

Call To Order

The regular council meeting was called to order at 6:00 p.m. by Mayor Frith. Vice Mayor Thompson and Councilors Arnold, Bottorff and Sheppard were present. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn, City Planner Scott Friend, City Engineer Dave Swartz and City Clerk Roben Dewsnup.

1. COMMUNITY PARTICIPATION: None

2. PUBLIC HEARING: *MODIFICATION OF BIGGS NUISANCE CODE.*

- A. Staff Comments. City Administrator Pete Carr was asking council to consider the first reading of the Biggs Municipal Code 6.25. The purpose of the amendment is to eliminate code redundancy, to streamline enforcement timelines, establish new provisions for trash container storage and occupancy of structures that do not have functional utilities.
- B. Open the hearing to the public.
 - 1. Proponents. None
 - 2. Opponents. None
- C. Close hearing to the public.
- D. Council discussion.

Councilmember Bottorff suggesting including the marijuana fine in section 6.25.085.

Councilmember Arnold felt the proposed trash container wording should be a little more flexible.

Mr. Carr stated the intent is to move the containers back away from the curb. City Planner Scott Friend stated the code could be changed at any time if this became a problem.

Mayor Frith felt the language was not an issue.

Move for First Reading and Introduction by reading of title only with noted change to include the marijuana fine in section 6.25.085. "ORDINANCE NO. 389 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING TITLE 6 - PUBLIC HEALTH AND SAFETY, TO COMBINE AND AMEND BIGGS MUNICIPAL CODE SECTIONS 6.25 - HEALTH AND SAFETY NUISANCE ABATEMENT AND SECTION 6.27 - NEIGHBORHOOD NUISANCE ABATEMENT." (Bottorff/Thompson, MCU)

3. UNFINISHED BUSINESS:

- A. Mr. Carr reviewed the Water Rate Advisory Committee Report included in the agenda packet. The committee's recommendations were: 1. Install water meters to all commercial and industrial properties. 2. Apply monthly charges to commercial properties whether vacant or not. 3. Adjust water rates. 4. After implementation of first three items, review and consider senior discount. 5. Annual rate reviews also include operating cost reviews, noting that most operating cost is personnel cost.

Resident Sharleta Bassett stated her concerns with meter installation and questioned where the suggested allotment of 5000 cubic feet came from.

Mr. Swartz stated staff looked at four different groupings of usage data and tried to balance the allotment between the groupings.

Resident Mary Frith stated she was a member of the water committee. She stated there was not enough money in the water budget to cover expenses. She suggested installing water meters so there would be no question who uses how much water.

Resident Jim Rhoades stated he also served on the water committee would like to see operating costs cut.

Mayor Frith did not want to raise rates and suggested the base allotment be raised to 7000 cubic feet and revisit this in six months to see if a senior discount could be implemented. He also wanted to take a closer look at employee cost impacts.

Motion/Second to implement the recommendations of the committee with the exception of 5000 cubic feet per month and that that number be changed to 7000 cubic feet per month and have the committee revisit in six months. (Frith/Thompson, MCU)

Council discussed metering the schools and Mr. Carr would bring back recommendations in February.

B. Code Change to apply Utility Charges to All Property.

Mr. Carr stated he and the city attorney were proposing, consistent with council direction, a modification to the text of the city code to clearly provide that all properties share in the costs of maintaining utility systems, including vacant commercial buildings rather than just domestic property.

Mr. Einhorn stated the owners would receive a notice of the proposed change and a public hearing would be held.

Council agreed with the proposed text modification and advised Mr. Carr to move forward.

4. CONSENT CALENDAR:

- A. Approval of Council Minutes for Regular Meeting of November 15, 2010 and Special Meeting of December 13, 2010.
- B. Approval of warrants: #24930 - 24989; #7826 - #7845; Z00393 - Z00406 for month of December 2010 in the amount of \$324,794.39.
- C. Acknowledge receipt of Monthly Cash and Investments Report for November and December 2010 and Fund Transfers Report.
- D. Acknowledge receipt of Police Department Report for November and December 2010.
- E. Acknowledge receipt of Gridley-Biggs Animal Control Officer Report for November and December 2010.
- F. Acknowledge receipt of Biggs Fire Department Report for December 2010.
- G. Accept the architect's report and plans and authorize the city administrator to close out the Library ADA Improvements Plan grant.
- H. Approve Fiscal Year 2009 & 2010 Energy Efficiency Program Evaluation.
- I. Approve City Investment Policy annual review.
- J. Authorize the city administrator to write off old, uncollectible utility account billing in the amount of \$3,849.24.
- K. Adopt *Resolution No. 2011-01* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS EXPRESSING APPRECIATION AND RECOGNITION FOR SERVICE RENDERED BY WILLIAM THEBACH AS BUTTE COUNTY MOSQUITO AND VECTOR CONTROL BOARD REPRESENTATIVE FOR THE CITY OF BIGGS."

- L. Adopt *Resolution No. 2011-02* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPOINTING A MUNICIPAL EMPLOYEE RELATIONS OFFICER AND ALTERNATES FOR THE CITY OF BIGGS."
- M. Adopt *Resolution No. 2011-03* "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPOINTING THE REPRESENTATIVE AND ALTERNATE TO THE BOARD OF DIRECTORS OF SCORE (Small Cities Organized Risk Effort)."

Motion/Second to accept the consent calendar as is. (Thompson/Frith, MCU)

5. DEPARTMENT REPORTS:

A. Planning:

- 1. Informational: City Planner Scott Friend reviewed the Department Activity Report – December 2010 / January 2011 included in the agenda packet.
- 2. 3069 Eighth Street – Code Enforcement Case #07-2010BLDCOND: Status Update.

Mr. Friend stated the city entered into an abatement agreement that extended from October 19, 2010 to January 3, 2011. Staff does not believe a successful resolution has been achieved. Staff suggests moving forward with the levying of the full amount of the fine and to continue working with Mrs. Burke-Trent for the next 60 days. If a satisfactory resolution is not met in that time, the city attorney will file an abatement order with the court to have a court ordered abatement on the property.

Eileen Burke-Trent stated thought she had met the recommendations addressed in the abatement agreement. She said she was confused as to what has not been completed. She would have to declare bankruptcy if the city proceeded with this action. She said she was asking for consideration and would try to work with Mr. Friend in the next 60 days.

Mr. Friend stated progress has been made however there was still an open trench in the yard, tree branches in the yard, vegetation is growing taller, a door that is not secure, a large hole in the foundation and the integrity of the front porch is in question.

After much council discussion, council agreed to extend the contract.

Motion/Second to extend the contract for 90 days from January 3, 2011 or until March 21, 2011 with a detailed list of requirements and holding fines in abeyance. (Thompson/Bottorff, MCU)

- 3. Contract Code Enforcement Services: Mr. Carr stated the city's code enforcement had been handled in-house for years. With recent staffing changes, PMC was invited to act temporarily in this capacity. Mr. Carr requested council's approval of PMC code enforcement on an as-need basis not-to-exceed \$13,950.

Councilmember Bottorff felt this was expensive for what was being done. Vice Mayor Thompson asked what the hourly rate for the salaried employee was and Mr. Carr stated it was about \$28 per hour, benefits and taxes included. He stated this position could go unfilled or re-negotiate the price.

Motion/Second to approve the six month agreement with PMC as proposed and as needed for code enforcement. (Frith/Thompson, MCU)

B. Engineering:

1. City Engineer Dave Swartz reviewed the Activity Report included in the agenda packet. He added he had received a list of environmental studies CalTrans was asking for and some assurances from CalTrans that they would increase the grant funding amount that would cover the cost of the studies. He expected to hear something within 30 to 45 days on an approval to increase that funding. He had a cost from PMC to do the work and as soon as this gets going, he would anticipate issuing PMC a notice to proceed and move forward with the environmental studies for the Sixth Street Bridge Box Culvert.
2. Waste Water Treatment Plant Upgrade. Mr. Swartz reviewed the staff report and added that Psomas had completed a report and broke the project into two phases. He recommended updating the treatment plant with critical or near critical items with a maximum amount of \$4,575,982 for USDA application and a \$1 million grant. He said this plan would go through the process of a Basin Plan Amendment to de-designate MUN from Lateral K in order for the WWTP to continue discharging into the agricultural drain.

Mr. Swartz referred to the requested item 1 which was to authorized up to \$84,720 to Psomas for conducting a MUN Use Attainability Analysis for Lateral K, main drainage canal and Cherokee Canal and facilitating the States basin plan amendment process to de-designate the MUN beneficial use for these drains. Mr. Swartz stated the \$84,720 was already included in item 2, which was resubmittal of the \$5 million application.

Mayor Frith reminded Mr. Swartz that Psomas had originally stated the MUN could be completed for \$70,000 and now they were asking for \$84,720. He asked what the additional amount was for. Mr. Carr asked if the cost for CEC to revise the application was in addition to the \$84,720 and Mr. Swartz stated no. Mayor Frith was not comfortable with the arbitrary amount of money and felt they should consult with Psomas to get more clarification. Vice Mayor Thompson stated this amount was addressed on page 130, 131 and 134 of the agenda packet.

Mr. Carr asked again if the re-submittal of the application was included \$84,720 and Mr. Swartz stated it is included in the \$4,575,982. He stated the re-submittal cost would cover copying and would be nominal.

Motion/Second to direct staff to move forward with the application as discussed and get clarification from Psomas on the additional \$15,000. The total for both actions from Psomas is not to exceed \$83,720. (Thompson/Arnold, MCU)

3. Family Park Hydro-Pneumatic Tank Project Closeout. Mr. Swartz was requesting council accept the completion of the Family Park Hydro-Pneumatic Tank Project.

Resolution No. 2011-04 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS ACCEPTING COMPLETION OF THE FAMILY PARK HYDRO-PNEUMATIC TANK PROJECT." (Frith/Thompson, MCU)

4. Community Hall Update. Mr. Swartz stated USDA has stated the City should plan on receiving only a loan for the Community Hall Funding Application, no grant. The City was currently requesting \$467,000.

Mr. Carr stated this 30 year loan would cost the city \$30,325 a year and could not recommend proceeding with this project. Council concurred.

J. City Administrator.

1. Employee Leave. Mr. Carr stated Erin Dougherty requested a six-week leave of absence on October 28, 2010; the request was approved the same day. A clinic physicians note dated December 9, 2010 stated Ms. Dougherty would be unable to work until the 13th. The next day the city received correspondence from UC Davis Medical Center stating she would not be returning by the 13th and then a note saying she would not be returning for at least three months. On December 14, 2010, Mr. Carr sent Ms. Dougherty a letter asking her to advise the city as to her intentions and alerting her to the city's leave policy and that the leave would otherwise be concluded on January 31, 2011. Mr. Carr recommended following the city policy which would extend employment benefits until January 31, 2011.

Ms. Dougherty stated at the request of her doctor she took a leave of absence and intended on returning on December 13, 2010. On December 1 she was admitted to the hospital with brain and uterine tumor. She was transferred to UC Davis on December 5 for surgeries. She said the cost for COBRA would be \$1400 per month, an amount she cannot afford. She did not know if she would be back to work March 31st but it was her intent to return to work. She was asking council to extend her leave.

Councilmember Sheppard felt Ms. Dougherty should explore others options.

Councilmember Bottorff questioned if extending the leave would set a precedence in the future.

Vice Mayor Thompson also felt this might set a pattern for future employees and didn't think the city should get in the habit of extending leave of absence.

Councilmember Arnold felt each employee situation was different and should be handled differently. He felt employees were very important and the city should do what they can to help employees.

Mr. Einhorn stated under state law an employee's job is protected up to 12 weeks. This is all Mr. Carr has authority to grant. He stated Ms. Dougherty was asking for an extension of leave and benefits.

Motion/Second to extend leave of absence through March 31, 2011.
(Thompson/Bottorff, MCU; Opposed, Frith)

2. Mid-Year Budget Review. Mr. Carr reviewed the mid-year budget and informed council the city budget was in good shape. This did not speak to fund balances or project accounts. He was asking for additional appropriation of \$42,000 for the city attorney, planner and the engineer.

Motion/Second to approve the requested appropriations (\$8,000 for City Attorney, \$14,000 for PMC - Code Enforcement, \$14,000 for PMC - City Planner, and \$8,000 for City Engineer). (Thompson/Arnold, MCU; Oppose, Frith & Bottorff)

3. Update to Personnel Policies. Mr. Carr reviewed the changes being made to the personnel policy manual.

Resolution No. 2011-05 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS REPEALING THAT CERTAIN CITY OF BIGGS PERSONNEL MANUAL DATED FEBRUARY 2006 AND ADOPTING A REVISED CITY OF BIGGS PERSONNEL MANUAL DATED JANUARY 2011."
(Thompson/Bottorff, MCU)

4. Staff Compensation Issue. Mr. Carr asked for direction on compensation for recently created city accounting analyst/technician positions. In the spring of 2010 employees agreed to take on new challenges with an estimated value of 10-15%. Council agreed to a 10% pay increase for employees and to consider the additional 5% increase after six months which would have been about November 2010.

Council discussed this issue at length.

Motion/Second to keep the 10% increase and not award the additional 5% increase.
(Bottorff/Thompson, MCU; Opposed, Frith & Arnold)

5. Verbal Report. Mr. Carr informed council the city owned house did not have adequate heating and air conditioning and recommended installing a new HVAC unit at a cost of \$4,500. The unit could later be used elsewhere, such as at Community Hall. Council agreed

Mr. Carr stated there was a problem at North Biggs Estates with traffic in and out of the area. Mr. Carr had discussed installing temporary barricades with Mayor Frith, the police, the city engineer and planner, CHIP and the public works superintendent and all agreed to install the temporary barricades. It was suggested to ask CHIP to help fund the cost of the barricades.

Due to the late hour, Mayor Frith suggested foregoing the commission reports.
Council agreed.

C. Public Safety. None

D. Flood Control. None

E. Public Works. None

F. Electric. None

G. BCAG/Air Quality. None

H. Solid Waste. None

I. Other commission reports. None

6. **INFORMATIONAL:** Vice Mayor Thompson asked to add to a future agenda the fence ordinance regarding right-of-way. Mayor Frith agreed.

7. **ADJOURNMENT:** Meeting was adjourned at 11:30 p.m.

ATTEST:

APPROVED:

Roben Dewsnup, CITY CLERK

Roger L. Frith, MAYOR

1. Call To Order:

The special meeting of the Biggs City Council was called to order at 6:02 p.m. by Mayor Frith. Councilors Arnold, Bottorff and Sheppard were present. Vice Mayor Thompson was absent. Staff present: City Administrator Pete Carr.

2. STUDY SESSION: *City Priorities for 2011*

Council discussed 2010 city accomplishments and potential project priorities for 2011.

3. ADJOURNMENT: Special meeting adjourned at 8:20 p.m.

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR, CITY OF BIGGS

REPORT.: Feb 01 11 Tuesday
 RUN....: Feb 01 11 Time: 16:30
 Run By.: Roben Dewsnap

City of Biggs
 Month End Cash Disbursements Report
 Report for 01-11 BANK ACCOUNT 1010

PAGE: 00
 ID #: PY-CI
 CTL: BII

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
01-11	024990	01/05/11	ATT02 (AT&T)		321.72	.00	321.72	Automatic Generated Chec
	024991	01/05/11	BCS01 (Basic Chemical Solutions)		4,718.30	.00	4,718.30	Automatic Generated Chec
	024992	01/05/11	BRE01 (Ace Hardware)		604.37	.00	604.37	Automatic Generated Chec
	024993	01/05/11	BUT03 (Butte Auto Parts)		190.38	.00	190.38	Automatic Generated Chec
	024994	01/05/11	CAL01 (California Industrial Rubber Co.)		589.44	.00	589.44	Automatic Generated Chec
	024995	01/05/11	CAL03 (California Engineering)		17,663.18	.00	17,663.18	Automatic Generated Chec
	024996	01/05/11	CAL29 (CalPERS)		64,747.00	.00	64,747.00	Automatic Generated Chec
	024997	01/05/11	COR01 (CORBIN WILLITS SYSTEM INC)		328.95	.00	328.95	Automatic Generated Chec
	024998	01/05/11	DEL01 (Preferred Benefit)		730.06	.00	730.06	Automatic Generated Chec
	024999	01/05/11	EIN01 (Gregory P. Einhorn)		5,620.42	.00	5,620.42	Automatic Generated Chec
	025000	01/05/11	FLE00 (Fletcher's Plumbing &)		148.50	.00	148.50	Automatic Generated Chec
	025001	01/05/11	FRI04 (Mary Frith)		173.20	.00	173.20	Automatic Generated Chec
	025002	01/05/11	GRO01 (Groeniger & Company)		707.77	.00	707.77	Automatic Generated Chec
	025003	01/05/11	GUY01 (Rental Guys Chico)		283.80	.00	283.80	Automatic Generated Chec
	025004	01/05/11	LAK02 (Lakeview Petroleum)		1,550.46	.00	1,550.46	Automatic Generated Chec
	025005	01/05/11	MAR04 (Stephanie Martinez)		170.00	.00	170.00	Automatic Generated Chec
	025006	01/05/11	MAX01 (Maximum Security Systems)		100.75	.00	100.75	Automatic Generated Chec
	025007	01/05/11	NEX01 (Nextel Communications)		249.58	.00	249.58	Automatic Generated Chec
	025008	01/05/11	OFF01 (Office Depot)		39.98	.00	39.98	Automatic Generated Chec
	025009	01/05/11	PRI02 (PLIC - SBD Grand Island)		296.39	.00	296.39	Automatic Generated Chec
	025010	01/05/11	PUB02 (Calif Public Employees')		11,585.86	.00	11,585.86	Automatic Generated Chec
	025011	01/05/11	QUI01 (Quill Corporation)		106.55	.00	106.55	Automatic Generated Chec
	025012	01/05/11	REM02 (Remax Altima Realty)		251.02	.00	251.02	Automatic Generated Chec
	025013	01/05/11	RIG01 (Right Way Pest Control)		119.00	.00	119.00	Automatic Generated Chec
	025014	01/05/11	SCORE (Small Cities Organized)		6,129.00	.00	6,129.00	Automatic Generated Chec
	025015	01/05/11	SEI01 (Roy R. Seiler, CPA)		3,929.70	.00	3,929.70	Automatic Generated Chec
	025016	01/05/11	THO03 (Thomson and Hendricks, Inc.)		645.58	.00	645.58	Automatic Generated Chec
	025017	01/05/11	TIN01 (Ana Tinoco)		270.00	.00	270.00	Automatic Generated Chec
	025018	01/05/11	VER00 (Verizon Wireless)		110.21	.00	110.21	Automatic Generated Chec
	025019	01/05/11	VIS00 (VistaNet Inc)		50.00	.00	50.00	Automatic Generated Chec
	025020	01/05/11	VSP01 (Vision Service Plan-(CA))		92.16	.00	92.16	Automatic Generated Chec
	025021	01/05/11	WAS02 (Reimbursement H. Wasser)		25.97	.00	25.97	Automatic Generated Chec
	025022	01/05/11	YUB01 (City of Yuba City)		2,210.00	.00	2,210.00	Automatic Generated Chec
	025023	01/05/11	ZEE01 (Zee Medical Co)		68.94	.00	68.94	Automatic Generated Chec
	025024	01/05/11	THO02 (Reimbursement A. Thompson)		119.00	.00	119.00	Automatic Generated Chec
	025025	01/21/11	NCPA (Northern CA Power Agency)		118,641.00	.00	118,641.00	Automatic Generated Chec
	025026	01/21/11	ARN01 (Reimbursement D. Arnold)		16.00	.00	16.00	Automatic Generated Chec
	025027	01/21/11	BUT24 (Butte County Elections Division)		1,449.53	.00	1,449.53	Automatic Generated Chec
	025028	01/21/11	BUT26 (BUTTE REGIONAL TRANSIT)		51.00	.00	51.00	Automatic Generated Chec
	025029	01/21/11	CAL02 (Cal Rural Water Assoc.)		250.00	.00	250.00	Automatic Generated Chec
	025030	01/21/11	CAL04 (California City Management Foundation)		60.00	.00	60.00	Automatic Generated Chec
	025031	01/21/11	CAR04 (Reimbursement P. Carr)		1,746.91	.00	1,746.91	Automatic Generated Chec
	025032	01/21/11	EAK03 (Thomas Eaker & Kirsten Cook)		59.24	.00	59.24	Automatic Generated Chec
	025033	01/21/11	GRI04 (City of Gridley)		50,908.12	.00	50,908.12	Automatic Generated Chec

REPORT.: Feb 01 11 Tuesday
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City of Biggs
 Month End Cash Disbursements Report
 Report for 01-11 BANK ACCOUNT 1010

PAGE:
 ID #: P
 CTL.:

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
01-11	025034	01/21/11	PGE01 (PACIFIC GAS & ELECTRIC CO)		335.33	.00	335.33	Automatic Generated C
	025035	01/21/11	PIT01 (PITNEY BOWES, INC.)		156.42	.00	156.42	Automatic Generated C
	025036	01/21/11	PMC01 (PMC, Inc.)		11,520.73	.00	11,520.73	Automatic Generated C
	025037	01/21/11	REM02 (Remax Altima Realty)		150.00	.00	150.00	Automatic Generated C
	025038	01/21/11	RES01 (Reserve Account)		800.00	.00	800.00	Automatic Generated C
	025039	01/21/11	VOID (Reversed Check)		.00	.00	.00	Cl# 025039 Reversed
	025040	01/21/11	STA06 (State Board of Equalizatn)		768.55	.00	768.55	Automatic Generated C
	025041	01/21/11	STA07 (STATE WATER RESOURCES BRD)		80.00	.00	80.00	Automatic Generated C
	025042	01/21/11	STA13 (Sharon Starmer)		150.00	.00	150.00	Automatic Generated C
	025043	01/21/11	VAS04 (Andrew Vasquez)		29.77	.00	29.77	Automatic Generated C
	025044	01/31/11	NCPA (Northern CA Power Agency)		2,800.00	.00	2,800.00	Automatic Generated C
	025045	01/31/11	ADV02 (Advanced Document Concepts)		63.26	.00	63.26	Automatic Generated C
	025046	01/31/11	AIR00 (Airgas-NCN, Inc.)		170.47	.00	170.47	Automatic Generated C
	025047	01/31/11	ARA01 (Aramark Uniform Services)		262.05	.00	262.05	Automatic Generated C
	025048	01/31/11	ASB01 (Asbury Environmental Services)		45.00	.00	45.00	Automatic Generated C
	025049	01/31/11	BCS01 (Basic Chemical Solutions)		4,686.91	.00	4,686.91	Automatic Generated C
	025050	01/31/11	BHS03 (BHS - Kevin Hicks)		115.00	.00	115.00	Automatic Generated C
	025051	01/31/11	BOT02 (Reimbursement Mike Botorff)		188.86	.00	188.86	Automatic Generated C
	025052	01/31/11	CAL02 (Cal Rural Water Assoc.)		125.00	.00	125.00	Automatic Generated C
	025053	01/31/11	CAS03 (Patricia Castaneda)		100.53	.00	100.53	Automatic Generated C
	025054	01/31/11	CHI02 (City of Chico - City Managers Office)		13.00	.00	13.00	Automatic Generated C
	025055	01/31/11	DN00 (Don's Shoes)		250.00	.00	250.00	Automatic Generated C
	025056	01/31/11	ESC01 (Escudero Web Services)		50.00	.00	50.00	Automatic Generated C
	025057	01/31/11	FAM01 (Family T-Shirt Factory)		45.47	.00	45.47	Automatic Generated C
	025058	01/31/11	FEA02 (Feather River Aggregates 1)		861.81	.00	861.81	Automatic Generated C
	025059	01/31/11	FLE00 (Fletcher's Plumbing &)		252.00	.00	252.00	Automatic Generated C
	025060	01/31/11	FRI01 (Roger L. Frith)		259.59	.00	259.59	Automatic Generated C
	025061	01/31/11	FRY01 (Glenn Fry)		150.00	.00	150.00	Automatic Generated C
	025062	01/31/11	GUY01 (Rental Guys Chico)		420.74	.00	420.74	Automatic Generated C
	025063	01/31/11	JCN00 (J C Nelson Supply Co)		397.16	.00	397.16	Automatic Generated C
	025064	01/31/11	KNI01 (Knife River Construction)		854.36	.00	854.36	Automatic Generated C
	025065	01/31/11	KYO01 (Kyocera Mita America Inc)		130.24	.00	130.24	Automatic Generated C
	025066	01/31/11	LEA01 (League of California Cities)		1,172.00	.00	1,172.00	Automatic Generated C
	025067	01/31/11	MAC01 (Mac's Hardware & Rental)		139.34	.00	139.34	Automatic Generated C
	025068	01/31/11	MAX01 (Maximum Security Systems)		100.75	.00	100.75	Automatic Generated C
	025069	01/31/11	MYT01 (MyTana Manufacturing Company, Inc)		862.45	.00	862.45	Automatic Generated C
	025070	01/31/11	NAT01 (National Notary Association)		52.00	.00	52.00	Automatic Generated C
	025071	01/31/11	PSO01 (PSOMAS)		2,000.00	.00	2,000.00	Automatic Generated C
	025072	01/31/11	RIG01 (Right Way Pest Control)		119.00	.00	119.00	Automatic Generated C
	025073	01/31/11	STA05 (SWRCB FEES)		3,227.00	.00	3,227.00	Automatic Generated C
	025074	01/31/11	TUR01 (Vivian Turner)		75.00	.00	75.00	Automatic Generated C
	025075	01/31/11	USA02 (USABlueBook)		108.46	.00	108.46	Automatic Generated C
	025076	01/31/11	VAL01 (Valley Truck & Tractor Co.)		1,499.96	.00	1,499.96	Automatic Generated C
	025077	01/31/11	VIS00 (VistaNet Inc)		441.00	.00	441.00	Automatic Generated C

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City of Biggs
 Month End Cash Disbursements Report
 Report for 01-11 BANK ACCOUNT 1010

PAGE: 003
 ID #: PY-CI
 CTL.: BIE

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
01-11	025078	01/31/11	WAS02 (Reimbursement H. Wasser)		39.93	.00	39.93	Automatic Generated Check
	025079	01/31/11	WAT02 (Waterbury Electric)		80.00	.00	80.00	Automatic Generated Check
Total for Bank Account 1010 ---->					334,278.18	.00	334,278.18	
Grand Total of all Bank Accounts ---->					334,278.18	.00	334,278.18	

Report.: 02/01/11
 Run On.: 02/01/11
 Time...: 10:11
 Run By.: Roben Dewsnup

Month End Warrant Register

Page.: 00001
 Id...: SP001
 Ctl...: BIG
 Prog.: SP026

Harrant Num	P#	Date	Payroll Number	Period Begin	End	*** Employee or Vendor Nbr	Name	Cal Prd	Gross Earnings	Tax Withheld	Deductions Withheld	Warrant Amount
7846	00	01/05/11	1of24	12/16/10	12/31/10			01-11	1322.67	394.58	12.05	916.04
7847	00	01/05/11	1of24	12/16/10	12/31/10			01-11	1822.94	517.97	146.65	1158.32
7848	00	01/05/11	1of24	12/16/10	12/31/10			01-11	3604.00	1069.26	.00	2614.74
7849	00	01/05/11	1of24	12/16/10	12/31/10			01-11	1837.64	522.20	.00	1315.44
7850	00	01/05/11	1of24	12/16/10	12/31/10			01-11	1320.25	360.21	17.55	942.49
7851	00	01/05/11	1of24	12/16/10	12/31/10			01-11	1733.16	390.66	32.05	1309.65
7852	00	01/05/11	1of24	12/16/10	12/31/10			01-11	2607.88	698.05	21.65	1888.18
7853	00	01/05/11	1of24	12/16/10	12/31/10			01-11	3134.04	1150.85	21.65	1961.54
7854	00	01/05/11	VENDOR PAYMENT	-----		BOA01	BANK OF AMERICA, NT&	01-11	INVOICE NO.:	B10104		1706.94
7854	01	01/05/11	VENDOR PAYMENT	-----		BOA01	BANK OF AMERICA, NT&	01-11	INVOICE NO.:	1B10104		1807.85
7854	02	01/05/11	VENDOR PAYMENT	-----		BOA01	BANK OF AMERICA, NT&	01-11	INVOICE NO.:	2B10104		504.12
										TOTAL FOR VENDOR BOA01:		4018.91
7855	00	01/05/11	VENDOR PAYMENT	-----		EDD01	Employment Developme	01-11	INVOICE NO.:	B10104		534.65
7855	01	01/05/11	VENDOR PAYMENT	-----		EDD01	Employment Developme	01-11	INVOICE NO.:	1B10104		208.60
										TOTAL FOR VENDOR EDD01:		743.25
7856	00	01/05/11	VENDOR PAYMENT	-----		PUB01	PERS-Retirement Syst	01-11	INVOICE NO.:	B10104		2482.67
7857	00	01/20/11	2of24	01/01/11	01/15/11			01-11	1322.67	394.77	43.05	884.85
7858	00	01/20/11	2of24	01/01/11	01/15/11			01-11	3152.82	1159.17	52.65	1941.00
										TOTAL FOR VENDOR PUB01:		2482.67
7859	00	01/18/11	VENDOR PAYMENT	-----		BOA01	BANK OF AMERICA, NT&	01-11	INVOICE NO.:	B10118		1774.98
7859	01	01/18/11	VENDOR PAYMENT	-----		BOA01	BANK OF AMERICA, NT&	01-11	INVOICE NO.:	1B10118		1837.19
7859	02	01/18/11	VENDOR PAYMENT	-----		BOA01	BANK OF AMERICA, NT&	01-11	INVOICE NO.:	2B10118		512.26
										TOTAL FOR VENDOR BOA01:		4124.43
7860	00	01/18/11	VENDOR PAYMENT	-----		EDD01	Employment Developme	01-11	INVOICE NO.:	B10118		558.84
7860	01	01/18/11	VENDOR PAYMENT	-----		EDD01	Employment Developme	01-11	INVOICE NO.:	1B10118		211.98
										TOTAL FOR VENDOR EDD01:		770.82
7861	00	01/18/11	VENDOR PAYMENT	-----		LAB02	Laborers Local 185	01-11	INVOICE NO.:	B10118		124.00
										TOTAL FOR VENDOR LAB02:		124.00
7862	00	01/18/11	VENDOR PAYMENT	-----		PUB01	PERS-Retirement Syst	01-11	INVOICE NO.:	B10118		2482.67
										TOTAL FOR VENDOR PUB01:		2482.67
7863	00	01/18/11	VENDOR PAYMENT	-----		STA14	STATE STREET BANK &	01-11	INVOICE NO.:	B10118		147.36
7864	00	01/31/11	1of12	01/01/11	01/31/11			01-11	300.00	20.55	.00	279.45
7865	00	01/31/11	1of12	01/01/11	01/31/11			01-11	300.00	20.55	.00	279.45
7866	00	01/31/11	1of12	01/01/11	01/31/11			01-11	300.00	20.55	.00	279.45
7867	00	01/31/11	1of12	01/01/11	01/31/11			01-11	300.00	20.55	.00	279.45
7868	00	01/31/11	1of12	01/01/11	01/31/11			01-11	300.00	20.55	.00	279.45
										TOTAL FOR VENDOR STA14:		147.36
7869	00	01/31/11	VENDOR PAYMENT	-----		BOA01	BANK OF AMERICA, NT&	01-11	INVOICE NO.:	B10131		.00
7869	01	01/31/11	VENDOR PAYMENT	-----		BOA01	BANK OF AMERICA, NT&	01-11	INVOICE NO.:	1B10131		156.00
7869	02	01/31/11	VENDOR PAYMENT	-----		BOA01	BANK OF AMERICA, NT&	01-11	INVOICE NO.:	2B10131		43.50
										TOTAL FOR VENDOR BOA01:		199.50
7870	00	01/31/11	VENDOR PAYMENT	-----		EDD01	Employment Developme	01-11	INVOICE NO.:	B10131		.00
7870	01	01/31/11	VENDOR PAYMENT	-----		EDD01	Employment Developme	01-11	INVOICE NO.:	1B10131		18.00

Report.: 02/01/11
 Run On.: 02/01/11
 Time...: 10:11
 Run By.: Roben Dewsnap

Month End Warrant Register

Page.: 00002
 Id...: SPHEM
 Ctl...: BIG
 Prog.: SP0260

Warrant Num P#	Date	Payroll Number	Period Begin End	*** Employee or Vendor *** Nbr Name	Cal Prd	Gross Earnings	Tax Withheld	Deductions Withheld	Warrant Amount
Z00407 00	01/05/11	1of24	12/16/10 12/31/10		01-11	89.80	76.38	13.42	.00
Z00408 00	01/20/11	2of24	01/01/11 01/15/11		01-11	2070.67	618.86	1451.81	.00
Z00409 00	01/20/11	2of24	01/01/11 01/15/11		01-11	3684.00	1070.03	2613.97	.00
Z00410 00	01/20/11	2of24	01/01/11 01/15/11		01-11	1787.52	509.47	1278.05	.00
Z00411 00	01/20/11	2of24	01/01/11 01/15/11		01-11	89.80	76.81	12.99	.00
Z00412 00	01/20/11	2of24	01/01/11 01/15/11		01-11	1368.05	373.72	994.33	.00
Z00413 00	01/20/11	2of24	01/01/11 01/15/11		01-11	1750.85	394.03	1356.82	.00
Z00414 00	01/20/11	2of24	01/01/11 01/15/11		01-11	2607.88	698.82	1909.06	.00
						36886.64	10578.59	9978.55	31441.11

9323.34

ROY R. SEILER
CERTIFIED PUBLIC ACCOUNTANT

201 C. North Tehama
Willows, CA 95988

Phone: 530-934-8841
Fax: 530-934-8849

City of Biggs,
Biggs, California

I have compiled the accompanying monthly cash and investment report, for the City of Biggs, as of January 31, 2011. I have not audited or reviewed the accompanying statement and, accordingly, do not express an opinion or provide any assurance about whether the statement is in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

My responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

February 16, 2011

Roy R. Seiler, CPA

City of Biggs
Monthly Cash and Investments Report
January, 2011

Pooled Cash and Investments:

Bank of America:

General Checking Accounts \$ 544,430.14

Local Agency Investment Fund:

Fund Account Balance \$ 1,083,427.38

Total Pooled Cash and Short Term Investments \$ 1,627,857.52

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Other Investments:

Northern California Power Authority (NCPA)

Reflects Balance as of December 31, 2010

General Operating Reserve (GOR):

Committed Reserve \$ 142,103.00

Available Reserve \$ 406,110.00

Total Reserve \$ 548,213.00

California Independent System Operators (CAISO):

Scheduling Coordination Program Agreement,
Balancing Account, Current Balance \$ 60,259.80

Total Other Investments \$ 608,472.80

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See Accountant's Compilation Report

Gridley - Biggs Police Department

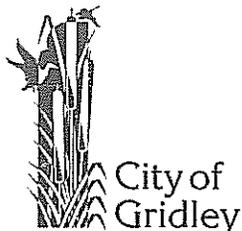
Traffic Summary for the City of Biggs

Month of January, 2011

	<i>Current Month</i>	<i>Year to Date 2011</i>
<i>Accidents Fatal</i>	0	0
<i>Accidents Personal Injury</i>	0	0
<i>Accidents Pedestrians</i>	0	0
<i>Accidents PropertyDamage</i>	0	0
<i>Hit and Run PDO</i>	0	0
<i>Hit and Run Injury</i>	0	0
<i>Accidents Total</i>	0	0
<i>Moving Violation Citations</i>	6	6
<i>Non-Moving Violations</i>	4	4
<i>Speeding Citations</i>	2	2
<i>Traffic Citations-Total</i>	12	12
<i>D.U.I. Arrests</i>	2	2

Comments:

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City of Gridley Gridley-Biggs Police Department



GARY D. KEELER
Chief of Police



GRIDLEY BIGGS POLICE DEPARTMENT			
CITY OF BIGGS MONTH IN REVIEW			
January, 2011			
CALLS FOR SERVICE		ARREST CRIME REPORT	
911	21	ADULTS	
ALARM	7	DRIVING WHILE INTOXICATED	2
ANIMAL	12	OFFICER ROBERTS	1
AREA CHECK	12	OFFICER SMALLWOOD	1
ATTEMPT TO CONTACT	1	DRIVING WHILE SUSPENDED	3
BATTERY	2	ASSAULT WITH A DEADLY WEAPON	1
BE ON THE LOOK OUT	1	CONTROLLED SUB. PARAPHERNALIA	1
BIKE TRAFFIC	1	DOMESTIC BATTERY	1
BURGLARY	3	LOITERING	1
CITIZEN FLAG DOWN	4	POSS. OF CONTROLLED SUBSTANCE	1
DISABLED VEHICLE	1	POSS. OF MARIJUANA	1
DISTURBANCE	3	PUBLIC INTOXICATION	1
DMV NOTIFICATION	1	UNLICENSED DRIVER	4
DOMESTIC VIOLENCE	1	WARRANT	5
DRIVING WHILE INTOXICATED	2		
DRIVING WHILE SUSPENDED	1	JUVENILE	
EXTRA PATROL REQUEST	2	MINOR IN POSS. OF TOBACCO	1
FIELD INVESTIGATION	1		
INFORMATION	5		
JUVENILE PROBLEM	1		
LEWD ACTS WITH A MINOR	1		
LOUD MUSIC	4		
MEDICAL AID	1		
MINOR IN POSS. OF TOBACCO	1		
OUTSIDE ASSIST	1		
PARKING COMPLAINT	1		
PEDESTRIAN CHECK	11		
PETTY THEFT	1		
RECKLESS DRIVING	1		
REPOSSESSED VEHICLE	1		
ROAD HAZARDS	1		
RUNAWAY JUVENILE	1		
STOLEN VEHICLE	1		
SUSPICIOUS CIRCUMSTANCES	11		
TRAFFIC STOPS	31		
TRESPASSING	1		
UNLICENSED DRIVER	2		
VANDALISM	2		
VIOLATION OF PAROLE	1		
WARRANT	5		
WELFARE CHECKS	3		

**GRIDLEY-BIGGS POLICE DEPARTMENT
MONTHLY COUNCIL REPORT
CITY OF BIGGS**

January, 2011

TYPE	THIS MONTH	YEAR TO DATE	2010
		2011	YEAR TO DATE
# OF ARREST			
ADULTS	21	21	8
JUVENILE	1	1	2
# OF CITATIONS			
TRAFFIC/CRIMINAL	14	14	13
MISC CALLS FOR SERVICE			
	164	164	141
# OF CRIMES REPORTED			
FELONY	5	5	5
MISDEMEANOR	10	10	10
# OF WARRANT ARREST			
ADULT	5	5	1
JUVENILE	0	0	0
# OF 911 CALLS			
	21	21	9

**GRIDLEY BIGGS POLICE DEPARTMENT
CITY OF BIGGS MONTH IN REVIEW
January. 2011**

PERSONNEL

There were no personnel changes for the month of January

TRAINING

2/19/2011 Department members attended in house Range Training

NOTES

1/19/2011 Chief Keeler and Reserve Officer Hensley attended a Human Trafficking Seminar in Sacramento.

01-25 - 01-27 New video surveillance project completed.

Response times for this month are as follows:

<i>Priority 1</i>	<i>Events that involve injury, are life threatening or in progress</i>
<i>Priority 2</i>	<i>Events that involve property loss or damage</i>
<i>Priority 3</i>	<i>Other events that do not involve injury, threat of life, property loss or damage.</i>
<i>Priority 1</i>	<i>4 minutes</i>
<i>Priority 2</i>	<i>7 minutes</i>
<i>Priority 3</i>	<i>7 minutes</i>

MONTHLY REPORT OF LOCAL RABIES CONTROL ACTIVITIES

For Biggs January, 2011

City of Biggs Animal Control

Total calls for service: 12

			Dogs	Cats
RABIES VACCINATION AND LICENSING	A. Number of "Actual Cost" rabies public vaccination clinics held		0	
	B. Number of animal control citations issued for rabies vaccination and licensing violations		0	
	C. Dogs and cats vaccinated in "Actual Cost" public vaccination clinics		0	0
	D. Dogs and cats licensed in "Actual Cost" public vaccination clinics		0	0
	E. Total number of dogs and cats LICENSED in jurisdiction		118	0
CANINE AND FELINE RABIES CONTROL	F. Dogs and cats on hand in the shelter January 1, 2011 (carried over from December 31, 2010)		2	0
	G. Dogs and cats entering the shelter, TOTAL: (Total should equal sum of 1 to 5 below)		3	3
	1. Dogs and cats captured by Animal Control Officers		3	3
	2. Dogs and cats surrendered by owners (not including those surrendered for quarantine)		0	0
	3. Dogs and cats surrendered by the public G1 THROUGH G5		0	0
	4. Dogs and cats impounded for animal bite quarantines ARE		0	0
	5. Dogs and cats transferred from another shelter MUTUALLY EXCLUSIVE		0	0
	H. Disposition of dogs and cats entering shelter, TOTAL: (Total should equal sum of F. plus 1 to 6 below)		5	1
	1. Dogs and cats reclaimed by owner		3	0
	2. Dogs and cats adopted by new owners H1 THROUGH H6		0	0
	3. Dogs and cats euthanized ARE		0	1
	4. Dogs and cats died of other causes MUTUALLY EXCLUSIVE		0	0
	5. Dogs and cats stolen, escaped, etc.		0	0
6. Dogs and cats transferred to another shelter		2	0	
I. Dead dogs and cats collected (excluding F, G, and H above)		0	0	
J. Dogs and cats on hand in the shelter January 31, 2011 (to be carried over to February 1, 2011)		0	2	
ANIMAL BITE REPORTING	K. Animal bites reported, TOTAL: (Total should be the sum of 1 and 2 below)		0	
	1. DOG and CAT bites reported, TOTAL: (Total should be the sum of a, b, c, and d below)		0	0
	a. Licensed		0	0
	b. Vaccinated only		0	0
	c. Neither licensed or vaccinated (but owned)		0	0
	d. Strays		0	0
	2. OTHER ANIMAL bites reported, TOTAL: (Total should be the sum of a and b below)		0	
	a. Other domestics (excluding cats)		0	
b. Wild		0		

Other Animals Picked up:

		Dogs	Cats
ANIMAL QUARANTINES	L. Number of 30 day quarantines for vaccinated dogs and cats exposed to potentially rabid animals.	0	0
	M. Number of 6 month quarantines for unvaccinated dogs and cats exposed to potentially rabid animals.	0	0
	N. Number of 6 month quarantines for domestic livestock (horses, cattle, etc.) exposed to potentially rabid animals.	0	
	O. Number of 30 day or 6 month quarantines not completed because the animals were euthanized.	0	
AGENCY ADMIN.	P. Number of animal control officers employed in jurisdiction	1	
	Q. Gridley-Biggs Animal Control 685 Kentucky Street, Gridley, CA 95948 530-846-4825		

Completed by:

Signature: Amy Burgess

Name: Amy Burgess

Title: Animal Control Officer

Agency: Gridley-Biggs Animal Control

Telephone: 530-846-4825

Endorsement by local Health Officer or
Authorized representative:

Signature: _____

Name (print): _____

Title: _____

Agency: _____

Telephone: _____

AFTER ENDORSEMENT
PLEASE FORWARD COMPLETED FORM TO:

Veterinary Public Health Section
California Department of Health Services
MS 7308
P.O. Box 997413
Sacramento, CA 95899-7413

PHONE: (916) 552-9740

FAX: (916) 552-9725

Biggs Monthly Animal Bite Activity

Agency: Gridley-Biggs Animal Control Monthly January, 2011

		Dogs	Cats
Animal Bite Reporting	A. Animal Bites Reported. TOTAL should be the sum of 1 and 2 below.	0	0
	1. DOG and CAT bites reported. Should equal sum of a, b, c, and d.	0	0
	a. Licensed	0	0
	b. Vaccinated only.	0	0
	c. Neither Licensed or Vaccinated	0	0
	d. Strays	0	0
	2. OTHER ANIMAL bites reported. Should equal sum of a and b.	0	0
	a. Other domestic (excluding cats.)	0	0
	b. Wild	0	0
Animal Quarantines	L. Number of 30 day quarantines for Vaccinated dogs and cats exposed to potentially rabid animals.	0	0
	M. Number of 6 month quarantines for Unvaccinated dogs and cats exposed to potentially rabid animals.	0	0
	N. Number of 6 month quarantines for Domestic livestock (horses, cattle, etc.) exposed to potentially rabid animals.	0	0
	O. Number of 30 day or 6 month Quarantines not completed because animals were euthanized.	0	0
Agency Administration	P. Number of animal Control Officers Employed in the jurisdiction.	1	

Prepared by: A. Burgess A. Burgess Gridley-Biggs Animal Control
 Officer
 Date: 2/2/11 685 Kentucky Street
 Gridley, CA 95948
 530-846-4825

Biggs Fire Department

Report on Conditions

January 2011

During January the fire department responded to twenty two (22) calls for service within the City limits and County area where our fire engine arrives first. Fourteen (14) responses were in the City of Biggs, eight (8) were in the County response areas surrounding Biggs.

	City	County
Medical aid	7	2
Traffic collision		5
Structure fire		1
False alarm	1	
Public assist	6	
Total	14	8
Local area grand total		22

In January reserve fire engine, E273, was returned to service after repair at the Cal Fire / Butte County Fire shop in Oroville and a brief trip to an outside facility in Sacramento. This fire engine, although owned by the City of Gridley, serves as our local (Biggs and Gridley) Battalion 7 reserve fire engine. As a reserve it is placed in frontline service when the other fire engines are out of service for preventative maintenance and repairs.

The fire department is very pleased with the increase of pressure in the City of Biggs water system. The city water utility serves both domestic and fire service needs and has improved tremendously over the last several years. With the increase of ten pounds per square inch of water pressure at a typical fire hydrant we expect to see the volume of water increase by two hundred or more gallons per minute, This "fireflow" increase will be a benefit to the City of Biggs during our next insurance risk rating. The municipal water service is a full forty percent of our evaluation by the Insurance Service Office raters. And of course with sufficient water our fire protection is better.

Firefighter II Genevieve Antognazzi is now working at the Biggs fire station, having rotated in from a floating relief position. Genevieve recently completed her emergency medical technician recertification. Welcome Geni.

ORDINANCE NO. 389

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING
TITLE 6 – PUBLIC HEALTH AND SAFETY, TO COMBINE AND AMEND BIGGS
MUNICIPAL CODE SECTIONS 6.25 – HEALTH AND SAFETY NUISANCE
ABATEMENT AND SECTION 6.27 – NEIGHBORHOOD NUISANCE ABATEMENT**

The City Council of the City of Biggs does hereby ordain as follows:

Section 14.060.080 of the City of Biggs Zoning Code shall be amended to read as follows:

Chapter 6.25

HEALTH AND SAFETY AND NEIGHBORHOOD NUISANCE ABATEMENT

Sections:

- 6.25.010 Purposes.
- 6.25.020 Unlawful Property Nuisance – Private property.
- 6.25.030 Unlawful Property Nuisance – Public property.
- 6.25.040 Declaration of Public Nuisance.
- 6.25.050 Existence of Public Nuisance, Hearing and Voluntary Abatement.
- 6.25.055 Nuisance abatement –Visible/Unsecured Odiferous Marijuana Under Cultivation.
- 6.25.060 Public Agency Inspections.
- 6.25.065 Administrative Public Nuisance Abatement by the City
- 6.25.070 Summary Abatement
- 6.25.080 Nuisance Abatement Lien
- 6.25.085 Nuisance Abatement Fines

6.25.010 Purposes.

The purposes of this Chapter are: (1) to protect the City’s residents from threats to health and safety that result from specified nuisance conditions and (2) to promote an attractive and desirable community by identifying and providing a means to abate specified nuisance conditions that if permitted to continue, will cause substantial diminution of the enjoyment, use and value of affected properties. [Ord. 323 § 1, 2001]

6.25.020 Unlawful Property Nuisance – Private Property.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of private property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions which are visible from a public street or right-of-way and are found to exist thereon, except as may be allowed by this code:

- (1) Unlawful Outdoor Storage.
 - (a) The accumulation of abandoned, discarded, or dilapidated objects which constitutes a threat to the general public's health, safety or welfare, including but not limited to: junked, abandoned, wrecked, dismantled or inoperative vehicles; vehicle parts and equipment; machine parts; scrap material; appliances; furniture, household equipment and furnishings; shopping carts; containers, packing materials; scrap metal; scrap wood; plant cuttings; rubbish and/or debris.
 - (b) Attractive nuisances, dangerous to those members of the public unable to discover the nuisance condition, or recognize its potential danger, including, but not limited to: abandoned, broken, neglected or unsupervised vehicles; machinery; equipment; refrigerators and freezers; pools, ponds and excavations; marijuana plants, the cultivation of which is visible from a public street or right-of-way or neighboring property, or the odor of which is detectable from a public street, right-of-way or neighboring property
 - (c) The placement of items of business inventory, refuse containers, equipment, vehicles, or similar obstructions on the street or sidewalk without prior city approval.
 - (d) The storage of firewood or other flammable materials used for heating purposes in excess of standards relating to the safe storage of combustible materials as determined by the city of Biggs Fire Department and the Uniform Fire Code.
 - (e) Items stacked or stored so as to present a safety hazard.
 - (f) The accumulation of dirt, sand, gravel, concrete, litter, debris or other similar material on the property which is visible from the street.
 - (g) Materials stored or stacked on commercial or industrial property within the front or street side yard in such zoning districts, except where such storage is allowed by the city under a conditional use permit.
 - (h) Unregistered vehicles or other articles of personal property which are left in a state of partial construction, dilapidation or disrepair for more than four months.
- (2) Landscaping/Vegetation.
 - (a) Dead, decayed, diseased or hazardous trees, weeds or other vegetation constituting a danger to public safety and welfare and/or constituting

unsightly appearance detrimental to neighboring property or property values.

- (b) Overgrown vegetation likely to harbor rats, vermin and other nuisances resulting in potential health hazards.
 - (c) Vegetation growing into the public right-of-way, obstructing the necessary view of drivers on public streets, rights-of-way or private driveways.
 - (d) Failure to comply with the requirements set forth in any city zoning approval or permit applicable to the premises.
 - (e) Marijuana plants, the cultivation of which is visible from a public street or right-of-way or neighboring property, or the odor of which is detectable from a public street, right-of-way or neighboring property
 - (f) Planting strips are to be landscaped with materials acceptable to the City Park Superintendent; materials include decorative bark or rocks, green grass, trees, drought resistant plants and shrubs. The mow strip must be maintained. Dead vegetation, dirt and base rock are not considered acceptable maintenance.
 - (g) Sidewalks and mow strips are to be maintained to provide for safe passage. Placement and type of trees in mow strips are to be specified by City Parks Superintendent. Property owner is to maintain and replace any trees and landscaping in mow strips.
- (3) Trash, Litter, Trimmings, Oil and Debris.
- (a) Pooled oil, water, or other liquid accumulation, flowing onto the street, or excessive accumulations of grease or oil on paved surfaces.
 - (b) The accumulation of litter, debris, trimmings or trash stored, accumulated, or placed on private property, in a yard, or portion thereof, including sidewalks, gutters, driveways, parking lots or the public right-of-way, which is generated on, or as a consequence of the use or maintenance of the property.
- (4) Trash Containers.
- (a) Trash containers without secure, firmly fitting covers or evidencing an overflow of trash and or other debris.
 - (b) Except on normal trash pick-up days, trash, garbage or refuse cans, bins, boxes or other such containers shall be stored out of or screened from

public view where practical, but in any event on private property as close to the residential structure as possible.

(5) Buildings and Structures.

- (a) Buildings dilapidated, abandoned, boarded up, or partially destroyed, and buildings having unsecured entry points, broken windows, or broken windows or unsecured entry points covered or boarded over with wood or other materials, for more than 30 days.
- (b) Buildings left in a state of partial construction for six months, absent compelling extenuating circumstances.
- (c) Buildings subject to demolition pursuant to applicable permit or other authority, for which demolition has not been diligently pursued.
- (d) Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief.
- (e) Unsecured or structurally damaged/unsound awnings or overhangs, porches or building appurtenances.
- (f) Occupied buildings lacking functioning, city-approved electrical utility service. Exempt from this definition are buildings with a city-approved electricity system not requiring city-provided service. Exempt from this definition is the use of temporary electrical generation in the case of emergency or power loss, but only to the extent of the emergency and/or power loss.
- (g) Occupied buildings lacking functioning, city-approved provided water service.
- (h) Occupied buildings lacking functioning, city-approved sanitary sewer service.

(6) Fences and Gates.

Fences, gates or other structures on private property abutting, fronting upon, or visible from any public street, which are unsafely leaning, fallen, decayed, or in an otherwise dilapidated, unsafe or unsightly condition.

(7) Parking Limitations. Vehicles, whether motorized or non-motorized, shall not be:

- (a) Parked on or within any required setback or on any surface which has not previously been approved for parking purposes pursuant to applicable

zoning code provisions. Therefore, parking on residential property is limited to parking on driveways and parking pads. Parking on lawns and on dirt is prohibited.

- (b) Parked on any front lawn or landscaped area, or upon any other area with a ground surface that is not either paved or graveled; provided, however, that the total surfaced area (gravel or pavement) within the front and street side yards of an individual lot shall not exceed 700 square feet.
- (c) Parked on a public street perpendicular or diagonally to any residence unless otherwise specifically allowed.
- (d) Parked on driveways or parking pads where a portion of the parked vehicle also extends into the street.

(8) Right-of-Way.

Placing, permitting or allowing an accumulation of junk, rubbish, debris, or dead, decayed or overgrown vegetation in that area between the property line and the edge of street improvements of a given parcel. This section is intended to supplement and not stand in conflict with the provisions of Streets and Highways Code, entitled "Maintenance of Sidewalks."

(9) Cultivation of Marijuana.

The cultivation and/or storage of marijuana within the City of Biggs is hereby declared to be unlawful and a public nuisance; provided, however, that a qualified patient or primary caregiver may cultivate and/or store marijuana but only if such storage and/or cultivation is confined and limited to and within a fully enclosed and secured structure.

(10) Residential Vehicle Repair.

- (a) The performance of major repairs or dismantling of any motorized or non-motorized vehicle, boat, or part thereof, in a location visible from the street.
- (b) This section shall not be construed as prohibiting the registered owner of a motorized or non-motorized vehicle or boat, or part thereof, from performing minor repair of the vehicle in the driveway or other paved surface of a residence. However, the vehicle or boat must be registered to someone living in the residence and the duration of the repair shall not exceed 14 days. Proof of registration of any vehicle or boat on which minor repair is occurring shall be provided to any city of Biggs Police officer or code enforcement officer upon request.

(11) Graffiti.

Graffiti or other words, lettering or drawings, other than allowed advertisement, which remain on the exterior of any building or fence. Gang-related or other graffiti constituting a public safety hazard and/or tagging shall be removed within 48 hours after notice of abatement.

(12) Miscellaneous.

Any other condition or use of property which gives rise to a reasonable determination by the code enforcement officer that the condition or use represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature and/or if permitted to continue will cause the substantial diminution of the enjoyment, use of property values of such properties.

6.25.030 Unlawful Property Nuisance –Public Property.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any private property in the city to use, maintain or allow to be maintained for any purposes that would create any of the following conditions on adjacent or contiguous public property, except as may be allowed by this code:

(1) Outdoor Storage, Operations or Encroachment.

- (a) The tracking of mud, dirt, sand, gravel, and concrete onto the street or public right-of-way.
- (b) The spilling of debris, including trash, paper, wood, plant cuttings and other vegetation, onto the street or other public right-of-way.
- (c) The use of public property for storage of vehicles and/or other materials associated with business activity on the street, in the public right-of-way, or on other public property, except as may be allowed by this code.

(2) Miscellaneous.

Any other condition or use of property which gives rise to a reasonable determination by the code enforcement officer that the effect of such use or condition on adjacent public property represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature and/or if permitted to continue will cause the substantial diminution of the enjoyment, use of property values of such properties. [Ord. 323 § 1, 2001]

6.25.040 Declaration of Public Nuisance.

Any private property, or use of private and/or public property, found to be maintained in violation of the foregoing sections is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. [Ord. 323 § 1, 2001]

6.25.050 Existence of Public Nuisance, Hearing, and Voluntary Abatement.

- (1) Enforcement of this Chapter. Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by code enforcement officers.
- (2) Declaration of Nuisance. Whenever a code enforcement officer or designated City representative finds that a nuisance, as defined in this Chapter, exists on any premises located within the City, the officer or representative shall issue a Declaration of Nuisance to the property owner/occupier of the nuisance and directing said person(s) to abate the nuisance. The property owner shall be identified by the most recent tax assessor's roll.
- (3) Contents of Declaration. The Declaration described in 6.25.050(2) shall contain the following information:
 - (a) The name, address, parcel number, and phone number (if applicable) of the property owner;
 - (b) The City code violation citation section(s);
 - (c) A statement that the property owner/occupier shall have ten (10) days from the date of the Declaration to abate the declared nuisance by rehabilitation, repair, removal or demolition. If applicable, the Declaration may include a recommended abatement procedure.
- (4) Voluntary Abatement. The owner/occupier of property found to be a nuisance under the provisions of this Chapter, may abate the nuisance at any time within the designated abatement period by rehabilitation, repair, removal, or demolition. A City official shall be advised of the abatement and shall inspect the premises to insure that the nuisance has in fact been abated.
- (5) Failure to Voluntarily Abate a Declared Nuisance. If an owner/occupier of property declared to be a public nuisance fails to voluntarily abate the nuisance within the designated abatement period, the City shall cause to be issued a notice entitled, "NOTICE OF PUBLIC HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE AND TO ABATE IN WHOLE OR PART."

- (6) Contents of Notice. The Notice described in 6.25.050(5) shall substantially follow the form included below:

NOTICE OF PUBLIC HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE AND TO ABATE IN WHOLE OR PART

Notice is hereby given that on the ____ day of _____, 20__, the City of Biggs will hold a public hearing at the Biggs City Hall, located at _____, to determine whether the premises and/or a condition(s) thereon at Biggs, California, known and designated as _____ constitutes a public nuisance. If the premises, in whole or part, is found to constitute a public nuisance as defined by Chapter 6.25 of the Biggs Municipal Code, and if the same are not promptly abated by the owner, the nuisance(s) may be abated by municipal authorities, or the municipal authorities may take such other action as provided by law. The cost of rehabilitation, repair, removal or demolition, if done by municipal authorities at their discretion, will be assessed upon the premises and the cost will constitute a lien upon the land until paid. The alleged violation(s) consist(s) of the following:

The methods of abatement available are:

All persons having any objection to, or interest in, these matters are hereby notified to attend a hearing before the City of Biggs to be held on the ____ day of _____, 20__ at the hour of _____, when their testimony and evidence will be heard and given due consideration.

Dated:

- (7) Service of Notice. The Notice described in 6.25.050(6) shall be served on the owner of the property containing the alleged public nuisance at least ten (10) days prior to the date set for the public hearing. Service shall be made by personal service upon the owner or by certified mail. If there is no known address for the owner, the notice shall be sent in care of the property address. "Owner" as used herein means any person(s) shown as the property owner on the latest equalized property tax assessment rolls, and any person having, or claiming to have, any recorded legal or equitable interest in, or to, the fee relating to the premises. In addition, notice of the hearing shall be posted upon the subject property at least five (5) calendar days before the hearing. The failure of any person to receive notice shall not affect the validity of the proceedings.
- (8) Hearing by Mayor or Council. The hearing shall be before the Mayor. However, in the discretion of the Mayor, the hearing may be convened before the City Council. At the time and place stated in the notice of hearing, the Mayor/Council shall hear and consider all relevant evidence, objections, or protests, and shall receive testimony from owners, witnesses, city personnel and interested persons relative to the alleged public nuisance and to the proposed abatement methods.

The hearing may be continued from time to time. The hearing shall be public; however, if the owner/occupier believes that the hearing should not be public, the owner/occupier shall notify the Mayor of the reason(s) therefore at least three (3) days prior to the hearing. The request shall be considered.

- (9) **Decision of Mayor/Council.** Following the public hearing, the Mayor/Council shall consider all evidence and determine whether the premises, or any part of the premises, constitute a public nuisance as alleged. If the Mayor/Council finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the Mayor/Council shall make written findings, and the Mayor shall sign an order, ordering the owner or other person(s) having charge or control of the premises to abate the nuisance by rehabilitation, repair, removal or demolition in the manner and by the means specifically set forth in the council order. The order shall also contain authorization for the City to abate the nuisance pursuant to this Chapter, if in the Mayor's/Council's discretion, it is determined that abatement by the City is warranted. The order shall set forth the times within which the work shall be commenced and completed and shall be mailed to the owner by certified mail and shall also be posted upon the premises.
- (10) **Abatement by City.** Upon expiration of the time for abatement provided for in the council order, the City shall inspect the premises for compliance with the order, subject to the requirements of Section 6.25.060, below. If, upon inspection or observation by the City, the nuisance has not been completely abated, and, subject to authorization by City Council, code enforcement officials or other designated City representatives shall cause the public nuisance to be abated through a civil, administrative, or other permissible procedure.
- (11) **Right of Contractor for Removal.** When the City has contracted with or granted a franchise to any person to carry out the purpose of this chapter, such person(s) shall be authorized to enter private or public property to remedy the violation thereby allowing the property to comply with this code.
- (12) **Finding of No Public Nuisance.** If the Mayor/City Council determines that the property owner is not responsible for the public nuisance, the City shall not assess removal and/or administration costs against the property owner.
- (13) **Alternative Means of Enforcement.** This Chapter is not the exclusive regulation of code violations. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the state, or any other legal entity or agency having jurisdiction. Nothing in this chapter shall be deemed to prevent the city from authorizing the city attorney to commence any other available civil or criminal proceedings to abate a public nuisance under applicable provisions of state law as an alternative to proceedings set forth in this Chapter.

6.25.055 Nuisance Abatement – Visible/Unsecured Odiferous Marijuana Under Cultivation.

(1) Marijuana Cultivation/Storage Nuisance Circumstances.

Notwithstanding any provision in this Chapter, the abatement measures set forth in subsection (2) of this section shall be utilized in the following nuisance circumstances: marijuana plants, or the cultivation of marijuana plants, visible from the street or neighboring property; the odor of marijuana detected from the street or neighboring property; or the presence, cultivation and/or storage of marijuana, except within a fully enclosed and secured structure.

(2) Abatement Procedure.

(a) The city, through a code enforcement officer or other designees, shall issue a Declaration of Public Nuisance requiring abatement within 48 hours after the posting of that Declaration in a conspicuous place at the location of the nuisance. The Declaration shall contain the following information:

- (i) The location of the premises.
- (ii) A description of the specific condition(s) which represent a code violation, and the evidence relied upon to determine the existence of a code violation, except that the City may withhold the identity of a witness if that person requests and if such action is reasonable under the circumstances.
- (iii) The date and time when abatement must be completed to avoid any further action from the City.
- (iv) A statement that, to avoid the imposition of a civil penalty under subsection (c) below, the offending condition(s) must be abated by the deadline set forth in the Declaration.
- (v) A statement that, if the nuisance is not abated by the deadline set forth in the Declaration, the City will issue a Notice entitled, "NOTICE OF HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE AND TO ABATE IN WHOLE OR PART," at which time the City will present evidence of the listed code violations and request the Mayor or, at the Mayor's discretion, the City Council, order the public nuisance be abated and impose a civil penalty of \$1,000 per day for each day that the nuisance remains unabated.

- (vi) A statement that, in any administrative or court proceeding to enforce the abatement order the prevailing party is entitled to recover reasonable attorney fees from the other party or parties to the action, if the City elects, at the initiation of an individual action or proceeding, to seek recovery of its own attorney fees. In no action, administrative proceeding, or special proceeding shall an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the City in the action or proceeding.
- (b) Failure to voluntarily abate nuisance. If after the expiration of the notice period the nuisance has not been abated, the City shall issue a Notice, entitled, "NOTICE OF HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE." This Notice shall be in the substantially the same form as the Notice described in Section 6.25.050(6), above. The hearing shall be before the Mayor or, at the Mayor's discretion, the City Council, and shall be held not less than five (5) days after service of the Notice on the owner/occupier of the property. The hearing shall be public; however, if the owner/occupier believes that the hearing should not be public, the owner/occupier shall notify the Mayor of the reason(s) therefore at least three (3) days prior to the hearing. The request shall be considered.
- (c) Service of Notice. The Notice shall be served either personally, or by certified mail, the owner of the property and, if applicable, the occupier of the property. The Notice shall also be posted on the subject property.
- (d) Hearing on Notice. At the hearing, the City shall present evidence of unlawful cultivation of marijuana to the Mayor/City Council. The owner/occupier, if present, shall also be entitled to present evidence. Upon conclusion of the hearing, the Mayor/City Council shall prepare a written Order, which shall include findings of fact and an Order. If the Mayor/City Council finds a public nuisance exists, the Officer shall direct the owner/occupier to abate the public nuisance by a date certain. The order shall also contain authorization for the City to abate the nuisance pursuant to this Chapter, if in the Mayor's/Council's discretion, it finds that abatement by the City is warranted. The order shall set forth the times within which the work shall be commenced and completed and shall be mailed to the owner/occupier by certified mail.
- (e) Abatement by City. If upon finding a violation of this Section exists, the owner/occupier fails to abate the nuisance as ordered by the Mayor/City Council, the City shall take steps to obtain and execute an Inspection/Administrative Abatement Warrant pursuant to this Chapter.
- (f) Finding of No Public Nuisance. If the Mayor/City Council determines that the property owner is not responsible for the public nuisance, the City

shall not assess removal and/or administration costs against the property owner.

(3) Civil Penalties and Attorneys Fees.

- (a) Civil Penalty. Fines in the amount of up to \$1,000 per day shall be imposed upon the property owner/occupier as deemed in the above-described order for each day the property remains in violation of this section upon expiration of the time for abatement set forth in a final order by under section 6.25.055(2)(d) above. For good cause, the Mayor/Council may waive all or part of the penalty. [Ord. 385, 2010]
- (b) Attorneys Fees. In any administrative or court proceeding to enforce the abatement order, the prevailing party is entitled to recover reasonable attorney fees from the other party or parties to the action, if the City elects, at the initiation of an individual action or proceeding, to seek recovery of its own attorney fees. In no action, administrative proceeding, or special proceeding shall an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the City in the action or proceeding.

6.25.060 Public Agency Inspections.

- (1) Inspection of Premises. Code enforcement officers shall request consent of the owner/occupier of private property located in the City believed to be in violation of this Chapter to enter and inspect for such violation(s). If consent is not freely given, code enforcement officers shall first obtain an inspection warrant pursuant to Code of Civil Procedure Sections 1822.50, et seq. prior to entry onto private property.
 - (a) Exception for Violations in Plain View. Nothing in this Chapter shall preclude code enforcement officers from performing warrantless inspections of areas in plain view of such officers.
 - (b) Exception for Pervasively Regulated Activities. Nothing in this Chapter shall preclude code enforcement officers from performing routine warrantless inspections of pervasively regulated activities.
 - (c) Exception for Open Fields. Nothing in this Chapter shall preclude code enforcement officers from performing warrantless inspections of open fields.
 - (d) Exception for Exigent Circumstances. Nothing in this Chapter shall preclude code enforcement officers from performing warrantless inspections under exigent circumstances.

- (2) Form of Inspection Warrant. The Inspection Warrant shall contain, at a minimum, the following information:

Form of Administrative Abatement Warrant. The City shall cause to be prepared an Administrative Abatement Warrant and Affidavit. The Warrant shall contain, at a minimum, the following information:

- (a) Description of Premises. The Warrant shall include a description of the property onto which the City seeks entry, including, if possible, the assessor's parcel number of the property, as well as the specific area(s) of entry on the subject property (i.e., yard, dwelling house, outside structures, etc.).
 - (b) Purpose of Entry. The Warrant shall contain the City's purpose for entry onto the property (i.e., to inspect for Code violations, etc.).
 - (c) Conditions of Entry. The Warrant shall contain the conditions of the City's entry onto the property, including, but not limited to:
 - (i) Applicable Hours of Execution. The desired hours of execution of the Warrant.
 - (ii) Entry Without Owner Present. Whether the City shall be authorized to enter onto the property without the owner/occupier present.
 - (iii) 24 Hour Notice. Whether the City is required to provide 24 hour notice to the owner/occupier of the property.
 - (iv) Forcible Entry. Whether the City may execute the Warrant by means of force.
 - (d) Duration of Warrant. The Warrant shall contain the duration of the Warrant, including any extensions requested/given.
 - (e) Interference Punishable by Misdemeanor. The Warrant shall contain the following statement: "Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to Title 13 of Part 3 of the Code of Civil Procedure is guilty of a misdemeanor."
- (3) Form of Affidavit. The City shall cause to be prepared an Affidavit to support issuance of an Inspection Warrant containing a showing of cause for the entry and including any written exhibits to be presented to the Warrant Judge.
- (4) Combined Inspection/Administrative Abatement Warrant. The City may use a combined Inspection/Administrative Abatement Warrant form.

- (5) Procedure for Obtaining Inspection Warrant. The City shall submit the Inspection Warrant and supporting Affidavit to the Warrant Judge then on duty for issuance. Alternatively, or upon request of the Warrant Judge, the City may notice a hearing for presentation of evidence in support of issuance of the Warrant. If a hearing is desired, the City must provide notice to the owner/occupier of the subject property. The failure of the owner/occupier to appear at a noticed hearing shall not preclude issuance of an Inspection Warrant under this Chapter.
- (6) Execution of Warrant. The City shall execute the Inspection Warrant pursuant to the terms contained therein and applicable law. Upon execution of the Warrant, the City shall cause to be filed with the Warrant Judge a Return, which shall contain a declaration, under penalty of perjury, signed by the person who executed the Warrant, which includes the date and time and location of execution, whether the owner/occupier was present, and an inventory of any property seized, as well as a proof of service of the Return on the owner/occupier.

6.25.065 Administrative Public Nuisance Abatement by City

- (1) Administrative Abatement. If a public nuisance has been declared under Sections 6.25.050 or 6.25.055, and where the owner/occupier has failed to abate the nuisance and the City has been authorized to so abate, the City may follow the procedures set forth herein to abate the nuisance by the administrative process through the City's police power.
- (2) Administrative Abatement Warrant. Subject to the exceptions listed herein, prior to entering onto private property within the City of Biggs, the City shall obtain an Administrative Abatement Warrant pursuant to this section.
 - (a) Exception for Consent. Where the owner/occupier consents to the City's entrance onto the subject property, the City need not first obtain an Administrative Abatement Warrant.
 - (b) Exception for Violations in Plain View. Where the City is lawfully on the subject property, the City need not first obtain an Administrative Abatement Warrant to abate a public nuisance in plain view of the City official(s).
 - (c) Exception for Open Fields. The City need not first obtain an Administrative Abatement Warrant to abate a public nuisance which exists in an open field within the City's geographic boundaries.
 - (d) Exception for Exigent Circumstances. The City need not first obtain an Administrative Abatement Warrant to abate a public nuisance under exigent circumstances.

- (3) Form of Administrative Abatement Warrant. The City shall cause to be prepared an Administrative Abatement Warrant and Affidavit. The Warrant shall contain, at a minimum, the following information:
- (a) Description of Premises. The Warrant shall include a description of the property onto which the City seeks entry, including, if possible, the assessor's parcel number of the property, as well as the specific area(s) of entry on the subject property (i.e., yard, dwelling house, outside structures, etc.).
 - (b) Purpose of Entry. The Warrant shall contain the City's purpose for entry onto the property (i.e., to abate the public nuisance of _____).
 - (c) Conditions of Entry. The Warrant shall contain the conditions of the City's entry onto the property, including, but not limited to:
 - (i) Applicable Hours of Execution. The desired hours of execution of the Warrant.
 - (ii) Entry Without Owner Present. Whether the City shall be authorized to enter onto the property without the owner/occupier present.
 - (iii) 24 Hour Notice. Whether the City is required to provide 24 hour notice to the owner/occupier of the property.
 - (iv) Forcible Entry. Whether the City may execute the Warrant by means of force.
 - (d) Duration of Warrant. The Warrant shall contain the duration of the Warrant, including any extensions requested/given.
 - (e) Disposition of Property. The Warrant shall contain directions for the disposition of any property obtained.
 - (f) Interference Punishable by Misdemeanor. The Warrant shall contain the following statement: "Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to Title 13 of Part 3 of the Code of Civil Procedure is guilty of a misdemeanor."
- (4) Form of Affidavit. The City shall cause to be prepared an Affidavit to support issuance of an Administrative Abatement Warrant containing a showing of good cause for the entry and including any written exhibits to be presented to the Warrant Judge.

- (5) Procedure for Obtaining Administrative Abatement Warrant. The City shall submit the Administrative Abatement Warrant and supporting Affidavit to the Warrant Judge then on duty for issuance. Alternatively, or upon request of the Warrant Judge, the City may notice a hearing for presentation of evidence in support of issuance of the Warrant. If a hearing is desired, the City must provide notice to the owner/occupier of the subject property. The failure of the owner/occupier to appear at a noticed hearing shall not preclude issuance of an Administrative Abatement Warrant under this Chapter.
- (6) Execution of Warrant. The City shall execute the Administrative Abatement Warrant pursuant to the terms contained therein and applicable law. Upon execution of the Warrant, the City shall cause to be filed with the Warrant Judge a Return, which shall contain a declaration, under penalty of perjury, signed by the person who executed the Warrant, which includes the date and time and location of execution, whether the owner/occupier was present, and an inventory of any property seized, as well as a proof of service of the Return on the owner/occupier.
- (7) Alternative Means of Enforcement. This section is not the exclusive regulation of code violations. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the state, or any other legal entity or agency having jurisdiction. Nothing in this section shall be deemed to prevent the city from authorizing the city attorney to commence any other available civil or criminal proceedings to abate a public nuisance under applicable provisions of state law as an alternative to proceedings set forth in this chapter.

6.25.070 Summary Abatement.

Nothing in this Chapter shall limit the City’s authority to summarily abate a public nuisance which reasonably appears to pose an immediate threat to the health, safety and welfare of its citizens.

6.25.080 Nuisance Abatement Lien. [Gov. Code §38773.1]

- (1) Costs of Abatement Borne by Property Owner. In any action to determine the existence of and/or abate a public nuisance, the owner of the property declared to be a public nuisance shall be responsible for the City’s costs incurred herein. Such costs shall constitute a lien on the subject property.
- (2) Notice of Lien. The City shall provide notice prior to the recordation of the lien to the owner of record of the parcel of land or which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current.
- (3) Service of Notice. The notice shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of

Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Section 6062 of the Government Code.

- (4) Contents of Lien. A nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.
- (5) Recordation of Lien. A nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.
- (6) Discharge of Lien. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection 6.25.080(4) shall be recorded by the City. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.
- (7) Foreclosure of Lien. A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment.
- (8) Recovery of Costs of Recording. A City may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

6.25.085 Nuisance Abatement Fines

- (1) Issuance of the Declaration of Nuisance (6.25.050(2))
 - (a) \$0.00
 - (b) Frequent Violator: \$100.00
- (2) Issuance of Notice of Public Hearing (6.25.050(5))
 - (a) \$100.00
 - (b) Frequent Violator: \$200.00
- (3) After Mayor/Council Hearing (6.25.050(9))

- (a) Up to \$250.00
 - (b) Frequent Violator: up to \$500.00
 - (c) In addition to the above: up to \$100 per day until abated
- (4) Issuance of Fines for Visible/Unsecured Odiferous Marijuana Cultivation
- (a) Up to \$1,000 per day, upon expiration of time for abatement
(6.25.055(3)(a))
 - (b) Frequent Violator: up to \$500, in addition to (a)
- (5) For the purposes of this section, Frequent Violator is an owner/occupier who has been issued more than one Declaration of Nuisance Notice in the preceding 12 months under the same numbered subsection of sections 6.25.020 or 6.25.030, or of section 6.25.055.

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the 24th day of January, 2011, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the 28th day of February, 2011, by the following vote, to wit:

AYES: COUNCILMEMBER: _____

NOES: COUNCILMEMBER: _____

ABSENT: COUNCILMEMBER: _____

ABSTAIN: COUNCILMEMBER: _____

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR



City of Biggs

Agenda Item Staff Report for the Regular City Council Meeting: February 28, 2011 6:00PM

DATE: February 18, 2011
TO: Honorable Mayor and Members of the City Council
FROM: Pete Carr, City Administrator
SUBJECT: Resolution to Erect Temporary Barricading at North Biggs Estates
(Action by Consent)

Official action to formalize direction provided to staff in January to temporarily prevent vehicular traffic flow through the North Biggs Estates subdivision, in the interest of public safety.

Background

Council in January considered the public safety issues associated with public access to an area of the city which has newly developed streets but no development on lots. It was determined that the streets should be barricaded to prevent illegal and unwanted activity in the area.

The council public safety commissioner, chief of police, public works director, and CHIP are all in agreement on the need for this action.

Attached:

City attorney opinion on authority to temporarily close a roadway
Proposed Resolution 2011-____

Recommendation

Adopt resolution 2011-__ .

Fiscal Impact

\$400 for materials, labor by staff – both able to be accomplished within established public works budget. Materials can be reutilized elsewhere in the future.

MEMORANDUM

TO: Pete Carr
FROM: Greg Einhorn
SUBJECT: Authority to Temporarily Close City Roadway to Motor Vehicles
DATE: January 31, 2011

Question: Does the city have the authority to temporarily close to motor vehicles street due to criminal activity associated with the street?

Answer: Yes; the city does have that authority, pursuant to rule, resolution or ordinance.

Discussion

California Vehicle Code section 21101 authorizes the city to “[t]emporarily clos[e] a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.”

California Vehicle Code section 21101.4 permits temporary roadway closure due to criminal activity as follows:

- (a) A local authority may, by ordinance or resolution, adopt rules and regulations for temporarily closing to through traffic a highway under its jurisdiction when all of the following conditions are, after a public hearing, found to exist:
 - (1) The local authority finds and determines that there is serious and continual criminal activity in the portion of the highway recommended for temporary closure. This finding and determination shall be based upon the recommendation of the police department or, in the case of a highway in an unincorporated area, on the joint recommendation of the sheriff's department and the Department of the California Highway Patrol.
 - (2) The highway is not designated as a through highway or arterial street.
 - (3) Vehicular or pedestrian traffic on the highway contributes to the criminal activity.

- (4) The closure will not substantially adversely affect traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the highway proposed to be temporarily closed. The City is generally responsible for maintaining the planting strips if the property owner does not do so. The property owner is generally liable for substantial repairs.

Such closures may be implemented for up to 18 months; this period may be extended following a hearing for up to eight additional such periods, for a total of 14.5 years, if necessary.

The roadway in question was constructed to serve the North Biggs Estates subdivision. Currently, and for the foreseeable future, this property is wholly vacant; therefore, the roadway currently provides no direct access to any property. The roadway is, however, a harbor for criminal activity; the roadway is also used as an informal race track. Nearby residents have requested the temporary closure; the subdivision owner concurs.

Based upon the Vehicle Code provisions cited, the city may move forward with the temporary closure. At this point, the Council provided that direction to staff at the January 24, 2011 meeting. However, it makes sense to prepare a formal resolution to that effect; it also makes sense to provide for some signage of the closure once the resolution is adopted. Vehicle Code section 21103.

/mk

RESOLUTION NO. 2011-06

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS TO
ERECT AND MAINTAIN TEMPORARY STREET BARRICADES
AT SECOND AND FOURTH STREETS IN BIGGS**

WHEREAS, the subdivision area of Biggs known as North Biggs Estates, with entrances from Second Street and from Fourth Street, is city controlled and policed;

WHEREAS, North Biggs Estates is developed with finished through-traffic streets and cul-de-sacs but without residential or other property improvements;

WHEREAS, neighbors in the adjacent area have voiced concern about apparently serious and continuing criminal activity on the North Biggs Estates streets, both as speeding traffic and late-night loitering;

WHEREAS, the subdivision is not a designated highway or arterial street, and temporary closure will not adversely affect property owners' access to their property;

WHEREAS, temporary closure can be effected without unduly affecting the access of public works and public safety emergency vehicles;

WHEREAS, California Vehicle Code 21101 provides authority for the city to place temporary barricades of city streets under certain conditions when in the interest of public safety;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Biggs that the city council finds necessary and hereby orders the public works department to erect such temporary barricading as will efficiently and safely deter through vehicular traffic at North Biggs Estates except that keyed access will be provided to public safety and CHIP (Community Housing Improvement Program) officials; these controls to remain in place until such time as the city administrator deems traffic flow is required and can be controlled safely and adequately without closure methods.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting to the City Council of the City of Biggs, held on the 28th of February, 2011, by the following vote:

AYES: COUNCILMEMBER _____
NOES: COUNCILMEMBER _____
ABSENT: COUNCILMEMBER _____
ABSTAIN: COUNCILMEMBER _____

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR



City of Biggs

Agenda Item Staff Report for the Regular City Council Meeting: February 28, 2011 6:00PM

DATE: February 9, 2011
TO: Honorable Mayor and Members of the City Council
FROM: Pete Carr, City Administrator
SUBJECT: City Priorities for 2011 (Action by Consent)

City Council will consider formal approval of city project priorities as discussed at special study session January 31.

Background:

In January the city council reviewed accomplishments from 2010 based on priorities set forth a year earlier. The council amended the staff report with council assessments of accomplishments.

At this study session, the council also considered priorities for 2011, based on a draft provided by staff. Several items were added, some deleted, and other shifted to a list especially for attention by volunteers. It was clearly recognized that limited staff resources and an ever-growing list of possible projects require some paring and realigning.

The amended documents were redistributed to council electronically February 1.

When approved by council, staff will post the priority list on the city website and use the list as a guide for the year for allocation of time and budget resources.

Attachments:

- 2010 Priorities annotated with levels of accomplishment
- 2011 project priorities listed
- 2011 Projects appropriate for volunteer and intern work

Recommendation:

Approve draft 2011 project priorities as direction to staff for this calendar year.

Fiscal Impact: N/A

End of Year Review

- ✓ = Done!
- = Progress
- X = Not

CITY PROJECT PRIORITIES 2010
City of Biggs

Priorities	More Important	Less Important
More Urgent	<ul style="list-style-type: none"> ✓ Complete sewer repairs <i>Payments not yet complete</i> ✓ Complete cost reduction for police services X Obtain funding for WWTP (wastewater treatment plant) ○ Complete Sixth Street Bridge replacement ✓ Determine in/out of LEC ✓ Review water, electric rates ✓ Analyze indust rate structure <i>Power factor</i> ✓ Report obligated vs unobligated fund balances ✓ Install 10-000 gallon hydro-pneumatic water tank 	<ul style="list-style-type: none"> ○ Project plans for Memorial Hall; get funded and start if possible ✓ Carry out sidewalk repair plan ✓ Labor Union MOU ✓ Consider level payment option for utility customers ✓ Re-start General Plan Update <div data-bbox="909 861 1469 1239" style="border: 1px solid black; padding: 5px;"> <p>Additional accomplishments:</p> <ul style="list-style-type: none"> ✓ Flood Plain Issues ✓ Labor & overhead allocations ✓ Crosswalks added, others upgraded ✓ YMCA connection started ✓ Opened dialogue with Gridley: trails, transit... ✓ Solid Waste contract ✓ Employee Safety program </div>
Less Urgent	<ul style="list-style-type: none"> X Design standards, Construction standards ○ Emerg power for lift stations ✓ Downtown Econ Development Plan with citizen participation X Fix tennis courts ○ Emergency prep plan w/more details and maps <i>(have roles, need procedures refined)</i> ✓ Salary progression system/personnel policies ✓ Library ADA design project ○ Explore other non-eng'g grants 	<ul style="list-style-type: none"> ○ General Plan maintenance fee X Public works policy & proc manual ✓ Disposition on city-owned house and Seventh St site X GIS map for all utilities ○ City Code updates X Teen Center operations MOU ○ School zone safety measures X Concept plan for jail facility ○ Explore opportunities for industrials outside city limits

**CITY PROJECT PRIORITIES 2011
City of Biggs**

Draft #5 Jan 31, 2011

Bold items are top priority must-do

Priorities	More Important	Less Important
More Urgent	<p>Extend police services contract by Mar 1</p> <p>Identify lower cost medical insurance by Aug 15</p> <p>Adjust water rates Feb/Mar</p> <p>NCPA Alternatives Analysis</p> <p>Redefine project and obtain financing for WWTP Upgrade (wastewater treatment plant)</p> <p>Complete CalTrans approval: Sixth Street Bridge replacement</p> <p>Post-WWTP analysis: Sewer fund and rate analysis</p>	<p>Complete Personnel Manual, implement new pay system and safety program</p> <p>Implement credit card options for utility customers</p> <p>Report obligated vs unobligated fund balances quarterly; develop plan and show trend toward 40% reserves.</p> <p>Replant trees, transform downtown appearance with citizen participation</p> <p>Post-fireworks traffic exit plan.</p> <p>Complete nuisance code changes, implement effectively</p>
Less Urgent	<p>Complete sidewalk repair project</p> <p>Replace damaged gutter valleys</p> <p>Implement utility charges for all properties</p> <p>Establish plan for alternative energy site here.</p> <p>RFQ City Engineering and auditor</p> <p>Complete GP Update policy document</p> <p>Seek grants for storm drains, sidewalks, paving, Library ADA, Biggs Community Hall, jail plan</p> <p>Prop 26 analysis on ops and finances</p>	<p>Plan and implement school zone safety measures</p> <p>Provide emergency power for storm drain lift station on Seventh</p> <p>Seek interns for PW and admin projects</p> <p>Review/revise existing construction standards</p> <p>Truck Routes – routes and signage</p>

CITY PROJECTS REQUIRING COUNCIL/VOLUNTEER EFFORT:

The following are priorities for the City, but limited staffing resources and competing priorities will make these impossible to accomplish without significant citizen involvement.

It is understood each will require some level of coordination, support and/or approval from city staff and council.

- Transform downtown appearance consistent with Downtown Visual Master Plan – clean, planters, benches, etc.
- Establish plan for Trent St Playground, seeking funding and volunteer workers.
- Repair tennis courts.
- Start Biggs recreation programs – leverage assistance from YMCA or other?
- City “Golden Rose” Award to recognize outstanding improvement of properties.
- Develop a tree replacement plan for residential areas of B St.
- Explore potential, obstacles, opportunities for rail-side ped/bike trail to Gridley.
- Complete Public Works policy & procedure manual (probably 20% complete now).
- Get to 100% complete on emergency operations procedures and checklists (probably 80% complete now, always needs updating).
- Get teen center occupied and running