation Strategy Identification and Consultation with City complete by Feb 1, 2019   TIME FRAME: 3 months
6. DESCRIPTION: Plan Review and Evaluation by City complete by April 1, 2019   TIME FRAME: 2 Months
7. DESCRIPTION: Public Comment Period April 1 through May 1, 2019   TIME FRAME: 1 month
8. DESCRIPTION: Local Review and Inclusion of Public Comments Complete by July 1, 2019   TIME FRAME: 2 months
9. DESCRIPTION: Submission to Cal OES and Fema Week of August 1, 2019   TIME FRAME: 1 month
10. DESCRIPTION:   TIME FRAME: 
11. REVIEW / ADOPTION   TIME FRAME: 6 months

**TOTAL TIME FRAME: 25 Months**

Some or many of the above elements may overlap. If additional milestone entries are required, submit them on an attached Microsoft Word document.

**SECTION V: COST ESTIMATE**

Typical categories for projected expenditures may be: Review of existing plans (i.e., fire-Community Wildfire Protection Plan, flood-Community Rating System plan, capital improvement, general plan, other FEMA approved jurisdictional LHMPs/MJHMPs), mitigation strategy, identify hazards, conduct capability and risk assessments, public outreach (maximum of 10% of total grant amount allowed for public outreach), local adoption, etc. If appropriate, do not limit yourself to these categories.
FEMA requires that subapplicants provide a budget narrative or justification. Your narrative should include a detailed description of the line-items in your budget and the methodology used to estimate each cost. If your budget includes City, County, or State employees’ time (your agency), please include those personnel titles, and hourly wages plus benefits for a total hourly cost, in the narrative.

See Page 10 of Planning Instructions document for additional Cost Estimate Guidance.

COST ESTIMATE NARRATIVE:
(Provide description in box below using 4,000 characters or less or attach a separate Microsoft Word document.)

> Budget will include City employees’ Time. Lead Employee is Kevin Ingram Community Development Director - Please see Employee wage and Benefit Sheet - (Exhibit 13)

Federal share amount: > $150,000
Non-Federal share amount: > $37,000

NOTE: Documentation is required for DONATED match.

Total percent of donated match of non-Federal share > 10%

Attach or enclose the REQUIRED MATCH COMMITMENT LETTER from the Subapplicant. See Sample on Page 8 of Planning Instructions document.

SECTION VI - MAINTENANCE ASSURANCE DESCRIPTION:
(Provide description in box below using 4,000 characters or less or attach a separate Microsoft Word document.)

REMINDER: Maintenance Cost of an approved Local Hazard Mitigation Plan is not an eligible grant cost.

Identify your planned maintenance process required to preserve the long-term effectiveness of the planning activity.

> Review Plan Annually and Revise/Update at 5 Years

Identify the entity/agency responsible for maintenance of the plan (Name, Title, Department, Address, phone numbers, and email).

> Margaret Silveira, City Manager, City of Lakeport 225 Park Street Lakeport CA 707-263-5615 x32

SECTION VII: PUBLIC NOTICE

Are you required to provide public notice of this activity? YES ☑ NO ☐ If yes, please provide the following information:

Document of Record: > Affidavit of Publication, State of CA, County of Lake, Legal No. 0006074086
Point of Contact: > Kevin Ingram
Telephone Number: > 707-263-5615 ext 201

SECTION VIII: NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

A. Is the jurisdiction/community where the project is located participating in the NFIP? If “YES”, are they in good standing? (Either describe in 4,000 characters or less or attach a separate Microsoft Word document)

> Yes, and are in good standing
B. Is this project located in a floodplain or floodway designated on a FEMA Flood Insurance Rate Map (FIRM) or Flood Boundary/Floodway Map (FB/FWM)? If “YES”, mark the project location on the FIRM or FB/FWM and attach to application. (Either describe in 4,000 characters or less or attach a separate Microsoft Word document)

>Yes, (Please see exhibits 14-19)

SECTION IX: GENERAL COMMENTS:
(Provide comments in box below using 4,000 characters or less or attach a separate Microsoft Word document.)

> 

SECTION X: ATTACHMENTS / SUPPORTING DOCUMENTS
(Provide Table of Contents for attachments and section they relate to).

The following MUST be included:

- Authorization (Please see Exhibit 8)
- Match Commitment Letter (Please see Exhibit 9)
- Maintenance Assurance Letter (Please see Exhibit 10)
- Subapplicant Assurances (Please see Exhibit 11)
- Participating Jurisdictions Letter of Commitment (for Multi-Jurisdiction Plans ONLY) (N/A Since we are a Single Jurisdiction Exhibit 12)
Project includes entire incorporated area of the City of Lakeport.
Figure 19

Legend

- City Limits
- Sphere of Influence
- Modified Sphere of Influence
- Serpentine Soils*

*NRCS Soil Survey Map Units Containing Serpentine - 141, 142, 143, 164, 165, 192, 193, 206 and 255.

Source: USDA, NRCS Soil Survey Geographic (SSURGO), 2005; City of Lakeport, 2009; Quad Knopf, 2009
Figure 17

Legend
- Faults with Holocene Displacement
- Faults with Late Quaternary Displacement
- Faults with Quaternary Displacement

Source: Quad Knopf, 2009
X. SAFETY ELEMENT

**Purpose**

The purpose of the safety element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes and other hazards. This element is required to include mapping of known seismic and other geologic hazards and also to address other locally relevant safety issues such as:

- hazardous materials spills;
- hazardous and toxic materials storage and disposal;
- wildland and urban fires;
- emergency response capacity;
- flooding, storm drainage; and
- potable water quality.

A second purpose of this element is to guide land use planning and policy decisions in order to achieve an acceptable level of public safety from known natural and man-made hazardous events.

**Geologic and Seismic Hazards**

**SEISMIC HAZARDS**

Earthquakes originate as movement or slippage occurring along an active fault. These movements generate shock waves that result in ground shaking. Structures of all types, if not designed or constructed to withstand ground shaking, may suffer severe damage or collapse. Likewise, some slopes will collapse due to the soil or geological characteristics resulting in hazard both in terms of collapse of structures located thereon, or collapse of structures within the path of resulting landslides.

The severity of damage to buildings from earthquakes is related to the intensity of groundshaking, soils and geologic characteristics, and the type of building construction used. High risk areas in Lakeport do not have any critical facilities such as high-occupancy buildings, hospitals, or schools. The land use pattern that has evolved in Lakeport has, in general, avoided high-risk areas.

Lakeport is located in a highly active earthquake area and the potential exists for a significant seismic event in the future. Immediately east of the city, between the city limits and Clear Lake, there is a potentially active rupture zone. Potentially active rupture zones are faults which have been active in the past 2,000 years. Little is known about this shoreline fault rupture zone, however, it represents a potentially significant hazard and must be taken into consideration when development occurs in the vicinity. Within the past 200 years, no major earthquakes have occurred along faults in Lake County.
To the west of the city lie the San Andreas fault and the Healdsburg fault, 30 and 15 miles away, respectively. Both of these faults have been responsible for moderate to major seismic events in the past. The maximum earthquake magnitudes observed to date are 8.5 for the San Andreas fault and 6.75 (Richter Scale\(^1\)) for the Healdsburg fault.

Figure 17 shows the 2001 Fault-Rupture Hazard Zones maps prepared by the California Geological Survey. Most of the ground shaking which has occurred in past years in the Lakeport area has come from faults in the Mayacamas and Mt. Konocti area. Additionally, fault zones run diagonally in a southeast to northwest direction through the Potato Hill, Lake Pillsbury and Sanhedrin areas. In the far southeastern corner of the County there is a fault zone in the Jericho Valley, an area that runs along the Lake/Napa County line.

Communities containing structures built with unreinforced masonry walls are particularly susceptible to damage from earthquakes. The Unreinforced Masonry Law passed by the State Legislature in 1986 [SB 547], requires all cities and counties in Seismic Zone 4 to identify potentially hazardous unreinforced masonry buildings. The City has complied with this legislation and identified several unreinforced masonry buildings. Implementation of an inspection and reinforcement program was carried out to help mitigate hazards associated with seismic effects on structures. A comprehensive structural rehabilitation program was not carried out city-wide.

In addition to unreinforced masonry buildings, other key community structures are also considered at-risk in the occurrence of a seismic event.

- All critical emergency buildings (city hall, county courthouse, police and fire stations);
- High priority buildings (theaters, schools, limited care facilities)
- The majority of high-use buildings (commercial and office buildings, large apartment buildings, and churches);

A major earthquake would be expected to cause considerable damage to transportation systems. Roads, bridges and highway overpasses all cross various earthquake faults as well as areas susceptible to ground failure.

**LIQUEFACTION**

Liquefaction is a phenomenon in which the strength and stiffness of the soil is reduced by earthquake shaking or other rapid loading. Liquefaction and related phenomena have been responsible for tremendous amounts of damage in earthquakes around the world.

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\(^{1}\) Seismic waves are the vibrations from earthquakes that travel through the Earth; they are recorded on instruments called seismographs. Seismographs record a zigzag trace that shows the varying amplitude of ground oscillations beneath the instrument. Sensitive seismographs, which greatly magnify these ground motions, can detect strong earthquakes from sources anywhere in the world. The time, locations, and magnitude of an earthquake can be determined from the data recorded by seismograph stations. The Richter magnitude scale was developed in 1935 by Charles F. Richter of the California Institute of Technology as a mathematical device to compare the size of earthquakes.
Liquefaction occurs in saturated soils, that is, soils in which the space between individual particles is completely filled with water. This water exerts a pressure on the soil particles that influences how tightly the particles themselves are pressed together. Prior to an earthquake, the water pressure is relatively low. However, earthquake shaking can cause the water pressure to increase to the point where the soil particles can readily move with respect to each other. When liquefaction occurs, the strength of the soil decreases and, the ability of a soil deposit to support foundations for buildings and bridges is reduced. Liquefied soil also exerts higher pressure on retaining walls, which can cause them to tilt or slide. This movement can cause settlement of the retained soil and destruction of structures on the ground surface. Increased water pressure can also trigger landslides and cause the collapse of dams. Because liquefaction only occurs in saturated soil, its effects are most commonly observed in low-lying areas near bodies of water such as rivers, lakes, bays, and oceans. Soils in and around Lakeport, especially near the lake shore, are susceptible to liquefaction during a seismic event.

SEICHES OR DAM FAILURES

A significant seismic event near Lakeport could potentially cause large waves to form on Clear Lake called a seiche. Seiching is the formation of standing waves in a water body due to wave formation and subsequent reflections from the ends. These waves may be incited by earthquake motions (similar to the motions caused by shaking a glass of water), impulsive winds over the surface, or due to wave motions entering the basin. The various modes of seiching correspond to the natural frequency response of the water body.

A seiche inundation zone has been identified, which is an area between the normal shoreline of Clear Lake and ten feet above flood stage, which is approximately at the 1,431 ft. contour elevation (see Figure 18). The risks associated with seiche are considered to be relatively low compared to the risks from earthquake and liquefaction within the Lakeport area.

The City of Lakeport Municipal Sewer District (CLMSD) maintains an earthen dam in the southwest part of the Planning Area, near the intersection of Highways 29 and 175, for the retention of treated wastewater. The dam will store a total of 660 acre feet of water and has been approved by the State. The possibility of catastrophic collapse of this dam is remote. Should this occur, however, the spill-out would result in a relatively minor inundation that would probably be contained by existing drainage courses, with a low probability of loss of life or property damage. Nonetheless, the City should require the CLMSD to prepare inundation maps, a warning system and drainage plans in case of a seismic event when new construction or expansion to this facility occurs.

LANDSLIDES

Landslides are a significant geologic constraint to development in the Lakeport Planning Area. The landslide potential of an area is a function of the area’s hydrology, geology, and seismic characteristics. Clay soils, which underlie many hillsides in Lakeport are particularly susceptible to sliding. Although landslides generally occur in areas with steep slopes, they may occur on slopes with a grade of 20% or less in geologically unstable areas. Since zones of moderate to high landslide potential exist in Lakeport, soils tests carried out by a registered soils engineer or geologist are essential wherever landslide potential is indicated or suspected. Foundations for
structures built in areas with steep slopes in excess of 20% must be carefully engineered to avoid increasing landslide risk.

**Flooding**

Flooding has historically been one of Lakeport’s major safety concerns. Clear Lake and its tributary drainages have a long history of flooding. In the past twenty years, federal disasters due to flooding were declared six times in the City of Lakeport during 1983, 1986, 1995 (twice), 1997, and 1998. Flooding in Lakeport historically results from two distinct types of events: shoreline flooding due to high lake levels and wind velocity, and stream bank flooding caused by high intensity cloudburst storms over one or more of the drainage areas. Conditions in the winter tend to be conducive to both types of flood conditions at the same time.

Stream bank flooding affects most drainage within the city. Cloudburst storms lasting as long as three hours can occur in the watersheds of Lakeport practically anytime during the fall, winter, and spring and may occur as an extremely severe sequence in a general rainstorm. Cloudbursts are high-intensity storms that can produce floods characterized by high peak flows, short duration, and relatively small volume of runoff. In small drainage basins, such as those existing in the Planning Area, cloudbursts can produce peak flows substantially larger than those of general rainstorm runoff.

Lakeport is traversed by several streams and drainage areas which flow into Clear Lake. The development that has occurred during the past twenty years has accentuated existing drainage problems and has increased the potential for flooding. Continued construction of new buildings increases the area of impermeable surface and thus the amount of storm water that flows through the city’s storm drain system.

**Water Supply Quality**

The health of the entire community is dependent on a supply of potable water that is consistently free from organic wastes, chemical contamination and other impurities. Lakeport obtains its potable water from Clear Lake and from four wells located in the Planning Area. Potential sources of contamination of the City's drinking water from agricultural runoff, chemical spills, and groundwater contamination must be prevented. Ongoing monitoring of the quality of potable water supplies for both coliform as well as trace quantities of chemical pollutants must be carried out on a regular basis. The policies and implementation programs in this element focus on both prevention of potable water contamination and water quality monitoring.

**Asbestos Risk**

The primary risk of exposure to asbestos in Lakeport comes from the disruption of naturally occurring serpentine soil throughout the area (see Figure 19). The word asbestos refers to several types of fibrous minerals. In its natural state, asbestos occurs throughout much of the world, and is found in two-thirds of the rocks in the earth's crust. Asbestos fibers are released into the air by construction and farming activities which agitate the soil, and are also released naturally by erosion.
Asbestos is also used as an insulating material in public buildings and can pose a potential health hazard. The Lakeport Unified School District has determined that public schools within the City's Planning Area are in compliance with the 1986 Federal and State Building Codes for asbestos insulation.

**Emergency Preparedness**

The City has an adopted Emergency Operations Plan. The purpose of this plan is to ensure that the City will be prepared and respond effectively in the event of emergencies to save lives and restore and protect property; repair and restore essential public services; provide for the protection and distribution of medical, food, water and other vital supplies; and coordinate operations with Civil Defense emergency organizations and other jurisdictions to maintain continuity of government.

The County of Lake has prepared a comprehensive countywide emergency plan which will provide the basis for an integrated and multi-jurisdictional response to large scale emergency situations associated with natural and man-made disasters and Civil Defense operations.

**Wildland and Urban Fire Hazards**

The combination of vegetation, topography, climate and population density create a significant potential for hazards from wildfires within the Lakeport Planning Area. There are many vacant and undeveloped areas within the City and its Sphere of Influence, particularly on the west side of Highway 29 and the northern portions of the City, including mobile home parks. Rugged topography and highly flammable vegetation make residential development potentially unsafe unless adequate fire safety measures are taken.

Urban fire hazards occur principally in older structures with common walls and attics and where rear access is not possible. There are a number of older buildings in the downtown area which have a high fire potential for these reasons.

The area within the City is served by the Lakeport Fire Protection District/County Fire Protection District. Any location within City limits can be reached within three to five minutes. Locations within the Sphere of Influence can be reached in five to seven minutes. This rapid response time can be attributed to the combination of full-time staff and emergency personnel in the Lakeport Fire Protection District and a large number of volunteers.

**Police Protection**

The Lakeport Police Department continues to maintain adequate staffing levels and equipment to provide protection of persons and property in Lakeport. This is accomplished through annual reviews of the police budget, which takes into account increases in demand for services resulting from additional mandates and a changing service area. Traffic-related activity, however, has increased substantially in recent years relative to other police activities. The volume of traffic which passes through Lakeport is increasing, irrespective of locally-generated land use and traffic changes occurring within the City's Planning Area. Traffic enforcement requires an
increasing police presence on city streets. Similarly, as unincorporated areas develop, and/or become annexed to the City, increasing demands will be placed on available personnel and equipment.

**Transportation and Storage of Hazardous Materials**

There exist potential public safety hazards in the Lakeport Planning Area associated with hazardous materials transported by truck, the storage of hazardous materials, asbestos insulation in public buildings and potential contamination of drinking water by hazardous materials.

The transportation and storage of hazardous materials is clearly a regional problem. A large quantity of hazardous products are transported on highways where the potential for release of this material into the environment represents a potentially significant public health risk. The policies and programs dealing with hazardous materials in this element incorporate and build on other relevant portions of the Safety Element of the Lake County General Plan.

Radioactive materials are distinguished from other hazardous materials and specific federal and state regulations have been developed for these substances. The use and storage of radioactive materials in Lakeport is limited to medical facilities, since no other primary users of radioactive materials, such as research laboratories, nuclear power plants or military facilities, are located within the Planning Area. The principal potential danger to Lakeport residents from these materials is related to the possibility of a truck accident whereby containers holding radioactive materials would rupture.

**Aviation Hazards**

Lampson Field Airport potentially affects land uses in Lakeport in the form of noise and safety impacts, although it is located outside of the Planning Area. The County owns and operates this general aviation airport and has prepared a Master Plan that reflects anticipated growth in general aviation activity for the next 20 years. The Master Plan attempts to prohibit and/or reduce obstacles to air navigation, exposure of persons on the ground to accident and crash hazards, and noise impacts through building height restrictions, land use limitations and building standards to reduce interior noise.

The County's Airport Land Use Commission (ALUC) regulates land use in an area surrounding Lampson Field which includes a portion of Lakeport's Planning Area. The City must submit projects within the County's ALUC referral area for their review and determination of consistency with the policies of the Airport Master Plan. In addition, the City's General Plan must be consistent with the policies established by the Airport Master Plan for the referral area.

**OBJECTIVES, POLICIES & PROGRAMS**

**OBJECTIVE S 1:** TO PROTECT THE COMMUNITY FROM INJURY, LOSS OF LIFE AND PROPERTY DAMAGE RESULTING FROM NATURAL CATASTROPHES AND ANY HAZARDOUS CONDITIONS RELATING TO SEISMIC, GEOLOGIC, AND FLOODING HAZARDS.
Policy S 1.1: Seismic Hazards. Reduce the risk of loss of life, personal injury and damage to property resulting from seismic hazards.

Program S 1.1-a: Require geotechnical reports by a state registered geologist for development proposals on sites in seismically and geologically hazardous areas and for all critical structures. These reports should include, but not be limited to: evaluation of and recommendations to mitigate the effects of fault displacement; ground shaking; landslides; expansive soils; and subsidence and settlement.

Responsibility: Community Development and Public Works Departments

Program S 1.1-b: Comply with the provisions of the State Alquist-Priolo Act and seismic safety criteria established by the City of Lakeport.

Responsibility: Community Development and Public Works Departments

Program S 1.1-c: Require, as conditions of approval, measures to mitigate potential seismic and geologic safety hazards for structures as recommended by the geotechnical report.

Responsibility: Community Development and Public Works Departments

Program S 1.1-d: Require professional inspection of foundation and excavation, earthwork and other geotechnical aspects of site development during construction on those sites specified in soils, geologic, and geotechnical studies as being prone to moderate levels of seismic hazard.

Responsibility: Building Department

Program S 1.1-e: Monitor and review existing critical, high priority buildings to ensure structural compliance with seismic safety standards.

Responsibility: Building and Public Works Departments

Policy S 1.2: Building Limitations in High Risk Zones. Discourage construction of high density residential, other critical, high occupancy or essential services buildings in high risk zones such as Active Fault Displacement Study Areas, wildland fire areas, flood areas, and landslide areas.

Program S 1.2-a: Review and revise General Plan designations and/or the Zoning Ordinance as necessary to relocate high density zoning to areas outside high risk zones.

Responsibility: Community Development, Building and Public Works Departments
**Program S 1.2-b:** Prohibit building of structures within 50 feet of a suspected fault line or fault trace unless determined to be appropriate after completion of a geologic engineering study approved by the City.

Responsibility: Community Development, Building and Public Works Departments

**Policy S 1.3:** **Slope Instability.** Minimize the risk of personal injury and property damage resulting from slope instability.

**Program S 1.3-a:** Enforce and strengthen development standards, grading requirements and erosion control measures for hillside areas.

Responsibility: Community Development, Building and Public Works Departments

**Program S 1.3-b:** Designate properties in areas with severe sliding and soils conditions for low intensity uses such as open space, low density residential, and agriculture.

Responsibility: Community Development Department

**Program S 1.3-c:** Evaluate slopes over 20 percent and/or unstable land for safety hazards prior to issuance of any discretionary approvals and develop appropriate mitigation measures.

Responsibility: Community Development and Public Works Departments

**Policy S 1.4:** **Updated FIRM Maps.** Utilize the U.S. Army Corps of Engineers Flood Insurance Rate Maps (FIRM) to: reduce risk of flooding; identify 100 Year Flood Zones; implement the Flood Damage Prevention Ordinance; and calculate flow rates within identified stream channels.

**Program S 1.4-a:** Continue to implement the Flood Damage Prevention Ordinance to reduce the risk of flooding.

Responsibility: Community Development and Building Departments

**Policy S 1.5:** **Cooperate with the County of Lake.** Continue to work with the County of Lake to ensure that additional storm drainage runoff resulting from development occurring in unincorporated areas upstream from drainage channels in the Lakeport Planning Area is adequately mitigated through improvements on site and/or downstream.
Program S 1.5-a: Request that the County refer all development proposals located in the drainage basins identified in the Storm Drainage Master Plan be referred to the City of Lakeport.

Responsibility: Community Development Department

Program S 1.5-b: Develop, in collaboration with the County, specific plans, a Hazard Mitigation Plan, funding mechanisms and an implementation schedule for creek clearing to remove vegetation and debris and the construction of flood control facilities in the Scotts Creek and Forbes Creek stream channels and other drainage basins.

Responsibility: Community Development Department.

Policy S 1.6: Clear Lake Shoreline Flooding. Work with the County to develop strategies for reducing flooding along the shoreline of Clear Lake.

Program S 1.6-a: Consider participation in action to remove flow limitations on Cache Creek and/or develop alternative flood mitigation policies.

Responsibility: Community Development and Public Works Departments and City Council

Program S 1.6-b: Implement the City of Lakeport Floodplain Mitigation Plan (2003).

Responsibility: Community Development and Public Works Departments.

Program S 1.6-c: Organize City-led stream clean up projects in coordination with community groups, volunteer organizations and citizens.

Responsibility: Community Development and Public Works Departments.

Policy S 1.7: Funding Sources. Continue to pursue all available sources of funding such as, but not limited to, low interest loans, FEMA funds, FMHA funds, and Redevelopment Agency tax increment funds to finance improvements to storm drainage facilities.

Policy S 1.8: Flood Hazards. Minimize the risk of personal injury and property damage due to flooding.

Program S 1.8-a: Prohibit all development in the 100 year flood zone unless mitigation measures meeting Federal Flood Insurance Administration criteria are provided. Continue to enforce the Flood Damage Prevention Ordinance.

Responsibility: Community Development Department
**Program S 1.8-b:** Work with the Lake County Watershed Protection District in the project review process to ensure that adequate measures are implemented to prevent flooding, to establish and maintain effective storm drainage systems and collect the required mitigation fees.

Responsibility: Community Development and Public Works Departments

**Program S 1.8-c:** Continue to participate in the National Flood Insurance program.

Responsibility: Community Development and Public Works Departments

**Program S 1.8-d:** Require new development to prepare hydraulic storm drainage studies defining the net increase in storm water run-off resulting from construction and require on-site detention/retention structures or improvements that ensure post-project flows are less than or equal to pre-project flows.

Responsibility: Community Development and Public Works Departments

**Program S 1.8-e:** Update, as necessary, the Flood Damage Prevention Ordinance and the Storm Drainage Master Plan.

Responsibility: Community Development and Public Works Departments

**Policy S 1.9:** **Storm Drainage System.** Maintain unobstructed water flow in the storm drainage system.

**Program S 1.9-a:** Enforce measures to minimize soil erosion and volume and velocity of surface runoff both during and after construction through application of the erosion control guidelines.

Responsibility: Building and Public Works Departments

**Program S 1.9-b:** Continue the annual inspection of the drainage systems and informing residents and property owners of illegal structures and debris that must be removed.

Responsibility: Public Works Department

**Program S 1.9-c:** Continue to develop, update and implement a City Capital Improvement Program for drainage and work with the Lake County Watershed Protection District to eliminate the most important drainage problems in the Lakeport Planning Area and to ensure that drainage channels can handle 100-year flood events.

Responsibility: Community Development and Public Works Departments
Program S 1.9-d: Require, where necessary, construction of siltation retention ponds which are incorporated into the design of development projects.

Responsibility: Community Development and Public Works Departments

Program S 1.9-e: Require that construction within the Seiche Inundation Zone as identified in Figure 18 be designed to reduce wave impacts as determined by the City.

Responsibility: Community Development and Public Works Departments

Policy S 1.10: Asbestos. New development of property found or expected to contain asbestos-contaminated soil in the Lakeport Planning Area must mitigate the potential impact. This mitigation may include capping, excavation, disposal and backfill, landscaping, or a combination of all three. Reference Policy C 3.3 and Program C 3.3-a for additional requirements.

OBJECTIVE S 2: TO REDUCE THE IMPACT OF POLLUTION AS WELL AS HAZARDOUS MATERIALS AND HAZARDOUS WASTE ON THE WELL-BEING AND HEALTH OF THE COMMUNITY.

Policy S 2.1: Water Quality Protection. Protect the water quality of Clear Lake and the Scotts Valley aquifer from degradation.

Program S 2.1-a: Require all development projects to address water quality impacts through the CEQA review process and through strict enforcement of the City's Erosion Control Ordinance to prevent siltation of water courses. Condition development projects to ensure protection of groundwater and watercourses by using Best Management Practices (BMPs). BMPs may include the following:

- Provide vegetative swale or buffer areas, which could be incorporated into landscaped areas to slow down runoff velocities and allow sediments and other pollutants to settle.

- Provide in-line storage of stormwater to reduce peak discharge, allow settling of pollutants, and reduce potential for downstream erosion.

- Perform street and parking lot cleaning to remove potential debris and pollutants that could be picked up and conveyed by stormwater.

- Design parking lots to direct stormwater to storm drains inlets and away from garbage disposal areas.

Responsibility: Community Development and Public Works Departments
Program S 2.1-b: Work with the County to review all development proposals within the City's Planning Area for their impact on water quality. Attempt to ensure that projects eliminate water borne contaminants from entering the Clear Lake Basin or the Scotts Valley aquifer.

Responsibility: Community Development and Public Works Departments

Program S 2.1-c: Discourage construction during wet months to prevent siltation.

Responsibility: Community Development and Public Works Departments

Policy S 2.2: Agricultural Contamination of Potable Water Supplies. Reduce agricultural contamination of potable water supplies in the Clear Lake Basin and the Scotts Valley aquifer by working with the County Community Development Department, County Environmental Health Department and Agricultural Commissioner to identify the impacts of farming operations and the use of herbicides, pesticides and fertilizers on the City's domestic water supply.

Program S 2.2-a: Monitor twice per year, during the dry and wet seasons, Lakeport's potable water supply for trace chemicals and other potential contaminants. Utilize updated industry-wide standards for evaluating potable water quality. Alert the County Environmental Health Department, City Council and the public if water quality hazards are identified. Develop and implement mitigating measures to protect the public health.

Responsibility: Public Works Departments

Program S 2.2-b: Require adherence to all waste discharge requirements and report any violations to the State Water Resources Control Board for enforcement.

Responsibility: Public Works Departments

Policy S 2.3: Hazards of Transportation, Storage and Disposal of Hazardous Wastes. Provide measures to protect the public health from the hazards associated with the transportation, storage and disposal of hazardous wastes [TSD Facilities].

Program S 2.3-a: Continue to facilitate land use and transportation decisions and other programs in accordance with the County's Hazardous Waste Management Plan.

Responsibility: Community Development Department

Program S 2.3-b: Support and improve the convenience of, and attempt to obtain permanent funding for a household hazardous waste disposal program.

Responsibility: Community Development and Public Works Departments
Program S 2.3-c: Consider adoption of a Hazardous Materials and Waste Ordinance that defines hazardous waste; hazardous materials; facilitates implementation of State and County hazardous materials and hazardous waste regulations and management programs; and require, as a condition of City approvals, that the Fire Protection District be notified of all hazardous substances that are transported, stored, treated or released accidentally into the environment.

Responsibility: Community Development and Public Works Departments

Policy S 2.4: CEQA Review of Proposed TSD Facilities. Facilitate thorough environmental review for Hazardous Waste Transportation, Storage and Disposal (TSD) Facilities proposed in the Lakeport Planning Area and throughout the County, since the potentially significant, widespread and long-term impacts on public health and safety of these facilities do not respect jurisdictional boundaries.

Program S 2.4-a: Request that the Environmental Review of proposed hazardous waste TSD facilities shall, at a minimum, contain the following analysis and information:

a) A worst case generic description, estimating the number, type, scale, scope, location and operating characteristics of proposed TSD facility(ies) based on the projected volumes and types of hazardous waste. Data from existing facilities regarding the probability of accidents, spills, and explosions should be documented and include:

b) An assessment of risk resulting from the accidental release, fire, and explosion of hazardous waste. This assessment should take into account all phases of operation including transport, storage, and treatment. The assessment of risk should include the probability of occurrence and magnitude of impact;

c) Quantitative estimates of air emissions, by applying emissions rates of existing facilities to the future volumes of hazardous waste, and identifying emissions for incinerator facilities under worst case circumstances;

d) An assessment of non-incineration alternatives for hazardous waste treatment such as chemical dechlorination for the detoxification of PCB's, dioxins, solvents and pesticides; photolysis; and biological treatment; and

e) Review of the operating characteristics of proposed TSD facilities, taking into account maintenance and operating procedures, emissions monitoring and safety devices to assure the ongoing enforceability of the mitigating measures that are required.

Responsibility: Community Development and Public Works Departments
**Program S 2.4-b:** Continue to implement the City's Household Waste and Source Reduction Element and Hazardous Waste Element.

Responsibility: Community Development and Public Works Departments

**Policy S 2.5:** **Secondary Containment Facilities.** Ensure that industries and businesses which store or process hazardous materials provide secondary containment facilities and a buffer zone between the installation and property boundaries sufficient to protect the public health and safety.

**Program S 2.5-a:** Revise the Zoning Ordinance to require secondary containment facilities and a buffer zone adequate to protect public health and safety on properties with hazardous materials storage and/or processing activities.

Responsibility: Community Development Department

**Policy S 2.6:** **Transportation and Storage of Hazardous Materials.** Minimize the risks to public health and safety due to the transportation and storage of hazardous materials.

**Program S 2.6-a:** Strictly regulate the storage of hazardous materials under California Administrative Code Title 19 requirements.

Responsibility: Community Development Department and Fire Protection District

**Policy S 2.7:** **Truck Routes for Hazardous Material Transport.** Develop, in cooperation with the County, regulations prohibiting through-transport by truck of hazardous materials on the local street systems and requiring that this activity be limited to State highways.

**Program S 2.7-a:** Consider establishing consistent regulations in cooperation with Lake County limiting truck traffic of hazardous materials to State highways.

Responsibility: Community Development and Public Works Departments, City Council

**Program 2.7-b:** Consider establishing and enforcing a Local Hazardous Material Route Plan and install signage and publicize routes for hazardous materials transport in the Lakeport Planning Area. Adopt an ordinance designating specific routes within the Planning Area for transport of hazardous materials.

Responsibility: Community Development and Police Departments

**Policy S 2.8:** **Lampson Field Airport.** Minimize the risk to lives and property due to hazards associated with the operation of Lampson Field Airport.
**Program S 2.8-a:** Deny any development which creates any air navigation hazards due to electrical interference, smoke, glare, intrusion into established height referral area in the County Airport Land Use Commission [ALUC] General Referral Area.

Responsibility: Community Development Department

**Program S 2.8-b:** Refer all General Plan Amendments, Rezone applications, Specific Plan Amendments within the Lampson Field Airport Referral Area to the ALUC.

Responsibility: Community Development Department

**Policy S 2.9:** County Airport Planning. Continue to monitor and actively participate in the County's planning efforts for Lampson Field Airport to ensure that the health and safety of Lakeport residents are protected.

**Program S 2.9-a:** Closely monitor on an ongoing basis environmental and planning documents, proposed lease agreements with air taxi operators and other related information pertaining to Lampson Field and recommend actions to facilitate the health and safety of residents of Lakeport.

Responsibility: Community Development Department

**Program S 2.9-b:** Request that the County of Lake continue to inform the City of proposed plans and changes in operations for the Clear Lake seaplane landing area.

Responsibility: Community Development Department

**OBJECTIVE S 3: TO MAINTAIN AN EFFECTIVE EMERGENCY RESPONSE SYSTEM.**


**Policy S 3.2:** Updated Emergency Operations Plan. Update the City's Emergency Operations Plan, as needed.

**Program S 3.2-a:** Revise, as appropriate, the City's Emergency Operations Plan to comply with the County's plan and changing conditions within the Lakeport Planning Area.

Responsibility: Community Development and Public Works Departments

**Policy S 3.3:** Emergency Facilities. Identify essential emergency facilities and ensure that they will function in the event of a disaster.
**Program S 3.3-a:** Identify specific facilities and lifelines critical to effective emergency/disaster response and evaluate their abilities to survive and operate efficiently immediately after a disaster. Designate alternative facilities for post-disaster assistance in the event that the primary facilities have become unusable.


**Policy S 3.4:** Public Information. Inform the public of what actions to take in the event of an emergency or disaster.

**Program S 3.4-a:** Designate an existing administrative employee as the City’s Public Information Officer to respond to the public in the case of a natural disaster.

Responsibility: Community Development and Police Departments

**Policy S 3.5:** Emergency Evacuation Routes. Designate the following as emergency evacuation routes to provide a means to evacuate the community and to provide a route to or through the community from other areas:

- Highway 29 • Lakeport Boulevard • Main St.
- 11th Street • High Street
- Hartley Street • Lakeshore Boulevard
- Martin Street • Clear Lake Avenue

**Program S 3.5-a:** Inform the Lakeport Police Department and the County Sheriff’s Department of the emergency evacuation routes as well as of any changes in these routes, within the Lakeport Planning Area.

Responsibility: Community Development Department

**Program S 3.5-b:** Maintain designated evacuation routes in a passable condition at all times.

Responsibility: Public Works and Police Departments

**Policy S 3.6:** Fire Hazard Severity Scale. Reduce the Risk of Damage and Destruction from Wildland Fires.

**Program S 3.6-a:** Adopt and utilize the Fire Hazard Severity Scale for the classification of fire hazard in wildland areas.²

---

² This scale was developed by the U.S. Forest Service and the State Department of Forestry which has proved to be useful for identifying areas with a high risk of wildfire due to flammable vegetation, rugged terrain and other factors.
**Policy S 3.7: Development Projects Fire Risks.** Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.

**Program S 3.7-a:** The Lakeport County Fire Protection District shall review all development proposals and recommend measures to reduce fire risk.

Responsibility: Community Development Department and Fire Protection District

**Program S 3.7-b:** Proposed developments not located within a five-minute response time of a fire station should be discouraged, unless acceptable mitigation measures are provided.

Responsibility: Community Development Department and Fire Protection District

**Program S 3.7-c:** Enforce the Fire Safety Ordinance requiring sprinkling of certain structures.

Responsibility: Community Development and Building Departments

**Policy S 3.8: Weed Abatement.** Promote the use of defensible space in order to reduce the risk of structure fires.

**Program S 3.8-a:** Work with the Fire District to implement a more effective and environmentally sound weed abatement program and utilize the CDF defensible space standards and recommendations.

**Program S 3.8-b:** Consider the following methods of weed abatement: use of mechanical rather than chemical removal of weeds; reseeding with native bunchgrass varieties in sloping disturbed soils; and limiting weed abatement activities in areas with known endangered plant and animal species.

Responsibility: Public Works Department and Fire Protection District

**Program S 3.8-c:** Prepare a brochure describing techniques to achieve effective defensible space and make the brochure readily available to the public.

Responsibility: Fire Protection District

**Policy S 3.9: California Building Code.** Continue to enforce the California Building Code (CBC) for all new construction and renovation and when occupancy or use changes occur.

**Policy S 3.10:** Use Redevelopment Funds. Consider use of Redevelopment tax-increment funds to assist property owners in the Lakeport Redevelopment area to complete renovations that increase fire safety.
**Policy S 3.11: Fire Hydrant Water Flows.** Ensure that there exists sufficient water flow in fire hydrants throughout Lakeport. The standard adopted by the City is a minimum of 1,000 gallons per minute of free flow from two adjacent hydrants flowing simultaneously with 20 pounds per square inch residual pressure.

**Program S 3.11-a:** Require that all new developments be provided with sufficient fire flow facilities at the time of permit issuance.

Responsibility: Community Development and Building Department and Fire Protection District

**Policy S 3.12: Funding for Fire Protection.** Recommend that Lakeport adequately fund and staff the Lakeport Fire Protection District.

**Program S 3.12-a:** Maintain the fee for the Fire Protection Fund. Periodically review and revise the fee structure for the Fire Protection Fund.

Responsibility: Fire Protection District

**Policy S 3.13: Demand for Police Services.** Review development proposals for their demand for police services and implement mitigating measures to maintain the current high standard of police services.

**Program S 3.13-a:** Consider the impacts on level of police services of large development proposals in the environmental review and planning process. Mitigating measures shall be implemented that may include the levying of police impact fees, if warranted.

Responsibility: Community Development and Police Departments
AUTHORIZATION

The undersigned does hereby submit this subapplication for financial assistance in accordance with the Federal Emergency Management Agency’s (FEMA) Hazard Mitigation Grant Program (HMGP) and the State Hazard Mitigation Administrative Plan and certifies that the subapplicant (e.g., organization, city, or county) will fulfill all requirements of the program as contained in the program guidelines and that all information contained herein is true and correct to the best of our knowledge.

Name: ____________________________________________  Title: ____________________
Subapplicant Authorized Representative

Signature: __________________________________________    Date: ________________
Subapplicant Authorized Representative

Name of organization: __________________________________________
Dear State Hazard Mitigation Officer,

As part of the Hazard Mitigation Grant Program process, a local funding match is required. This letter serves as ________________ (Subapplicant/Sub-grantee), commitment to meet the matching fund requirements for the ________________ (List type of Subapplication, Planning or Project) Hazard Mitigation Grant Program.

Name of funding source: ________________.
Funding type: ________________.

The local matching fund requirement is $__________ and available date ________________.

If additional federal funds are requested, an additional local match fund commitment letter is required to be submitted.

Please contact (name and contact information) if you have any questions.

Sincerely,

__________________________.
(Name)
(Title)
Dear State Hazard Mitigation Officer:

This is to confirm that the (name of subapplicant) is committed to perform the necessary maintenance for the entire useful life of this project (# of years) once completed. The (name of your agency) is allocated an annual budget which will allow maintenance to occur as needed to ensure the (building/facility) remains in good repair and operational.

Entity responsible for the maintenance:

Maintenance Task:

Maintenance Schedule:

Cost of Maintenance:

Associated Budget:

Please contact (name and contact information) if you have any questions.

Sincerely,

Name
Title
Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact Cal OES. Further, certain federal assistance awarding agencies may require subapplicant to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the subapplicant:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.

4. Will comply with the requirements of the assistance-awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms to the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gains.

8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

9. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse or alcoholism; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and (j) the requirements on any other nondiscrimination statute(s) which may apply to the application.

10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and
equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.

11. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $5,000 or more.

12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(e) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).


15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.

16. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.

17. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.

18. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subapplication for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:

   a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above.

   b. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application, which are excess to the approved actual expenditures as accepted by final audit of the federal or state government.

   c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

19. Will not make any award or permit any award (subapplicant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, “Debarment and Suspension.”

The undersigned represents that he/she is authorized by the above named subapplicant to enter into this agreement for and on behalf of said subapplicant.
Name of Authorized Applicant’s Agent  Title

__________________________________________________               _________________________________________
Signature of Authorized Applicant’s Agent                        Date

Authorization

I, _______________________, do hereby certify as the authorized representative or
Name

Officer of _______________________, that the information contained in this
Name of Organization

application is true and correct.
Instructions for
Letter of Commitment

For those jurisdictions seeking to be the lead agency on a multi-jurisdictional plan, the attached “Letter of Commitment” must be executed by each participating jurisdiction and submitted to the lead agency and Cal OES jointly.

In order to insure the accurate tracking of jurisdictions with approved Multi-Jurisdictional Local Hazard Mitigation Plan's (LHMP), Cal OES is requesting that the lead jurisdiction also provide a copy of all the fully executed “Letters of Commitments” to us.

We are requesting this because in the past, some local agencies were unsure if they were actually included in a completed FEMA approved LHMP. By completing this form, all agencies will be able to have a full understanding of their responsibilities that they must accept in order to be recognized as being a participating member of an approved Multi-Jurisdictional LHMP. Being recognized as a member of an approved LHMP documents a local agency's eligibility for hazard mitigation grant funds, if they meet the participation criteria set forth in the letter.
Dear Lead Jurisdiction Agent,

As the Federal Emergency Management Agency’s (FEMA) Local Mitigation Plan requirements under 44 CFR §201.6 specifically identify criteria that allow for multi-jurisdictional mitigation plans and that many issues are better resolved by evaluating hazards more comprehensively by coordinating at the county, regional, or watershed level, the [participating jurisdiction] is submitting this letter of commitment to confirm that [participating jurisdiction] has agreed to participate in the [Lead Jurisdiction] Multi-jurisdictional Hazard Mitigation Planning.

Further, as a condition to participating in the mitigation planning; [participating jurisdiction] agrees to meet the requirements for mitigation plans identified in 44 CFR §201.6 and to provide such cooperation as is necessary and in a timely manner to the [Lead Jurisdiction] to complete the plan in conformance with FEMA requirements.

[Participating jurisdiction] understands that it must engage in the following planning process, as more fully described in FEMA’s Local Multi-Hazard Mitigation Planning Guidance dated July 1, 2008, including, but not limited to:

- Identification of hazards unique to the jurisdiction and not addressed in the master planning document;
- The conduct of a vulnerability analysis and an identification of risks, where they differ from the general planning area;
- The formulation of mitigation goals responsive to public input and development of mitigation actions complementary to those goals. A range of actions must be identified specific for each jurisdiction;
- Demonstration that there has been proactively offered an opportunity for participation in the planning process by all community stakeholders (examples of participation include relevant involvement in any planning process, attending meetings, contributing research, data, or other information, commenting on drafts of the plan, etc.); and
- Documentation of an effective process to maintain and implement the plan; and,
- Formal adoption of the Multi-jurisdictional Hazard Mitigation Plan by the jurisdiction’s governing body (each jurisdiction must officially adopt the plan).

Therefore, with a full understanding of the obligations incurred by participating in the FEMA hazard mitigation planning process as a participant in a multi-jurisdictional plan; I (Name of authorized jurisdiction official), commit (name of jurisdiction) to the (Name of lead jurisdiction) Multi-jurisdictional Hazard Mitigation Planning effort.

Executed this ___ day of _______

(Jurisdiction official’s signature)
Hazard Mitigation Plan Scope of Work (SOW)

Consultant Duties: If a consultant will be hired to assist with the plan development, include
- Request for Proposals
- Bid process
- Description of responsibilities. Any maps to be generated, HAZUS runs, research on past events, etc.

Clarify at what point the consultant’s responsibilities will be fulfilled (such as, when FEMA notifies jurisdiction of plan approval).

Note: Cal OES submission of an LHMP/MJHMP to FEMA does not constitute Cal OES approval of the plan. All complete plans are forwarded to FEMA.

Sample Scope of Work (SOW): YOU MAY NOT COPY THE SOW BELOW FOR YOUR APPLICATION.

Community Profile:
- Community location, geographic characteristics and population
- Name of each community/jurisdiction participating

Planning Process:
- Public outreach and involvement process
- Review and incorporation of existing plans, studies, reports (e.g., General plan, capital improvement plan, fire plan)

Risk Assessment:
- The type, location, and extent of hazards. Include previous occurrences (repetitive loss) and the probability of future events
- Vulnerability to identified hazards. Includes an overall summary of each hazard and its effect on the community, including a general description of types of structures affected by each hazard
- Should describe types and numbers of existing and future structures and facilities and an estimate of potential dollar losses
- General description of land uses and development trends

Mitigation Strategy:
- Description of mitigation goals and objectives to reduce or avoid long-term vulnerabilities to the identified hazards.
- Identification and analysis of a comprehensive range of specific mitigation actions considered.
- Description of prioritization, implementation, and administration process of mitigation activities.

Plan Maintenance:
- Describe method and schedule of monitoring, evaluating, and updating the plan within the 5-year cycle.
- Describe process of incorporating the mitigation plan elements into other planning mechanisms such as the General Plan or Capital Improvement Plan.
- Discuss how the public will continue to participate in the planning process.

Work Schedule:
- Include a schedule for completing the above tasks.
- Allow at least six months for Cal OES and FEMA review and for incorporating any revisions required by FEMA.

Plan Updates:
- A description of why the update is necessary and how the update will build on the existing approved mitigation plan
- Discussion of process limitations that will be addressed
- A comprehensive discussion of data deficiencies that will be addressed
- A demonstration of progress in local mitigation efforts
- A description of how the previous plan was implemented.
The cost estimate describes all of the subapplicant’s anticipated costs associated with the SOW for the proposed mitigation activity. Cost estimates must include detailed estimates of various cost item categories such as labor, materials, equipment, and consultant costs. The cost estimate must identify the cost categories and value for which donated contributions will be used to meet the non-Federal cost share. NO LUMP SUMS.

Subapplicants must provide an explanation and documentation demonstrating how the cost estimate was developed and the basis for each cost element, such as salary and fringe benefit rates for personnel or bids from qualified professionals. If a cost estimate is based on historic costs from another activity, documentation as outlined above still must be provided.

Separate cost line items in a subapplication are required to ensure that cost thresholds are not exceeded. As applicable the following line items must be listed separately in the budget:

♦ Subapplicant Pre-award costs;
♦ Subapplicant Project Management costs;

Hazard Mitigation Planning Cost Estimate

Additionally, the hazard mitigation planning cost estimate must include a line-item breakdown of costs associated with all elements described in the SOW, such as:

♦ Meetings, including labor, travel expenses, and supplies;
♦ Data research and collection, including mapping activities or risk assessment;
♦ Plan drafting, review, and final production;
♦ Information dissemination activities, including printing and advertising; and
♦ Staff time for professional development training, tuition, and travel for the purpose of carrying out the planning SOW.

Sample Budget Categories

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<td>Review of Existing Plans</td>
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Community Development Department
Building Safety Division
225 Park Street
Lakeport, CA 95453

December 12, 2017

RE: Response to Section VIII (NFIP)

Part A. The City participates in the NFIP, and is a member in good standing. The most recent Community Assistance Visit was in March, 2015.

Part B. Please find attached the following numbered items:

1 A map showing the Special Flood Hazard Areas in blue produced from the City’s GIS program;
2 Two maps showing the two NFIP FIRMs within the City boundary;
3 A letter, dated 8/4/2016 from Jane Hopkins, then Region IX Community Compliance Officer stating the number of insured properties, repetitive loss properties and historical losses / claims;
4 A summary of the CAC visit, 6/23/16, from Jane Hopkins, attended by Jane, Tom Smythe, then Lake County Floodplain Administrator, and myself, in which she notes many of the City’s mapping needs, items discussed and areas needing attention;
5 A copy of the City’s Floodplain Management Ordinance.

Sincerely,

[Signature]
Tom Carlton
Chief Building Official
Floodplain Manager
City of Lakeport
225 Park Street, Lakeport CA 95453
tcarlton@cityoflakeport.com
707.263.3056 ext. 14
August 4, 2016
Honorable Marc Spillman
Mayor of Lakeport, California

Dear Mayor Spillman:

Thank you for the courtesy extended by City staff during the Community Assistance Contact (CAC) on June 23, 2016. The purpose of the meeting was to collect the Floodplain Administrator’s recommendations for improving FEMA’s Flood Insurance Rate Maps (FIRMs) used to administer the National Flood Insurance Program (NFIP), and to give an opportunity to discuss concerns they might have had in relation to the requirements of the NFIP.

The purpose of this visit was not to evaluate the community’s administration of the NFIP. As you are already aware, after the fires, FEMA funded new LiDAR data collection, which may be used to generate new maps.

Currently 233 policies are in force for residential and commercial buildings in Lake County representing $47,826,400 in coverage. There have been 232 flood insurance claims made since the County joined the NFIP. These paid losses amount to $2,620,018.42. There are 20 repetitive loss buildings, and 60 total paid repetitive loss claims. Two buildings were damaged more than 4 times. FEMA has mitigation grants to address these losses.

It has been a pleasure working Lakeport staff. FEMA appreciates the County’s support of the NFIP. If you have any questions, or if I can be of any assistance, please call 510-627-7183.

Sincerely,

Jane Hopkins
Community Compliance Officer
National Flood Insurance Program

Cc: Mr. Tom Carleton, Building Official & FPA
    Mr. Raul Barba, Water Resources Engineer, CA DWR
The purpose of the FEMA Community Assistance Contact (CAC) was only to collect community requested mapping needs in advance of the upcoming Discovery Process. After the fires of 2015, LiDAR data was collected for all of Lake County. Although there was a recent Community Assistance Visit conducted by Department of Water Resources partners, this is a way of formalizing the collection of this data.

**Summary of Lakeport & Lake County notes-June 27, 2016**

Other identified mapping needs for Lakeport (FPA is CBO Tom Carleton):

1- **Rumsey Bay Drain**- between 14th & 20th: improvements were made years ago, but project was never completed, so a restudy is needed to complete mitigation. There is an old storm drainage master plan, but this also needs update. There also might be potential projects upstream of city limits. 16th Street has three subdivision proposals which will cover a lot of surface area, and it will be challenging to accomplish stormwater retention (minimum storage is 2-year event, & this is exacerbated by very steep area. **Note 1**: This item was in CNMS with a note that said project was also being studied, but neither FPA had been made aware of this- we thought this should be verified. **Note 2**: Tom Carleton would like to speak with RA Branch staff about CTP contract for mitigation project(s) so that city could manage all projects in Lakeport. Tom Smythe suggesting using same contractor for county, Lakeport (& Clearlake?).

2- **Forbes Creek Bypass**- consists of 4-5’ (?) diameter pipe. There is a large bypass/diversion pipe carrying stormwater collected U/S side of Martin Street to open channel (Forbes). This project was installed, but there was not enough money to fund a study, which might yield a reduced SFHA boundary. **Note**: There were several remapping requests directed to Les Sakamoto during 1980s & FEMA response was to live with maps as they are: Lakeport meanwhile uses USACE data. City hasn’t been able to recover this request made by former Lakeport engineer Mike Stevenson.

3- **South Lakeport**- K-Mart has been removed by LOMR, but the LOMR stopped abruptly at the city limit & SFHA suddenly reappears on other side of boundary line. This area has since been annexed, and that water runs to another area in any case, so this ought to be corrected to reflect entire removed area. Neither the city nor the developer got BFEs, though FPAs believe that drainage for 100-year event was developed, so that this area is not in SFHA after all. Owners are responsible for pond maintenance. City inspected pond, requested solids removal, & apparently pond is in good condition and performs design function.

4- **Bryce Court Subdivision**- This subdivision consists of 10 homes in vicinity of North Branch of Forbes Creek and in unnumbered A Zone. Some other structures outside of subdivision are also affected.
5- **Safeway Parking lots (1071 11th Street)** - 2 huge culverts run through parking lots & daylight @ Pool Street until Main Street, and then daylight again to Clear Lake. The culverts have enough capacity but reentering culvert in Main Street area is problematic & needs mitigation because it flows affect residential area.

6- **Other Non-mapping local issues** - a) Some wells in Scotts Creek area that supply water for Lakeport have been drying out. Deeper wells? I thought I understood Tom S to mention one time that subsidence wasn't Lake County issue. b) Lakeport also gets Clear Lake water. There are several issues associated with this source. Cyanobacteria concentrations are at highest by summer's end. This makes water more difficult to treat and taxes treatment system. Though we didn't discuss taste and odor problems associated with cyanobacteria, these might be addressed by including relatively simple technology (UV light & hydrogen peroxide?) without harmful byproduct formation, & with financing assistance (USDA RD or CA Clean Water State Revolving Fund?). bj tourism is large part of Lake County economy, and water recreation at Clear Lake is a major attraction, but buildup of cyanobacteria with potential presence of cyanotoxins amounts to an aesthetic problem and potential public health threat. c) Clear Lake mercury levels have been an ongoing problem, even if not as widely known as the algae issues—it could contribute to economic loss and is a public health hazard. This is more CDC/EPA, but when FEMA talks about resilient communities, we might consider the number of abandoned mines statewide and mention it as a programmatic issue in our CAVs. Even when remediation has been pursued, fate/transport/containment are hard to manage. And the problem isn't always confined to eating contaminated fish—there can be impacts on populations in vicinity of waste sites. In this case, the Pomo Tribe & others. As of 2009, "The Sulfur Bank Mine has made the nearby Clear Lake the most mercury-polluted lake in the world, despite the EPA spending about $40 million and two decades trying to keep mercury contamination from the water". [http://www.cbsnews.com/news/californias-mercury-problem-18-09-2009/](http://www.cbsnews.com/news/californias-mercury-problem-18-09-2009/) Again, not NFIP issue, but it is another reality that demands resources that aren't always available and that is hazard for locals.

d) There have been research efforts with UCD to manage farm runoff to avoid eutrophication and other adverse impacts. e) Local staff have tried to address erosion issues, but Forks Fire burn area mud and ash undermined this effort. f) There was flash flooding in 1997 & lake rose again in 1998. Got funding from North County Consortium to study Lake Co. Disaster money from back east & other counties, but not all of this spent on levee repair (not sure that I quite captured this properly).
Exhibit 19

Chapter 15.16
FLOODPLAIN MANAGEMENT

Sections:

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ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

15.16.010 Statutory authorization.
The Legislature of the state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city council does adopt the following floodplain management regulations. (Ord. 780 (part), 1995)

15.16.020 Findings of fact.
A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss. (Ord. 780 (part), 1995)

15.16.030 Statement of purpose.
It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 780 (part), 1995)

15.16.040 Methods of reducing flood losses.
In order to accomplish its purposes, this chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction or subsequent construction;

C. Control the alteration of natural Lakeport, stream channels and natural protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 780 (part), 1995)

ARTICLE II. DEFINITIONS
15.16.050 Definitions.
Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See "special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equalled or exceeded in any given year (also called the "one-hundred-year flood"). "Base flood" is the term used throughout this chapter.

"Basement" means any area of the building having its floor subgrade (i.e., below ground level) on all sides. Building. See "structure."

"City" means city of Lakeport.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Development permit" means a building permit, official document or certificate issued by the city authorizing construction activities on private property or an encroachment permit for work done in the public right-of-way.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of
concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood, flooding or floodwater” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

“Flood Hazard Boundary Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See “flooding.”

“Floodplain administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.
"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than 0.3 foot except that there shall be no increase in the water surface elevation during the base flood. Also referred to as "regulatory floodway."

"Floodway fringe" is that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

"Fraud and victimization" as related to Article VI, Variances, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
“Hardship” as related to Article VI, Variances, of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not always exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

“Improvement value” means the value of any reconstruction, rehabilitation, repair, addition or the proposed new development of a structure. Improvement value shall be determined by the community development department and shall be based on standard unit costs, or contract amounts as submitted by a California licensed contractor, for construction in the city of Lakeport.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access (crawl space) or storage in an area other than a basement area (see "basement") is not considered a building’s lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" means the value of a structure as determined by one of two methods stated below:

1. The assessed value of improvements on a parcel having a minimal number of buildings on it as determined by the value shown on the most current Lake County Assessment Roll; or

2. By an appraisal made by a certified appraiser within ninety days of the date of application for improvements to the structure. Said appraisal shall be based on the current value of the structure alone and shall be for the structure prior to the proposed improvements being made.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Minor improvement” means any reconstruction, rehabilitation, addition, replacement or other improvement of a structure which is less than fifty percent of the market value of the structure.

“New construction,” for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.
"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred-Year Flood or 100-Year Flood. See “base flood.”

"Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.

"Public safety and nuisance" as related to Article VI, Variances, of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

"Recreational vehicle" means a vehicle which is

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
Sheet Flow Area. See “area of shallow flooding.”

"Special flood hazard area (SFHA)" means an area having special flood hazards, and: (1) as shown on an F-HBM or FIRM as zone A, AO, AI-30, AE, A99 and AH; or (2) as identified by the city floodplain administrator.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building, development or encroachment permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty days from the date of the permit. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition or other proposed new development of a structure, the total cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. If multiple or phased improvements are involved, said total costs shall be cumulative for a five consecutive year period prior to the start of construction. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 780 (part), 1995)

ARTICLE III. GENERAL PROVISIONS

15.16.060 Lands to which this chapter applies.
This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. 780 (part), 1995)

15.16.070 Basis for establishing areas of special flood hazard.
The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated September 28, 1990 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated September 28, 1990, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. The study, FIRMs and FBFMs are on file at City Hall, 225 Park Street, Lakeport, CA 95453, Department of Public Works. (Ord. 780 (part), 1995)

15.16.080 Compliance.
No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.
Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 780 (part), 1995)

15.16.090 Abrogation and greater restrictions.
This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail except that deed restrictions and nonpublic covenants shall not be enforced by the city. (Ord. 780 (part), 1995)

15.16.100 Interpretation.
In the interpretation and application of this chapter, all provisions shall be

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 780 (part), 1995)

15.16.110 Warning and disclaimer of liability.
The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, city council, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 780 (part), 1995)

15.16.120 Severability.
This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 780 (part), 1995)

ARTICLE IV. ADMINISTRATION

15.16.130 Establishment of development permit.
A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 15.16.070.
Application for a development permit shall be made on forms furnished by the city community development department and may include, but not be limited to plans in duplicate drawn to scale showing: the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities; foundation details showing openings required in Section 15.16.170 (C)(3)(b); and anchoring details. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, in zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 15.16.170(C)(3);

C. All appropriate certifications listed in Section 15.16.150(D); and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 780 (part), 1995)

15.16.140 Designation of the floodplain administrator.
The director of public works is appointed to administer, implement and enforce this chapter by reviewing and authorizing permits in accord with its provisions. (Ord. 780 (part), 1995)

15.16.150 Duties and responsibilities of the floodplain administrator.
The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following.

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied;

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding; and

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than 0.3 foot at any point outside of a floodway.

B. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.16.070, the floodplain
administrator shall obtain, review and reasonably utilize any base flood elevation and
floodway data available from a federal or state agency, or other source, in order to
administer Article V of this chapter. Any such information shall be submitted to the city
council for adoption.

C. Notification of Other Agencies. For alteration or relocation of a watercourse:
   1. Notify adjacent communities and the California Department of Water
      Resources prior to alteration or relocation;
   2. Submit evidence of such notification to the Federal Insurance
      Administration, Federal Emergency Management Agency; and
   3. Assure that the flood-carrying capacity within the altered or relocated
      portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public
inspection and make available as needed the following:
   1. Certification required by Section 15.16.170(C)(1) (floor elevations);
   2. Certification required by Section 15.16.170(C)(2) (elevations or
      floodproofing of nonresidential structures);
   3. Certification required by Section 15.16.170(C)(3) (wet floodproofing
      standard);
   4. Certification of elevation required by Section 15.16.190(E) (subdivision
      standards);
   5. Certification required by Section 15.16.220(A) (floodway encroachments).

E. Map Determinations. Make interpretations where needed, as to the exact
location of the boundaries of the areas of special flood hazard, for example, where
there appears to be a conflict between a mapped boundary and actual field
conditions. The person contesting the location of the boundary shall be given a
reasonable opportunity to appeal the interpretation as provided in Article VI of this
chapter.

F. Remedial Action. Take action to remedy violations of this chapter as specified in
Section 15.16.080. (Ord. 780 (part), 1995)

15.16.160 Appeals.
The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter. (Ord. 780 (part), 1995)

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

15.16.170 Standards of construction.
In all areas of special flood hazards the following standards are required:

A. Anchoring.
   1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
   2. All manufactured homes shall meet the anchoring standards of Section 15.16.200, however, the California Department of Housing and Community Development shall have authority and responsibility for mobile homes in mobile home parks in the city.

B. Construction Materials and Methods.
All new construction, substantial improvement and minor improvement shall be constructed:
   1. With materials and utility equipment resistant to flood damage;
   2. Using methods and practices that minimize flood damage;
   3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if within zones AH or AO where new construction or substantial improvement is to occur;
   4. So that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing. (See Article II, Definitions, for “new construction,” “substantial damage” and “substantial improvement.”)
   1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
a. In an AO zone, elevated above the highest adjacent grade to a height of at least one foot higher than the depth number specified in feet on the FIRM, or elevated at least three feet above the highest adjacent grade if no depth number is specified;

b. In an A zone, elevated to at least one foot above the base flood elevation, as determined by the city;

c. In all other zones, elevated to at least one foot above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor to be properly elevated. Such certification or verification in the form of a properly completed FEMA elevation certificate shall be provided to the floodplain administrator prior to occupancy of the structure.

2. Nonresidential construction shall either be elevated to conform with subsection (C)(1) of this section or together with attendant utility and sanitary facilities:

   a. Be floodproofed below the elevation recommended under subsection (C)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

   c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification in the form of a properly completed FEMA elevation certificate or in the form of a properly completed FEMA floodproofing certificate shall be provided to the floodplain administrator prior to occupancy of the structure.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access (crawl space) or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

   a. Be certified by a registered professional engineer or architect; or
b. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

4. Manufactured homes shall also meet the standards in Section 15.16.200.  
(Ord. 780 (part), 1995)

15.16.180 Standards for utilities.  
A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of floodwaters into the systems; and

2. Discharge from the systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. All new and replacement electrical panels and meters shall be installed a minimum one foot above the base flood elevation. (Ord. 780 (part'), 1995)

15.16.190 Standards for subdivisions.  
A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 780 (part), 1995)

15.16.200 Standards for manufactured homes.  
A. Except for mobile homes in mobile home parks under the jurisdiction of the California Department of Housing and Community Development, all manufactured
homes that are placed or substantially improved, within zones A1-30, AH, and AE on the community’s Flood Insurance Rate Map, on sites located:

1. Outside of a manufactured home park or subdivision;

2. In a new manufactured home park or subdivision;

3. In an expansion to an existing manufactured home park or subdivision; or

4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

B. Except for mobile homes in mobile home parks under the jurisdiction of the California Department of Housing and Community Development, all manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community’s Flood Insurance Rate Map that are not subject to the provisions of subsection A of this section, will be elevated so that either the:

1. Lowest floor of the manufactured home is at least one foot above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than one foot in height above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ord. 780 (part), 1995)

15.16.210 Standards for recreational vehicles.
A. Except for recreational vehicles in mobile home parks under the jurisdiction of the California Department of Housing and Community Development, all recreational vehicles placed on sites within zones A1-30, AH and AE on the community’s Flood Insurance Rate Map will either:

1. Be on the site for fewer than one hundred eighty consecutive days;

2. Be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the permit requirements of Article IV of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.16.200(A).
(Ord. 780 (part), 1995)

15.16.220 Floodways.
Located within areas of special flood hazard established in Section 15.16.070 are floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply.

A. Prohibit encroachments, including fill, new construction, substantial improvement and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge;

B. If subsection A of this section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Article V of this chapter. (Ord. 780 (part), 1995)

15.16.230 Nature of variances.
The variance criteria set forth in this section are based on the general principal of law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. Generally, the characteristics should be unique to the property and not be shared by adjacent parcels. The unique characteristic should pertain to the land itself, not to the structure, its inhabitants or the property owners. However, variances which permit the lowest floor of a structure to be constructed below the base flood elevation must have unique characteristics which pertain to the property and not be shared by adjacent parcels. For structures with the lowest floor below the base flood elevation, the unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in the chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria
are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 780 (part), 1995)

15.16.240 Variance procedure.
A. Requests for variances to this chapter shall be heard by the city council in general accordance with the adopted city variance ordinance procedures as set forth in the zoning ordinance. A request for a variance to this chapter shall be a separate and distinct variance, not a part of another issue.

B. In evaluating requests for variances, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the following:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the general plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
C. Any applicant to whom a variance is granted shall be given written notice over the signature of the floodplain administrator that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the Lake County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

D. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. 780 (part), 1995)

15.16.250 Conditions for variances.
A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot on one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Articles IV and V of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Article II of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local chapter.
E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Article II of this chapter) to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, creation of a nuisance (as defined in Article II, see "public safety and nuisance"), cause fraud or victimization (as defined in Article II) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 15.16.240(A) through (E) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 15.16.240(B) and the purposes of this chapter, the planning commission and the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 780 (part), 1995)
LOCAL HAZARD MITIGATION PLANNING

Hazard Mitigation Planning for Resilient Communities
Disasters can cause loss of life; damage buildings and infrastructure; and have devastating consequences for a community’s economic, social, and environmental well-being. Hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. In other words, hazard mitigation keeps natural hazards from becoming natural disasters.

Hazard mitigation is best accomplished when based on a comprehensive, long-term plan developed before a disaster strikes. Mitigation planning is the process used by state, tribal, and local leaders to understand risks from natural hazards and develop long-term strategies that will reduce the impacts of future events on people, property, and the environment.

The Local Mitigation Planning Process
The mitigation plan is a community-driven, living document. The planning process itself is as important as the resulting plan because it encourages communities to integrate mitigation with day-to-day decision making regarding land use planning, floodplain management, site design, and other functions. Mitigation planning includes the following elements:

Public Involvement – Planning creates a way to solicit and consider input from diverse interests, and promotes discussion about creating a safer, more disaster-resilient community. Involving stakeholders is essential to building community-wide support for the plan. In addition to emergency managers, the planning process involves other government agencies, businesses, civic groups, environmental groups, and schools.

Risk Assessment – Mitigation plans identify the natural hazards and risks that can impact a community based on historical experience, estimate the potential frequency and magnitude of disasters, and assess potential losses to life and property. The risk assessment process provides a factual basis for the activities proposed in the mitigation strategy.

Mitigation Strategy – Based on public input, identified risks, and available capabilities, communities develop mitigation goals and objectives as part of a strategy for mitigating hazard-related losses. The strategy is a community’s approach for implementing mitigation activities that are cost-effective, technically feasible, and environmentally sound as well as allowing strategic investment of limited resources.

Disaster Mitigation Act of 2000
The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by the Disaster Mitigation Act of 2000, is intended to “reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters.”

Under this legislation, state, tribal, and local governments must develop a hazard mitigation plan as a condition for receiving certain types of non-emergency disaster assistance through the Hazard Mitigation Assistance Programs. The regulatory requirements for local hazard mitigation plans can be found at Title 44 Code of Federal Regulations §201.6.

For more information about FEMA’s Hazard Mitigation Assistance Grants, visit: www.fema.gov/hazard-mitigation-assistance.
**Benefits of Hazard Mitigation**

Mitigation is an investment in your community’s future safety and sustainability. Mitigation planning helps you take action now, before a disaster, to reduce impacts when a disaster occurs. Hazard mitigation planning helps you think through how you choose to plan, design, and build your community and builds partnerships for risk reduction throughout the community. Consider the critical importance of mitigation to:

- Protect public safety and prevent loss of life and injury.
- Reduce harm to existing and future development.
- Maintain community continuity and strengthen the social connections that are essential for recovery.
- Prevent damage to your community’s unique economic, cultural, and environmental assets.
- Minimize operational downtime and accelerate recovery of government and business after disasters.
- Reduce the costs of disaster response and recovery and the exposure to risk for first responders.
- Help accomplish other community objectives, such as capital improvements, infrastructure protection, open space preservation, and economic resiliency.

Having a hazard mitigation plan will increase awareness of hazards, risk, and vulnerabilities; identify actions for risk reduction; focus resources on the greatest risks; communicate priorities to state and federal officials; and increase overall awareness of hazards and risks.

**Mitigation Activities for Risk Reduction**

Possible mitigation activities may include:

- **Adoption and enforcement of regulatory tools**, including ordinances, regulations, and building codes, to guide and inform land use, development, and redevelopment decisions in areas affected by hazards.
- **Acquisition or elevation of flood-damaged homes or businesses** retrofit public buildings, schools, and critical facilities to withstand extreme wind events or ground shaking from earthquakes.
- **Creating a buffer area** by protecting natural resources, such as floodplains, wetlands, or sensitive habitats. Additional benefits to the community may include improved water quality and recreational opportunities.
- **Implement outreach programs** to educate property owners and the public about risk and about mitigation measures to protect homes and businesses.

**Mitigation Plan Implementation & Monitoring**

History shows that hazard mitigation planning and the implementation of risk reduction activities can significantly reduce the physical, financial, and emotional losses caused by disasters. Putting the plan into action will be an ongoing process that may include initiating and completing mitigation projects and integrating mitigation strategies into other community plans and programs. Monitoring the plan’s implementation helps to ensure it remains relevant as community priorities and development patterns change.

**Planning Guidance, Tools, and Resources**

FEMA provides a variety of guidance, tools, and resources to help communities develop hazard mitigation plans. These resources and more can be found online at: [www.fema.gov/hazard-mitigation-planning-resources](http://www.fema.gov/hazard-mitigation-planning-resources).

- **Hazard mitigation planning laws, regulations, and policies** guide development of state, local, and tribal FEMA-approved hazard mitigation plans.
- The [Local Mitigation Planning Handbook](http://www.fema.gov/handbook) is the official guide for governments to develop, update, and implement local plans. The Handbook includes guidance, tools, and examples communities can use to develop their plans.
- **Mitigation Ideas: A Resource for Reducing Risk to Natural Hazards** provides ideas for mitigation actions.
- Visit [www.fema.gov/hazard-mitigation-planning-training](http://www.fema.gov/hazard-mitigation-planning-training) for more information on available online and in-person mitigation planning training.

"FEMA’s mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."
STAFF REPORT

RE: Unaudited Actual Report

MEETING DATE: 12/19/17

SUBMITTED BY: Nicholas Walker, Finance Director

PURPOSE OF REPORT: □ Information only  □ Discussion  □ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to receive a presentation on the fiscal year ended June 30, 2017 unaudited actuals and provide staff direction on the treatment of any surplus revenues.

BACKGROUND/DISCUSSION:

Account balances have been submitted to the independent auditor and field work has been completed. We are currently in the process of preparing the Comprehensive Annual Financial Report (CAFR) which can sometimes result in adjustments to balances for financial statement presentation purposes. Staff is providing this information as an update to the status of the revenues and expenditures for the year ended June 30, 2017. Staff felt that an update on the results from 16/17 that precedes a mid-year budget review scheduled for January would be well timed.

Attachments to this staff report include summarized unaudited financial statements for the general fund, water operating and maintenance fund and the sewer operating and maintenance fund. The presentation in which the statements are prepared is a familiar format. The format is similar to how the annual budget and mid-year review statements are prepared. The one addition is the section below the “Surplus (deficit)” line. This section includes a detailed reconciliation of the various components of net position that adjust the amounts presented, in the 15/16 audited financial statements, in accordance with Generally Accepted Accounting Principles (GAAP), to the amounts of current resources available for appropriations or the method that has been historically used for budgeting purposes.

In accordance with GAAP financial statements in the CAFR are presented in two distinctly different ways, the governmental fund financial statements and government wide and enterprise fund financial statements. Governmental fund financial statements present balances using current financial resources measurement focus which emphasis the current available spendable resources available for appropriation. This method of accounting is known as modified accrual. Government wide and enterprise fund financial statements are presented on a flow of economic resources method which reports all assets and liabilities whether current or long term. This method is also referred to as accrual accounting and is similar to the type of presentation that is used in private industry. For budgeting purposes, the modified accrual method is used and this is common practice among governmental agencies. The purpose of the additional section reconciling the components of net position is an attempt to reconcile these two methods of accounting so that all relevant information is provided.
ANALYSIS:

General Fund:

The General Fund is anticipated to have an operating surplus for the year ended June 30, 2017 in the amount of $256,494. This is a $366,058 increase from final budget amounts and a $609,772 increase if the “use of fund balance” budgeted line item is included. The primary cause of this surplus is the 4th quarter earned revenue from the new Measure Z sales tax measure in the amount of $350,118 which was not budgeted in the 16/17 budget. This amount and the amount of reserves which were not used as anticipated totals $593,832. Additionally, the City had incurred $108,353 in out of pocket costs for debris removal and emergency protective measures, not including force account staff time and equipment use, for which a corresponding receivable had not been recorded due to the uncertainty on the timeliness of repayment from other governmental agencies. However, in early December the City received 3 checks totaling $115,069 to offset these costs.

Water Operating and Maintenance Fund:

The Water Operating and Maintenance Fund is anticipated to have an operating deficit for the year ended June 30, 2017 in the amount of $196,966. Staff did a remarkable job being under budget in the expenditure categories of salaries and benefits and operations by combined $355,702. The deficit is $199,505 less than the budgeted deficit of $396,471. If the unused “use of fund balance” budgeted line item is considered with the reduced deficit the fund will recognize an improvement in net assets available for appropriations in the amount of $792,726 compared to the final budget.

Sewer Operating and Maintenance Fund:

The Sewer Operating and Maintenance Fund is anticipated to have an operating surplus for the year ended June 30, 2017 in the amount of $202,647. If the unused “use of fund balance” budgeted line item is considered with the surplus the fund will recognize an improvement in net assets available for appropriations in the amount of $719,361 compared to the final budget.

OPTIONS:

Staff recommends considering the surplus amounts in any requests for appropriation increases at mid-year budget, using these surpluses to offset the applicant share for FEMA projects and to offset potential future increases to personnel related costs including pensions.

FISCAL IMPACT:

☒ None ☐ $ ☐ Budgeted Item? ☒ Yes ☐ No
☐ Budget Adjustment Needed? ☒ Yes ☐ No ☐ If yes, amount of appropriation increase: $

Affected fund(s): ☒ General Fund ☒ Water OM Fund ☒ Sewer OM Fund ☐ Other:

Comments: None

SUGGESTED MOTIONS:

None

☒ Attachments: 1. Summarized unaudited financial statements for the general fund, water operating and maintenance fund and the sewer operating and maintenance fund.
## Fiscal Year 2016-17

**Fund: 110**  
**Name:** General Fund

### Revenue Sources

<table>
<thead>
<tr>
<th></th>
<th>Original Budget</th>
<th>Final Budget</th>
<th>Unaudited Actuals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Taxes</strong></td>
<td>$3,134,724</td>
<td>$3,234,724</td>
<td>$3,738,758</td>
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<tr>
<td>Franchises</td>
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<td>Licenses</td>
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<td>1,550</td>
<td>870</td>
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<td>Permits</td>
<td>92,500</td>
<td>92,500</td>
<td>71,507</td>
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<td>Fines, forfeitures, and penalties</td>
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<td>16,500</td>
<td>18,544</td>
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<td>Use of money and property</td>
<td>49,024</td>
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<td>29,509</td>
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<td>Income from other agencies</td>
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<td>143,373</td>
<td>153,679</td>
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<td>Federal funding</td>
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<td>State funding</td>
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<td>100,012</td>
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<td>Charges for service</td>
<td>76,510</td>
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<td>88,350</td>
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<td>Interfund services provided</td>
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<td>139,500</td>
<td>103,831</td>
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<td>Other revenue</td>
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<td>51,570</td>
<td>103,929</td>
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<td><strong>Total revenue</strong></td>
<td>$4,015,251</td>
<td>$4,115,251</td>
<td>$4,664,309</td>
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### Expenditures

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<td><strong>Salaries and benefits</strong></td>
<td>$2,577,345</td>
<td>$2,579,845</td>
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<tr>
<td>Operations</td>
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<td>Debt service</td>
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<td>$37,115</td>
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<td>Capital outlay/CIP</td>
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<td><strong>Total expenditures</strong></td>
<td>$3,991,144</td>
<td>$4,239,484</td>
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### Financing Sources (Uses)

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<tr>
<td>Use of fund balance</td>
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<td>Transfers in</td>
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<td>$47,815</td>
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<td>Transfers (out)</td>
<td>($276,860,000)</td>
<td>($276,860)</td>
<td>($387,154,000)</td>
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<td><strong>Net sources (uses)</strong></td>
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<td>$14,669</td>
<td>($368,304,000)</td>
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<td><strong>Surplus (deficit)</strong></td>
<td>$34,961</td>
<td>($109,564)</td>
<td>$256,494</td>
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### Adjusted General Fund Balance

<table>
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<tr>
<th></th>
<th>Original Budget</th>
<th>Final Budget</th>
<th>Unaudited Actuals</th>
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</thead>
<tbody>
<tr>
<td><strong>Adjusted General Fund Balance</strong></td>
<td>($4,659,781)</td>
<td>($4,659,781)</td>
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<td>Compensated Absences</td>
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<td>Pension Obligation Bonds</td>
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<td>Net Pension Liability</td>
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<td>OPEB</td>
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<td><strong>Net Deferred Inflows and Outflows Related to Pensions</strong></td>
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<td>Less Non spendable and Restricted Amounts</td>
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<td><strong>Audited Beginning General Fund Balance</strong></td>
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<td><strong>Inflows</strong></td>
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<td><strong>Outflows</strong></td>
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<td><strong>Change to fund balance</strong></td>
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<td>($109,564)</td>
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<td><strong>Anticipated Ending Fund Balance</strong></td>
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<td><strong>Anticipated Ending Fund Balance Available for Appropriations</strong></td>
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### Departmental Use

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<th>Original Budget</th>
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<th>Unaudited Actuals</th>
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<tr>
<td>Non-Departmental</td>
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<td>Legislative</td>
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<tr>
<td>Administration</td>
<td>$203,181</td>
<td>$203,181</td>
<td>$177,388</td>
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<td>Economic Development</td>
<td>$77,000</td>
<td>$102,000</td>
<td>$82,011</td>
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<td>City Attorney</td>
<td>$68,000</td>
<td>$78,000</td>
<td>$47,249</td>
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<tr>
<td>Finance and Information Technology</td>
<td>$155,498</td>
<td>$158,498</td>
<td>$151,707</td>
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<tr>
<td>Community Development:</td>
<td></td>
<td></td>
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<tr>
<td>Planning</td>
<td>$208,639</td>
<td>$208,639</td>
<td>$200,073</td>
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<tr>
<td>Building</td>
<td>$251,731</td>
<td>$251,731</td>
<td>$204,781</td>
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<tr>
<td>Engineering</td>
<td>$89,196</td>
<td>$89,196</td>
<td>$73,447</td>
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<tr>
<td>Police</td>
<td>$2,006,539</td>
<td>$2,014,204</td>
<td>$1,853,099</td>
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<tr>
<td>Public Works</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Administration and Compliance</td>
<td>$104,213</td>
<td>$104,213</td>
<td>$64,905</td>
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<tr>
<td>Roads and Infrastructure</td>
<td>$299,559</td>
<td>$394,174</td>
<td>$358,725</td>
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<tr>
<td>Parks, Buildings, and Grounds</td>
<td>$348,760</td>
<td>$381,820</td>
<td>$295,937</td>
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<tr>
<td>Westshore Pool</td>
<td>$75,906</td>
<td>$75,906</td>
<td>$59,515</td>
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<tr>
<td>Water O&amp;M</td>
<td>$51,803</td>
<td>$51,803</td>
<td>$17,611</td>
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<tr>
<td><strong>Total use</strong></td>
<td>$4,268,004</td>
<td>$4,516,344</td>
<td>$4,426,665</td>
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<tr>
<td>Revenue Sources</td>
<td>2016-17</td>
<td>2016-17</td>
<td>2016-17</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Use of money and property</td>
<td>$1,700</td>
<td>$1,700</td>
<td>$5,256</td>
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<td>Charges for service</td>
<td>2,173,000</td>
<td>2,173,000</td>
<td>2,182,871</td>
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<tr>
<td>Interfund services provided</td>
<td>13,000</td>
<td>13,000</td>
<td>28,053</td>
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<tr>
<td>Other revenue</td>
<td>4,500</td>
<td>4,500</td>
<td>9,496</td>
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<tr>
<td><strong>Total revenue</strong></td>
<td>2,192,200</td>
<td>2,192,200</td>
<td>2,225,676</td>
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<table>
<thead>
<tr>
<th>Expenditures</th>
<th>2016-17</th>
<th>2016-17</th>
<th>2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and benefits</td>
<td>1,061,648</td>
<td>1,039,148</td>
<td>870,586</td>
</tr>
<tr>
<td>Operations</td>
<td>740,162</td>
<td>791,412</td>
<td>604,272</td>
</tr>
<tr>
<td>Debt service</td>
<td>328,857</td>
<td>328,857</td>
<td>340,286</td>
</tr>
<tr>
<td>Capital outlay/CIP</td>
<td>384,557</td>
<td>370,557</td>
<td>607,498</td>
</tr>
<tr>
<td><strong>Total expenditures</strong></td>
<td>2,515,224</td>
<td>2,529,974</td>
<td>2,422,642</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Financing Sources (Uses)</th>
<th>2016-17</th>
<th>2016-17</th>
<th>2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of fund balance</td>
<td>593,221</td>
<td>593,221</td>
<td>-</td>
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<tr>
<td>Transfers (out)</td>
<td>(651,918)</td>
<td>(651,918)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net sources (uses)</strong></td>
<td>(58,697)</td>
<td>(58,697)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Surplus (deficit)</strong></td>
<td>$ (381,721)</td>
<td>$ (396,471)</td>
<td>$ (196,966)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Audited Beginning Unrestricted Net Assets</th>
<th>2016-17</th>
<th>2016-17</th>
<th>2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensated Absences</td>
<td>33,910</td>
<td>33,910</td>
<td>33,910</td>
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<tr>
<td>Pension Obligation Bonds</td>
<td>548,150</td>
<td>548,150</td>
<td>548,150</td>
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<tr>
<td>Net Pension Liability</td>
<td>1,484,748</td>
<td>1,484,748</td>
<td>1,484,748</td>
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<tr>
<td>Net Deferred Inflows and Outflows Related to Pensions</td>
<td>140,714</td>
<td>140,714</td>
<td>140,714</td>
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<tr>
<td>OPEB</td>
<td>98,358</td>
<td>98,358</td>
<td>98,358</td>
</tr>
<tr>
<td>Restricted Cash less restricted Net Assets</td>
<td>(237,284)</td>
<td>(237,284)</td>
<td>(237,284)</td>
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<tr>
<td><strong>Adjusted Audited Beginning Unrestricted Net Assets</strong></td>
<td>856,317</td>
<td>856,317</td>
<td>856,317</td>
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</table>

<table>
<thead>
<tr>
<th>Inflows</th>
<th>2016-17</th>
<th>2016-17</th>
<th>2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outflows</td>
<td>3,167,142</td>
<td>3,181,892</td>
<td>2,422,642</td>
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<tr>
<td>Change to fund balance</td>
<td>(974,942)</td>
<td>(989,692)</td>
<td>(196,966)</td>
</tr>
<tr>
<td><strong>Anticipated Adjusted Ending Net Assets</strong></td>
<td>(118,625)</td>
<td>(133,375)</td>
<td>659,351</td>
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</table>

<table>
<thead>
<tr>
<th>Departmental Use</th>
<th>Original Budget</th>
<th>Final Budget</th>
<th>Unaudited Actuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Departmental</td>
<td>$1,040,378</td>
<td>$1,040,378</td>
<td>$418,171</td>
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<tr>
<td>Legislative</td>
<td>25,512</td>
<td>25,512</td>
<td>11,390</td>
</tr>
<tr>
<td>Administration</td>
<td>108,191</td>
<td>108,191</td>
<td>100,738</td>
</tr>
<tr>
<td>City Attorney</td>
<td>36,000</td>
<td>46,000</td>
<td>18,680</td>
</tr>
<tr>
<td>Finance and Information Technology</td>
<td>198,479</td>
<td>200,729</td>
<td>191,742</td>
</tr>
<tr>
<td>Community Development:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td>25,291</td>
<td>25,291</td>
<td>22,327</td>
</tr>
<tr>
<td>Building</td>
<td>16,576</td>
<td>16,576</td>
<td>11,211</td>
</tr>
<tr>
<td>Engineering</td>
<td>32,856</td>
<td>32,856</td>
<td>1,490</td>
</tr>
<tr>
<td>Public Works:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration and Compliance</td>
<td>236,697</td>
<td>236,697</td>
<td>186,979</td>
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<tr>
<td>Roads and Infrastructure</td>
<td>132,752</td>
<td>137,752</td>
<td>102,430</td>
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<tr>
<td>Parks, Buildings, and Grounds</td>
<td>7,200</td>
<td>7,200</td>
<td>-</td>
</tr>
<tr>
<td>Water O&amp;M</td>
<td>1,279,689</td>
<td>1,277,189</td>
<td>1,356,683</td>
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<tr>
<td>Sewer O&amp;M</td>
<td>27,521</td>
<td>27,521</td>
<td>801</td>
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<tr>
<td><strong>Total use</strong></td>
<td>$3,167,142</td>
<td>$3,181,892</td>
<td>$2,422,642</td>
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</table>
# Fiscal Year 2016-17
## Fund: 601
## Name: Sewer Utility M & O Fund

### Revenue Sources

<table>
<thead>
<tr>
<th></th>
<th>2016-17 Original Budget</th>
<th>2016-17 Final Budget</th>
<th>2016-17 Unaudited Actuals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Taxes</strong></td>
<td>$49,600</td>
<td>$49,600</td>
<td>$121,340</td>
</tr>
<tr>
<td>Use of money and property</td>
<td>32,000</td>
<td>32,000</td>
<td>28,494</td>
</tr>
<tr>
<td>Charges for service</td>
<td>2,600,101</td>
<td>2,600,101</td>
<td>2,662,004</td>
</tr>
<tr>
<td>Interfund services provided</td>
<td>35,500</td>
<td>35,500</td>
<td>24,104</td>
</tr>
<tr>
<td>Other revenue</td>
<td>(2,500)</td>
<td>(2,500)</td>
<td>18,200</td>
</tr>
<tr>
<td><strong>Total revenue</strong></td>
<td>$2,714,701</td>
<td>$2,714,701</td>
<td>$2,854,145</td>
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</tbody>
</table>

### Expenditures

<table>
<thead>
<tr>
<th></th>
<th>2016-17</th>
<th>2016-17</th>
<th>2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and benefits</td>
<td>1,171,968</td>
<td>1,198,968</td>
<td>954,428</td>
</tr>
<tr>
<td>Operations</td>
<td>873,189</td>
<td>875,439</td>
<td>932,742</td>
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<tr>
<td>Debt service</td>
<td>187,460</td>
<td>187,460</td>
<td>266,820</td>
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<tr>
<td>Capital outlay/CIP</td>
<td>414,807</td>
<td>508,291</td>
<td>497,514</td>
</tr>
<tr>
<td><strong>Total expenditures</strong></td>
<td>2,647,424</td>
<td>2,770,158</td>
<td>2,651,498</td>
</tr>
</tbody>
</table>

### Financing Sources (Uses)

| Use of fund balance    | 516,714 | 516,714 | -       |
| Net sources (uses)     | 516,714 | 516,714 | -       |
| **Surplus (deficit)**  | $583,991 | $461,257 | $202,647 |

### Audited Beginning Unrestricted Net Assets

<table>
<thead>
<tr>
<th></th>
<th>2016-17 Original Budget</th>
<th>2016-17 Final Budget</th>
<th>2016-17 Unaudited Actuals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Compensated Absences</strong></td>
<td>56,055</td>
<td>56,055</td>
<td>56,055</td>
</tr>
<tr>
<td>Pension Obligation Bonds</td>
<td>548,150</td>
<td>548,150</td>
<td>548,150</td>
</tr>
<tr>
<td>Net Pension Liability</td>
<td>1,675,541</td>
<td>1,675,541</td>
<td>1,675,541</td>
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<tr>
<td>Net Deferred Inflows and Outflows Related to Pensions</td>
<td>180,394</td>
<td>180,394</td>
<td>180,394</td>
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<tr>
<td>OPEB</td>
<td>11,472</td>
<td>11,472</td>
<td>11,472</td>
</tr>
<tr>
<td>Restricted Cash less restricted Net Assets</td>
<td>(368,905)</td>
<td>(368,905)</td>
<td>(368,905)</td>
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<tr>
<td><strong>Adjusted Audited Beginning Unrestricted Net Assets</strong></td>
<td>$834,580</td>
<td>$834,580</td>
<td>$834,580</td>
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<tr>
<td>Inflows</td>
<td>2,714,701</td>
<td>2,714,701</td>
<td>2,854,145</td>
</tr>
<tr>
<td>Outflows</td>
<td>2,647,424</td>
<td>2,770,158</td>
<td>2,651,498</td>
</tr>
<tr>
<td>Change to fund balance</td>
<td>67,277</td>
<td>(55,457)</td>
<td>202,647</td>
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<td><strong>Anticipated Adjusted Ending Net Assets</strong></td>
<td>$901,857</td>
<td>$779,123</td>
<td>$1,037,227</td>
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### Departmental Use

<table>
<thead>
<tr>
<th>Department</th>
<th>2016-17 Original Budget</th>
<th>2016-17 Final Budget</th>
<th>2016-17 Unaudited Actuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Departmental</td>
<td>$254,164</td>
<td>$254,164</td>
<td>$353,078</td>
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<tr>
<td>Legislative</td>
<td>25,512</td>
<td>25,512</td>
<td>11,390</td>
</tr>
<tr>
<td>Administration</td>
<td>108,191</td>
<td>108,191</td>
<td>100,738</td>
</tr>
<tr>
<td>City Attorney</td>
<td>26,000</td>
<td>26,000</td>
<td>20,490</td>
</tr>
<tr>
<td>Finance and Information Technology</td>
<td>217,984</td>
<td>220,234</td>
<td>203,976</td>
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<td>Community Development:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td>25,291</td>
<td>25,291</td>
<td>22,327</td>
</tr>
<tr>
<td>Building</td>
<td>16,576</td>
<td>16,576</td>
<td>11,210</td>
</tr>
<tr>
<td>Engineering</td>
<td>32,756</td>
<td>32,756</td>
<td>1,489</td>
</tr>
<tr>
<td>Public Works:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration and Compliance</td>
<td>258,814</td>
<td>258,814</td>
<td>199,803</td>
</tr>
<tr>
<td>Roads and Infrastructure</td>
<td>178,103</td>
<td>186,103</td>
<td>140,497</td>
</tr>
<tr>
<td>Parks, Buildings, and Grounds</td>
<td>7,200</td>
<td>7,200</td>
<td>-</td>
</tr>
<tr>
<td>Water O&amp;M</td>
<td>137,102</td>
<td>156,102</td>
<td>127,088</td>
</tr>
<tr>
<td>Sewer O&amp;M</td>
<td>1,348,981</td>
<td>1,442,465</td>
<td>1,459,412</td>
</tr>
<tr>
<td>CLMSD Special Projects</td>
<td>10,750</td>
<td>10,750</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total use</strong></td>
<td>$2,647,424</td>
<td>$2,770,158</td>
<td>$2,651,498</td>
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</tbody>
</table>
STAFF REPORT

<table>
<thead>
<tr>
<th>RE:</th>
<th>Replace Email Server at City</th>
<th>MEETING DATE:</th>
<th>December 19, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBMITTED BY:</td>
<td>Margaret Silveira, City Manager</td>
<td>PURPOSE OF REPORT:</td>
<td>Information only, Discussion, Action Item</td>
</tr>
</tbody>
</table>

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:
Approve the proposal for the replacement of the email server at City Hall.

BACKGROUND/DISCUSSION:
This situation emerged late in the week, and as such, no staff report was ready at the time of the agenda publication.

A staff report will be available to the Council and Public at or prior to the Council Meeting.

OPTIONS:
Approve
Disapprove
No action

FISCAL IMPACT:
None
Unknown at this time for budget adjustment
Account Number: Comments:

SUGGESTED MOTIONS:

Attachments:
**STAFF REPORT**

<table>
<thead>
<tr>
<th>RE:</th>
<th>Replace HVAC Unit at 916 N. Forbes (former PD Station)</th>
<th>MEETING DATE:</th>
<th>December 19, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBMITTED BY:</td>
<td>Margaret Silveira, City Manager</td>
<td>PURPOSE OF REPORT:</td>
<td>Information only Discussion Action Item</td>
</tr>
</tbody>
</table>

**WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:**

Approve the proposal for the replacement of an HVAC unit at 916 N. Forbes.

**BACKGROUND/DISCUSSION:**

Tenants of the 916 N. Forbes office complex, contacted staff about one of the heating units not working. Staff had an HVAC service provider confirm that the unit needed to be replaced. Staff has been acquiring bids for the replacement unit but has not received three bids prior to the agenda deadline.

Staff is planning on having at least three bids for Council consideration at the December 19th meeting. The cost is estimated to be under $6,000.

**OPTIONS:**

- Approve
- Disapprove
- No action

**FISCAL IMPACT:**

- None
- Unknown at this time for budget adjustment

**Account Number:** 110-30-990.000

**Comments:**

SUGGESTED MOTIONS:

- Attachments:
STAFF REPORT

RE: Resolution Declaring City Employee Holiday

MEETING DATE: December 19, 2017

SUBMITTED BY: Margaret Silveira, City Manager

PURPOSE OF REPORT: □ Information only □ Discussion ✗ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:
Adopt a resolution declaring December 27, 2017 a Holiday for the employees of the City of Lakeport.

BACKGROUND/DISCUSSION:
This proposal was made at the Special Meeting of December 14, 2017, and as such, no staff report was ready at the time of the agenda publication.

A staff report/resolution will be available to the Council and Public at the Council Meeting.

OPTIONS:
Approve
Disapprove
No action

FISCAL IMPACT:
□ None □ Unknown at this time for budget adjustment ✗ Account Number: Comments:

SUGGESTED MOTIONS:

□ Attachments:
STAFF REPORT

RE: City Council Reorganization

MEETING DATE: 12/19/2017

SUBMITTED BY: Kelly Buendia, City Clerk

PURPOSE OF REPORT: ☒ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/AGENCY/BOARD:
The Council is asked to hold its annual reorganization meeting.

BACKGROUND:
In December, the City Council holds its annual reorganization meeting. This meeting includes the election of Mayor and Mayor Pro Tem.

DISCUSSION:
Mayoral elections are conducted by the City Clerk as part of that position’s statutory duties. It is recommended that the current Mayor announce that elections for Mayor and Mayor Pro Tem are to be conducted by the Deputy City Clerk and turn the meeting over to the Deputy City Clerk.

The Deputy City Clerk will request nominations for Mayor (which do not require a second but do require the acceptance of the nomination by the nominee) and conduct a public election by voice vote. Following the election of Mayor, the Deputy City Clerk will provide a similar nomination and election process for Mayor Pro Tem.

At that point, the new Mayor will be seated, and the meeting will be turned over to the new Mayor.

The new Mayor has the responsibility to make appointments to various commissions, boards, and committees. In order to give the Mayor time to review these committees and ascertain who would like to serve on them, the appointments to the commissions, boards, and committees will take place at the next regular council meeting. A copy of the current assignments is included for informational purposes.

OPTIONS:
The reorganization meeting is a mandatory meeting for all City Councils.

FISCAL IMPACT:
☒ None ☐ $ ☐ Account Number: Comments:

SUGGESTED MOTIONS:
None

☒ Attachments: 1. Current Liaisons To Commissions, Boards, Committees
## LAKEPORT CITY COUNCIL
### EFFECTIVE JANUARY 3, 2017
### LIAISONS TO COMMISSIONS, BOARDS, COMMITTEES

### LIAISONS

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lakeport Fire Protection District</td>
<td>Council Member Barnes Mayor Pro Tem Turner, Alt.</td>
<td></td>
</tr>
<tr>
<td>Lakeport Regional Chamber of Commerce</td>
<td>Mayor Pro Tem Turner Mayor Mattina, Alt.</td>
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<tr>
<td>Lakeport Main Street Association</td>
<td>Council Member Spurr</td>
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### APPOINTMENTS

<table>
<thead>
<tr>
<th></th>
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<th>2018</th>
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</thead>
<tbody>
<tr>
<td>League of California Cities</td>
<td>Mayor Pro Tem Turner</td>
<td>Mayor Mattina</td>
</tr>
<tr>
<td>Redwood Empire Division</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division Business Meeting Voting Delegate</td>
<td></td>
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</tr>
<tr>
<td>League of California Cities</td>
<td>Mayor Pro Tem Turner</td>
<td>Mayor Mattina</td>
</tr>
<tr>
<td>Redwood Empire Division</td>
<td></td>
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<tr>
<td>Legislative Committee Voting Delegate</td>
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</tr>
<tr>
<td>Lake County/City Area Planning Council</td>
<td>Mayor Mattina</td>
<td>Council Member Parlet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council Member Spurr. Alt.</td>
</tr>
<tr>
<td>County of Lake Solid Waste Management Task Force</td>
<td>Council Member Spurr</td>
<td>Mayor Pro Tem Turner</td>
</tr>
<tr>
<td>SB 621 Indian Gaming Funds Committee</td>
<td></td>
<td>Council Member Barnes</td>
</tr>
<tr>
<td>Local Agency Formation Commission</td>
<td>Mayor Mattina</td>
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</tr>
<tr>
<td>Invasive Species Task Force Committee</td>
<td>Council Member Parlet</td>
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<tr>
<td>Clean Water Program Committee</td>
<td>Council Member Parlet</td>
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</tr>
<tr>
<td>Lakeport Unified School District Committee</td>
<td>Mayor Mattina</td>
<td>Mayor Pro Tem Turner</td>
</tr>
<tr>
<td>Oversight Board of the Former Lakeport Redevelopment Agency</td>
<td>Mayor Mattina</td>
<td>Council Member Parlet. Alt.</td>
</tr>
<tr>
<td>Abandoned Vehicle Service Authority</td>
<td>Council Member Parlet</td>
<td>Council Member Spurr</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alt.</td>
</tr>
<tr>
<td>Lake County Airport Land Use Commission</td>
<td>Will Appoint if Needed</td>
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</table>