

CITY COUNCIL

Heather Baker, Mayor
Gary Hansen, Vice Mayor
Vincent Holvik, Council Member
Peter Towne, Council Member
Jim Yoder, Council Member

CITY MANAGER
Steve Holsinger

CITY CLERK
Natalie Butler



201 North Lassen Street
Willows, CA 95988
(530) 934-7041
www.cityofwillows.org

CITY COUNCIL MEETING AGENDA

Tuesday, October 26, 2010

7:00 p.m.

1. Call to Order Willows City Council Regular Meeting 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call
4. **Agenda Review:** (Requested Changes by Council or Staff)
 - a.) Consider acceptance, by motion, of City Council October 26, 2010, Agenda.
5. **Presentations & Proclamations:** None
6. **Oral and Written Communications/Public Comment:** Persons wishing to speak on a matter *not on the agenda* may be heard at this time, however, no action will be taken unless placed on a future agenda. (*Oral communications are generally restricted to three minutes*).
 - a) A letter was received from the Citizens for Economic Stability requesting an Ordinance amendment to Municipal Code §2.05.130 and the creation of a new Ordinance to add Municipal Code §2.35.030. Staff is seeking Council direction regarding this request.
7. **Consent Agenda:** Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Councilperson or citizen requests, in which event the item will be removed from the consent agenda.
 - a) Consider approval of General Check Register.
 - b) Consider approval of Payroll & Direct Deposit Check Registers.
 - c) Consider approval of the City of Willows Statement of Investment Policy.
 - d) Consider approval of City of Willows Treasurer's Report Schedule of Cash and Investments as of September 30, 2010.
 - e) Consider adoption of a Resolution appointing the Finance Director as the City Manager pro-tempore in accordance with Municipal Code Section 2.10.050.
8. **Public Hearings:** None

(Persons wishing to speak on a Public Hearing item are asked to approach the microphone to address the Council and limit comments to three minutes. It is also requested that you please state your name for the record.)

 - a. Conduct a Public Hearing and consider adoption of a Resolution approving a rate increase for solid waste collection services to be effective December 1, 2010.

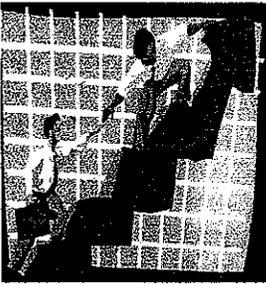
- b. Conduct a Public Hearing and consider reading by title only and passage of first reading of an Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS, REPEALING, AMENDING, AND/OR CREATING SPECIFIC SECTIONS OF CHAPTER 15; SUB SECTIONS 15.10, 15.11, 15.15, 15.20, 15.30, 15.35, 15.50, 15.60, 15.70, 15.75, 15.80, 15.85, 15.90, 15.91 AND 15.95 OF THE CITY OF WILLOWS MUNICIPAL CODE, AND TO ADOPT BY REFERENCE AND AMEND CERTAIN PORTIONS OF THE 2010 CALIFORNIA BUILDING STANDARDS CODE".
 - c. Conduct a Public Hearing and consider reading by title only and passage of first reading of an Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS, REPEALING, REPLACING, AND/OR AMENDING CERTAIN SECTIONS OF CHAPTER 15.15 OF THE CITY OF WILLOWS MUNICIPAL CODE, TO ADOPT BY REFERENCE AND AMEND CERTAIN PORTIONS OF THE 2010 CALIFORNIA FIRE CODES AND APPROVE THE LOCAL FINDINGS AS SET FORTH IN THE CODES WITH THE REMAINING SECTIONS CURRENTLY IN PLACE TO REMAIN UNCHANGED".
9. Ordinances: Action taken under items 8(b) and 8(c).
 10. Items introduced by City Council or Administrative Staff for discussion purposes only:
 11. New Business:
 12. Council Member Reports:
 13. Executive Session: None
 14. Adjournment:

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before October 21, 2010.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours Monday through Thursday between 7:30 a.m. and 5:30 p.m. at the Civic Center located at 201 North Lassen Street in Willows.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider

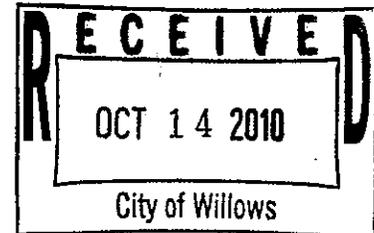


Citizens for Economic Stability

Advocating Business Opportunity and Economic Sustainability for All

October 8, 2010

Ms. Natalie Butler, City Clerk
CITY OF WILLOWS
201 North Lassen Street
Willows, CA 95988



RE: REQUEST CHANGE OF MUNICIPAL CODE §2.05.130 - AGENDA
[COUNCIL] and REQUEST FOR ADDITION OF MUNICIPAL CODE §2.35.030 -
AGENDA [PLANNING]

Ms. Natalie Butler, City Clerk:

This letter is delivered pursuant to §2.05.130 of the Willows Municipal Code wherein the undersigned request the following matter be placed on the next City Council Agenda.

Presently, Municipal code §2.05.130 reads in part "...On the fourth day preceding such meeting, the City clerk shall cause one copy thereof [Agenda] to be delivered to each Councilman. Matters deemed by the city manager to be emergencies are excepted from the foregoing provisions and may be presented for the consideration of the council at the meeting. A copy of the agenda shall also be delivered to interested news media and the agenda shall be conspicuously posted inside and near the entrance of City Hall. [Ord. 416 §1, 1, 6-28-65.]"

The undersigned request the City amend §2.05.130 as follows:

"Any person, group or agency having any reports, communications or other matters to be presented at a council meeting shall notify the city clerk of the fact in writing before 5:00 p.m. of the ninth day (Sunday included) preceding the day of such meeting. Upon receipt of notice of such matters the city clerk shall prepare a list of same for presentation in the form of an agenda to be used in the direction of the order of business at such meeting. On the Seventh day preceding such meeting, the City clerk shall cause one copy thereof [Agenda] to be delivered to each Councilman. Matters deemed by the city manager to be emergencies are excepted from the foregoing provisions and may be presented for the consideration of the council at the meeting. A copy of the agenda shall also be delivered to interested news media and the agenda shall be conspicuously posted inside and near the entrance of City Hall;

P.O. Box 921 Willows, CA 95988

and the Agenda, together with all supporting documentation, less those deemed confidential by law, shall be posted to the city's web site."

The undersigned request the City add §2.35.030 [Planning] as follows:

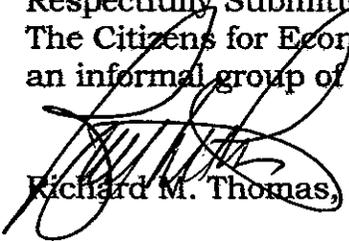
2.05.130 Agenda - Prior presentation of matters to city desk - Posting and delivering agenda.

Any person, group or agency having any reports, communications or other matters to be presented at a Commission meeting shall notify the city clerk of the fact in writing before 5:00 p.m. of the ninth day (Sunday included) preceding the day of such meeting. Upon receipt of notice of such matters the city clerk shall prepare a list of same for presentation in the form of an agenda to be used in the direction of the order of business at such meeting. On the seventh day preceding such meeting, the city clerk shall cause one copy thereof to be delivered to each Commissioner. Matters deemed by the city manager to be emergencies are excepted from the foregoing provision and may be presented for the consideration of the Commission at the meeting. A copy of the agenda shall also be delivered to interested news media and the agenda shall be conspicuously posted inside and near the entrance of City Hall; and the Agenda, together with all supporting documentation, less those deemed confidential by law, shall be posted to the city's web site.

Reason and purpose:

1. The undersigned believe since the City is now closed on Fridays, due to Budgetary constraints, the posting of the Agenda on the fourth day, Thursday, leaves insufficient time for the public to review the matters on the agenda, to acquire and complete any research on the subject matters and prepare itself for any presentation to the Council.
2. The undersigned believe since the two Newspapers of general circulation both publish on Wednesday and Saturday, the general public does not receive notice of matters to be considered until the Saturday immediately before the Tuesday Meeting. This leaves insufficient time to acquire information and supporting documentation for consideration of making an adequate presentation to the Council on such matters to be considered.
3. On the occasion of Monday being a holiday preceding a Council Meeting, the public has only the meeting day to acquire and review information to be considered at a Council Meeting.
4. We believe the general public would be best served if all commissions of the city of Willows followed a consistent "Notice" procedure.

Respectfully Submitted,
The Citizens for Economic Stability,
an informal group of concerned Citizens.


Richard M. Thomas, Spokesman


RaeAnn Titus, Recording Secretary

AGENDA ITEM

TO:  Steve Holsinger, City Manager
FROM: Tim Sailsbery, Finance Director
SUBJECT: Statement of Investment Policy

RECOMMENDATION

Approve, by motion, the City of Willows Statement of Investment Policy

SITUATION (or BACKGROUND):

The City Council, on an annual basis, is required to review and approve the City's Investment Policy. The Policy (attached) provides the basis for investment of City funds as well as periodic reporting of said funds.

FINANCIAL CONSIDERATIONS:

While no direct appropriation of funds considered as part of the policy renewal, the policy does affect the types and rates of return on the investment of City funds.

NOTIFICATION

N/A

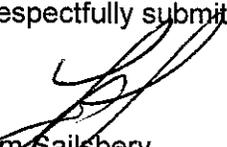
ALTERNATE ACTIONS

1. Approve by motion
2. Request additional information from staff
3. Reject staff recommendation and/or direct item to be returned at later date.

RECOMMENDATION

Approve, by motion, the City of Willows Statement of Investment Policy

Respectfully submitted,


Tim Sailsbery
Finance Director

Attachment:
EXHIBIT A: Investment Policy

EXHIBIT A

CITY OF WILLOWS STATEMENT OF INVESTMENT POLICY

1. Introduction

The purpose of this document is to identify various policies that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities. Related activities that compose good cash management include accurate cash projections, expeditious collection of revenue, control of disbursements, and cost effective banking relations.

2. Scope

The investment policy covers all funds and investment activities under the direct authority of the City of Willows.

3. Objective

- A. **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the City of Willows shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- B. **Liquidity:** An adequate percentage of the portfolio will be maintained in the liquid, short-term securities which can be converted to cash if necessary to meet disbursement requirements. Since all cash requirements cannot be anticipated, investments in securities with active secondary or resale markets is highly recommended. Emphasis will be on low sensitivity to market risk.
- C. **Yield:** Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.
- D. **Market-Average Rate of Return:** The investment portfolio shall be designed to attain a market average rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints, the cash flow characteristics of the portfolio, and State and local laws, ordinances.
- E. **Diversification:** The investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding either specific security types or individual financial instruments.
- F. **Prudence:** The City of Willows adheres to the guidance provided by the "Prudent Man Rule" (Civil Code Section No. 2261), which obligates a fiduciary to ensure that:

"...investment shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment considering the probable safety of their capital as well as the probable income to be derived."

G. Public Trust: All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

4. Declaration of Authority

The City Treasurer has the authority to invest funds in certain eligible securities (Government Code Section 53635).

5. Reporting

The City Treasurer shall submit a quarterly investment report to the City Council, which shall include all the elements of the report as prescribed by Government Code Section 53646.

6. Investment Instruments

Investments for the City of Willows are to be made in one or more of the following:

Investment Instrument	Maximum Percentage or Amount	Maximum Maturity
A. Certificates of Deposit	Unlimited	5 years
B. Negotiable Certificates of Deposit	30%	5 years
C. Local Agency Investment Fund	\$10MM	n/a
D. Passbook Savings Account	Unlimited	n/a
E. Securities of the U.S. Government Or Agencies Thereof	Unlimited	5 years
F. Bankers Acceptances	40%	270 days
G. Commercial Paper	30%	180 days
H. Medium Term Corporate Notes	30%	5 years

7. Internal Controls

A system of internal controls shall be established to prevent losses of public funds arising from fraud, employee error, misrepresentation of their parties, unanticipated changes in financial markets, and imprudent actions by employees and officers of the City.

8. Maturities

Security purchases and holdings shall be maintained within statutory limits imposed by Government Code.

9. Banks and Securities Dealers

The City Treasurer, in selecting financial institutions for deposits and investments of the City funds, shall consider the creditworthiness of such institutions. The Treasurer shall continue to monitor financial institutions' credit characteristics and financial history throughout the period in which City funds are either deposited or invested.

10. Risk Tolerance

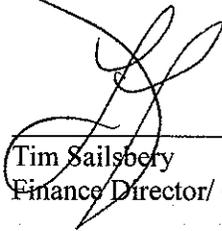
The City of Willows recognizes that investment risk can result from issuer defaults, market price changes, or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. No individual investment transaction shall be undertaken which jeopardizes the total capital position of the overall portfolio. The Treasurer shall periodically establish guidelines and strategies to control risk of default, market price changes, and illiquidity. A competitive bid process, when practical, will be used to place all investments.

11. Statement of Investment Policy

This statement of Investment Policy shall be reviewed and submitted annually to the City Council.

Date

10/26/10



Tim Sailsbery
Finance Director/ City Treasurer

City of Willows
Treasurer's Report
Schedule of Cash and Investments
As of September 30, 2010

Pursuant to Government Code Section 53646, listed below is a schedule of Cash and Investments held by the City of Willows.

Par	Description of Security/ Financial Institution	Coupon Rate	Maturity Date	Adjusted Cost Basis	Weighted Average Yield To Maturity	Current Market (Over 12 Mos.)
N/A	General Checking Account/ Bank of America	N/A	N/A	\$ 352,104.98	N/A	\$ 352,104.98
N/A	Local Agency Investment Fund/ Office of the Treasurer, State of California	0.51%	Var.	\$2,440,500.51	Var.	\$ 2,445,173.70
N/A	Program Income Money Market Account/ Umpqua Bank	0.44%	N/A	\$ 314,658.55	N/A	\$ 314,658.55
\$1,312,000.00	Negotiable Certificates of Deposit Edward Jones Investments-Custodian	1.70-4.65%	12/10/2010- 9/29/2015	\$1,312,000.00	3.12%	\$ 1,333,392.81
\$ 200,000.00	Negotiable Certificates of Deposit Stifel Nicolaus-Custodian	2.25-3.55%	5/6/2014- 8/20/2015	\$ 200,000.00	2.90%	\$ 205,755.00
\$ 100,000.00	State of CA Agency Note CA State Public Works Board Stifel Nicolaus-Custodian	3.50%	10/1/2013	\$ 98,850.24	3.50%	\$ 104,027.00
\$ 105,000.00	US Government Agency Term Notes Federal National Mortgage Assn. Edward Jones-Custodian	3.00%	9/29/2015	\$ 105,949.95	3.00%	\$ 107,132.55
\$ 250,000.00	US Government Agency Term Notes Federal Home Loan Bank (\$250,000) Stifel Nicolaus-Custodian	2.35%-5.07%	1/27/2011- 1/12/2015	\$ 250,005.00	3.98%	\$ 252,397.50
Total				\$5,074,069.23		\$ 5,114,642.09

I certify that this report reflects all Government Agency cash and pooled investments and is in conformity with the Investment Policy of the City of Willows as stated in the annual investment policy approved by the City Council. A copy of the investment policy is available at the Office of the Finance Director/City Treasurer. The Investment Program herein provides sufficient cash flow liquidity to meet the estimated expenditures for the next 180 days.

Submitted: /s/ Tim Salsbery
City Treasurer

Approved: /s/ Stephen Holsinger
City Manager

AGENDA ITEM

TO: Honorable Mayor Baker and Members of City Council
FROM: Steve Holsinger, City Manager
SUBJECT: Appointment of Second-in-Command during any temporary absence or disability of the City Manager

RECOMMENDATION

Approve, by Resolution, the appointment of Tim Sailsbery, Finance Director, as City Manager pro-tempore in accordance with Municipal Code, Section 2.10.050

SITUATION:

Recently the Law Enforcement Sub-Committee requested some clarification regarding the appointment of a "Second-in-Command" during the absence of the City Manager, in the event of an emergency or circumstances requiring immediate response. A temporary assignment of the duties and responsibilities of the City Manager are embedded within the Municipal Code, Section 2.10.050 as City Manager Pro Tempore; subject to approval by the City Council:

2.10.050 City manager pro tempore.

The city manager shall appoint, subject to the approval of the city council, one of the other officers or department heads of the city to serve as a manager pro tempore during any temporary absence or disability of the city manager....

The City Manager recommends Finance Director, Tim Sailsbery be authorized to fulfill this role during any absence or disability of the City Manager. Mr. Sailsbery has agreed to serve, as necessary, in this capacity should circumstances require an immediate response in the absence of the City Manager.

FINANCIAL CONSIDERATIONS:

None

NOTIFICATION

N/A

ALTERNATE ACTIONS

1. Approve by resolution; attached
2. Request additional information from staff
3. Reject staff recommendation and/or direct item to be returned at later date.

RECOMMENDATION

Approve, by Resolution, the appointment of Tim Sailsbery, Finance Director, as City Manager pro-tempore in accordance with Municipal Code, Section 2.10.050

Respectfully submitted,


Steve Hoisinger
City Manager

Attachment:

EXHIBIT A: Resolution

EXHIBIT A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPOINTING THE FINANCE DIRECTOR AS CITY MANAGER PRO TEMPORE IN ACCORDANCE WITH MUNICIPAL CODE SECTION 2.10.050

WHEREAS, the City of Willows Municipal Code, Chapter 2, Section 2.10.050 requires appointment of a Department Head to serve as Acting or Temporary City Manager during absence or disability of the City Manager; and

WHEREAS, the City Manager has recommended appointment of Finance Director, Tim Sailsbery to serve as necessary in this capacity; and

WHEREAS, the City of Willows elects to establish this position of City Manager Pro Tempore to carry out the essential tasks and responsibilities defined by the Municipal Code for the City Manager, in accordance with Section 2.10; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WILLOWS hereby establishes the position of City Manager Pro Tempore to carry out the essential tasks and responsibilities defined by the Municipal Code for the City Manager, in accordance with Section 2.10, in the event of absence or disability of the City Manager.

It is hereby certified that the foregoing resolution - 2010 of the City Council was duly introduced and duly adopted by the City Council of the City of Willows at its regular meeting held on the 26th day of October, 2010, by the following roll call vote: ()

- Ayes in favor:
- Noes:
- Absent:
- Abstain:

Approved:

Attest:

Heather Baker, Mayor

Natalie J. Butler, City Clerk

AGENDA ITEM

October 26, 2010

TO: Honorable Mayor Baker and Members of City Council

FROM: Steve Holsinger, City Manager

SUBJECT: Consideration of Proposed Rate Increase for Solid Waste Collection in accordance with terms and provisions of the Franchise Agreement with USA Waste of California, Inc (dba Glenn County Disposal).

RECOMMENDATION

This is a public hearing. The City Council should conduct the public hearing and following closure, by Motion, adopt the attached Resolution approving rate increase for solid waste collection services to be effective December 1, 2010

SUMMARY

Waste Management (dba, Glenn County Disposal) has requested consideration of a rate adjustment for residential and commercial solid waste services provided within the City of Willows. Provisions approved in November 2006; as part of the Franchise Agreement renewal, included consideration for annual rate increases to be calculated based upon several factors as defined in Article I, Sections 1, 2 & 3. In accordance with the aforementioned provisions; Waste Management may seek recovery of increased costs associated with any future CPI, Tipping Fee or Fuel Cost Adjustment impacts requiring increases during the same annual adjustment period.

The following is a brief summary of the proposed rate adjustments and the factors impacting the increased cost of services to the community. The City Council will be conducting a public hearing on the rate adjustment proposal.

RATE ADJUSTMENT EXPLANATION

The Franchise agreement (Article I, Sections 1, 2 & 3) defines specific impacts involving justification for periodic rate adjustments. The applicable criteria in conjunction with this annual rate adjustment proposal are:

- Annual rate increase consideration in conjunction with changes to the CPI (based upon the Department of Labor Consumer Price Index for All Urban Consumers within the Western States Index area) and the annual changes in conjunction with Fuel Cost adjustment impacts.

Waste Management has requested a rate adjustment of 2.3% for residential and commercial customers, to become effective December 1, 2010. The purpose of this rate increase is to provide an adjustment due to increases in the Consumer Price Index and recovery of costs in conjunction with Fuel Costs Adjustment fees. The CPI change from August 2009 thru August 2010 is equal to 1.639 index points or an equivalent 0.75% increase to Urban Consumers in the Western States Index area. This percentage is applied to base rate of the prior year solid waste rates in Willows. This result becomes the CPI portion of the rate adjustment for the subsequent year. The CPI adjustment for the 2010 - 2011 year is 0.75% for all Willows solid waste customers.

This adjustment request also allows Waste Management to calculate costs associated with Fuel Adjustment Costs over the preceding year. Those calculations actually result in an overall increase in Fuel Expense Adjustments of 1.48% due.

Article I, Section 2 provides for recovery of expenses and cost associated with contingent fees charged to the Contractor; such as Tipping Fees established by Glenn County in association with costs for solid waste disposal at the county landfill. Last year Glenn County raised its "tipping fees" by 133% to \$70/per ton. Staff is happy to report the County of Glenn has not changed the tipping fee for fiscal 2010 and therefore there is no adjustment necessary for this expense.

The requested rate adjustment of 2.3% for residential and commercial customers will result in a \$0.39/per month increase on average. This results in an annual cost increase of approximately \$4.68 per customer in Willows. A detailed analysis of the cost impacts are attached, as well as a rate schedule for each applicable category of service. Staffs recommends City Council conduct the Public Hearing and following the public hearing, approve the proposed rate increase for solid waste collection services to become effective December 1, 2010.

FINANCIAL CONSIDERATIONS

None at this time

NOTIFICATION

Waste Management, Inc (dba, Glenn County Disposal)

ALTERNATE ACTIONS

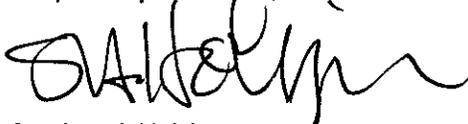
1. The City Council should conduct the public hearing and following closure, by Motion, adopt the attached Resolution approving rate increase for solid waste collection services to be effective December 1, 2010

2. Request additional information from Staff

RECOMMENDATION

This is a public hearing. The City Council should conduct the public hearing and following closure, by Motion, adopt the attached Resolution approving rate increase for solid waste collection services to be effective December 1, 2010

Respectfully submitted,



Stephen A Holsinger
City Manager

Attachments: Resolution adopting Solid Waste Rate Schedule
Exhibit "A" Willows Solid Waste Rate Schedule – December 1, 2010
Willows Rate Adjustment Analysis

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
ADOPTING REFUSE COLLECTION RATES, APPROVING AMENDMENT TO
RESIDENTIAL & COMMERCIAL RATE SCHEDULES AS PROVIDED
WITHIN THE PROVISIONS OF THE FRANCHISE
AGREEMENT APPROVED NOVEMBER 28, 2006**

WHEREAS, in accordance with Section 8.29 et seq. of the Willows Municipal Code, the City entered into a contract for refuse collection with USA Waste of California, Inc. (dba Glenn County Disposal, Inc.) on November 28, 2006; and

WHEREAS, contained in the contract are provisions for review of the agreement including, but not limited to the rate schedule; and

WHEREAS, expense recovery for the Contractor in conjunction with increases in the Consumer Price Index (based upon the All Urban Consumers Index for the Western States Index area) is justified, and;

WHEREAS, increased expenses associated with Fuel Cost Adjustment will require adjustment to residential & commercial service rates, and;

WHEREAS, review has been completed and certain amendments to the rate structure have been proposed to provide the City's contractor with a fair rate of return as shown on the attachments; and

NOW THEREFORE, BE IT RESOLVED, that the rate schedule shown on Exhibit "A" is approved, effective December 1, 2010, and current rates adopted by City Council Resolution, dated the 8th day of September, 2009; previously setting the refuse rate is hereby repealed.

It is hereby certified that the foregoing resolution _____ of the City Council was duly introduced and duly adopted by the City Council of the City of Willows at its regular meeting held on the 26th day of October, 2010, by the following roll call vote: ()

Ayes in favor:

Noes:

Absent:

Abstain:

Approved:

Attest:

Heather Baker, Mayor

Natalie J. Butler, City Clerk



WASTE MANAGEMENT
3281 Highway 99W
Corning, California 96021

September 30, 2010

Mr. Steve Holsinger
City Manager
City of Willows
201 N. Lassen
Willows, California 95988

Dear Steve,

Waste Management is requesting a rate increase as provided for in our waste and recycling agreement with the City. In accordance with Article I (1) and Article I (3) of our agreement with the City, rates are adjusted effective December 1st of each year. The calculation is based on the September Western States Consumer Price Index (CPI) and provides for an adjustment up or down based on the diesel fuel index with a maximum 2% increase or decrease.

As you know, in 2009, Glenn County raised its disposal rate 133% from \$30 per ton to \$70 per ton. At the same time, Waste Management reduced its portion of the rate in 2009 by 3.5%. The good news is that the County tipping fee was not increased in 2010, however, our portion of the rate in 2010 increased by 0.75% (CPI) and 1.48% (Diesel) for a total increase of 2.3%.

Attached you will find support information for the calculation of our rate request as described above. After reviewing the calculations, please let me know if you need any additional information.

Thank you for considering this request.

Sincerely,

Matt Fryer
District Manager

Attachments

EXHIBIT A

CITY OF WILLOWS ANNUAL RATE INCREASE EFFECTIVE 12/1/2010

CPI % Increase: 0.75%
Fuel % Increase: 1.48%

RESIDENTIAL RATES	Current				New Rate
	Rate	CPI	Fuel		
Carts (35 Gallon) - Senior	\$ 11.94			\$ 12.21	
Carts (64 Gallon)	\$ 16.59	\$ 0.12	\$ 0.25	\$ 16.96	
Carts (96 Gallon)	\$ 23.66	\$ 0.18	\$ 0.35	\$ 24.19	
Carts (96 Gallon Yard Waste)	\$ 4.28	\$ 0.03	\$ 0.06	\$ 4.37	
Extra Pickups:					
- Per bag	\$ 2.85	\$ 0.02	\$ 0.04	\$ 2.91	
- 35 Gallon cart - service day	\$ 3.81	\$ 0.03	\$ 0.06	\$ 3.90	
- 64 Gallon cart - service day	\$ 5.29	\$ 0.04	\$ 0.08	\$ 5.41	
- 96 Gallon cart - service day	\$ 6.68	\$ 0.05	\$ 0.10	\$ 6.83	

Note: Each resident will receive 12 stickers for the bag and tag program which are provided at no additional charge for picking up the extra bags on their normal collection day.

*Senior rate will always be 72% of the 64 gallon rate.

*Green waste is a subscription service with an additional charge for each level of residential service.

COMMERCIAL RATES

Container Size	Frequency	Current			New Rate
		Rate	CPI	Fuel	
2 yd	1X Week	\$ 100.31	\$ 0.75	\$ 1.49	\$ 102.55
2 yd	2X Week	\$ 189.71	\$ 1.41	\$ 2.81	\$ 193.93
2 yd	3X Week	\$ 278.49	\$ 2.08	\$ 4.13	\$ 284.70
2 yd	4X Week	\$ 367.70	\$ 2.74	\$ 5.45	\$ 375.89
2 yd	5X Week	\$ 456.83	\$ 3.41	\$ 6.77	\$ 467.01
4 yd	1X Week	\$ 189.71	\$ 1.41	\$ 2.81	\$ 193.93
4 yd	2X Week	\$ 301.77	\$ 2.25	\$ 4.47	\$ 308.49
4 yd	3X Week	\$ 452.26	\$ 3.37	\$ 6.70	\$ 462.33
4 yd	4X Week	\$ 535.64	\$ 3.99	\$ 7.94	\$ 547.57
4 yd	5X Week	\$ 669.56	\$ 4.99	\$ 9.92	\$ 684.47
6 yd	1X Week	\$ 250.46	\$ 1.87	\$ 3.71	\$ 256.04
6 yd	2X Week	\$ 405.01	\$ 3.02	\$ 6.00	\$ 414.03
6 yd	3X Week	\$ 562.76	\$ 4.19	\$ 8.34	\$ 575.29
6 yd	4X Week	\$ 725.96	\$ 5.41	\$ 10.76	\$ 742.13
6 yd	5X Week	\$ 907.45	\$ 6.76	\$ 13.44	\$ 927.65
8 yd	1X Week	\$ 316.76	\$ 2.36	\$ 4.69	\$ 323.81
8 yd	2X Week	\$ 518.03	\$ 3.86	\$ 7.67	\$ 529.56
8 yd	3X Week	\$ 721.65	\$ 5.38	\$ 10.69	\$ 737.72
8 yd	4X Week	\$ 932.26	\$ 6.95	\$ 13.81	\$ 953.02
8 yd	5X Week	\$ 1,165.08	\$ 8.68	\$ 17.26	\$ 1,191.02
64 Gal commercial rate - trash		\$ 16.59	\$ 0.12	\$ 0.25	\$ 16.96

COMMERCIAL RATES

<u>Container Size</u>	<u>Frequency</u>	<u>Current Rate</u>	<u>CPI</u>	<u>Fuel</u>	<u>New Rate</u>
96 Gal commercial rate - trash		\$ 23.66	\$ 0.18	\$ 0.35	\$ 24.19

COMMERCIAL RECYCLING

64 or 96 Gallon - Mixed Recyclables		\$ -	\$ -	\$ -	\$ -
3 Yd - Cardboard only		\$ 26.39	\$ 0.20	\$ 0.39	\$ 26.98

OTHER

Extra Pickups:					
2 yd		\$ 13.96	\$ 0.10	\$ 0.21	\$ 14.27
4 yd		\$ 25.77	\$ 0.19	\$ 0.38	\$ 26.34
6 yd		\$ 31.85	\$ 0.24	\$ 0.47	\$ 32.56
8 yd		\$ 39.49	\$ 0.29	\$ 0.59	\$ 40.37
Snapshot - Excess yards		\$ 13.25	\$ 0.10	\$ 0.20	\$ 13.55

ROLL OFF

4 Cubic Yard		\$ 84.15	\$ 0.63	\$ 1.25	\$ 86.03
20 Cubic Yard		\$ 373.45	\$ 2.78	\$ 5.53	\$ 381.76
30 Cubic Yard		\$ 426.10	\$ 3.18	\$ 6.31	\$ 435.59
Disposal		\$ 70.00	\$ -	\$ -	\$ 70.00
Per Day rental charge after seven days		\$ 10.58	\$ 0.08	\$ -	\$ 10.66
Per hour relocation charge		\$ 26.44	\$ 0.20	\$ -	\$ 26.64

All bins/drop boxes are COD unless established customer

There will be an extra landfill charge for drop boxes over 3 tons, or for illegal material in the load.

**CITY OF WILLOWS
ANNUAL RATE INCREASE
CPI CALCULATION**

August 2010: 221.523
 August 2009: 219.884
 Point Change: 1.639

CPI Change: 0.75%

Series Id: CUUR0400SA0
 Not Seasonally Adjusted
 Area: West urban
 Item: All items
 Base Period: 1982-84=100

Download:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2000	171	172	173.5	173.7	174	174.3	175.2	175.9	176.6	177.2	177.2	177.1	174.8	173.1	176.5
2001	178.3	179.3	180.1	180.4	181.3	182	182	181.9	182.5	182.5	182.3	181.6	181.2	180.2	182.1
2002	182.4	183.2	184	185.1	184.8	184.5	184.7	185.3	185.7	185.8	185.8	185.5	184.7	184	185.5
2003	186.6	188.1	189.3	188.8	188.5	188.1	188.4	189.2	189.6	189.4	188.5	188.3	188.6	188.2	188.9
2004	189.4	190.8	192.2	192.3	193.4	193.3	192.9	193	193.8	195	195.1	194.2	193	191.9	194
2005	194.5	195.7	197.1	198.6	198.8	198	198.6	199.6	201.7	202.6	201.4	200	198.9	197.1	200.7
2006	201.7	202.7	203.8	205.3	206.9	206.4	206.7	207.5	207.8	207.1	206.3	206.2	205.7	204.5	206.9
2007	207.79	208.995	210.778	212.036	213.063	212.68	212.542	212.406	212.92	213.917	214.904	214.733	212.23	210.89	213.57
2008	215.739	216.339	218.533	219.437	221.009	223.04	223.867	222.823	222.132	221.034	217.113	214.685	219.646	219.016	220.276
2009	215.923	217.095	217.357	217.91	218.567	219.865	219.484	219.884	220.294	220.447	219.728	219.307	218.822	217.786	219.857
2010	219.989	220.179	220.809	221.202	221.417	221.147	221.331	221.523						220.79	

**CITY OF WILLOWS
FUEL CALCULATION**

Fuel Expense - Sep 09 - Aug 10 for Entire BU	a	\$	241,341
Total Operating Expenses - Sep 09 - Aug 10 for Entire BU	b	\$	1,901,207
Fuel Expense as a % of Total Operating Expenses	c=a/b		12.69%
Avg fuel cost prior year Sep 08 - Jul 09 (cents)	d		269.53
Avg fuel cost current year Sep 09- Aug 10 (cents)	e		303.02
Change (cents)	f=e-d		33.49
% Change	g=f/d		12.42%
Current year CPI index adjustment	h=z		0.75%
% Change applicable to fuel expenses	j=g-h		11.67%
Calculated Fuel Adj to base rate	k=g*c		1.48%
Fuel Adjustment, not to exceed + or - 2%			1.48%

**CITY OF WILLOWS
DIESEL INDEX**

California No 2 Diesel Retail Sales by		
Date	All Sellers (Cents per Gallon)	
Aug-2006	319.275	293.08
Sep-2006	305.3	
Oct-2006	272.06	
Nov-2006	267.85	
Dec-2006	290.625	
Jan-2007	280.3	
Feb-2007	288.55	
Mar-2007	288.5	
Apr-2007	298.46	
May-2007	296.4	
Jun-2007	301.875	
Jul-2007	312.28	
Aug-2007	304.9	292.26
Sep-2007	302.4	
Oct-2007	326.66	
Nov-2007	360.775	
Dec-2007	347.46	
Jan-2008	342.275	
Feb-2008	348.825	
Mar-2008	401.44	
Apr-2008	426.475	
May-2008	467.325	
Jun-2008	496.76	
Jul-2008	496.5	
Aug-2008	454.225	397.59
Sep-2008	408.68	
Oct-2008	356.775	
Nov-2008	283.225	
Dec-2008	234.48	
Jan-2009	229.7	
Feb-2009	225.95	
Mar-2009	213.88	
Apr-2009	233.625	
May-2009	235.35	
Jun-2009	269.72	
Jul-2009	273.425	269.53
Aug-2009	285	
Sep-2009	283.7	
Oct-2009	285.6	
Nov-2009	296.2	
Dec-2009	291.3	
Jan-2010	299.7	
Feb-2010	293.8	
Mar-2010	305.8	
Apr-2010	320.6	
May-2010	320.5	
Jun-2010	310.2	
Jul-2010	312.4	
Aug-2010	316.4	303.02

AGENDA ITEM

TO: Steve Holsinger, City Manager
FROM: Clay Dawley Building Department
SUBJECT: 2010 Building Standards Commission Code Adoption.

RECOMMENDATION

This is a public hearing. The City Council should conduct the public hearing and following closure, by motion, consider reading by title only and passage of first reading of an Ordinance entitled **"An Ordinance of the City Council of the City of Willows, Repealing, Amending, and/or Creating specific Sections of Chapter 15; sub sections; 15.10, 15.11, 15.15, 15.20, 15.30, 15.35, 15.50, 15.60, 15.70, 15.75, 15.80, 15.85, 15.90, 15.91 and 15.95 of the City of Willows Municipal Code, and to Adopt by Reference and Amend Certain Portions of the 2010 California Building Standards Codes"**

SITUATION

As part of its periodic review of building codes, the California Building Standards Commission this year published the 2010 California Building Standards Codes, which becomes effective January 1,2011.

These new Building Standards Codes are based in part on the 2009 International Building Code, published by the International Code Council, and include the 2010 California Building Code and the 2010 California Fire Code, among other codes.

FINANCIAL CONSIDERATIONS

Minimal; The purchase of new code books, and continuing education as well as code update training.

NOTIFICATION

Public Hearing Notice.

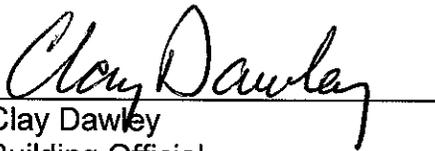
ALTERNATE ACTIONS

1. Approve (by motion/resolution) ...
2. Approve (by motion/resolution) ... as amended....
3. Request additional information from staff
4. Reject staff recommendation and/or direct item to be returned at later date.

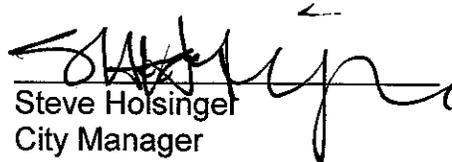
RECOMMENDATION

Approve: It is respectfully recommended that the City Council conduct the public hearing and following closure, by motion, consider reading by title only and passage of first reading of an Ordinance entitled **“An Ordinance of the City Council of the City of Willows, Repealing, Amending, and/or Creating specific Sections of Chapter 15; sub sections; 15.10,15.11, 15.15, 15.20, 15.30, 15.35, 15.50, 15.60, 15.70, 15.75, 15.80, 15.85, 15.90, 15.91 and 15.95 of the City of Willows Municipal Code, and to Adopt by Reference and Amend Certain Portions of the 2010 California Building Standards Codes”**

Respectfully submitted,


Clay Dawley
Building Official

Approved by:


Steve Holsinger
City Manager

Attachments:

1. Ordinance modifying Chapter 15 of Willows Municipal Code
2. Exhibit A – Local Findings of Fact

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS,
REPEALING, REPLACING, AND/OR AMENDING CERTAIN SECTIONS OF
CHAPTER 15 OF THE CITY OF WILLOWS MUNICIPAL CODE, TO ADOPT BY
REFERENCE AND AMEND CERTAIN PORTIONS OF THE 2010 CALIFORNIA
BUILDING STANDARDS CODES AND APPROVE THE LOCAL FINDINGS AS
SET FORTH IN THE CODES WITH THE REMAINING SECTIONS CURRENTLY
INPLACE TO REMAIN UNCHANGED**

Whereas, the California Building Standards Codes are published every three years by the California Building Standards Commission;

Whereas, the California Building Standards Commission has published the 2010 California Building Standards Codes by amending Title 24 of the California Code of Regulations, effective January 1, 2011;

Whereas, the 2010 California Building Standards Codes are based in part on the 2009 International Building Code, published by the International Code Council;

Whereas, the California Building Standards Codes may be adopted by cities by incorporation by reference;

Whereas, cities may establish more restrictive building standards than those set forth in the California Building Standards Codes, if certain findings are made pertaining to local climatic, geological or topographical conditions; and

Whereas, the 2010 California Building Standards Codes will automatically become effective without amendment in the City of Willows 180 days after January 1, 2011, unless the City affirmatively amends the Codes otherwise.

The City Council of the City of Willows does ordain as follows:

1: Amend, Reenact or Create Sections of Chapter 15 - subsection (s) 15.10, 15.11, 15.15, 15.20, 15.30, 15.35, 15.50, 15.60, 15.70, 15.75, 15.80, 15.85, 15.90, 15.91

Chapter 15: subsection (s) 15.10, 15.11, 15.15, 15.20, 15.30, 15.35, 15.50, 15.70, 15.75, 15.80, 15.85, 15.90, 15.91 of the City of Willows Municipal Code are hereby amended, reenacted and created to read as follows:

Chapter Fifteen (15) Adoption of California Building Standards Commission Codes

The following publications are hereby adopted by reference and incorporated, as if fully set forth in this Code; except as expressly amended or superseded by the provisions of this Chapter:

- 15.10 The 2010 California Building Code, Title 24, Part 2 of the California Code of Regulations, including the following Appendices only: Chapter 1 (Administrative), as further amended herein, Chapter I (Patio Covers) and Chapter J (Grading).
- 15.11 The 2010 California Residential Code, Title 24, Part 2.5 of the California Code of Regulations.
- 15.20 The 2010 California Electrical Code, Title 24, Part 3 of the California Code of Regulations.
- 15.30 The 2010 California Mechanical Code, Title 24, Part 4 of the California Code of Regulations.
- 15.35 The 2010 California Plumbing Code, Title 24, Part 5 of the California Code of Regulations.
- 15.50 The International Property Maintenance Code, 2006 edition, as published by the International Code Council
- 15.70 The 2010 California Administrative Code, Title 24, Part 1, Chapters 4, 5 and 8 only
- 15.75 The 2010 California Energy Code, Title 24, Part 6 of the California Code of Regulations.
- 15.80 The 2010 California Elevator Safety Construction Code, Title 24, Part 7 of the California Code of Regulations.
- 15.85 The 2010 California Historical Building Code, Title 24, Part 8 of the California Code of Regulations.
- 15.90 The 2010 California Referenced Standards Code, Title 24, Part 9 of the California Code of Regulations.
- 15.91 The 2010 California Green Building Standards Code, Title 24, Part 11 of the California Code of Regulations.
- 15.95 Penalties

“EXHIBIT A”

Local Findings of Fact

The City Council of the City of Willows finds and declares that the additions, modifications, and changes made to the substantive provisions of the 2010 California Building Standards Codes, as authorized under Health and Safety Code, Section 17958, are necessary for the protection of the public health, safety, and welfare due to climatic, geological, or topographical conditions. These findings are as follows:

- A. CLIMATE:** The City, on average, experiences an approximate annual rainfall of 20 inches. This rainfall can normally be expected between October and April. During the winter months, the City may experience periods of heavy rain, which causes local flooding. Winter storms are often accompanied by high winds, which have uprooted trees and damaged power lines. During the dry period, temperatures range from 70 degrees to over 110 degrees. These temperatures are often accompanied by light to moderate gusty winds, which couple with agricultural burning may lead to wind driven fires. With increased development spreading into agricultural areas a wind driven fire could have severe consequences, as has been demonstrated on several occasions through out the state.
- B. GEOLOGIC:** The City is susceptible to flooding hazards resulting from long periods of rain in the Mendocino Forest. The most serious direct flooding hazard threat is from the damage or collapse of buildings and other structures due to water flow. In addition to damage caused by flooding, there is the possibility of flood-induced fires starting because of damage to gas lines, power lines or heat producing appliances and the unavailability of water for fire control due to broken water pumps. In the event of a major flooding or many areas of the City may not be accessible to emergency equipment and, if bridges, freeways or roads are damaged, the City may be isolated from outside assistance.
- C. TOPOGRAPHICAL:** The City borders include flat terrain on the North to the East is the Glenn Colusa Canal and railroad system. Along the South portions of the City is the Glenn Colusa Canal continues. To the West is Interstate 5 which then turns into flat terrain hilly terrain and State Responsibility Area (SRA) land. The railroad, canal and freeway all create barriers, which may obstruct traffic patterns and delay response time for fire equipment. The water supply within the City is directly affected by the topographical layout. The water distribution system consists of 7 pressure zones, which carry water by gravity from one reservoir. Water flow within the City can vary from less than 1000 gallons per minute to flows in excess of 2,000 gallons a minute. This wide variation causes major problems to development and fire suppression efforts.
- D. SUMMARY:** The above local climatic, geologic and topographical conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Willows Fire Department. Fires in areas determined to be moderate, high or very high fire severity zones, as outline by the State of California (CalFire) fire severity zone map, place additional fire suppression demands on the responding fire agency. A fire following a flood has the potential

of causing greater loss of life and damage than the flood itself. The majority of the City's industrial areas are located in the highest flood zones, which also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of persons, should a significant flood event occur. The Department's resources would have to be prioritized to mitigate the greatest threat, and may be unavailable for vegetation or structure fires.

Other variables that may tend to intensify the situation include:

1. The extent of damage to the water system;
2. The extended isolation due to roadways and/or freeway due to flooding;
3. The extent of roadway damage and/or amount of debris blocking roadways;
4. Climatic conditions (hot, dry weather with high winds);
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours; and,
6. The availability of timely response due to minimal staffing and volunteerism.

E. CONCLUSION: Local climatic, geologic and topographical conditions impact fire prevention efforts and the frequency, spread, intensity, and the size of fire involving buildings in this community. Further, they impact potential damage to all structures from flooding and subsequent fire. Therefore, it is found to be reasonably necessary that the International Fire Code, the California Fire Code, the California Building Code and State Building Standards Code be changed or modified to mitigate the effects of these conditions.

Furthermore, California Health & Safety Code (CH&SC) Section 17958.7 requires that the modification or change to which findings refer be expressly marked and identified. Therefore, the following table provides code sections that will be modified by this ordinance which are building standards as defined in CH&SC Section 18909, and the associated referenced conditions for modification due to local climatic, geologic and topographical conditions.

Section Number: Local Climatic, Geologic and Topographical Conditions

108.2	CBC	a, b, c
108.2.1	CBC	a, b, c
108.3	CBC	a, b, c
501.2.1	CBC	a, b, c
903.2	CBC	a, b, c
903.4.1	CBC	a, b, c

CODE ADOPTED

Adoption of California Building Standards Commission Codes

The following publications are hereby adopted by reference and incorporated, as if fully set forth in this Code; except as expressly amended or superseded by the provisions of this Chapter:

- 15.10 The 2010 California Building Code, Title 24, Part 2 of the California Code of Regulations, including the following Appendices only: Chapter 1 (Administrative), as further amended herein, Chapter I (Patio Covers) and Chapter J (Grading).
- 15.11 The 2010 California Residential Code, Title 24, Part 2.5 of the California Code of Regulations.
- 15.20 The 2010 California Electrical Code, Title 24, Part 3 of the California Code of Regulations.
- 15.30 The 2010 California Mechanical Code, Title 24, Part 4 of the California Code of Regulations.
- 15.35 The 2010 California Plumbing Code, Title 24, Part 5 of the California Code of Regulations.
- 15.50 The International Property Maintenance Code, 2006 edition, as published by the International Code Council
- 15.70 The 2010 California Administrative Code, Title 24, Part 1, Chapters 4, 5 and 8 only
- 15.75 The 2010 California Energy Code, Title 24, Part 6 of the California Code of Regulations.
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- 15.85 The 2010 California Historical Building Code, Title 24, Part 8 of the California Code of Regulations.
- 15.90 The 2010 California Referenced Standards Code, Title 24, Part 9 of the California Code of Regulations.
- 15.91 The 2010 California Green Building Standards Code, Title 24, Part 11 of the California Code of Regulations.
- 15.95 Penalties

CODE AMENDMENTS: (The following referenced amendments are sections taken from State of California codes)

108.2 Schedule of permit fees:

On buildings, structures, electrical gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as set fourth in the 1997 Uniform Administration Code table 3A-3H

108.2.1 Plan review fees:

When submittal documents are required by other sections of this code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fees shall be 65 percent of the building permit fees as indicated in Section 108.2 California Building Code

108.3 Build permit valuations:

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent system. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. The fee schedule is based upon the current cost construction valuation established either taking the actual contract price for such work or shall be determined by the use of the latest publication of "Building Valuation Data," or equivalent as published by the International Code Council. The "Building Valuation Data" shall be periodically modified to meet the inflationary cost associated with labor and material increase which are found in the "Building Cost Index" tables published in the Engineering New-Record by The McGraw-Hill Companies. Final building permit valuation shall be set by the building official.

501.2.1 Address Illumination:

Addressing shall be illuminated at night in all new buildings. Address signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

Address numbers shall be illuminated for buildings constructed after January 1, 2011. Light sources used to comply with this section shall be controlled by a photoelectric device or by a circuit supplied by a house meter which is used to provide other required lighting during hours of darkness. No switch or other similar device shall be installed. Buildings constructed prior to this date shall comply with all other address requirements. The minimum size and dimension of the numbers shall be 6 inches in height with 1-inch stroke width or larger readily visible and legible from the adjacent street. Single Family dwelling shall have a minimum size of 4 inches in heights with 1-inch stroke width or larger.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway,

landscape, vegetation and/or architectural appendages, or other obstructions, address posting shall be required both at the street, road or driveway serving such building and on the building. Street or roadside address posting shall be on a weather resistant sign, permanently mounted to a post, and highly visible from all directions of traffic flow. Where unusual circumstances exist a direction indicator may be required to show specific direction of building(s).

All numbering shall be in sequence as approved by the Building and Fire Department.

The developer or property owner shall submit to the Fire Department and Building Department detailed plans for review and approval showing size, materials, method of construction, electrical components and wiring diagram, and location of the installation.

Section 903.2:

(1) An approved automatic fire-extinguishing system shall be installed and maintained in all occupancies and locations as set fourth in this section. A standard automatic sprinkler system shall be installed throughout all buildings:

(a) New commercial, industrial and R occupancies.

(1)Exceptions:

- (a) Detached non-combustible vehicle dispensing canopies classified as a Group M occupancy.
- (b) Detached Car ports of non-combustible construction
- (c) Detached Group B and M occupancies 500 sq. ft. or less

(2) Fire Department Connection (FDC) shall be accessible, identified, and placed within 50 feet of a City Standard Fire Hydrant.

(3) All existing structures shall meet the requirements of this sections when, in the opinion of the chief, a change of occupancy or character of the occupancy is made and a greater hazard to life or property exists or the required fire flows are increased.

903.4.1 Monitoring

Alarm, supervisory and trouble signals shall be distinctly different and automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72 or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.

(a) Requirements. All electronic monitoring systems shall operate either through a private central station or by an approved direct lease line. Initiation and/or termination of required system supervision shall result in immediate notification to Willows Fire Department.

(b) Standards. All electronic monitoring systems shall be designed and installed in accordance with recognized standards and as approved by the Fire Chief.

Exceptions:

(a) Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.

(b) Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

Section 8 Filing of Ordinance

The City Clerk is hereby directed to file a copy of this ordinance with the California Building Standards Commission.

Section 9 Effective Date and Publication

This Ordinance shall take effect thirty days after its adoption and published in summary format prior to adoption and within fifteen (15) days after its adoption in a newspaper of general circulation published and circulated in the City of Willows.

INTRODUCED and passed first reading on the 26th day of October, 2010.

PASSED AND ADOPTED by the City Council of the City of Willows on the 9th day of November 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Heather Baker, Mayor

ATTEST:

Natalie Butler, City Clerk

October 26, 2010

AGENDA ITEM

TO: Steve Holsinger, City Manager
FROM: Wayne Peabody, Fire Chief
SUBJECT: 2010 Fire Code Adoption and hear testimony during the public hearing.

RECOMMENDATION

The City Council conducts a Public Hearing and considers reading by title only and passage of first reading of an Ordinance entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS, REPEALING, REPLACING, AND/OR AMENDING CERTAIN SECTIONS OF CHAPTER 15.15 OF THE CITY OF WILLOWS MUNICIPAL CODE, TO ADOPT BY REFERENCE AND AMEND CERTAIN PORTIONS OF THE 2010 CALIFORNIA FIRE CODES AND APPROVE THE LOCAL FINDINGS AS SET FORTH IN THE CODES WITH THE REMAINING SECTIONS CURRENTLY IN PLACE TO REMAIN UNCHANGED**".

SITUATION (or BACKGROUND):

As part of its periodic review of the fire code, the California Building Standards Commission this year published the 2010 California Fire Code, which becomes effective January 1, 2011.

These new Fire Codes are based in part on the 2009 International Fire Code, published by the International Code Council, and include the 2010 California Building Code and the 2010 California Fire Code, among other codes.

FINANCIAL CONSIDERATIONS:

Minimal, the new code books were budgeted for and purchased earlier in the year.

NOTIFICATION:

Public Hearing Noticed, the Building Department and the Planning Department have reviewed and commented on the proposed Ordinances.

ALTERNATE ACTION:

1. Approve (by motion)
2. Approve (by motion).... As amended...
3. Request additional information from staff
4. Reject the recommendation and/or direct an item to be returned at a later date.

RECOMMENDATION:

The City Council conducts a Public Hearing and considers reading by title only and passage of first reading of an Ordinance entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS, REPEALING, REPLACING, AND/OR AMENDING CERTAIN SECTIONS OF CHAPTER 15.15 OF THE CITY OF WILLOWS MUNICIPAL CODE, TO ADOPT BY REFERENCE AND AMEND CERTAIN PORTIONS OF THE 2010 CALIFORNIA FIRE CODES AND APPROVE THE LOCAL FINDINGS AS SET FORTH IN THE CODES WITH THE REMAINING SECTIONS CURRENTLY IN PLACE TO REMAIN UNCHANGED**"

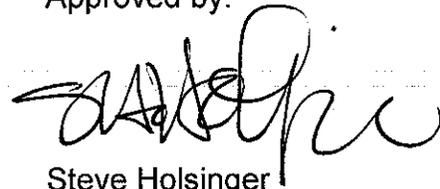
Respectfully submitted:

Approved by:

Wayne Peabody
Fire Chief



Attachments:



Steve Holsinger
City Manager

- 1: Exhibit A - Findings of Fact along with jurisdictional revisions and modifications to the codes.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS,
REPEALING, REPLACING, AND/OR AMENDING CERTAIN SECTIONS OF
CHAPTER 15.15 OF THE CITY OF WILLOWS MUNICIPAL CODE, TO ADOPT
BY REFERENCE AND AMEND CERTAIN PORTIONS OF THE 2010
CALIFORNIA FIRE CODES AND APPROVE THE LOCAL FINDINGS AS SET
FORTH IN THE CODES WITH THE REMAINING SECTIONS CURRENTLY IN
PLACE TO REMAIN UNCHANGED**

Whereas, the California Fire Codes are published every three years by the California Building Standards Commission;

Whereas, the California Building Standards Commission has published the 2010 California Fire Codes by amending Title 24 of the California Code of Regulations, effective January 1, 2011;

Whereas, the 2010 California Fire Codes are based in part on the 2009 International Fire Code, published by the International Code Council;

Whereas, the California Fire Codes may be adopted by cities by incorporation by reference;

Whereas, cities may establish more restrictive Fire standards than those set forth in the California Fire Codes, if certain findings are made pertaining to local climatic, geological or topographical conditions; and

Whereas, the 2010 California Fire Codes will automatically become effective without amendment in the City of Willows 180 days after January 1, 2011, unless the City affirmatively amends the Codes otherwise.

The City Council of the City of Willows does ordain as follows:

- 1: Amend, Reenact or Create Sections of Chapter 15 - subsection (s)
15.15.010-15.15.230

Chapter 15: subsection (s) 15.15 of the City of Willows Municipal Code are hereby amended, reenacted and created to read as follows:

Chapter Fifteen (15.15.010) Adoption of California Fire Codes

The following publications are hereby adopted by reference and incorporated, as if fully set forth in this Code; except as expressly amended or superseded by the provisions of this Chapter:

15.150.010 The 2010 California Fire Code, Title 24, Part 9 of the California Code of Regulations, including Appendices and Amendments

There is hereby adopted by the City Council of the City of Willows for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain document entitled "2010 Edition of the California Fire Code and Standards with Amendments, Appendices, the 2010 California Building Code Standards with Certain Amendments, and the 2009 International Fire Code and Standards," is adopted as the California Fire Code of the City of Willows and included in and made a part of this code as though set forth at length herein. Additionally, National Fire Protection Association (NFPA) Standards 10, 13, 13R, 13D, 25 with California Amendments, and NFPA 72 with the most recent editions are adopted.

EXHIBIT A

Local Findings of Fact

The City Council finds that in order to best protect the health, safety, and welfare of the citizens of Willows, the City Council should adopt the California Fire Code Standards. The Council further finds that based upon the materials presented and the recommendations of the Fire Chief, it is necessary to make these revisions in order to clarify procedural issues and to provide fire personnel with a better ability to protect the public.

Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments must be based on climatic, geologic and topographical conditions. The following Findings of Fact address each of these situations and present the local conditions which, either singularly, or in combination, justify the amendments to be adopted:

CLIMATE:

The City, on average, experiences an approximate annual rainfall of 20 inches. This rainfall can normally be expected between October and April. During the winter months, the City may experience periods of heavy rain, which causes local flooding. Winter storms are often accompanied by high winds, which have uprooted trees and damaged power lines. During the dry period, temperatures range from 70 degrees to over 110 degrees. These temperatures are often accompanied by light to moderate gusty winds, which couple with agricultural burning may lead to wind driven fires. With increased development spreading into agricultural areas a wind driven fire could have severe consequences, as has been demonstrated on several occasions through out the state.

GEOLOGIC:

The City is susceptible to flooding hazards resulting from long periods of rain in the Mendocino Forest. The most serious direct flooding hazard threat is from the damage or collapse of buildings and other structures due to water flow. In addition to damage caused by flooding, there is the possibility of flood-induced fires starting because of damage to gas lines, power lines or heat producing appliances and the unavailability of water for fire control due to broken water pumps. In the event of a major flooding or many areas of the City may not be accessible to emergency equipment and, if bridges, freeways or roads are damaged, the City may be isolated from outside assistance.

TOPOGRAPHICAL:

The City borders include flat terrain on the North to the East is the Glenn Colusa Cannel and railroad system. Along the South portions of the City is the Glenn Colusa Cannel continues. To the West is Interstate 5 which then turns from flat terrain to hilly terrain and State Responsibility Area (SRA) land. The railroad, cannel and freeway all create barriers, which may obstruct traffic patterns and delay response time for fire equipment. The water supply within the City is directly affected by the topographical layout. The water distribution system consists of 7 pressure zones, which carry water by gravity from one storage reservoir. Water flow within the City can vary from less than 500 gallons per minute to flows in excess of 1,500 gallons a minute. This wide variation causes major problems to development and fire suppression efforts.

SUMMARY:

The above local climatic, geologic and topographical conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Willows Fire Department. Fires in areas determined to be moderate, high or very high fire severity zones, as outline by the State of California (CalFire) fire severity zone map, place additional fire suppression demands on the responding fire agency. A fire following a flood has the potential of causing greater loss of life and damage than the flood itself. The majority of the City's industrial areas are located in the highest flood zones, which also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of persons, should a significant flood event occur. The Department's resources would have to be prioritized to mitigate the greatest threat, and may be unavailable for vegetation or structure fires.

Other variables that may tend to intensify the situation include:

1. The extent of damage to the water system;
2. The extended isolation due to roadways and/or freeway due to flooding;
3. The extent of roadway damage and/or amount of debris blocking roadways;
4. Climatic conditions (hot, dry weather with high winds);
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours; and,
6. The availability of timely response due to minimal staffing and volunteerism.

CONCLUSION:

Local climatic, geologic and topographical conditions impact fire prevention efforts and the frequency, spread, intensity, and the size of fire involving buildings in this community. Further, they impact potential damage to all structures from flooding and subsequent fire. Therefore, it is found to be reasonably necessary that the International Fire Code, the California Fire Code, the California Building Code and State Building Standards Code be changed or modified to mitigate the effects of these conditions.

Furthermore, California Health & Safety Code (CH&SC) Section 17958.7 requires that the modification or change to which findings refer be expressly marked and identified. Therefore, the following table provides code sections that will be modified by this ordinance which are building standards as defined in CH&SC Section 18909, and the associated referenced conditions for modification due to local climatic, geologic and topographical conditions.

Section Number: Local Climatic, Geologic and Topographical Conditions

304.1.2	CFC	a, b, c
307	CFC	a, b, c
501.4	CFC	a, b, c
505.1	CFC	b, c
506.1	CFC	a, c
901.6.1.1	CFC	a, b, c
903.2	CFC	a, b, c
903.4.1	CFC	a, b, c

903.4.2	CFC	a, b, c
2703.3.1.4	CFC	a, b, c
2702	CFC	a, b, c
3404.2.9.5.1	CFC	a, b, c
3406.2.4.4	CFC	a, b, c
3804.2	CFC	a, b, c
Ch 33	CFC	a, b, c
106.2	CFC	a, b, c
108.1	CFC	a, b, c

CODE AMENDMENTS: (The following reference amendments are sections taken from State of California Code)

Section 304.1.2:

General Persons owning, leasing, renting, in legal control of the property; and operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons, owning, leasing, or controlling land adjacent to such building or structures shall at all times maintain an effective fire break as stipulated with this code. When property lines are adjacent to roadways the hazard shall be cleared to the center of the roadway.

(A) Definitions. The following words and phrases, with this code, shall be defined as follows:

- (1) Compost Pile: A mixture of decayed organic matter (pine needles, leaves, grass clippings etc.) compiled together with the intention to convert compost to fertilizer.
- (2) Continuous Fuel: Combustible vegetation whether, living or dead that is adjacent to other similar vegetation without a break.
- (3) Debris: Shall mean waste matter, dry grass, dead trees, cut limbs or branches, piles or pine needles or leaves that when dry may be come a fire hazard.
- (4) Developed Lot: Structure(s) present on property.

(5) Disking: Shall mean to cultivate with an implement (as a harrow or plow) that turns and loosens the soil as with a series of disks.

(6) Fire Hazard: Anything or act which increases or may cause an increase of the hazard or menace of fire or explosion to a degree greater than that customarily recognized as normal by persons in the public service or preventing, suppressing, or extinguishing fires; or which may obstruct, delay, or hinder, or may become the cause of an obstruction, delay or hindrance to the prevention, suppression or extinguishment of the fire.

(7) Lot: All land within the property lines set forth in the assessor's parcel map or as established by a recorded map or record.

(8) Mowing: To cut with a scythe or machine.

(9) Pasture: Land use for the grazing of livestock.

(10) Rubble: Shall mean any rubble, residue, structure or part of portions of a structure, remaining after fire damage to or the demolition or partial demolition of any building or structure in the city.

(11) Vacant Lot: Void of any structures.

(12) Weeds: When mature, bear seeds of downy or wingy nature or dry overgrown grass, etc. Sagebrush, chaparral, scotch broom, trench broom, Manzanita, or any other brush or weeds which attain such large growth as to become, when dry, a fire hazard to property and structures.

(B) Abatement of Hazard – Clearance of rubble, brush, or vegetative growth for Vacant and Developed Lots.

(1) A cleared space around all buildings 30 feet wide at a minimum. The Chief may require cleared space to be larger if a potential fire hazard exists.

(2) A cleared space (fire break) 50 feet wide minimum completely around the perimeter of the property to the street or sidewalk and cross breaks 30-foot wide minimum, every 50 feet maximum. The Chief may require cleared space to be larger if a potential fire hazard exists.

(3) A cleared space extending 30 feet minimum beyond the foliage of any group of trees. The Chief may require cleared space to be larger if a potential fire hazard exists.

The Fire Chief, Fire Inspectors or designated officials may find it necessary to have all weeds, debris, and rubble that could be expected to burn or may cause a life or safety hazard to be removed from the Entire lot, vacant lot, or developed lot.

Cross Reference Article III Weeds and Rubbish Removal, S 8.05.120/8.05.180 of the Willows Code of Ordinance.

Section 307:

The Fire Chief, Air Pollution Control Officer, or their authorized representative is authorized to require that open burning be immediately discontinued if he/she determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the Fire Chief, his or her designee, to constitute a hazardous condition.

The Fire Chief is authorized to enforce a ban on all open burning during periods of critical fire danger.

Open burning / residential:

- (A) Is not allowed in the City Limits of Willows.
- (B) To include Burn Barrels, Litter, Brush, Leaves, Debris, Weeds or any other substance.

Special Event Burning:

Special event burning is authorized when a permit is obtained for a warming fire or cooking with the following criteria:

- (A) Pit location must be inspected prior to digging;
- (B) Twenty-foot clearance of all vegetation around pit and structures;
- (C) Pit shall be in attendance of an adult at all times;
- (D) Pit shall have a mesh wire top;

(E) Only unprocessed wood or barbecue charcoal shall be burned in pit.

Section 501.4:

An all weather driving surface capable of supporting imposed loads up to 70,000 pounds shall be maintained during all phases of construction.

Fire hydrant(s) capable of meeting minimum fire flows of 1,000 gallons per minute shall be charged and available to all sites under construction prior to the stacking of combustible materials on site. Fire hydrants shall be located within 500' of the furthest most point of construction; use of an existing hydrant shall not interfere the daily routine traffic patterns of City residents.

Section 505.1:

Approved numbers for premises identification shall be placed on all new and existing buildings near the doorway or in such a position as to be plainly visible and legible from the street or access fronting the property during both day and night hours.

Address numbers shall be illuminated for buildings constructed after January 1, 2008. Light sources used to comply with this section shall be controlled by a photoelectric device or by a circuit supplied by a house meter which is used to provide other required lighting during hours of darkness. No switch or other similar device shall be installed. Buildings constructed prior to this date shall comply with all other address requirements.

Address signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance

All properties that are served by a rear access shall install approved numbers for premises identification in such a position as to be plainly visible and legible from the access. Exception: Single family dwelling.

Number shall be contrasting in color to their background.

The minimum size and dimension of the numbers shall be 6 inches in height with 1-inch stroke width or larger readily visible and legible from the adjacent street. Single Family dwelling shall have a minimum size of 4 inches in heights with 1-inch stroke width or larger.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway, landscape, vegetation and/or architectural appendages, or other obstructions, address posting shall be required both at the street, road or driveway serving such building and on the building. Street or roadside address posting shall be on a weather resistant sign, permanently mounted to a post, and highly visible from all directions of traffic flow. Where unusual circumstances exist a direction indicator may be required to show specific direction of building(s).

Condominiums, apartment complexes, townhouses, mobile home parks, and multiple commercial buildings shall have installed, at points of entry, an illuminated directory in accordance with Fire Department standards. The directory sign shall consist of the following:

- (A) A plot plan showing private drives.
- (B) Access roads.
- (C) Building location(s) with individual numbers and addresses.
- (D) Fire hydrant locations.
- (E) Name of the complex.
- (F) A reference point on the plot plan indicating the location of the directory.
- (G) A north direction indicator.
- (H) Key box location.
- (I) Hazardous materials information and storage location(s).

All numbering shall be in sequence as approved by the Planning and Fire Departments.

The developer or property owner shall submit to the Fire Department and Building Department detailed plans for review and approval showing size, materials, method of construction, electrical components and wiring diagram, and location of the installation.

Section 506.1:

A key box shall be installed on all new commercial, industrial and R occupancies excluding R-3. The key box shall be an approved type and contain those keys necessary to gain access. Placement shall be approved by Fire chief or designee.

Section 901.6.1.1:

The Fire chief or designee may determine a fire alarm to be unreliable upon receipt of more than four false alarms within a twelve month period. Upon making such finding, the chief may order the following:

(A) Upon the fourth (4th) false alarm from the system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$150.00 plus the costs of the response for each false alarm.

(B) Upon the sixth (6th) false alarm from the system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$300.00 plus the costs of the response for each false alarm.

(C) Upon the eight (8th) and each subsequent false alarm, from the system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$500.00 plus the cost of the response, as specified in the fire department's approved fee schedule for each occurrence. In addition, the chief may require the system owner to provide standby personnel or take such measures as he/she deems appropriate. Persons or activities required by the chief shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the chief that the alarm system has been restored in a reliable condition. The chief may require such tests as he deems necessary to demonstrate the adequacy of the system.

Section 903.2:

An approved automatic fire-extinguishing system shall be installed and maintained in all occupancies and locations as set fourth in this section. A standard automatic sprinkler system shall be installed throughout all buildings:

(A) New commercial, industrial and R occupancies.

(1) Exceptions:

- (a) Detached non-combustible vehicle dispensing canopies classified as a Group M occupancy.
- (b) Detached Car ports of non-combustible construction
- (c) Detached Group B and M occupancies 500 sq. ft. or less

(B) Fire Department Connection (FDC) shall be accessible, identified, and placed within 50 feet of a City Standard Fire Hydrant.

All existing structures shall meet the requirements of this sections when, in the opinion of the chief, a change of occupancy or character of the

occupancy is made and a greater hazard to life or property exists or the required fire flows are increased.

Section 903.4.1:

All electronic monitoring systems shall operate either through a private central station or by an approved direct lease line. Initiation and/or termination of required system supervision shall result in immediate notification to Willows Fire Department.

All electronic monitoring systems shall be designed and installed in accordance with recognized standards and as approved by the Fire Chief.

Section 903.4.2:

Every fire alarm system installed for the purpose of evacuation, including those systems activated solely by fire sprinkler systems shall be designed so that all occupants of the building shall be notified audibly and visually.

Section 2703.3.1.4:

The fire department is authorized to clean up or abate the effects of any hazardous material deposited upon or into property of facilities within the city, and any person or persons who intentionally or negligently cause such deposit, or have ownership in the land upon which the deposit is located, shall be liable for the payment of all costs incurred by the fire department as a result of such cleanup or abatement activity. The remedy provided by this section shall be in addition to any other remedies provided by law.

Section 2702:

For the purpose of this section "hazardous materials" shall be defined as any substances or materials in a quantity or from which, in the determination of the fire chief or his authorized representative, poses an unreasonable and imminent risk to the life, health, or safety of persons or property or to the ecological balance of the environment, and shall include, but not limited to, such substances and explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammable and corrosives.

For the purposes of this section, "costs incurred by the fire department" shall include, but shall not necessarily be limited to, the following: Actual labor costs of city personnel either for actual clean up or standby time at the scene of the deposit, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation, cost of

materials obtained directly by the city; and costs of any contract labor and materials.

Section 3404.2.9.5.1:

The California Fire Code in which storage of flammable liquids in outside above ground tanks is prohibited mean the incorporated limits of the City of Willows.

Section 3406.2.4.4:

The California Fire Code in which storage of flammable liquids in outside above ground tanks is prohibited mean the incorporated limits of the City of Willows.

Section 3804.2:

(A) In the residential incorporated limits of the City of Willows, up to five hundred gallons of combustible liquid meaning LPG may be stored in an above ground or inground tank meeting requirements of sections 3804 of the California Fire Code (2007). Minimum distance must be maintained per table 3804.3 of the California Fire Code (2007). Tank base must be secured per NFIP (1993) Technical bulletin 7-93. Written notice of having an above ground or inground tank will be placed in the main electrical panel for notification to emergency personnel.

Chapter 33:

Safe and Sane fire works are authorized to be sold that bears the seal of approval of the California State Fire Marshal's Office, provided that a permit is first obtained from the Fire Chief. The Fire Chief may only issue ten (10) permits, permitting the sale of fireworks. Safe and Sane fire works are only authorized to be sold to patrons 16 or older. The sell and firing of fire works are only permitted between June 28th and July 6th.

Chapter 1, Section 106.2:

For the purpose of providing and maintaining functions necessary for the prevention of fire and for the protection of life and property from fire and panic, the Willows Fire Department does establish a Self-Inspection Program, assuring that applicable "B" and "M" occupancies within the city are inspected on an annual basis for fire safety.

Definition. The following words and phrases, with this code, shall be defined as follows:

(A) "B" Occupancies: Those building for professional or service-type transactions offices, including storage of records and accounts.

(B) "M" Occupancies: Building for the display and sale of merchandise, and involving stocks of goods, wares or merchandise, as defined in Section 202 of the California Fire Code.

(C) Function of Self-Inspection Program. The Willows Fire Department shall deliver, by hand or by mail, its current "Self-Inspection Worksheet" and "Confidential Business Occupancy Information" forms to each "B" and "M" occupancy within the city on a bi-annual basis.

(D) Failure to Comply: Failure of the business owner, property owner, or person responsible for the property to comply with the requirement to return the Self-Inspection Worksheet duly completed; or fails to correct the deficiencies noted within 14 days shall be issued one warning letter extending the inspection period by seven (7) days. Failure to complete and return the Self-Inspection Worksheet shall result in an inspection of the delinquent occupancy by Willows Fire Department personnel, for which the business owner will be charged as provided in the City of Willows Schedule of Fees and Charges for City Services.

(E) Further, failure of the business owner or property owner to correct deficiencies found, shall be an infraction; and the city may cause to issue a citation to the business owner or property owner for violation of the terms of this section.

Chapter 1, Sec 108.1:

Whenever the Fire Chief or his/her representative disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Council within 30 days from the date of the decision appealed.

The decision of the City Council shall be final. The council shall render all decisions and findings in writing to the Fire Chief with a conclusion of the hearing.

Filing of Ordinance

The City Clerk is hereby directed to file a copy of this ordinance with the California Commission.

Effective Date and Publication

This Ordinance shall take effect thirty days after its adoption and published in summary format prior to adoption and within fifteen (15) days after its adoption in a newspaper of general circulation published and circulated in the City of Willows.

INTRODUCED and passed first reading on the 26th day of October, 2010.

PASSED AND ADOPTED by the City Council of the City of Willows on the 9th day of November 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Heather Baker, Mayor

ATTEST:

Natalie Butler, City Clerk