

**CITY OF GRASS VALLEY**  
**CITY COUNCIL MEETING**

**Lisa Swarthout, Mayor**  
**Jan Arbuckle**

**Howard Levine**

**Ben Aguilar, Vice Mayor**  
**Hilary Hodge**

**REGULAR MEETING OF THE GRASS VALLEY CITY COUNCIL,  
CAPITAL IMPROVEMENTS AUTHORITY AND REDEVELOPMENT “SUCCESSOR  
AGENCY”  
7:00 P. M., TUESDAY, MARCH 24, 2020**

**COUNCIL CHAMBERS**

GRASS VALLEY CITY HALL (LOWER LEVEL)  
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In response to Governor Newsom's Executive Order N-29-20 and Resolution 2020-09 Declaring the Existence of a Local Emergency related to the COVID-19 pandemic, public participation in the City of Grass Valley City Council and other public meetings shall be electronic only, and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. City Council welcomes you to attend the meetings electronically, which are scheduled at 7:00 p.m. on the 2nd and 4th Tuesdays of each month. Your interest is encouraged and appreciated. This meeting is being broadcast “live” on Comcast Channel 17 by Nevada County Media and on the internet at [www.cityofgrassvalley.com/agendas-minutes-meetings](http://www.cityofgrassvalley.com/agendas-minutes-meetings). Indexed archives of meetings are available via this link as well. Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to [public@cityofgrassvalley.com](mailto:public@cityofgrassvalley.com). Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item. Agenda materials, staff reports, and background information related to regular agenda items are available on the City of Grass Valley website: [www.cityofgrassvalley.com](http://www.cityofgrassvalley.com). Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Grass Valley website at [www.cityofgrassvalley.com](http://www.cityofgrassvalley.com) subject to City staff's ability to post the documents before the meeting. If you do not have the means to participate in meetings electronically, contact the City at (530) 274-4390 and staff will be happy to identify alternative means for you to participate.

**AGENDA**

**A. CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**B. AGENDA APPROVAL**

The City Council reserves the right to hear items in a different order to accomplish business in the most efficient manner.

**C. REPORT OUT OF CLOSED SESSION**

**D. INTRODUCTIONS AND PRESENTATIONS**

**E. PUBLIC COMMENT** – Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to [public@cityofgrassvalley.com](mailto:public@cityofgrassvalley.com). Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.

**F. CONSENT ITEMS** – All matters listed under the Consent Calendar are to be considered routine by the City Council and/or Grass Valley Redevelopment Agency and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council and/or Grass Valley Redevelopment Agency votes on the motion to adopt, members of the Council and/or Agency, staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action (roll call vote).

1. Approval of the Regular Meeting Minutes of March 10, 2020  
RECOMMENDATION: Council approve minutes as submitted.
2. Local Emergency Proclamation (COVID-19)  
RECOMMENDATION: Continuance of Novel Coronavirus (COVID-19) proclamation declaring a Local State of Emergency.
3. Urgency Ordinance Enacting a Temporary Moratorium on Evictions of Residential and Commercial Tenants  
RECOMMENDATION: That Council approve an Urgency Ordinance of the City Council of the City of Grass Valley enacting a temporary moratorium on evictions of residential and commercial tenants for nonpayment of rent due to a loss of income caused by the COVID-19 pandemic and declaring the ordinance to be an urgency measure to take effect immediately upon adoption.
4. Local Emergency Proclamation  
RECOMMENDATION: Continuance of sinkhole proclamation declaring a Local State of Emergency due to extreme weather.
5. Second Reading of Ordinance 799 to add Chapter 17.41 to the City of Grass Valley Municipal Code, Title 15  
RECOMMENDATION: That Council conduct the second reading, by title only, and adopt Ordinance 799 to add Chapter 17.41, which addresses Vacant Storefront Windows in the Town Core (TC) Zoning District, to the Grass Valley Municipal Code.
6. Second Reading of Ordinance No. 798 amending Chapter 17.44.190 regarding Second Units in accordance with State law  
RECOMMENDATION: That Council conduct the second reading, by title only, of Ordinance No. 798, which finalizes the amendments of Chapter 17.44.190, Second Units.
7. Conflict of Interest Code Update  
RECOMMENDATION: That Council approve the City Manager signing of the City of Grass Valley Biennial Notice and adopt the 2020 Conflict of Interest Code and

corresponding Resolution 2020-11 approving changes to the code.

8. Condon Park Accessibility & Connectivity Project – Award Contract  
RECOMMENDATION: That Council 1) authorize the Assistant City Engineer to award a contract for the Condon Park Accessibility & Connectivity Project to Hansen Bros. Enterprises, 2) authorize the Mayor to execute the construction contract, subject to legal review, and 3) authorize the Assistant City Engineer to approve contract change orders up to 10% of the contract amount.
9. Kate Hayes Street and Empire Court Sewer Line Replacement Project – Final Acceptance  
RECOMMENDATION: That Council 1) accept the Kate Hayes Street and Empire Court Sewer Line Replacement Project as complete, 2) authorize the Finance Director to execute a budget transfer in the amount of \$358,331.70 from the Water Rate Fund to this project, and 3) authorize the Assistant City Engineer to file a Notice of Completion with the County Recorder.
10. Approve Resolution No. 2020-10 Delegating Authority to the Police Chief to submit a grant proposal to the State Board of Community Corrections  
RECOMMENDATION: That Council 1) approve Resolution No. 2020-10 Delegating Authority to the Police Chief to submit a grant proposal to the State Board of Community Corrections
11. Approve Resolution 2020-12 Authorizing Investment to the Local Agency Investment Fund (LAIF)  
RECOMMENDATION: That Council Approve Resolution 2020-12 authorizing investment of monies in the Local Agency Investment Fund (LAIF).

**G. ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS**

**H. PUBLIC HEARING**

12. Continued Public Hearing on the Dorsey Marketplace project from the January 28, 2020 City Council meeting  
RECOMMENDATION: That Council continue the public hearing on the Dorsey Marketplace project to the April 14, 2020 meeting.

**I. ADMINISTRATIVE**

**J. BRIEF REPORTS BY COUNCIL MEMBERS**

**K. ADJOURN**

**Posted:**

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**Date**

**Time**

**Andy Heath, Acting City Clerk**

**MINUTES OF THE**  
**CITY OF GRASS VALLEY**  
**CITY COUNCIL MEETING OF MARCH 10<sup>TH</sup>, 2020**

**Lisa Swarthout, Mayor**  
**Jan Arbuckle**

**Howard Levine**

**Ben Aguilar, Vice Mayor**  
**Hilary Hodge**

**REGULAR MEETING OF THE GRASS VALLEY CITY COUNCIL,  
CAPITAL IMPROVEMENTS AUTHORITY AND REDEVELOPMENT “SUCCESSOR  
AGENCY”**  
**7:00 P. M., TUESDAY, MARCH 10<sup>TH</sup>, 2020**

**AGENDA**

**A. CALL TO ORDER:** 7 pm by Mayor Swarthout

**PLEDGE OF ALLEGIANCE:** Mayor Swarthout

**ROLL CALL:**

Council Member Levine, Council Member Hodge, Vice Mayor Aguilar, and Mayor Swarthout were present. Council Member Arbuckle was absent

**B. AGENDA APPROVAL**

City Manager, Tim Kiser requested that item #2 of section F. in Consent Items be moved to Section G.

**C. REPORT OUT OF CLOSED SESSION**

No Out of Closed Session

**D. INTRODUCTIONS AND PRESENTATIONS**

No Introductions and Presentations

**E. PUBLIC COMMENT –**

Cliff Bryant gave a handout to the council members (attachment #1) and spoke about saving the Grass Valley Elks Lodge by gaining the support of the community and to have people start participating in activities. Gill Matthew from the Economic Resource Committee spoke about Tech Tuesdays and how they are continuing to teach DRC coding and web development classes. Marni Marshall from the Grass Valley Downtown Association spoke about the upcoming St. Piran’s Day on March 14<sup>th</sup>, and about the pasty toss between different City Officials of Nevada City and Grass Valley happening from 9:30 am to 11 am. Angela Rule spoke about how after her public comments at the last meeting Mayor Swarthout approached her and is wanting to help with her concerns about the homelessness, and she wants to have the communities know that City Council is a way to approach and get solutions for help if needed.

**F. CONSENT ITEMS –**

Council Member Levine moved to approve the consent agenda as submitted. Vice Mayor Aguilar seconded, and the motion carried by a 4-0 roll call vote

1. Approval of the Regular Meeting Minutes of February 25, 2020  
RECOMMENDATION: Council approve minutes as submitted.
2. Local Emergency Proclamation  
RECOMMENDATION: ~~That Council approve Resolution No. 2020-09 declaring a Local State of Emergency to prepare community against novel coronavirus (COVID-19).~~
3. Local Emergency Proclamation  
RECOMMENDATION: Continuance of sinkhole proclamation declaring a Local State of Emergency due to extreme weather.
4. Timberwood Estates Grading Permit 17-03 – Accept Public Improvements  
RECOMMENDATION: That Council accept the public improvements constructed as part of Grading Permit 17-03 for Timberwood Estates.
5. Lyman Gilmore Artificial Turf Project – Final Acceptance  
RECOMMENDATION: That Council 1) accept the Lyman Gilmore Artificial Turf Project as complete and 2) authorize the City Engineer to file a Notice of Completion with the County Recorder.
6. Revise Appointments of City Representatives to PARSAC Board of Directors  
RECOMMENDATION: Approve Resolution 2020-08 appointing Tim Kiser, City Manager, as director, and Andy Heath as alternate to the Public Agency Risk Sharing Authority of California (PARSAC) Board of Directors.
7. Review of 2019 Annual Housing Element Progress Report  
RECOMMENDATION: Receive and File. No formal action required.
8. Informational item acknowledging a Public Safety Power Shutoff (PSPS) Resiliency funding award in the amount of \$230,000 to the City of Grass Valley  
RECOMMENDATION: Informational only, no action required.

**G. ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ANY ADDED AGENDA ITEMS**

1. Local Emergency Proclamation  
RECOMMENDATION: That Council approve Resolution No. 2020-09 declaring a Local State of Emergency to prepare community against novel coronavirus (COVID-19).
- Mark Buttron, Fire Chief, gave an update of the current statistics for the COVID-19 virus for the state of California and talked about the preparedness and safety of the first responders. There are also new protocols for responding to medical calls that may be showing symptoms of the COVID-19 virus. At this time there are no known cases of COVID-19 in Nevada County.
    - Council Member Hodge moved to approve Resolution No. 2020-09 declaring a Local State of Emergency to prepare community against novel coronavirus (COVID-19). Vice Mayor Aguilar seconded, and the motion carried by a 4-0 voice vote.

## H. PUBLIC HEARING

9. Planning Commission Recommendation of a Development Code Text Amendment of Chapter 17.44.190 regarding Second Units in accordance with State law

RECOMMENDATION: The Planning Commission recommends that the City Council:

1. Determine the Ordinance Amendment of Chapter 17.44.190 Statutorily Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act and Guidelines; and,
  2. Waive the first reading of the ordinance in its entirety and read by title only, and introduce the ordinance amending Chapter 17.44.190, Second Units, in accordance with State law.
- Tom Last, Community Development Director made the presentation of the Second Unit ordinance per the State Law. Council discussed the benefits and cons of the Planning Commission Recommendations of reducing the percentage of impact fees that is already lowered because of the State Laws.
    - Vice Mayor Aguilar moved to approve The Planning Commission recommendation that the City Council:
      1. Determine the Ordinance Amendment of Chapter 17.44.190 Statutorily Exempt as the appropriate level of environmental review in accordance with the California Environmental Quality Act and Guidelines; and,
      2. Waive the first reading of the ordinance in its entirety and read by title only, and introduce the ordinance amending Chapter 17.44.190, Second Units, in accordance with State law.

But does not move to approve the Planning Commission's recommendation of reducing the percentage of traffic fees lower than the State Laws. Council Member Levine seconded, and the motion carried by a 4-0 roll call vote.

10. Consideration of an ordinance to add a new chapter to the Development Code, 17.41, that addresses Vacant Storefront Windows in the Town Core (TC) Zoning District

RECOMMENDATION: After closing the public hearing, waive the reading of the ordinance in its entirety and read by title only, and introduce the ordinance to add Chapter 17.41 to the Municipal Code.

- Council Member Levine recused himself from this item.
- Tom Last, Community Development Director made the presentation of the Vacant Storefront Windows in the Town Core Zoning District. Council discussed the benefit of having a tool for the City to allow enforcement that will prevent blight in the City's Downtown.
  - Vice Mayor Aguilar moved to approve the waiving of the reading of the ordinance in its entirety and read by title only and introduce the ordinance to add Chapter 17.41 to the Municipal Code. Council Member Hodge seconded, and the motion carried by a 3-0 voice vote. Council Member Levine was recused.

**I. ADMINISTRATIVE**

11. 2020 CalPERS UAL Restructuring – Approval of Bond Purchase Agreement and Preliminary Official Statement for Issuance of Pension Obligation Bonds

RECOMMENDATION: That the City Council adopt Resolution No. 2020-07 confirming the issuance of Pension Obligation Bonds and approving the Preliminary Official Statement and Bond Purchase Agreement and related actions.

- Andy Heath, Director of Finance made the presentation of Bond Purchase Agreement and Preliminary Official Statement for Issuance of Pension Obligation Bonds. Vice Mayor Aguilar motioned that the City Council adopt Resolution No. 2020-07 confirming the issuance of Pension Obligation Bonds and approving the Preliminary Official Statement and Bond Purchase Agreement and related actions. Council Member Hodge seconded, and the motion carried a 4-0 voice vote.

**J. BRIEF REPORTS BY COUNCIL MEMBERS**

Council Member Levine reported that on Thursday March 12<sup>th</sup> there will be the first event in the new Center for the Arts building and it is an open gallery. He is excited to see the doors finally open. Council Member Hodge reported that the Foothill Events Celebration was a huge hit and a big thank you to the Downtown association. Vice Mayor reported that he too visited the Foothill Events Celebration and thank you to all those who participated, he voted, attended the Red-Light ball, and next week he will be attending a LAFCO meeting. Mayor Swarhout reported that she too went to the Red-Light Ball, she also updated that Council Member Arbuckle was gone due to attending national league of cities in Washington DC. Thank you to Angela for coming to the meeting and for being engaged and positive. Mayor also wants to thank her for meeting with her about finding ways as a community to make a difference. She is also volunteering at the Center for the Arts events and visit their website for all the upcoming events that they are holding.

**K. ADJOURN:**

The meeting was adjourned by Mayor Swarhout at 8:04 pm.

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Lisa Swarhout, Mayor

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Andy Heath, Administrative Services Director



**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 20, 2020

**Prepared by:** Timothy M. Kiser, City Manager

**Title:** Local Emergency Proclamation (COVID-19)

**Recommended Motion:** Continuance of Novel Coronavirus (COVID-19) proclamation declaring a Local State of Emergency.

**Agenda:** Consent

**Background Information:** On March 5, 2020 the City Manager, acting as the Director of Emergency Services for the City of Grass Valley and the Disaster Council (Vice Mayor Aguilar and Councilmember Arbuckle), declared a local State of Emergency to ensure emergency personnel can obtain equipment and resources in the most timely and effective manner. In accordance with the Emergency Services Act Section 8630 (b) the governing body must ratify the declared emergency within 7 days for it to remain in effect. On March 10, 2020, at the Grass Valley City Council Meeting, the City Council approved Resolution 2020-09, Proclamation of Local Emergency. The City Council shall review, at its regularly scheduled meeting until the local emergency is terminated, the need for continuing the local emergency.

On March 16, 2020, the City Manager, acting as the Director of the Emergency Services for the City of Grass Valley and the Disaster Council (all five Council Members), declared that all commercial places of public assembly with a Fire Code occupancy limit of 25 or more persons shall no longer operate for commercial purposes. Places of public assembly include, but are not limited to, movie theaters, performing arts venues, and auditoriums. This action does not include restaurants, and/or similar uses, and does not override the First Amendment right of persons to congregate for non-commercial activities. To reduce the spread of COVID-19, the Disaster Council approved, at the Director of Emergency Services' request, waiving the administrative charges for using credit cards to pay utility bills for the next 60 days. For more information, see attached Grass Valley Disaster Council Order 2020-01.

**Council Goals/Objectives:** Continuance of the proclamation declaring a Local State of Emergency due to prepare against coronavirus COVID-19 executes portions of City Strategic Goal #6: Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

**Fiscal Impact:** The Fiscal Impact should be minor, but due to the constantly changing potential impact of COVID-19 the actual fiscal impact is unknown.

**Funds Available:** N/A

**Account#:** N/A

**Reviewed by:** \_\_\_\_\_ City Manager



**Grass Valley Disaster Council Order 2020-01**

**AN ORDER OF THE DISASTER COUNCIL OF THE CITY OF GRASS VALLEY  
REGARDING CLOSURE OF PLACES OF PUBLIC ASSEMBLY**

WHEREAS, Grass Valley Municipal Code Section 8.12.010 et seq. creates the Disaster Council of the City of Grass Valley, and empowers it to develop and implement emergency and mutual aid plans and to proclaim the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Grass Valley that result in a local emergency; and

WHEREAS, Government Code section 8634 provides that “[d]uring a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety;” and

WHEREAS, conditions of extreme peril to the safety of persons or property have arisen within the City of Grass Valley as a result of the spread of the COVID-19 virus throughout California, including the first case within Nevada County reported on March 16, 2020; and

WHEREAS, the Governor declared a Statewide state of emergency due to the COVID-19 virus on Wednesday, March 4; and

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WHEREAS, the Disaster Council proclaimed the existence of a local emergency in the City of Grass Valley on the 5th day of March 2020, which the City Council ratified March 10, 2020; and

WHEREAS, on March 12, 2020, Governor Newsom ordered cancellation of all non-essential gatherings over 250 people anywhere in the State and further called for cancelling or postponing smaller gatherings where those attending cannot maintain six feet of separation; and

WHEREAS, the U.S. Centers for Disease Control and Prevention issued guidance on March 15, 2020 recommending that gatherings of 50 or more people be cancelled or postponed for at least eight weeks to slow the spread of COVID-19; and

WHEREAS, the Disaster Council understands there is an imminent and proximate threat of the continued spread of COVID-19 in the City that threatens the health and safety of City residents and warrants actions to limit its spread.

NOW, THEREFORE, IT IS HEREBY ORDERED that all commercial places of public assembly with Fire Code occupancy limits of 25 or more persons shall no longer operate for commercial purposes. Places of public assembly include, but are not limited to, movie theaters, performing arts venues, and auditoriums. This action does not include restaurants and/or similar uses.

IT IS FURTHER RECOMMENDED that all non-commercial places of public assembly with occupancy limits of 25 persons or more no longer permit the gathering of 25 or more persons. This is an advisory measure in acknowledgment of the First Amendment right of persons to congregate for non-commercial activities.

IT IS FURTHER RECOMMENDED that the administrative charges for using credit cards to pay City utility bills be waived for 60 days, or as ordered by the Director of Emergency Services.

IT IS FURTHER ORDERED that this Order shall take effect immediately, and shall remain in effect until the termination of the local emergency by the City Council, or at an earlier date as ordered by the Disaster Council.

ORDERED by the Disaster Council of the City of Grass Valley on the 16th of March 2020.



Lisa Swarthout, Chair  
Grass Valley Disaster Council

ATTEST:



Tim Kiser, Member  
Grass Valley Disaster Council

APPROVED AS TO FORM:



Michael G. Colantuono, Counsel  
Grass Valley Disaster Council



**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 19, 2020

**Prepared by:** Timothy M. Kiser, City Manager

**Title:** Urgency Ordinance Enacting a Temporary Moratorium on Evictions of Residential and Commercial Tenants

**Recommended Motion:** That Council approve an Urgency Ordinance of the City Council of the City of Grass Valley enacting a temporary moratorium on evictions of residential and commercial tenants for nonpayment of rent due to a loss of income caused by the COVID-19 pandemic and declaring the ordinance to be an urgency measure to take effect immediately upon adoption.

**Agenda:** Consent

**Background Information:** On March 5, 2020 the City Manager, acting as the Director of Emergency Services for the City of Grass Valley, and the Disaster Council declared a local State of Emergency. On March 16, 2020, to further control the spread and mitigate the effects of COVID-19, the Governor issued Executive Order N-28-20, suspending any state law that would preempt or otherwise restrict the exercise of a local government's police power to impose regulations related to residential and commercial evictions for tenants who have suffered a substantial loss of income caused by the COVID-19 pandemic.

Based on the Governor's Executive Order, the Director of Emergency Services is recommending City Council approve a temporary moratorium on evictions due to COVID-19. Under this action, no landlord shall evict residential or commercial tenants in the City of Grass Valley during this local emergency if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. The tenant must provide their landlord with written notice of their inability to pay prior to the date their rent is due. These hardship circumstances include loss of income due to a COVID-19 related workplace closure, health care expenses related to being ill with COVID-19 or caring for a member of the tenant's household who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures. Nothing in this action shall excuse tenants from the obligation to pay the lawfully charged rent as detailed in their lease agreement. Tenants are required to pay whatever portion of their rent is financially feasible for their circumstances. Tenants will have up to six months following the expiration of the local emergency to repay any back due rent. See attached Urgency Ordinance for additional details.

**Council Goals/Objectives:** The proclamation declaring a Local State of Emergency to prepare against coronavirus COVID-19 executes portions of City Strategic Goal #6: Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.



**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Fiscal Impact:** The Fiscal Impact should be minor, but due to the constantly changing potential impact of COVID-19 the actual fiscal impact is unknown.

**Funds Available:** N/A

**Account#:** N/A

**Reviewed by:** \_\_\_\_\_ City Manager

**ORDINANCE NO. \_\_\_**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY ENACTING A TEMPORARY MORATORIUM ON EVICTIONS OF RESIDENTIAL AND COMMERCIAL TENANTS FOR NONPAYMENT OF RENT DUE TO A LOSS OF INCOME CAUSED BY THE COVID-19 PANDEMIC AND DECLARING THE ORDINANCE TO BE AN URGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**

**WHEREAS**, Government Code section 36937 and Article VII, § 1 of the Grass Valley City Charter authorize the City Council by a four-fifths vote to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

**WHEREAS**, on March 4, 2020, the Governor declared a State of Emergency in California as a result of the threat of Coronavirus Disease 2019 (COVID-19) and the Nevada County Board of Supervisors and Department of Public Health declared a public health emergency in Nevada County due to COVID-19; and

**WHEREAS**, on March 5, 2020, the City of Grass Valley's Disaster Council proclaimed a local emergency within the City of Grass Valley with regard to COVID-19, which the City Council ratified by Resolution No. 2020-09 on March 10, 2020; and

**WHEREAS**, on March 16, 2020, to further control the spread and mitigate the effects of COVID-19, the Governor issued Executive Order N-28-20, suspending any state law that would preempt or otherwise restrict the exercise of a local government's police power to impose regulate residential and commercial evictions for tenants who have suffered a substantial loss of income caused by the COVID-19 pandemic; and

**WHEREAS**, prohibiting residential evictions protects public health by allowing those most vulnerable to COVID-19, such as those 65 years and older and those with underlying health issues, to self-quarantine, self-isolate, or otherwise remain in their homes to reduce COVID-19 transmission; and

**WHEREAS**, prohibiting evictions of commercial tenants effected by COVID-19 promotes stability among commercial tenancies within the City and promotes public health by allowing commercial establishments to decide whether and how long to remain open based on public health concerns rather than economic pressures and lessens the economic cost of emergency measures imposed by federal, state and local governments to mitigate the pandemic; and

**WHEREAS**, the significant health and economic effects of the COVID-19 pandemic present a current and immediate threat to the stability of the City's residential and commercial tenancies and to the health, safety, and welfare of the City and its residents.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Grass Valley:

SECTION 1. Prohibition on Evictions for Non-Payment of Rent during COVID-19 State of Emergency.

A. **Residential Landlords.** Residential landlords are hereby prohibited from evicting for non-payment of rent, or without other good and substantial cause, tenants whose income is reduced as a result of efforts to prevent or reduce the spread of COVID-19 and which tenants demonstrate resulting lost income and inability to pay rent.

1. A landlord knows of a tenant's lost income and inability to pay rent within the meaning of this Section if the tenant, within 10 days after the date rent is due, notifies the landlord in writing of the lost income and resulting inability to pay rent, with supporting documents. If a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share that corresponds to the income generated during the period of loss. "In writing" includes, without limitation, email or text communications to a landlord or landlord's agent with whom the tenant has previously corresponded by email or text. All financial information provided to a landlord shall be kept in confidence and used only to evaluate a tenant's claim or to enforce this provision.

B. **Commercial Landlords.** Commercial landlords are hereby prohibited from evicting for non-payment of rent or without other good and substantial cause tenants whose businesses are limited or closed (voluntarily or by mandate) as a result of efforts to prevent or reduce the spread of COVID-19 and which tenants demonstrate resulting lost income and inability to pay rent.

1. A landlord knows of a tenant's lost income and inability to pay rent within the meaning of this Section if the tenant, within 10 days after the date rent is due, notifies the landlord in writing of the lost income and resulting inability to pay rent, with supporting documents. If a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share that corresponds to the income generated during the period of loss. "In writing" includes, without limitation, email or text communications to a landlord or landlord's agent with whom the tenant has previously corresponded by email or text. All financial information provided to a landlord shall be kept in confidence and used only to evaluate a tenant's claim or to enforce this provision.

- C. If a tenant complies with the notice requirements of this Section, a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise seek to evict the tenant for nonpayment of rent, and this Ordinance shall be an affirmative defense to any such eviction action.
- D. Except as provided in Section 2, below, nothing in this Ordinance relieves the tenant of liability for the unpaid rent; it abates means to enforce rent obligations only during the period of emergency and for 180 days thereafter and only as to those who can demonstrate their inability to pay rent arises from the emergency.

SECTION 2. Tenants afforded eviction protection by this Ordinance shall have up to 180 days after the expiration of the State COVID-19 emergency to pay unpaid rent. During that 180-day period, Section 1's protections against eviction apply to such tenants, and provided a tenant pays all rent due by this deadline, he or she shall not be liable for payment of late fees or penalties for the delay in payment. Rent for occupancy during that 180-day period shall be due as the landlord and tenant have agreed and this Ordinance shall not protect tenants from eviction for nonpayment of such rent.

SECTION 3. The City Council of the City of Grass Valley hereby finds that there is a current and immediate threat to, and a need for immediate preservation of the public peace, health, or safety that warrants this urgency measure, which finding is based upon the facts stated in the recitals above, in the proclamation of local emergency by the Disaster Council dated March 5, 2020, in the City Council's Proclamation of Local Emergency dated March 10, 2020, and in the Governor's March 4, 2020 proclamation of the State COVID-19 emergency.

SECTION 4. This Ordinance is an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are all of those facts set forth and referenced in this Ordinance.

SECTION 5. CEQA Findings. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. If this Ordinance is found to be a project under CEQA, it is exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment and Guideline 15269 as an emergency action.



SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional and, to that end, the provisions hereof are declared to be severable.

SECTION 7. Effective Date. This Ordinance shall become effective immediately because its passage is required for the immediate preservation of the public peace, health and safety. This Ordinance shall remain in effect until the expiration of the 180-day period defined in Section 2 above.

SECTION 8. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the 24th day of March 2020, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
Lisa Swarthout, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Michael G. Colantuono, City Attorney

\_\_\_\_\_  
Andy Heath, Interim City Clerk





**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 20, 2020

**Prepared by:** Mark Buttron, Fire Chief

**Title:** Local Emergency Proclamation

**Recommended Motion:** Continuance of sinkhole proclamation declaring a Local State of Emergency due to extreme weather.

**Agenda:** Consent

**Background Information:** On January 11, 2017 the City Manager, acting as the Director of Emergency Services for the City of Grass Valley, declared a local State of Emergency as a result of damages caused by extreme weather. In accordance with the Emergency Services Act Section 8630 (b) the governing body must ratify the declared emergency within 7 days for it to remain in effect. Resolution 2017-02, Proclamation of Local Emergency, was ratified on January 17<sup>th</sup> at a special meeting of the Grass Valley City Council. The City Council shall review, at its regularly scheduled meeting until the local emergency is terminated, the need for continuing the local emergency.

**Council Goals/Objectives:** Continuance of the proclamation declaring a Local State of Emergency due to extreme weather executes portions of City Strategic Goal #6: Public Safety. The City of Grass Valley is devoted to providing a safe Place to Live, Work and Play.

**Fiscal Impact:** The Majority (more than 75%) of the costs should be reimbursed by various agencies.

**Funds Available:** N/A

**Account#:** N/A

**Reviewed by:** \_\_\_\_\_ City Manager



**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 18, 2020

**Prepared by:** Thomas Last, Community Development Director

**Title:** Second reading of Ordinance 799 to add Chapter 17.41 to the City of Grass Valley Municipal Code, Title 15.

**Recommended Motion:** That Council conduct the second reading, by title only, and adopt Ordinance 799 to add Chapter 17.41, which addresses Vacant Storefront Windows in the Town Core (TC) Zoning District, to the Grass Valley Municipal Code.

**Agenda:** Consent

**Background Information:** At its meeting on March 10, 2020, the City Council conducted a public hearing and introduced the attached ordinance. The ordinance regulates vacant commercial storefronts in the TC zone and requires owners to maintain those storefronts pursuant to the adopted regulations. The Council is required to conduct a second reading and adopt the ordinance.

The City did receive one recent email requesting Council delay final action or implementation of this item due to the fiscal impact the Covid-19 outbreak could have on local businesses.

**Council Goals/Objectives:** Goal 1: Promote programs that improve livability and enhance the character and charm of Grass Valley. Provide a safe place to live, work, and play.

**Fiscal Impact:** Costs associated with implementation would come from the General Fund and/or through administrative penalties collected from property owners as part of an enforcement action.

**Funds Available:** General Fund project since City sponsored.

**Account #:** 100-5105

**Reviewed by:**

\_\_\_\_\_ City Manager

**Attachments:**

Ordinance 799

**ORDINANCE NO. 799**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF GRASS VALLEY ADOPTING CHAPTER  
17.41 OF TITLE 17 OF THE GRASS VALLEY  
MUNICIPAL CODE RELATED TO VACANT  
COMMERCIAL SPACES**

Be it ordained by the council of the City of Grass Valley:

SECTION 1. CODE AMENDMENT. Chapter 17.41 of Title 17 of the Grass Valley Municipal Code is added to read as follows:

**Chapter 17.41 – VACANT STOREFRONT WINDOWS**

**Sections:**

- 17.41.010 – Purpose and Applicability
- 17.41.020 – Administration
- 17.41.030 – Action Plan
- 17.41.040 – Window Displays for Vacant Commercial Spaces
- 17.41.050 – Updated Designs for Window Displays
- 17.41.060 - Enforcement

**17.41.010 Purpose and Applicability**

- A. **Purpose.** This Chapter mandates window displays for vacant commercial spaces within the Town Core zone and provides for the submission of action plans to the Director for approval of window displays before they are installed.
- B. **Applicability.** This Chapter applies to all structures in the Town Core zone unless otherwise stated, including, but not limited to, properties that have been the subject of a foreclosure sale wherein title has been transferred to the beneficiary of a deed of trust, and to any properties transferred under a deed in lieu of foreclosure or sale. All responsible parties as to such structures shall comply with this Chapter.

**17.41.020 Administration**

The Director shall administer this Chapter and may adopt administrative rules and regulations consistent with its terms to aid in doing so. He or she shall give notices of such rules or regulations as required for an ordinance of the City and such rules or regulations shall take effect upon such notice or at such later times as they may specify.

### 17.41.030 Action Plan

- A. A responsible party shall contact the Director within 30 days of the date the space becomes vacant commercial space to coordinate any future requirements for tenant improvements and to coordinate with the Grass Valley Downtown Association. Within 10 days of the conclusion of this contact, the responsible party shall submit an action plan to the Director. The action plan shall describe:
  - 1. The proposed window display;
  - 2. How the proposed window display falls within one or more of the types of displays described in section 17.41.040(A)-(D);
  - 3. The name, address, and daytime and evening telephone numbers of each responsible party as to the vacant commercial space;
  - 4. How long the commercial space is expected to remain vacant; and
  - 5. Any other information the Director reasonably requests to aid the administration of this Chapter.
- B. The Director shall approve or deny action plans in writing. If the Director denies an action plan, he or she shall provide the reasons for denial and describe modifications which would make the action plan comply with this Chapter.
- C. If the Director approves an action plan, a responsible party shall install the proposed window display within 30 days of the Director's decision.
- D. If the Director denies an action plan, a responsible party shall either:
  - 1. Implement the action plan with the Director's proposed modifications within 30 days of the Director's decision; or
  - 2. Submit a revised action plan within 10 days of the Director's decision.
- E. If the Director approves a revised action plan, a responsible party shall install the proposed window display within 20 days of the Director's decision on the revised action plan.
- F. If the Director denies a revised action plan, a responsible party must implement the original action plan with the Director's proposed modifications within 20 days of the Director's decision on the revised action plan.
- G. This Chapter shall not apply to a vacant commercial space if the window display area space is the subject of an active, valid building permit for repair or rehabilitation and a responsible party provides proof to the Director, such as receipts, invoices or executed contracts, that the repair or rehabilitation is proceeding without significant delay.

### **17.41.040 Window Displays for Vacant Commercial Spaces**

Each responsible party as to a vacant commercial space shall maintain at least one of the following types of displays on or inside all ground-floor windows visible from public rights-of-way or public places:

- A. Faux window dressings containing goods or services with the appearance of a vibrant business using background panels or other methods to screen views of the vacant commercial space from public rights-of-way and public places;
- B. Works of art, including paintings or sculptures or other displays of cultural, historical, or educational value, utilizing colorful and vibrant materials, and using background panels or other methods to screen views of the vacant commercial space from public rights of-way and public places;
- C. Paintings applied directly to the window surface featuring visually appealing, colorful, vibrant scenes, shapes, or images visible from public rights-of-way and public places; or
- D. Other measures approved by the Director in writing that achieve the purposes of this Chapter to avoid visual blight in the Town Core zone and to enliven pedestrian experiences there.

Displays should occupy at least 80% of window area.

No window display is required for a vacant commercial space when a responsible party has submitted an action plan or revised action plan for that vacant commercial space, and is otherwise in compliance with implementation requirements described in section 17.41.040 of this Code.

### **17.41.050 Updated Designs for Window Displays**

A responsible party shall submit a renewed action plan every six months while the space remains vacant. Each renewed action plan shall propose a new window display design for the vacant commercial space that complies with section 17.41.040 of this chapter so as to freshen its appearance from public rights-of-way and public places.

### **17.41.60 Enforcement**

- A. **Violations; Penalties.** The following steps are intended to provide a streamlined compliance process for responsible parties violating this Chapter. To the extent the provisions of this Chapter conflict with provisions elsewhere in the Grass Valley Development Code, the provisions in this Chapter shall control and take precedence.

1. Violations and noncompliance. Failure by a responsible party to comply with any requirement imposed by this Chapter constitutes a violation of this Chapter and shall be grounds for the imposition of penalties as set forth in subdivision 5 below.
  2. Notice of Violation. Upon discovery that a violation exists, the Director shall issue a Notice of Violation to a responsible party as to that vacant commercial space. The Notice shall describe the nature of the violation and the date on which it occurred. Said Notice shall be personally served or sent by U.S. certified mail. The responsible party has 10 days of the date of the Notice to correct the violation(s).
  3. Right to Appeal. The responsible party has the right to appeal the Notice within 10 days of the date of the Notice. If the tenth day falls on a day that City Hall is closed, then the time to appeal expires on the next business day. An appeal shall be filed with the City Clerk and be accompanied by the filing fee identified in the City's Planning Fee Schedule.
  4. Appeal Hearing and Rules of Evidence.
    - a. The City Manager shall hold the hearing during the ordinary business hours in City Hall.
    - b. Oral evidence shall be taken only under oath or affirmation. The City Manager has the authority to administer oaths and to receive and rule on admissibility of evidence.
    - c. Formal rules governing presentation and consideration of evidence do not apply.
  5. Penalties.
    - a. Each day in which the property is used in violation of any part of this ordinance is a separate violation;
    - b. Any person who violates any provision of this Chapter is guilty of an infraction punishable under Chapter 1.12 of this Code.
    - c. The penalties set forth herein are cumulative and in addition to all other remedies, violations and penalties set forth in this code or any other provisions of law including, without limitation, administrative enforcement pursuant to Chapter 1.14 of this Code.
- B. If no responsible party performs an act this Chapter requires a responsible party to perform as to a vacant commercial space, then each and every responsible party

as to that vacant commercial space shall be liable for that failure. All responsible parties are jointly and severally responsible to comply with this Chapter and for any payments required by it, including, but not limited to, costs of enforcement, including reasonable attorneys' fees and costs. If a commercial space is subject to a written lease or license, the Director may enforce this Chapter against any or all owner(s), tenant(s), or licensee(s).

SECTION 2. CODE AMENDMENT. The following definitions are added to Section 17.100.020 of Chapter 17.100 of Title 17 of the Grass Valley Municipal Code:

"Commercial space" means any street-level portion of a structure within the Town Core zone that is vacant or occupied for non-residential purposes including, without limitation, each separately demised space in a building accessible from a public right-of-way or public place.

"Occupied." A commercial space is deemed to be "occupied" when a person is lawfully operating or doing business in that space for at least 30 days and which meets the criteria of section 17.41.030 (F) of this code.

"Responsible party" is defined in section 1.10.030 of this code.

"Town Core zone" is defined in section 17.12.020(A) of this code.

"Vacant commercial space" means any commercial space that has not been occupied, leased, or rented for 30 days or more on the date the ordinance codified in Chapter 17.41 takes effect or at any time thereafter.

SECTION 3. CEQA Findings. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment and under CEQA Guidelines 15301 as maintenance of existing structures.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley declares that it would have adopted this Ordinance and each section, subsection,

sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect 30 days after its adoption under Article VII, § 2 of the Grass Valley City Charter.

SECTION 6. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read at a regular meeting of the City Council on the 10th day of March 2020.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting thereof held on the 24th day of March 2020, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
Lisa Swarthout, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Michael G. Colantuono, City Attorney

\_\_\_\_\_  
City Clerk





**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 16, 2020

**Prepared by:** Lance E. Lowe, AICP, Principal Planner

**Title:** Second Reading of Ordinance No. 798 amending Chapter 17.44.190 regarding Second Units in accordance with State law.

**Recommended Motion:** That Council conduct the second reading, by title only, of Ordinance No. 798, which finalizes the amendments of Chapter 17.44.190, Second Units.

**Agenda:** Consent

**Background Information:** This amendment modifies Chapter 17.44.190, Second Units regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to attain compliance with State law. On March 10, 2020, the City Council conducted a public hearing and approved the amendments of Chapter 17.44.190, with one amendment relating to impact fees contained in Section 17.44.190 G. The attached ordinance is as amended by the City Council.

A second reading is required to finalize the processing of the ordinance. Should the City Council adopt the second reading of the ordinance on March 24, 2020, the ordinance will become effective 30 days thereafter.

**Council Goals/Objectives:** The project fulfills the goals and objectives of the 2019 – 2027 Housing Element as well as Community & Sense of Place of the City’s Strategic Plan.

**Fiscal Impact:** Preparation of the amendment been drafted with existing staffing resources allocated for Fiscal Year 19/20.

**Funds Available:** Yes

**Account #** 5105

**Reviewed by:**

\_\_\_\_\_ Community Development Director

\_\_\_\_\_ City Manager

**Attachment 1 - Ordinance No. 798 amending Section 17.44.190**

## ORDINANCE NO. 798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AMENDING SECTION 17.44.190 OF CHAPTER 17.44 AND SECTION 17.100.020 OF CHAPTER 17.100 OF TITLE 17 OF THE GRASS VALLEY MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ACCORDANCE WITH STATE LAW.

Be it ordained by the council of the City of Grass Valley:

SECTION 1. CODE AMENDMENT. Section 17.44.190 of Chapter 17.44 of Title 17 of the Grass Valley Municipal Code is amended as follows:

### 17.44.190 – Second Units

- A. Purpose.** This section is intended to allow the creation of new second residential units on existing lots in residential zones that already contain one legally created unit, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone Standards).
- B. Method of creating a second unit.** A second unit may be created by:
1. Alteration of an existing dwelling whereby kitchen and bathroom facilities are not shared in common;
  2. Conversion of an attic, basement, garage, or other previously uninhabited portion of a residential structure.
  3. Addition of separate unit onto an existing residential structure; or,
  4. Construction of a separate structure on a lot in addition to an existing dwelling.

A mobile home, recreational vehicle, or other movable habitable space that does not comply with the Building Code shall not be used as a second unit. A manufactured or modular unit placed on a permanent foundation may be used as a second unit in compliance with this section.

- C. Second unit design and development standards.** Except as described herein, each second unit shall comply with the development standards of the applicable zone, including setback requirements, height and lot coverage limits, but excluding density standards. Each second unit shall also comply with all of the following standards.

1. **Number of units allowed.** Only one second unit shall be permitted on a lot. However, pursuant to Government Code section 65852.2, the City shall ministerially approve applications for building permits to create multiple accessory dwelling units within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with applicable state building standards.
2. **Required facilities.** A second unit shall contain separate kitchen and bathroom facilities; an attached second unit shall have an entrance separate from the primary dwelling.
3. **Maximum floor area.** Second units may consist of any of the following:
  - a. A minimum square footage for an efficiency unit, defined as a unit for occupancy by no more than two persons with a minimum floor area of 150 square feet and which may have partial kitchen or bathroom facilities.
  - b. A one-bedroom second unit that is less than 850 square feet or, for a second unit that provides more than one bedroom, 1,000 square feet.
  - c. A detached second unit that is up to 800 square feet and 16 feet in height with four-foot side and rear yard setbacks that is constructed in compliance with all other local development standards.
  - d. Except as provided above in 17.44.190 C. 3. a – c, a second unit shall not exceed 1,200 square feet. or 50 percent of the floor area of the primary dwelling, whichever is less.
4. **Conversion of existing primary unit.** An existing dwelling may be converted to a second unit and a new, larger primary unit constructed if the resulting second unit complies with all applicable requirements of this Section.
5. **Building Code requirements.** Each second unit shall be constructed in compliance with all applicable Building Code requirements. The approval of a second unit attached to an existing dwelling shall require that the entire structure be improved to comply with current Building Code requirements.
6. **Parking requirement.** Except as provided in Table 3 – 3, one accessible off-street parking space shall be provided for each studio or one-bedroom

second unit in addition to the two off-street parking spaces required for the primary dwelling. A second unit with more than one bedroom shall require two off-street parking spaces. Required parking may be tandem. Replacement parking is not required if a garage, carport or covered parking structure is demolished in conjunction with construction of a second unit or is converted to a second unit.

7. **Exterior design.** Each second unit shall be constructed so as to be compatible with the existing primary dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping, and shall comply with the standards for single-family dwellings in Section 17.44.210 (Single Dwellings).
8. **Building separation for detached unit.** A detached second unit shall be separated from the primary dwelling by a minimum distance of 10 feet.
9. **Setback requirements.** No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to a second unit or to a portion of a second unit. Four-foot setbacks from the side and rear lot lines shall be required for a second unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

**D. Procedure for legalizing other existing second units.**

1. A second unit legally existing at the time of adoption of the Grass Valley Zoning Ordinance No. 69 N.S. (December 26, 1965) may be continued as a nonconforming use in compliance with Chapter 17.90 (Nonconforming Uses, Structures, and Parcels).
2. A second unit legally reestablished by Variance or Use Permit for a nonconforming use after the adoption of the Grass Valley Zoning Ordinance No. 69 N.S. (December 26, 1965) may be continued in compliance with all applicable conditions of approval of the Variance or Use Permit.
3. A second unit legally established by Use Permit in compliance with Ordinance No. 332 N.S., adopted December 27, 1983, may be continued in compliance with the conditions of the Use Permit.

- E. **Separate sale of second unit prohibited.** No second unit shall be created for sale or financing through a condominium plan, community apartment plan, housing cooperative or other subdivision. A second unit may be rented.
  
- F. **Sale of ADU by Qualified Nonprofit.** An ADU may be sold or conveyed separately from the primary residence to a qualified buyer of low or moderate income if the following conditions are met:
  1. The property was built or developed by a qualified nonprofit corporation with a tax exemption for properties intended to be sold to low-income families who participate in a special no-interest loan program.
  2. There is a recorded contract between the buyer and nonprofit ensuring that the property is preserved for affordable housing.
  3. The property is held pursuant to a recorded tenancy-in-common agreement that requires the buyer to occupy the property as the buyer’s principal residence, gives the option of first offer of sale to the non-profit, and includes an affordable restriction that ensures the property is preserved as low-income housing for at least 45 years for owner-occupied housing units that can only be sold or resold to a qualified buyer.
  
- G. **Development and Utility Fees.** The City shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

SECTION 2. CODE AMENDMENT. The Definition of “Junior accessory dwelling unit” is added in Section 17.100.020 of Chapter 17.100 of Title 17 of the Grass Valley Municipal Code as follows:

Junior accessory dwelling unit means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

SECTION 3. CEQA Findings. The update of the City’s Second Unit Ordinance constitute adjustments to the City’s zoning ordinance to implement new State law requirements related to second units as established in Government Code section 65852.2. Such changes are statutorily exempt from review under CEQA pursuant to Public Resources Code

section 21080.17, which states that CEQA does not apply to a city's adoption of an ordinance to implement the provisions of Government Code section 65852.2.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect 30 days after its adoption under Article VII, § 2 of the Grass Valley City Charter.

SECTION 6. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read at a regular meeting of the City Council on the 10th day of March 2020.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the 24th day of March 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Lisa Swarthout, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Michael G. Colantuono, City Attorney

\_\_\_\_\_  
Andy Heath, Acting City Clerk



**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 19, 2020

**Prepared by:** Abigail Walker, Community Services Analyst

**Title:** Conflict of Interest Code Update

**Recommended Motion:** That Council approve the City Manager signing of the City of Grass Valley Biennial Notice and adopt the 2020 Conflict of Interest Code and corresponding Resolution 2020-11 approving changes to the code.

**Agenda:** Consent

**Background Information:** The City last updated its Conflict of Interest Code in August 2012. The Political Reform Act requires every local agency to review its Conflict of Interest Code biennially to ensure it is accurate and/or to determine if it needs to be amended. Once a determination has been made a notice must be submitted to the code reviewing body. Attached is the Biennial Notice of Review showing that it has been determined that the following revisions are necessary to the Conflict of Interest Code:

- Remove Planning Director position (eliminated)
- Remove Associate Planner position (eliminated)
- Remove Planning Technician position (eliminated)
- Remove Economic Development Coordinator position (eliminated)
- Remove Code Compliance Officer position (eliminated)
- Add Principal Planner position (added)
- Revise Director of Finance/Administrative Services position to Administrative Services Director
- Revise the Public Works Director/City Engineer position to City Engineer
- Remove the Senior Engineer/Deputy Director of Public Works position (eliminated)
- Add Public Works Director of Operations position (added)
- Add Senior Civil Engineer position (added)
- Add Assistant City Engineer position (added)

**Council Goals/Objectives:** N/A

**Fiscal Impact:** N/A

**Funds Available:** N/A

**Account #:** N/A

**Reviewed by:** \_\_\_\_ City Manager



# 2020 Local Agency Biennial Notice

Name of Agency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No. \_\_\_\_\_

Email: \_\_\_\_\_ Alternate Email: \_\_\_\_\_

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

**An amendment is required. The following amendments are necessary:**

*(Check all that apply.)*

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) \_\_\_\_\_

**The code is currently under review by the code reviewing body.**

**No amendment is required.** (If your code is over five years old, amendments may be necessary.)

---

## Verification (to be completed if no amendment is required)

*This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2018**, or by the date specified by your agency, if earlier, to:

*(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)*

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

# **CONFLICT OF INTEREST CODE FOR THE CITY OF GRASS VALLEY**

**SECTION 1:**            **Conflict of Interest Code – Adopted 3/24/2020**

The Political Reform Act, Government Code Section 8100, et. seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code which can be incorporated by reference and may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which officials and employees are designated and Appendix B in which disclosure categories are set forth, constitute the Conflict of Interest Code of the city of Grass Valley, which is considered by “agency” within the purview of this code. The Conflict of Interest Code of the City of Grass Valley previously in effect will conform to this newly adopted code.

**SECTION 2:**            **Same-Statements**

Designated employees shall file statement of economic interests with the City Clerk, who shall be and performs the duties of filing officer for the City of Grass Valley, the Successor Agency to the Redevelopment Agency of the City of Grass Valley.

**SECTION 3:**            **Savings Clause**

Any change provided for in this Conflict of Interest Code shall not affect or excuse any offense or act committed or done or omission of any penalty for forfeiture incurred or accruing under any other conflict of interest code; nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered in connection with any other conflict of interest code.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

## ATTACHMENT A

§ 18730.            Provisions of Conflict of Interest Codes.

- (a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the

amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
  - (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and
  - (C) The filing officer is the same for both agencies.
- Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure

categories 3 are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.

(5) Section 5. Statements of Economic Interests: Time of Filing.

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- (C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

- (A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
  - (1) File a written resignation with the appointing power; and
  - (2) File a written statement with the filing officer declaring under penalty of

perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure. When an investment or an interest in real property is required to be reported, the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
  2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
  3. A description of the consideration, if any, for which the income was received;
  4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
  5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.
- (C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:
1. The name, address, and a general description of the business activity of the business entity;
  2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.
- (D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.
- (E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.
- (B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- (C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.
- (D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$500.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$500 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.
- (B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- (C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

- (A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.
- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of

the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.



2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of \$100 or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
2. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
3. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification

provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

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Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

2 See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4 Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater. 15

5 A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300- 87302, 89501, 89502 and 89503, Government Code.

#### HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28- 90; operative 9-27-90 (Reg. 90, No. 42). 16

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
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18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974

- Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, 18 nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of History 24 (Register 2003, No. 12).
26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).
31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).
32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).
33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing and printing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974

Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12- 1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, 20 April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1- 11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

APPENDIX "A"  
City of Grass Valley  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

DEPARTMENT: ADMINISTRATION

DATE: 03/24/2020

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
City Clerk	1
City Attorney	1
Consultants*	1

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Administrator or his/her designee may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator or his/her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

APPENDIX "A"  
City of Grass Valley  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

DEPARTMENT: COMMUNITY DEVELOPMENT

DATE: 03/24/2020

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Community Development Director	1
Principal Planning	1
Building Official	1
Consultants*	1

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Administrator or his/her designee may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator or his/her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.



APPENDIX "A"  
City of Grass Valley  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

DEPARTMENT: FIRE

DATE: 03/24/2020

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Fire Chief	1
Fire Marshall	2, 4, 22
Battalion Chief	2, 4, 14, 22
Consultants*	1

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Administrator or his/her designee may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator or his/her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

APPENDIX "A"  
City of Grass Valley  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

DEPARTMENT: POLICE

DATE: 03/24/2020

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Police Chief	1
Captain	1
Consultants*	1

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Administrator or his/her designee may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator or his/her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

APPENDIX "A"  
City of Grass Valley  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

DEPARTMENT: FINANCE/ADMINISTRATIVE SERVICES    DATE: 03/24/2020

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Administrative Services Director	1
Consultants*	1

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Administrator or his/her designee may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator or his/her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

APPENDIX "A"  
City of Grass Valley  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

DEPARTMENT: PUBLIC WORKS/ENGINEERING

DATE: 03/24/2020

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Public Works Director of Operations	1
City Engineer	1
Assistant City Engineer	1
Utilities Superintendent/Chief Treatment Plant Operator	1
Senior Civil Engineer	1
Associate Civil Engineer	1
Consultants*	1

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Administrator or his/her designee may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator or his/her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

APPENDIX B  
MASTER LIST OF DISCLOSURE CATEGORIES  
SPECIFICATION SHEET

REPORTABLE INVESTMENTS, INTERESTS IN REAL PROPERTY, AND  
INCOME AGENCIES OF THE CITY OF GRASS VALLEY

DEFINITION: "Unit" as used in this text means the particular department, board, commission, office or other entity using the disclosure category.

Disclosure Category

1. All investments and business positions in business entities, sources of income and interests in real property.
2. Investments and business positions in business entities, and all sources of income.
3. Interests in real property.
4. Investments and business positions in business entities, and sources of income from entities providing supplies, services, equipment or machinery of the type used by the designated employee's unit.
5. Investments and business positions in, and income from entities which are book outlets, vendors or providers of business services.
6. Investments and business positions in business entities and income from sources engaged in construction, building, or material supply.
7. Investments and business positions in business entities and income from sources which supply or manufacture solar energy systems.
8. Investments and business positions in business entities and income from sources engaged in construction or development.
9. Investments and business positions in, and income from sources engaged in the construction of public works projects.
10. Investments and business positions in business entities and income from construction companies involved in progress payments.
11. Investments and business positions in, and income from construction firms involved in construction projects subject to acceptance by the City Council.
12. Investments and business positions in business entities and income from business entities of the type to provide bids, supplies, vehicles and equipment.

13. Investments and business positions in, and income from entities which provide training, services or facilities of the type utilized by the City.
14. Investments and business positions in, and income from entities which provide services and supplies of the type used in emergency services coordination/training activities.
15. Investments and business positions in, and income from Union Pension Funds that may be affected by the outcome of negotiations involving monetary settlements and employer-employee memorandums.
16. Investments and business positions in, and income from entities providing medical services or facilities of the type used by the City.
17. Investments and business positions in, and income from business entities engaged in providing eye examinations and eyeglasses, including opticians, ophthalmologists, etc.
18. Investments and business positions in and income from business entities supplying or manufacturing electronic equipment, supplies or services of the type utilized by the employee's unit.
19. Investments and business positions in, and income from business entities providing supplies, services, equipment or machinery of the type used by the City.
20. Investments and business positions in, and income from employment agencies or entities which provide employment or pre-employment services. Services include testing, training, consulting, job classification studies and salary surveys.
21. Investments and business positions in, and income from business entities which are of the type to provide any of the various types of employee insurance coverage and/or actuarial services.
22. Investments and business positions in business entities, and income from sources which supply or manufacture firefighting equipment or supplies.

RESOLUTION NO. 2020-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY  
UPDATING THE CITY'S CONFLICT OF INTEREST CODE, AMENDING  
EXHIBIT "A" OF RESOLUTION NO. 2012-57 ADOPTED AUGUST 28, 2012,  
AND AUTHORIZING EXECUTION OF THE 2020 LOCAL AGENCY BIENNIAL  
NOTICE.

WHEREAS, California Government Code §87300 requires that every City adopt and promulgate a Conflict of Interest Code; and

WHEREAS, in 1990 Government Code Section 87306.5 was added to the Political Reform Act requiring every local agency's code reviewing body to review its Conflict of Interest Code and to either amend said code if necessary or report that no such amendment is necessary; and

WHEREAS, City Manager, Administrative Services Director and City Clerk have reviewed its Conflict of Interest Code and have determined that changes have occurred within the agency which warrant an amendment to the code.

NOW THEREFORE, BE IT RESOLVED by the City Council of Grass Valley as follows:

1. The above recitals are true and correct.
2. The Council authorizes the execution of the 2020 Local Agency Biennial Notice.
3. That pursuant to Government Code Section 87300 et. Seq. The City Council of Grass Valley adopts the amendments to the Conflict of Interest Code attached here to as Exhibit "A" by removing the Planning Director, Associate Planner, Planning Technician, Economic Development Coordinator, Code Compliance Officer positions, adding Principal Planner position, revising the Director of Finance/Administrative Services position to "Administrative Services Director", revising the Public Works Director/City Engineer to "City Engineer", removing the Senior Engineer/Deputy Director of Public Works position, adding Public Works Director of Operations, Senior Civil Engineer, and Assistant City Engineer positions.
4. That the Conflict of Interest Code adopts and incorporates by reference California Code of Regulations, Title 2, section 18730 and its amendments thereby standardizing the City's Conflict of Interest Code.
5. That said Conflict of Interest Code continues to consist of two (2) parts;
  - a) the body of the code contains basic provisions required by section 87300 such as the manner of reporting financial interests, the procedure for filing statements of economic

interest, and the method to be used by designated position when they are required to disqualify themselves from participating in decision; and  
b) the appendix to said code continues to list those designated positions within the City of Grass Valley and the corresponding disclosure categories for each.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 24<sup>th</sup> day of March 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING

\_\_\_\_\_  
Lisa Swarthout, Mayor

ATTEST:

\_\_\_\_\_  
Andrew Heath, Administrative Services  
Director / Acting City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Colantuono, City Attorney





**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 18, 2020

**Prepared by:** Bjorn P. Jones, PE, Assistant City Engineer

**Title:** Condon Park Accessibility & Connectivity Project – Award Contract

**Recommended Motion:** That Council 1) authorize the Assistant City Engineer to award a contract for the Condon Park Accessibility & Connectivity Project to Hansen Bros. Enterprises, 2) authorize the Mayor to execute the construction contract, subject to legal review, and 3) authorize the Assistant City Engineer to approve contract change orders up to 10% of the contract amount.

**Agenda:** Consent

**Background Information:** On January 13, 2020, Council authorized the advertising of bids for the Condon Park Accessibility & Connectivity Project. The Project involves the construction of accessibility improvements at Condon and Minnie Park; concrete sidewalks, ADA parking, and asphalt concrete pavement shared use trails to better connect park facilities and existing walkways.

Bids were opened on February 20, 2020 with four bids received. A Bid Summary is attached. Staff reviewed the low bid of \$368,997.00 submitted by Hansen Bros. Enterprises and determined the bid to be complete and responsible. The Engineers Estimate for the project was \$348,772.00

The project is funded through a Congestion Mitigation and Air Quality (CMAQ) grant in the amount of \$365,600. Because of cost savings in the City’s recently closed out Northeast Sidewalk Project, staff is working with the Nevada County Transportation Commission to reassign approximately \$50,000 in unused CMAQ funds to fully fund this project. Staff recommends that Council authorize the Assistant City Engineer to award the construction contract to Hansen Bros. Enterprises in the amount of \$368,997.00, subject to full CMAQ funding availability; authorize the Mayor to execute the construction contract, subject to legal review; and authorize the Assistant City Engineer to approve construction change orders up to 10% of the contract amount.

**Council Goals/Objectives:** The Condon Park Accessibility & Connectivity Project executes portions of work tasks towards achieving/maintaining Strategic Plan – City Infrastructure Investment.

**Fiscal Impact** The project will be fully funded with CMAQ grant funds in the FY 19/20 budget with the proposed administrative modification of unallocated CMAQ funds available to the City.

**Funds Available:** Yes

**Account #:** 180-6337-3039

**Reviewed by:** \_\_\_\_\_ City Manager

\_\_\_\_\_ Finance:



**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 18, 2020

**Prepared by:** Bjorn P. Jones, PE, Assistant City Engineer

**Title:** Kate Hayes Street and Empire Court Sewer Line Replacement Project – Final Acceptance

**Recommended Motion:** That Council 1) accept the Kate Hayes Street and Empire Court Sewer Line Replacement Project as complete, 2) authorize the Finance Director to execute a budget transfer in the amount of \$358,331.70 from the Water Rate Fund to this project, and 3) authorize the Assistant City Engineer to file a Notice of Completion with the County Recorder.

**Agenda:** Consent

**Background Information:** On April 9, 2019, Council authorized the award of a contract for the Kate Hayes Street and Empire Court Sewer Line Replacement Project to C & D Contractors, Inc., in the amount of \$749,999.00. The project included sewer, drainage, concrete and pavement replacements and improvements on Kate Hayes Street and Empire Court. During construction a conflict was discovered between the proposed sewer line and the existing gas and water facilities and the water main was discovered to be in poor condition. On July 23, 2019, Council approved a change order in the amount of \$334,847.00 (plus 10% contingency) to add the replacement of the water main and appurtenances to the project, with a final budget adjustment to be requested after project completion.

All of the work has now been completed by the contractor and there were four change orders issued as part of this project. The final approved construction costs total \$1,138,348.64. Staff requests that Council authorize a budget transfer of \$358,331.70 of available Water Rate Funds to fully fund this project.

The Engineering Division has field accepted the work and the contractor has provided the City with a guarantee of work for a period of one year following the date of acceptance of the project. Upon Council's acceptance, the Assistant City Engineer will file a Notice of Completion with the County Recorder's Office. If no Stop Notices are received by the City after a period of thirty-five (35) days from the filing date of the Notice, all appropriate bonds will be released to the contractor.

**Council Goals/Objectives:** The Kate Hayes Street and Empire Court Sewer Line Replacement Project executes portions of work tasks towards achieving/maintaining Strategic Plan Goal – City Infrastructure Investment.

**Fiscal Impact:** With approval of the requested budget transfer, the project will be fully funded with Sewer and Water Rate funds in the current CIP Budget.

**Funds Available:** Yes

**Account #:** 212-6669 & 204-TBD

**Reviewed by:** \_\_\_\_\_ City Manager                      \_\_\_\_\_ Finance Director

RECORDING REQUESTED BY and  
WHEN RECORDED MAIL TO:

**ENGINEERING DIVISION  
CITY OF GRASS VALLEY  
125 East Main Street  
Grass Valley, CA 95945**

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

## NOTICE OF COMPLETION

### NOTICE IS HEREBY GIVEN THAT:

1. That the undersigned is OWNER or agent of the OWNER of the interest or estate stated below in the property hereinafter described.
2. The FULL NAME of the OWNER is the **City of Grass Valley**.
3. The FULL ADDRESS of the OWNER is **125 East Main Street, Grass Valley, CA 95945**.
4. The nature of the INTEREST or ESTATE of the undersigned is: **FEE**.
5. A work of improvement on the property hereinafter described was COMPLETED: **March 24, 2020**.
6. The work of improvement completed is described as follows: **Installation of new sewer and water facilities and paving**.
7. The NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvement is: **C & D Contractors, Inc.**
8. The street address of said property is: **Kate Hayes Street and Empire Court**.
9. The property on which said work of improvement was completed is in the City of **Grass Valley**, County of **Nevada**, State of California and is described as follows: **Kate Hayes and Empire Court Sewer Line Replacement**.

\_\_\_\_\_  
City of Grass Valley  
Owner

by: \_\_\_\_\_  
Bjorn P. Jones, Asst. City Engineer

"I certify under penalty of perjury that the foregoing is true and correct."

\_\_\_\_\_  
(Date and Place)

\_\_\_\_\_  
(Signature)



**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 17, 2020

**Prepared by:** Alexander K. Gammelgard, Chief of Police

**Title:** Approve Resolution No. 2020-10 Delegating Authority to the Police Chief to submit a grant proposal to the State Board of Community Corrections

**Recommended Motion:** That Council 1) approve Resolution No. 2020-10 Delegating Authority to the Police Chief to submit a grant proposal to the State Board of Community Corrections

**Agenda:** Consent

**Background Information:**

The Grass Valley Police Department is continually looking to innovate and evolve in our police service delivery models. Delivering law enforcement services “the way we have always done it” limits our ability to respond to community needs. This grant provides an opportunity to enhance our ability to better serve a population vulnerable to violence and the perpetration of violence, while making strides to improve the quality of life in our community.

The California Violence Intervention and Prevention (CalVIP) grant is administered by the Board of Community Corrections (BSCC), with a total grant allocation of \$21 million statewide. A mandated \$3 million set aside is available for selected cities with populations of 40,000 or less. The City of Grass Valley is one of the specified cities. The grant’s primary focus is to support, expand, and replicate evidence-based violence reduction initiatives, and specifically addresses “evidence-based street outreach programs.” The Grass Valley Police Department would apply for \$600,000 over a three-year period, \$200,000 per year.

In the changing landscape of municipalities across California and the nation, police interaction with homeless individuals is increasing. Absent substantial federal or state policy changes, no decrease of this trend is in sight. However, local communities are best suited to make meaningful impacts based on local needs, existing programs, and tailored approaches for their specific homeless populations. Based on current staffing patterns and partnerships, street level engagement of individuals is currently less than consistent. Although great efforts have been made on that front and should be recognized, there is tremendous value in bolstering that type of work, specifically in a direct and dedicated capacity with police officers.

This grant would provide funding for three years to staff an outreach worker with a police officer. This program, in addition to the obvious benefits of increase street/camp presence, would also provide dedicated personnel resources to the many programs occurring at other governmental and community partnership levels (i.e., Homeless Outreach Team, Homeless Outreach Medical



**City of Grass Valley  
City Council  
Agenda Action Sheet**

Engagement team, and many other partners in the community), enhancing capacity and capitalizing on synergistic principles. This grant requires governmental partnership with, and disbursement of funds to, “one or more community-based organizations.” The Police Department would partner with the Hospitality House for the outreach-worker, partnering someone who is familiar with the homeless population directly with a selected Grass Valley Police Officer. Together, they would address the underlying causes and concerns of homelessness, victimology, as well as implement several strategies to reduce violent crime within the homeless community and areas in which they frequent. There is tremendous crossover within this population set with both vulnerability to crime as well as the propensity to perpetrate crime against others in and out of that population subset. This grant opportunity will bring incredible value to this vulnerable population and to the community as a whole.

**Council Goals/Objectives:**

This action is consistent with City Strategic Goals related to goal #6, Public Safety.

**Fiscal Impact:**

None at this time. Potential for expenses offset by revenue.

**Funds Available:** N/A

**Account #:** N/A

**Reviewed by:**

\_\_\_\_\_ City Manager

\_\_\_\_\_ Finance

**Attachments:**

1. Resolution No. 2020-03

RESOLUTION NO. 2020-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY  
AUTHORIZING THE POLICE CHIEF TO SUBMIT A GRANT PROPOSAL TO THE  
STATE BOARD OF COMMUNITY CORRECTIONS FOR THE CALIFORNIA  
VIOLENCE INTERVENTION AND PREVENTION (CALVIP) GRANT**

WHEREAS, the City of Grass Valley desires to participate in the 2019 California Violence Intervention & Prevention Grant funded through the California State General Fund and administered by the Board of State and Community Corrections (hereafter referred to as the BSCC).

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY that the Police Chief be authorized on behalf of the City of Grass Valley City Council to submit the grant proposal for this funding and sign the Grant Agreement with the BSCC, including any amendments thereof.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the City of Grass Valley agrees to ensure all matching funds required for the above grant are provided and abide by the terms and conditions of the Grant Agreement as set forth by the BSCC.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 24<sup>th</sup> day of March 2020 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
Lisa Swarthout, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Andy Heath, Acting City Clerk

\_\_\_\_\_  
Michael G. Colantuono, City Attorney



**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 20, 2020

**Prepared by:** Maryanne Hoffler, General Ledger Accountant

**Title:** Approve Resolution 2020-12 Authorizing Investment to the Local Agency Investment Fund (LAIF)

**Recommended Motion:** That Council Approve Resolution 2020-12 authorizing investment of monies in the Local Agency Investment Fund (LAIF).

**Agenda:** Consent

**Background Information:** The resolution held by the State Treasurer's office authorizing the City's investment in LAIF was done in January 2003. Since then, there have been changes in staff and a change from City Administrator to City Manager. We need to update this resolution to reflect the City Manager, Administrative Services Director and the General Ledger Accountant positions currently authorized by Resolution 2017-06 to Sign Banking and Related Institutions Signature Cards.

**Council Goals/Objectives:** N/A

**Fiscal Impact:** N/A

**Funds Available:** N/A

**Account #:** N/A

**Reviewed by:** \_\_\_\_\_ City Manager

RESOLUTION NO. 2020-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY  
AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY  
INVESTMENT FUND.

WHEREAS, The Local Agency Investment Fund is established in the State Treasury under Government Code section 16429.1 et. seq. for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council hereby finds that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein is in the best interests of the City;

NOW THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the deposit and withdrawal of City monies in the Local Agency Investment Fund in the State Treasury in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein.

BE IT FURTHER RESOLVED, as follows:

Section 1. The following City officers holding the title specified hereinbelow or their successors in office are each hereby authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund and may execute and deliver any and all documents necessary or advisable in order to effectuate the purposes of this resolution and the transactions contemplated hereby;

Timothy Kiser  
City Manager

Andrew Heath  
Admin Services Director

Maryanne Hoffler  
General Ledger Acctnt

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(signature)

Section 2. This resolution shall remain in full force and effect until rescinded by City Council by resolution and a copy of the resolution rescinding this resolution is filed with the State Treasurer's Office.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 24<sup>th</sup> day of March 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING



\_\_\_\_\_  
Lisa Swarthout, Mayor

ATTEST:

\_\_\_\_\_  
Andrew Heath, Administrative Services  
Director / Acting City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Colantuono, City Attorney



**City of Grass Valley  
City Council  
Agenda Action Sheet**

**Council Meeting Date:** March 24, 2020

**Date Prepared:** March 18, 2020

**Prepared by:** Thomas Last, Community Development Director

**Title:** Continued Public Hearing on the Dorsey Marketplace project from the January 28, 2020 City Council meeting.

**Recommended Motion:** That Council continue the public hearing on the Dorsey Marketplace project to the April 14, 2020 meeting.

**Agenda:** Public Hearing

**Background Information:** On January 28, 2020, the City Council continued the public hearing on the Dorsey Marketplace project to its March 24, 2020 meeting. Because of the impacts created by COVID-19, staff is requesting a continuance of this item and the public hearing. This will provide the City time to respond to the Governor's Executive Order No. N-25-20 related to changes in the Brown Act, and to take steps that will allow public accessibility and input on the project while limiting City Council and City staff's potential exposure to the virus.

**Council Goals/Objectives:** N/A

**Fiscal Impact:** N/A

**Funds Available:** N/A

**Account #:** N/A

**Reviewed by:**

\_\_\_\_ City Manager

**Attachments:**