

AGENDA
REGULAR MEETING OF THE
CITY OF KING CITY COUNCIL
AND
Sitting as SUCCESSOR AGENCY OF
THE RDA FOR THE CITY OF KING

TUESDAY MARCH 12, 2019
6:00 P.M.

CITY HALL
212 S. VANDERHURST AVENUE
KING CITY, CALIFORNIA 93930

**Spanish interpretation services will be available at meeting*

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, Please contact the City Clerk's Office (831-386-5925) at least 48 hours prior to the Meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

** Please submit all correspondence for City Council PRIOR to the meeting with a copy to the City Clerk.*

- 1. CALL TO ORDER**
- 2. ROLL CALL:** Council Members Darlene Acosta, Robert Cullen, Carlos DeLeon, Mayor Pro Tem Carlos Victoria, and Mayor Mike LeBarre
- 3. FLAG SALUTE**
- 4. CLOSED SESSION ANNOUNCEMENTS**
- 5. SPECIAL PRESENTATIONS**
 - A. None
- 6. PUBLIC COMMENT**

Any member of the public may address the Council for a period not to exceed *three minutes'* total on any item of interest within the jurisdiction of this Council that is not on the agenda. The Council will listen to all communications; however, in compliance with the Brown Act, the Council cannot act on items not on the agenda. Comments should be directed to the Council as a whole and not to any individual Council Member. Slanderous, profane or personal remarks against any Council Member, staff member or member of the audience is not permitted.
- 7. COUNCIL COMMUNICATIONS & COMMITTEE REPORTS**

Individual Council Members may comment on Council business, his or her Council activities, City operations, projects or other items of community interest. Council Members may also request staff to report back at a subsequent meeting on any matter or take action to direct staff to prepare a staff report for a future agenda.
- 8. STAFF COMMUNICATIONS**

Comments presented by the City Manager, City Attorney or other staff on City business and/or announcements.

9. CONSENT AGENDA

The following items listed below are scheduled for consideration as a group. The recommendations for each item are noted. Members of the audience may speak on any item(s) listed on the Consent Agenda. Any Council Member, the City Manager, or the City Attorney may request that an item be withdrawn from the Consent Agenda to allow for full discussion. The Council may approve the remainder of the Consent Agenda on one motion. Items withdrawn from the Consent Agenda may be considered by separate motions at the conclusion of the discussion of each item.

- A. Meeting Minutes of February 26, 2019 Council Meeting
Recommendation: approve and file.
- B. City March 1, 2019 Invoices Paid
Recommendation: receive and file.
- C. Successor Agency March 1, 2019 Invoices Paid
Recommendation: receive and file.
- D. Consideration: Second Reading and Adoption of an Ordinance of the City Council of the City of King Amending Chapter 15 of the King City Municipal Code Governing Wastewater Discharge Regulations
Recommendation: waive the second reading and adopt an Ordinance amending Chapter 15 of the King City Municipal Code to establish wastewater discharge regulations.
- E. Consideration: Second Reading and Adoption of Ordinance of the City Council of the City of King Adding Chapter 7.38 of the King City Municipal Code Governing Wireless Telecommunications Facility in the Public Right-of-Way
Recommendation: waive the second reading and adopt an Ordinance adding Chapter 7.38 of the King City Municipal Code to telecommunications.
- F. Consideration: Second Reading and Adoption of an Ordinance of the City Council of the City of King Amending Sections 7.34.020 and 7.34.140 of Chapter 7.34 of the King City Municipal Code Governing Fireworks
Recommendation: waive the second reading and adopt an Ordinance increasing penalties for illegal discharge of fireworks.
- G. Consideration: Cancellation of July 23, 2019 Meeting
Recommendation: City Council cancel the regular meeting of July 23, 2019.

10. PUBLIC HEARINGS

None

11. REGULAR BUSINESS

- A. Consideration: Wastewater Rate Study
Recommendation: accept the Wastewater Rate Study and direct staff to prepare and distribute a Proposition 218 Public Hearing Notice for Wastewater Rate Increases as proposed in the Wastewater Rate Study.

12. CITY COUNCIL CLOSED SESSION

Announcement(s) of any reportable action(s) taken in Closed Session will be made in open session and repeated at the beginning of the next Regular City Council meeting as this portion of the meeting is not recorded.

None

13. ADJOURNMENT

**City Council Meeting
February 26, 2019**

1. CALL TO ORDER:

Regular Meeting called to order at 6:00pm by Mayor LeBarre.

2. FLAG SALUTE:

The flag salute was led by Mayor LeBarre.

3. ROLL CALL:

City Manager Adams conducted roll call.

City Council: Mike LeBarre, Darlene Acosta, Robert Cullen, Carlos DeLeon, Mayor Pro Tem Carlos Victoria.

City Staff: City Manager Steven Adams; City Attorney Roy Santos; Admin. Asst./Deputy City Clerk, Erica Sonne.

4. CLOSED SESSION ANNOUNCEMENTS:

None

5. PRESENTATIONS:

- A. American Red Cross Month 2019 Proclamation will be accepted by Tony Virrueta. Council appreciates all the Red Cross does and the City Manager stated that they have participated in the disaster training of King City and it is much appreciated. Mr. Virrueta is a veteran and he sees Red Cross helping out with big hearts.
- B. Update City Council on Pinnacles Partners, by Craig Kaufman, Executive Director Salinas Valley Tourism & Visitors Bureau and Karen Jernigan with a power point. The next meeting for the Pinnacles Partners is March 14th at Robert Stanton Theatre here in King City.

6. PUBLIC COMMUNICATIONS:

None

7. COUNCIL COMMUNICATIONS:

Council Member DeLeon nothing to report at this time.

Mayor Pro Tem Victoria stated that there are nine new members for the AMBAG board, topics of discussion was LED lights in the school districts. Testing in coming freshman for next year. Orientation for parents for freshman next year. He did some Spanish broadcasting on the radio.

Council Member Cullen stated that the awards dinner for the Citizen of the Year, Friend of the Community and Business of the Year will be honored is this weekend. Tickets on sale at Chamber of Commerce. Salinas Valley Fair board meeting this week. Salinas Valley Solid Waste Authority still having discussions on Salinas withdrawing from the authority.

Council Member Acosta appreciates all the work going on at our community parks.

Mayor LeBarre stated that at the last Water Resources meeting had a couple of presentations last ones being at Fort Hunter Liggett. The next is on if Nacimiento and San Antonio spill ways fail. If we flood, we would be hit drastically, and we have a 5-hour window and they are working on procedures with the City.

8. CITY STAFF REPORTS AND COMMENTS:

City Manager Steven Adams stated he is the alternate for the Ground Water sustainability board. They are about to approve a fee structure which is based on water usage on almost every user in the basin. He is also on the County Emergency Communications governing board. They are working on a governance agreement with all of the Cities involved trying to give every city a little more authority. It will be coming to King City.

City Attorney Roy Santos stated that he appreciated the City Manager, Chief and Erica for their help working with him so he can do his job to the best of his ability.

9. CONSENT AGENDA

- A. Meeting Minutes of February 12, 2018 Council Meeting
- B. City February 8, 2019 Invoices Paid
- C. Successor Agency February 8, 2019 Invoices Paid
- D. Consideration: Ordinance of the City Council of the City of King to Repeal and Add Chapter 17.19 of Title 17, Inclusionary Housing Requirements
- E. Consideration: Amendment to Master Fee Schedule
- F. Consideration: 20 – Year Strategic Plan
- G. Consideration: Amendment to Mesa Del Rey Airport Hangar Lease
- H. Consideration: Award of Bid for Mesa Del Rey Airport (KIC) Electrical Improvements Including Adopting Finding of a Categorical Exemption, Pursuant to Section 15301 of the CEQA Guidelines and Award of Contract for Construction Administration
- I. Consideration: Extension of Agreement with South County YMCA to Provide 2019 Youth Sports Programs Through 2020
- J. Consideration: Request from King City Boxing Club for Wall Removal Project, Including Adopting Finding of a Class 1 Categorical Exemption Pursuant to Section 15301 of the CEQA Guidelines
- K. Consideration: Amendment to Lease with the Salinas Valley Fair, Inc.

Mayor Pro Tem Victoria wanted to say that the boxing club do a tremendous job and they represent King City well.

Mayor LeBarre wanted to thank staff and Recreation Coordinator for extending the YMCA agreement and Boxing Club project and are very proud of that work. Council member Acosta agreed.

Action: Motion to approve consent agenda items A-K by Cullen and seconded by Victoria.

AYES: Council Members: Mayor LeBarre, Acosta, Cullen, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

10. PUBLIC HEARINGS:

- A. Consideration: Introduction of an Ordinance of the City Council of the City of King Amending Chapter 15 of the King City Municipal Code Governing Wastewater Discharge Regulations

Mayor LeBarre read the title into the record.

Steve Adams, City Manager presented this item.

Penny Carlo, Carrollo Engineering further introduced this item with a power point presentation to update the code for the wastewater discharge incorporating recycled water.

Mayor LeBarre opened the public hearing, seeing no one come forward

Mayor LeBarre closed the public hearing.

Action: Motion to introduce an Ordinance amending Chapter 15 of the King City Municipal Code to establish wastewater discharge regulations to be read by title only, waive first reading of the Ordinance, and approve the introduction of the Ordinance by Victoria and seconded by Cullen.

AYES: Council Members: Mayor LeBarre, Acosta, Cullen, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

B. Consideration: Ordinance of the City Council of the City of King Adding Chapter 7.38 of the King City Municipal Code Governing Wireless Telecommunications Facilities in the Public Right-of-Way

Mayor LeBarre read the title into the record.

Roy Santos City Attorney presented this item.

Mayor LeBarre opened the public hearing, seeing no one come forward

Mayor LeBarre closed the public hearing.

Action: Motion to introduce an Ordinance adding Chapter 7.38 of the King City Municipal Code to telecommunications waive first reading of the Ordinance and approve the introduction of the Ordinance by Victoria and seconded by Cullen.

AYES: Council Members: Mayor LeBarre, Acosta, Cullen, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

C. Consideration: Ordinance of the City Council of the City of King Amending Sections 7.34.020 and 7.34.140 of Chapter 7.34 of the King City Municipal Code Governing Fireworks

Mayor LeBarre read the title into the record.

Steve Adams, City Manager presented this item.

Mayor LeBarre opened the public hearing, seeing no one come forward

Mayor LeBarre closed the public hearing.

Council would like clear notice sent out about the new increased penalties for illegal fireworks.

Action: Motion introduce an Ordinance amending Sections 7.34.020 and 7.34.140 of Chapter 7.34 of the King City Municipal Code to increase penalties for illegal discharge of fireworks to waive first reading of the Ordinance and approve the introduction of the Ordinance by Cullen and seconded by DeLeon.

AYES: Council Members: Mayor LeBarre, Acosta, Cullen, DeLeon and Mayor Pro Tem Victoria

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

11. REGULAR BUSINESS:

A. Consideration: Update on Cannabis Regulations and Direction Regarding Amendments to Commercial Cannabis Ordinance

Steve Adams City Manager introduced this item.

Change cannabis manufacturing permits from 15 to 25, Council consensus is agreement.

Establish a limit on the total square footage dedicated to cannabis businesses to not exceed 100 acres – and that if a parcel is a dual use that it be split by use. Council consensus is agreement.

Roy Santos City Attorney introduced this part of this item on deliveries and staff's recommendation is to remove the ban on deliveries from the City's ordinance. Council consensus is to follow staff's recommendation.

Steve Adams City Manager introduced this item introducing an email into the record from one of the cannabis businesses that would like to see the employment permit requirements stay the way they are.

Roy Santos City Attorney introduced this part of the item relating to employment permit requirements for temporary workers and background checks. Staff's recommendations are to make no changes at this time to the City's cannabis regulations relating to employment permit requirements for temporary workers and background checks he feels it would open up the City for legal problems.

Scott Bruce gave more information on this item. He stated that originally the protection of the business park for safety reasons and economic development. He explained the process for the background checks and fingerprinting. It typically takes 10-14 days. Getting the memo and work permit letter out in a day. He further explained how 101 Airport could use temporary employees. Conditions would need to be put into place to see how the temporary workers could use the building as they would need to be ushered around to the restroom and kitchen area.

Robert Masterson, Chief explained why we use fingerprint and not livescan.

Michael Burns CEO of Elite Molecular, introduced Tully Stroud, Tobis Rich controller and Mazz Keegan president, he spoke to the lack of speed of turnaround of background check and what they want is a 72-hour turnaround for temp workers. Safety is the most important thing for his employees. He mentioned they want to hire locally and have a pool to be able to call at a moment's notice to help with packaging. They want to use field workers to come in and do packaging for a short period of time. They package for

other companies and currently are doing it in Grover Beach. They are happy to be working in King City. Since it is changing all the time, so it is like building on quicksand. They need flexibility to pull from other pools. They want to work with some local packing companies to work with people who have background checks.

RJ Rivera gave an example of working with a TWIX card like homeland security and he would work for other companies in King City having a background check. The background check goes with the employee. They get a card that shows they have a background check where they can work for multiple employers.

Streamline the background check to shorten the time. Have a background check move with the employee. Look at other background check companies and way to cut costs.

RJ Rivera feels there is a value to having a sponsor for the background check.

Council member Cullen made a motion to direct staff on the issue of background check to look at alternative company's and or methodology's and or internal process with focus on streamlining the background check to shorten the time, and double check the code to make sure an employee can work at any company and not have it be tied to a company and an employee can apply for it themselves seconded by Mayor LeBarre.

AYES: Council Members: Mayor LeBarre, Acosta, Cullen, and Mayor Pro Tem Victoria

NOES: Council Members: DeLeon

ABSENT: Council Members:

ABSTAIN: Council Members:

12. CITY COUNCIL CLOSED SESSION

None

ADJOURNMENT:

Mayor Pro Tem Victoria made a motion to go into adjourn from closed session. Seconded by Council member DeLeon. Motion carried 5-0.

Mayor LeBarre adjourned the regular meeting at 8:37p.m.

Approved Signatures:

Mayor, Michael LeBarre
City of King

City Clerk, Steven Adams
City of King



Item No. 9(B)

REPORT TO THE CITY COUNCIL

DATE: MARCH 12, 2019
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: MIKE HOWARD, FINANCE DIRECTOR
RE: CONSIDERATION OF CITY OF KING FEBRUARY 22, 2019
INVOICES PAID

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

At least once a month, the City Treasurer shall submit to the City Council, a copy of the invoices paid for the previous month.

DISCUSSION:

The purpose of this item is to provide the Council an opportunity to review and monitor ongoing expenditures. These documents are attached.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

**CITY COUNCIL/CITY
CONSIDERATION OF CITY FEBRUARY 22, 2019 INVOICES PAID
MARCH 12, 2019
PAGE 2 OF 2**

Exhibits:

1. Edit List of Invoices – Detail W/GL

Submitted by: 
Mike Howard, Finance Director

Approved by: 
Steven Adams, City Manager

Edit List of Invoices - Detail w/GL

Feb 22, 2019 (FY 2018-19)

Date: 02/22/2019

Time: 8:13 am

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KING CITY CITY HALL

Ref. No.	Vendor Name	Post Date	PO Number	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Req. No.	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Disc. %	Sep. Ck.?	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	Invoice No.	1099?	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date				
75166	ADAMS ASHBY GROUP, LLC	02/22/2019		WFB	Preparation of	
	770 L. STREET, STE 950	02/22/2019		N	CDBG Application	2,625.00
ADAMS	SACRAMENTO	02/01/2019		N	N	0.00
	CA 95814	02/01/2019	0.00	Y	0	0.00
	<Emailing Stub Disabled>	02/01/2019	2555			2,625.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-121-535.000	Consultants	2,625.00	0.00
Distribution Total		2,625.00	0.00

Vendor Total: 2,625.00

75167	ALCANTAR HARDWARE INC	02/22/2019		WFB	Trash Cans for Park.	
	600 BROADWAY ST	02/22/2019		N		88.74
KCTVHARD	KING CITY	01/31/2019		N	N	0.00
	CA 93930	01/31/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/31/2019	502026			88.74

GL Number	Account Name	Pay Amount	Relieve Amount
10-620-522.102	Janitorial Supplies	88.74	0.00
Distribution Total		88.74	0.00

75168	ALCANTAR HARDWARE INC	02/22/2019		WFB	Padlocks or Staff Lockers.	
	600 BROADWAY ST	02/22/2019		N		31.87
KCTVHARD	KING CITY	01/17/2019		N	N	0.00
	CA 93930	01/17/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/17/2019	501485			31.87

GL Number	Account Name	Pay Amount	Relieve Amount
10-431-522.000	Operating Supplies	31.87	0.00
Distribution Total		31.87	0.00

75169	ALCANTAR HARDWARE INC	02/22/2019		WFB	Trash Cans for Parks.	
	600 BROADWAY ST	02/22/2019		N		177.49
KCTVHARD	KING CITY	01/29/2019		N	N	0.00
	CA 93930	01/29/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/29/2019	501910			177.49

GL Number	Account Name	Pay Amount	Relieve Amount
10-620-522.102	Janitorial Supplies	177.49	0.00
Distribution Total		177.49	0.00

75170	ALCANTAR HARDWARE INC	02/22/2019		WFB	Padlock for Staff Lockers.	
	600 BROADWAY ST	02/22/2019		N		-8.67
KCTVHARD	KING CITY	01/17/2019		N	N	0.00
	CA 93930	01/17/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/17/2019	501488			-8.67

GL Number	Account Name	Pay Amount	Relieve Amount
10-431-522.000	Operating Supplies	-8.67	0.00
Distribution Total		-8.67	0.00

75171	ALCANTAR HARDWARE INC	02/22/2019		WFB	Trash Cans for Parks.	
	600 BROADWAY ST	02/22/2019		N		88.74
KCTVHARD	KING CITY	01/29/2019		N	N	0.00
	CA 93930	01/29/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/29/2019	501906			88.74

GL Number	Account Name	Pay Amount	Relieve Amount
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Edit List of Invoices - Detail w/GL

Feb 22, 2019 (FY 2018-19)

Date: 02/22/2019

Time: 8:13 am

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KING CITY CITY HALL

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Req. No.	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date	Invoice No.		

10-620-522.102	Janitorial Supplies				88.74	0.00
Distribution Total					88.74	0.00

75172	ALCANTAR HARDWARE INC	02/22/2019		WFB	Storm Drain Plaques.	
	600 BROADWAY ST	02/22/2019		N		38.91
KCTVHARD	KING CITY	01/04/2019		N	N	0.00
	CA 93930	01/04/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/04/2019	501020			38.91

GL Number	Account Name	Pay Amount	Relieve Amount
22-423-522.118	Small Tools & Equipment	38.91	0.00
Distribution Total		38.91	0.00

75173	ALCANTAR HARDWARE INC	02/22/2019		WFB	Lift Station at Villa Dr.	
	600 BROADWAY ST	02/22/2019		N		35.69
KCTVHARD	KING CITY	01/09/2019		N	N	0.00
	CA 93930	01/09/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/09/2019	501204			35.69

GL Number	Account Name	Pay Amount	Relieve Amount
18-412-543.200	Equipment Repair & Maintenance	35.69	0.00
Distribution Total		35.69	0.00

Vendor Total: 452.77

75197	ALVAREZ TECHNOLOGY GROUP	02/22/2019		WFB	J Partida Remote User	
	P O BOX 965	02/22/2019		N		75.00
ALVAREZ	SALINAS	02/14/2019		N	N	0.00
	CA 93902	02/14/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	02/14/2019	50230			75.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-311-574.500	Computer Hardware/Software	75.00	0.00
Distribution Total		75.00	0.00

75198	ALVAREZ TECHNOLOGY GROUP	02/22/2019		WFB	Body Cam Server Project.	
	P O BOX 965	02/22/2019		N		1,878.00
ALVAREZ	SALINAS	02/21/2019		N	N	0.00
	CA 93902	02/21/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	02/14/2019	50235			1,878.00

GL Number	Account Name	Pay Amount	Relieve Amount
13-312-574.500	Computer Hardware/Software	1,878.00	0.00
Distribution Total		1,878.00	0.00

Vendor Total: 1,953.00

75174	AMERICAN SUPPLY CO.	02/22/2019		WFB	Janitorial Supplies	
	P O BOX 2026	02/22/2019		N		483.92
AM SUPPLY	SALINAS,	01/09/2019		N	N	0.00
	CA 93902	01/09/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/09/2019	2835081			483.92

GL Number	Account Name	Pay Amount	Relieve Amount
15-440-522.102	Janitorial Supplies	483.92	0.00
Distribution Total		483.92	0.00

Edit List of Invoices - Detail w/GL

Feb 22, 2019 (FY 2018-19)

Date: 02/22/2019

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KING CITY CITY HALL

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2	
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Discount
	Email Address	Inv. Date	Invoice No.		Net Amount
	AMERICAN SUPPLY CO.	02/22/2019	WFB	Janitorial Supplies	
	P O BOX 2026	02/22/2019	N		252.66
75175	SALINAS,	01/28/2019	N	N	0.00
AM SUPPLY	CA 93902	01/28/2019	0.00	N	0
	<Emailing Stub Disabled>	01/28/2019	2837096		<u>0.00</u>
					252.66

GL Number	Account Name	Pay Amount	Relieve Amount
15-440-522.000	Operating Supplies	252.66	0.00
Distribution Total		252.66	0.00

Vendor Total: 736.58

	ASSOCIATED ENGINEERING-SUF	02/22/2019	WFB	Credit Memo	
	7651 EIGLEBERRY STREET	02/22/2019	N		-1,120.00
75183	GILROY	02/13/2019	N	N	0.00
HANNA	CA 95020-5122	02/13/2019	0.00	N	0
	<Emailing Stub Disabled>	02/13/2019	18015		<u>0.00</u>
					-1,120.00

GL Number	Account Name	Pay Amount	Relieve Amount
15-440-532.000	Engineering Services	-1,120.00	0.00
Distribution Total		-1,120.00	0.00

Vendor Total: -1,120.00

	RICHARD A. BENSON PLUMBING	02/22/2019	WFB	Bad Water Heater	
	630 BROADWAY	02/22/2019	N		129.39
75177	KING CITY	01/15/2019	N	N	0.00
BENSON	CA 93930	01/15/2019	0.00	N	0
	<Emailing Stub Disabled>	01/15/2019	58325		<u>0.00</u>
					129.39

GL Number	Account Name	Pay Amount	Relieve Amount
10-312-522.000	Operating Supplies	129.39	0.00
Distribution Total		129.39	0.00

Vendor Total: 129.39

	ART BLACK	02/22/2019	WFB	Building - Annual Fire	
	P O BOX 7168	02/22/2019	N	Inspection.	725.00
75176	CARMEL-BY-THE-SEA	02/06/2019	N	N	0.00
CARMEL FIR	CA 93921	02/06/2019	0.00	Y	0
	<Emailing Stub Disabled>	02/06/2019	119051		<u>0.00</u>
					725.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-321-533.000	Contract Services	725.00	0.00
Distribution Total		725.00	0.00

	ART BLACK	02/22/2019	WFB	Building Annual Fire	
	P O BOX 7168	02/22/2019	N	Inspection.	250.00
75199	CARMEL-BY-THE-SEA	02/12/2019	N	N	0.00
CARMEL FIR	CA 93921	02/12/2019	0.00	Y	0
	<Emailing Stub Disabled>	02/12/2019	119041		<u>0.00</u>
					250.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-321-533.000	Contract Services	250.00	0.00
Distribution Total		250.00	0.00

Edit List of Invoices - Detail w/GL

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Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
75200	ART BLACK P O BOX 7168 CARMEL-BY-THE-SEA	02/22/2019 02/22/2019 02/11/2019		WFB N N	Building Fire Inspection.	250.00 0.00
CARMEL FIR	CA 93921 <Emailing Stub Disabled>	02/11/2019 02/11/2019	0.00 119072	Y	0	0.00 250.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-321-533.000	Contract Services	250.00	0.00
Distribution Total		250.00	0.00

75201	ART BLACK P O BOX 7168 CARMEL-BY-THE-SEA	02/22/2019 02/22/2019 02/11/2019		WFB N N	Building Fire Inspection.	250.00 0.00
CARMEL FIR	CA 93921 <Emailing Stub Disabled>	02/11/2019 02/11/2019	0.00 119071	Y	0	0.00 250.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-321-533.000	Contract Services	250.00	0.00
Distribution Total		250.00	0.00

75202	ART BLACK P O BOX 7168 CARMEL-BY-THE-SEA	02/22/2019 02/22/2019 02/11/2019		WFB N N	Building Fire Inspection.	250.00 0.00
CARMEL FIR	CA 93921 <Emailing Stub Disabled>	02/11/2019 02/11/2019	0.00 119070	Y	0	0.00 250.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-321-533.000	Contract Services	250.00	0.00
Distribution Total		250.00	0.00

75203	ART BLACK P O BOX 7168 CARMEL-BY-THE-SEA	02/22/2019 02/22/2019 02/11/2019		WFB N N	Building Fire Inspection.	250.00 0.00
CARMEL FIR	CA 93921 <Emailing Stub Disabled>	02/11/2019 02/11/2019	0.00 119069	Y	0	0.00 250.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-321-533.000	Contract Services	250.00	0.00
Distribution Total		250.00	0.00

75204	ART BLACK P O BOX 7168 CARMEL-BY-THE-SEA	02/22/2019 02/22/2019 02/11/2019		WFB N N	Building Fire Inspection	250.00 0.00
CARMEL FIR	CA 93921 <Emailing Stub Disabled>	02/11/2019 02/11/2019	0.00 119068	Y	0	0.00 250.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-321-533.000	Contract Services	250.00	0.00
Distribution Total		250.00	0.00

75205	ART BLACK P O BOX 7168 CARMEL-BY-THE-SEA	02/22/2019 02/22/2019 02/11/2019		WFB N N	Building Fire Inspection.	250.00 0.00
CARMEL FIR	CA 93921 <Emailing Stub Disabled>	02/11/2019 02/11/2019	0.00 119067	Y	0	0.00 250.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-321-533.000	Contract Services	250.00	0.00

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Vendor No.	State/Province Zip/Postal Email Address	Disc. Date Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	Discount Net Amount

Distribution Total						250.00	0.00
					Vendor Total:		2,475.00

75206	CALIFORNIA WATER SERVICE CC	02/22/2019		WFB	Water Services - #4640266666		9,532.23
	P. O. BOX 51967	02/22/2019		N			0.00
CAL WATER	LOS ANGELES	01/31/2019		N	N		0.00
	CA 90051-6267	01/31/2019	0.00	N	0		0.00
	<Emailing Stub Disabled>	01/31/2019	01312019				9,532.23

GL Number	Account Name	Pay Amount	Relieve Amount
10-623-541.101	Water	252.20	0.00
10-422-541.101	Water	120.05	0.00
10-311-541.101	Water	34.48	0.00
10-426-541.101	Water	946.96	0.00
10-426-541.101	Water	5,800.38	0.00
10-426-541.101	Water	627.50	0.00
10-620-541.101	Water	314.82	0.00
15-440-541.101	Water	45.59	0.00
10-161-541.101	Water	539.00	0.00
10-321-541.101	Water	261.83	0.00
10-426-541.101	Water	589.42	0.00
Distribution Total		9,532.23	0.00

Vendor Total: 9,532.23

75180	CASEY PRINTING, INC.	02/22/2019		WFB	Mailer for Wastewater		1,256.55
	398 E. SAN ANTONIO DRIVE	02/22/2019		N	Rate Study Workshop.		0.00
CASEY PRIN	KING CITY	01/29/2019		N	N		0.00
	CA 93930	01/29/2019	0.00	N	0		0.00
	<Emailing Stub Disabled>	01/29/2019	38040011				1,256.55

GL Number	Account Name	Pay Amount	Relieve Amount
18-412-538.000	Professional Services	1,256.55	0.00
Distribution Total		1,256.55	0.00

Vendor Total: 1,256.55

75208	CELLEBRITE USA, CORP	02/22/2019		WFB	Contract Service - Renewal for		5,754.19
	7 CAMPUS DRIVE	02/22/2019		N	Processing Cell Phones.		0.00
CELLE	PARSIPPANY	12/11/2018		N	N		0.00
	NJ 07054	12/11/2018	0.00	N	0		0.00
	<Emailing Stub Disabled>	12/11/2018	Q-62176-2				5,754.19

GL Number	Account Name	Pay Amount	Relieve Amount
10-311-558.103	Contract Services	5,754.19	0.00
Distribution Total		5,754.19	0.00

Vendor Total: 5,754.19

75178	CHRIS MADSON CONSTRUCTION	02/22/2019		WFB	Refund of 2019 Fire		200.00
	PO BOX 648	02/22/2019		N	Inspection.		0.00
CHRIS MADS	KING CITY	02/08/2019		N	N		0.00
	CA 93930	02/08/2019	0.00	N	0		0.00
	<Emailing Stub Disabled>	02/08/2019	02082019				200.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-000-471.023	Annual Fire inspection Fee	200.00	0.00
Distribution Total		200.00	0.00

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Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	

Vendor Total: 200.00

75179	CLINICA DE SALUD 440 AIRPORT BLVD SALINAS	02/22/2019 02/22/2019 02/07/2019		WFB N N	Overpayment of Business License.	0.40 0.00
CLINICADE	CA 93905 <Emailing Stub Disabled>	02/07/2019 02/07/2019	0.00 02072019	N	0	0.00 0.40

GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.101	State of Calif Special Fee	0.40	0.00
Distribution Total		0.40	0.00

Vendor Total: 0.40

75207	COOKE & ASSOCIATES, INC 8375 CHURCH ST GILROY	02/22/2019 02/22/2019 12/15/2018		WFB N N	Background - Phillips & Orozco	1,750.00 0.00
COOKE	CA 95021 <Emailing Stub Disabled>	12/15/2018 12/15/2018	0.00 KC-18-1000	N	0	0.00 1,750.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-311-558.312	Recruitment Expenses	1,750.00	0.00
Distribution Total		1,750.00	0.00

Vendor Total: 1,750.00

75209	CSG CONSULTANTS INC 550 PILGRIM DRIVE FOSTER CITY	02/22/2019 02/22/2019 02/05/2019		WFB N N	Building Inspector Service.	15,085.00 0.00
CSGCON	CA 94404 <Emailing Stub Disabled>	02/05/2019 02/05/2019	0.00 23061	N	0	0.00 15,085.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-231-533.000	Contract Services	15,085.00	0.00
Distribution Total		15,085.00	0.00

Vendor Total: 15,085.00

75210	CTS REPORTING, INC 1155 W SHAW AVENUE FRESNO	02/22/2019 02/22/2019 12/11/2018		WFB N N	Arbitration	1,311.77 0.00
CTSREPORT	CA 93711 <Emailing Stub Disabled>	12/11/2018 12/11/2018	0.00 7029	N	0	0.00 1,311.77

GL Number	Account Name	Pay Amount	Relieve Amount
10-311-538.000	Professional Services	1,311.77	0.00
Distribution Total		1,311.77	0.00

75211	CTS REPORTING, INC 1155 W SHAW AVENUE FRESNO	02/22/2019 02/22/2019 11/26/2018		WFB N N	Arbitration	1,194.50 0.00
CTSREPORT	CA 93711 <Emailing Stub Disabled>	11/26/2018 11/26/2018	0.00 7004	N	0	0.00 1,194.50

GL Number	Account Name	Pay Amount	Relieve Amount
10-311-538.000	Professional Services	1,194.50	0.00
Distribution Total		1,194.50	0.00

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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Req. No.	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Net Amount
	Email Address	Inv. Date	Invoice No.		
	CTS REPORTING, INC	02/22/2019	WFB	Arbitration	
	1155 W SHAW AVENUE	02/22/2019	N		1,785.04
75212	FRESNO	11/21/2018	N	N	0.00
CTSREPORT	CA 93711	11/21/2018	0.00	N	0
	<Emailing Stub Disabled>	11/21/2018	7000		0.00
					1,785.04

GL Number	Account Name	Pay Amount	Relieve Amount
10-311-538.000	Professional Services	1,785.04	0.00
Distribution Total		1,785.04	0.00

Vendor Total: 4,291.31

	DISABILITY ACCESS CONSULTAN	02/22/2019	WFB	ADA Transition Plan	
	2243 FEATHER RIVER BOULEVAR	02/22/2019	N		19,796.00
75213	OROVILLE	01/31/2019	N	N	0.00
D A CONSUL	CA 95965	01/31/2019	0.00	Y	0
	<Emailing Stub Disabled>	01/31/2019	19-005		0.00
					19,796.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-121-535.000	Consultants	9,898.00	0.00
10-121-539.999	Budget Contingency	9,898.00	0.00
Distribution Total		19,796.00	0.00

Vendor Total: 19,796.00

	MARIA ESQUIVEL	02/22/2019	WFB	Property is Exempt from	
	2849 KLEIN RD	02/22/2019	N	Fire Inspection.	200.00
75181	SAN JOSE	02/07/2019	N	N	0.00
ESQUIVELM	CA 95148	02/07/2019	0.00	N	0
	<Emailing Stub Disabled>	02/07/2019	02072019		0.00
					200.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-000-471.023	Annual Fire inspection Fee	200.00	0.00
Distribution Total		200.00	0.00

Vendor Total: 200.00

	ISAIAS GONZALES	02/09/2019	WFB	Ref - BB - 4.5 @ \$12	
	780 SANDRINGHAM STREET	02/22/2019	N		54.00
75182	KING CITY	02/09/2019	N	N	0.00
GONZAIS	CA 93930	02/09/2019	0.00	Y	0
	<Emailing Stub Disabled>	02/09/2019	02092019		0.00
					54.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-621-538.110	Sports Officials	54.00	0.00
Distribution Total		54.00	0.00

Vendor Total: 54.00

	GRENZ TPA INSURANCE ADMIN II	02/22/2019	WFB	Life Insurance - Group #8471	
	3435 AMERICAN RIVER DRIVE,	02/22/2019	N		64.26
75196	SACRAMENTO	02/12/2019	N	N	0.00
AMERRIVER	CA 95864	02/12/2019	0.00	N	0
	<Emailing Stub Disabled>	02/12/2019	Mar 2019		0.00
					64.26

GL Number	Account Name	Pay Amount	Relieve Amount
10-321-515.060	Life/AD&D/LTD	64.26	0.00
Distribution Total		64.26	0.00

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	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Discount
	Email Address	Inv. Date	Invoice No.		Net Amount

Vendor Total: 64.26

75194	KELLY-MOORE PAINT COMPANY	02/22/2019		WFB	Paint for Sound Walls	
	260 GRIFFIN STREET	02/22/2019		N		849.93
KELLY	SALINAS	02/08/2019		N	N	0.00
	CA 93901	02/08/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	02/08/2019	801-00000506257			849.93

GL Number	Account Name	Pay Amount	Relieve Amount
22-423-556.101	Painting & Striping Service	849.93	0.00
Distribution Total		849.93	0.00

Vendor Total: 849.93

75184	KING CITY INDUSTRIAL SUPPLY	02/22/2019		WFB	Nozzle for Wash Rack.	
	132 LYNN STREET	02/22/2019		N		68.13
KC IND	KING CITY,	01/02/2019		N	N	0.00
	CA 93930	01/02/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/02/2019	298044			68.13

GL Number	Account Name	Pay Amount	Relieve Amount
10-431-522.000	Operating Supplies	68.13	0.00
Distribution Total		68.13	0.00

75185	KING CITY INDUSTRIAL SUPPLY	02/22/2019		WFB	Supplies	
	132 LYNN STREET	02/22/2019		N		88.06
KC IND	KING CITY,	01/19/2019		N	N	0.00
	CA 93930	01/19/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/19/2019	298340			88.06

GL Number	Account Name	Pay Amount	Relieve Amount
10-431-522.000	Operating Supplies	44.03	0.00
10-431-522.000	Operating Supplies	44.03	0.00
Distribution Total		88.06	0.00

75186	KING CITY INDUSTRIAL SUPPLY	02/22/2019		WFB	Disposable Overalls.	
	132 LYNN STREET	02/22/2019		N		194.58
KC IND	KING CITY,	01/23/2019		N	N	0.00
	CA 93930	01/23/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/23/2019	298626			194.58

GL Number	Account Name	Pay Amount	Relieve Amount
10-422-522.000	Operating Supplies	194.58	0.00
Distribution Total		194.58	0.00

75187	KING CITY INDUSTRIAL SUPPLY	02/22/2019		WFB	Janitorial Supplies	
	132 LYNN STREET	02/22/2019		N		339.67
KC IND	KING CITY,	01/23/2019		N	N	0.00
	CA 93930	01/23/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/23/2019	298484			339.67

GL Number	Account Name	Pay Amount	Relieve Amount
10-422-522.000	Operating Supplies	339.67	0.00
Distribution Total		339.67	0.00

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	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discount
	Email Address	Inv. Date	Invoice No.			Net Amount
75188	KING CITY INDUSTRIAL SUPPLY	02/22/2019	WFB	PPE Supply		44.90
	132 LYNN STREET	02/22/2019	N			
KC IND	KING CITY,	01/28/2019	N	N		0.00
	CA 93930	01/28/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/28/2019	298756			44.90

GL Number	Account Name	Pay Amount	Relieve Amount
10-422-522.000	Operating Supplies	44.90	0.00
Distribution Total		44.90	0.00

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2		
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discount
	Email Address	Inv. Date	Invoice No.			Net Amount
75189	KING CITY INDUSTRIAL SUPPLY	02/22/2019	WFB	Flags for Marking Sports		58.46
	132 LYNN STREET	02/22/2019	N	Fields.		
KC IND	KING CITY,	01/29/2019	N	N		0.00
	CA 93930	01/29/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/29/2019	298800			58.46

GL Number	Account Name	Pay Amount	Relieve Amount
10-426-543.000	Repair & Maintenance	58.46	0.00
Distribution Total		58.46	0.00

Vendor Total: 793.80

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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discount
	Email Address	Inv. Date	Invoice No.			Net Amount
75190	KREHBIEL AUTOMOTIVE REPAIR	02/22/2019	WFB	Smog		41.75
	715 BROADWAY	02/22/2019	N			
KREHBIEL A	KING CITY	11/08/2018	N	N		0.00
	CA 93930	11/08/2018	0.00	Y	0	0.00
	<Emailing Stub Disabled>	11/08/2018	43915			41.75

GL Number	Account Name	Pay Amount	Relieve Amount
10-425-543.301	Vehicles Repair & Maint	41.75	0.00
Distribution Total		41.75	0.00

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2		
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discount
	Email Address	Inv. Date	Invoice No.			Net Amount
75191	KREHBIEL AUTOMOTIVE REPAIR	02/22/2019	WFB	Smog		41.75
	715 BROADWAY	02/22/2019	N			
KREHBIEL A	KING CITY	11/08/2018	N	N		0.00
	CA 93930	11/08/2018	0.00	Y	0	0.00
	<Emailing Stub Disabled>	11/08/2018	43920			41.75

GL Number	Account Name	Pay Amount	Relieve Amount
10-425-543.301	Vehicles Repair & Maint	41.75	0.00
Distribution Total		41.75	0.00

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2		
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discount
	Email Address	Inv. Date	Invoice No.			Net Amount
75192	KREHBIEL AUTOMOTIVE REPAIR	02/22/2019	WFB	Smog		256.69
	715 BROADWAY	02/22/2019	N			
KREHBIEL A	KING CITY	11/08/2018	N	N		0.00
	CA 93930	11/08/2018	0.00	Y	0	0.00
	<Emailing Stub Disabled>	11/08/2018	43911			256.69

GL Number	Account Name	Pay Amount	Relieve Amount
10-425-543.301	Vehicles Repair & Maint	256.69	0.00
Distribution Total		256.69	0.00

Ref. No.	Vendor Name	Post Date	Bank	Invoice Description Line 2		
Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discount
	Email Address	Inv. Date	Invoice No.			Net Amount
75193	KREHBIEL AUTOMOTIVE REPAIR	02/22/2019	WFB	Smog		41.75
	715 BROADWAY	02/22/2019	N			
KREHBIEL A	KING CITY	11/09/2018	N	N		0.00
	CA 93930	11/09/2018	0.00	Y	0	0.00
	<Emailing Stub Disabled>	11/09/2018	43924			41.75

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Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	Discount Net Amount

10-425-543.301	Vehicles Repair & Maint					41.75
Distribution Total						41.75

Vendor Total: 381.94

75216	L.A. HEARNE COMPANY 512 METZ ROAD KING CITY, CA 93930	02/22/2019 02/22/2019 12/12/2018 12/12/2018		WFB N N N	Swimming Pool Supplies	404.38 0.00 0.00
LA HEARNE	<Emailing Stub Disabled>	12/12/2018	0.00	1311402		404.38

GL Number	Account Name	Pay Amount	Relieve Amount
10-426-522.102	Janitorial Supplies	404.38	0.00
Distribution Total		404.38	0.00

75217	L.A. HEARNE COMPANY 512 METZ ROAD KING CITY, CA 93930	02/22/2019 02/22/2019 10/31/2018 10/31/2018		WFB N N N	Late Fees - Pool Supplies	10.86 0.00 0.00
LA HEARNE	<Emailing Stub Disabled>	10/31/2018	0.00	3321386		10.86

GL Number	Account Name	Pay Amount	Relieve Amount
10-426-522.102	Janitorial Supplies	10.86	0.00
Distribution Total		10.86	0.00

75218	L.A. HEARNE COMPANY 512 METZ ROAD KING CITY, CA 93930	02/22/2019 02/22/2019 08/31/2018 08/31/2018		WFB N N N	Late Fees - Pool Supplies	4.79 0.00 0.00
LA HEARNE	<Emailing Stub Disabled>	08/31/2018	0.00	3316847		4.79

GL Number	Account Name	Pay Amount	Relieve Amount
10-426-522.102	Janitorial Supplies	4.79	0.00
Distribution Total		4.79	0.00

75219	L.A. HEARNE COMPANY 512 METZ ROAD KING CITY, CA 93930	02/22/2019 02/22/2019 09/30/2018 09/30/2018		WFB N N N	Finance Charges. Late Fees - Pool Supplies	10.86 0.00 0.00
LA HEARNE	<Emailing Stub Disabled>	09/30/2018	0.00	3319601		10.86

GL Number	Account Name	Pay Amount	Relieve Amount
10-426-522.102	Janitorial Supplies	10.86	0.00
Distribution Total		10.86	0.00

75220	L.A. HEARNE COMPANY 512 METZ ROAD KING CITY, CA 93930	02/22/2019 02/22/2019 07/31/2018 07/31/2018		WFB N N N	Late Fees - Pool Supplies	8.65 0.00 0.00
LA HEARNE	<Emailing Stub Disabled>	07/31/2018	0.00	3315040		8.65

GL Number	Account Name	Pay Amount	Relieve Amount
10-426-522.102	Janitorial Supplies	8.65	0.00
Distribution Total		8.65	0.00

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75221	L.A. HEARNE COMPANY 512 METZ ROAD KING CITY, CA 93930	02/22/2019 02/22/2019 01/31/2019		WFB N N	Late Fees - Pool Supplies	2.79 0.00 0.00
LA HEARNE	<Emailing Stub Disabled>	01/31/2019	0.00 3325723	N 1099?	Hand Check Number/Date	0.00 2.79

GL Number	Account Name	Pay Amount	Relieve Amount
10-426-522.102	Janitorial Supplies	2.79	0.00
Distribution Total		2.79	0.00

Vendor Total: 442.33

75214	LA PLAZA BAKERY 20 N SANBORN RD STE. H SALINAS CA 93905	02/22/2019 02/22/2019 02/08/2019		WFB N N	Business License Overpayment.	16.00 0.00 0.00
LAPLAZA	<Emailing Stub Disabled>	02/08/2019	0.00 02082019	N 0		0.00 16.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	16.00	0.00
Distribution Total		16.00	0.00

Vendor Total: 16.00

75215	LINCOLN AQUATICS 2051 COMMERCE AVE. CONCORD CA 94520	02/22/2019 02/22/2019 03/29/2018		WFB N N	Credit	-50.00 0.00 0.00
LINCOLN	<Emailing Stub Disabled>	03/29/2018	0.00 EW008835	N 0		0.00 -50.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-620-522.132	Swimming Pool Chemicals	-50.00	0.00
Distribution Total		-50.00	0.00

Vendor Total: -50.00

75195	LITTLE CAESARS 1504 FREEDOM BLVD WATSONVILLE CA 95076	02/22/2019 02/22/2019 02/12/2019		WFB N N	Overpayment of Business License.	7.60 0.00 0.00
LITTLE CAE	<Emailing Stub Disabled>	02/12/2019	0.00 02122019	N 0		0.00 7.60

GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	7.60	0.00
Distribution Total		7.60	0.00

Vendor Total: 7.60

75222	LOS COCHES ANIMAL HOSPITAL 4TH & NESTLE RD., BOX 125 SOLEDAD CA 93960	02/22/2019 02/22/2019 01/10/2019		WFB N N	Cremation	67.80 0.00 0.00
LCAH	<Emailing Stub Disabled>	01/10/2019	0.00 01102019	Y 0		0.00 67.80

GL Number	Account Name	Pay Amount	Relieve Amount
10-311-538.304	Veterinary Services	67.80	0.00
Distribution Total		67.80	0.00

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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2		Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check		Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date		Discount
	Email Address	Inv. Date	Invoice No.			Net Amount

Vendor Total: 67.80

75238	CAROLINE MARTINEZ	02/22/2019	WFB	Ref/Rec Aide.		
	437 LAMBOURNE	02/22/2019	N	5 @ \$12		60.00
MARTINEZCA	KING CITY	02/12/2019	N	N		0.00
	CA 93930	02/12/2019	0.00	Y	0	0.00
	<Emailing Stub Disabled>	02/12/2019	02122019			60.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-621-538.110	Sports Officials	60.00	0.00
Distribution Total		60.00	0.00

Vendor Total: 60.00

75235	CHRISTOPHER MARTINEZ	02/22/2019	WFB	BB Ref - 5.5 @ \$12		
	437 LAMBOURNE COURT	02/22/2019	N			66.00
MARTINEZCA	KING CITY	02/09/2019	N	N		0.00
	CA 93930	02/09/2019	0.00	Y	0	0.00
	<Emailing Stub Disabled>	02/09/2019	02092019			66.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-621-538.110	Sports Officials	66.00	0.00
Distribution Total		66.00	0.00

Vendor Total: 66.00

75236	MAX BAGGETT CONSTRUCTION	02/22/2019	WFB	Business License Over Payment.		
	17874 MORO ROAD	02/22/2019	N			47.00
MAXBAG	SALINAS	02/08/2019	N	N		0.00
	CA 93907	02/08/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	02/08/2019	02082019			47.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	47.00	0.00
Distribution Total		47.00	0.00

Vendor Total: 47.00

75224	MBASIA	02/22/2019	WFB	Liability Claim Defense		
	100 PINE STREET, 11TH FLOOR	02/22/2019	N	Counsel.		904.89
M BASIA	SAN FRANCISCO	02/07/2019	N	N		0.00
	CA 94111	02/07/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	02/07/2019	16-0317			904.89

GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	904.89	0.00
Distribution Total		904.89	0.00

75225	MBASIA	02/22/2019	WFB	Liability Claim Defense		
	100 PINE STREET, 11TH FLOOR	02/22/2019	N	Counsel.		2,623.67
M BASIA	SAN FRANCISCO	02/07/2019	N	N		0.00
	CA 94111	02/07/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	02/07/2019	16-0317 #7			2,623.67

GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	2,623.67	0.00
Distribution Total		2,623.67	0.00

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Vendor No.	Vendor Address	Pay. Date	Hold?	Invoice Description Line 2	Gross Amount
	City	Disc. Date	Req. No.	Use Description 1 On Check	Taxes Withheld
	State/Province Zip/Postal	Due Date	Disc. %	Hand Check Number/Date	Discount
	Email Address	Inv. Date	Invoice No.		Net Amount
	MBASIA	02/22/2019	WFB	Liability Claim Defense	
	100 PINE STREET, 11TH FLOOR	02/22/2019	N	Counsel.	76.90
75226	SAN FRANCISCO	02/07/2019	N	N	0.00
M BASIA	CA 94111	02/07/2019	0.00	N	0
	<Emailing Stub Disabled>	02/07/2019	16-0317 #6		<u>0.00</u>
					76.90

GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	76.90	0.00
Distribution Total		76.90	0.00

	MBASIA	02/22/2019	WFB	Liability Claim Defense	
	100 PINE STREET, 11TH FLOOR	02/22/2019	N	Counsel.	116.60
75227	SAN FRANCISCO	02/07/2019	N	N	0.00
M BASIA	CA 94111	02/07/2019	0.00	N	0
	<Emailing Stub Disabled>	02/07/2019	16-0317 #5		<u>0.00</u>
					116.60

GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	116.60	0.00
Distribution Total		116.60	0.00

	MBASIA	02/22/2019	WFB	Liability Claim Defense	
	100 PINE STREET, 11TH FLOOR	02/22/2019	N	Counsel.	927.28
75228	SAN FRANCISCO	02/07/2019	N	N	0.00
M BASIA	CA 94111	02/07/2019	0.00	N	0
	<Emailing Stub Disabled>	02/07/2019	16-0317 #4		<u>0.00</u>
					927.28

GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	927.28	0.00
Distribution Total		927.28	0.00

	MBASIA	02/22/2019	WFB	Liability Claim Defense	
	100 PINE STREET, 11TH FLOOR	02/22/2019	N	Counsel.	579.90
75229	SAN FRANCISCO	02/07/2019	N	N	0.00
M BASIA	CA 94111	02/07/2019	0.00	N	0
	<Emailing Stub Disabled>	02/07/2019	17-1028 #7		<u>0.00</u>
					579.90

GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	579.90	0.00
Distribution Total		579.90	0.00

	MBASIA	02/22/2019	WFB	Liability Claim Defense	
	100 PINE STREET, 11TH FLOOR	02/22/2019	N	Counsel.	91.30
75230	SAN FRANCISCO	02/07/2019	N	N	0.00
M BASIA	CA 94111	02/07/2019	0.00	N	0
	<Emailing Stub Disabled>	02/07/2019	17-1028 #6		<u>0.00</u>
					91.30

GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	91.30	0.00
Distribution Total		91.30	0.00

	MBASIA	02/22/2019	WFB	Liability Claim Defense	
	100 PINE STREET, 11TH FLOOR	02/22/2019	N	Counsel.	655.30
75231	SAN FRANCISCO	02/07/2019	N	N	0.00
M BASIA	CA 94111	02/07/2019	0.00	N	0
	<Emailing Stub Disabled>	02/07/2019	17-1028 #5		<u>0.00</u>
					655.30

GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	655.30	0.00

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Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	Discount Net Amount

Distribution Total	655.30	0.00
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75232	MBASIA 100 PINE STREET, 11TH FLOOR SAN FRANCISCO CA 94111 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/07/2019 02/07/2019 02/07/2019		WFB N N N N	Liability Claim Defense Counsel. N 0	117.44 0.00 0.00 117.44
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GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	117.44	0.00
Distribution Total		117.44	0.00

75233	MBASIA 100 PINE STREET, 11TH FLOOR SAN FRANCISCO CA 94111 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/07/2019 02/07/2019 02/07/2019		WFB N N N N	Liability Claim Defense Counsel. N 0	108.70 0.00 0.00 108.70
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GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	108.70	0.00
Distribution Total		108.70	0.00

75234	MBASIA 100 PINE STREET, 11TH FLOOR SAN FRANCISCO CA 94111 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/07/2019 02/07/2019 02/07/2019		WFB N N N N	Liability Claim Defense Counsel. N 0	601.10 0.00 0.00 601.10
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GL Number	Account Name	Pay Amount	Relieve Amount
10-264-555.102	Liability Claims (SIR)	601.10	0.00
Distribution Total		601.10	0.00

Vendor Total: 6,803.08

75237	MIKE' CUSTOM AWNINGS & 36 SAN MARCOS CT SALINAS CA 93901 <Emailing Stub Disabled>	02/22/2019 02/22/2019 12/18/2018 12/18/2018 12/18/2018		WFB N N Y N	306 Broadway St. Facade Improvement Grant. N 0	2,598.41 0.00 0.00 2,598.41
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GL Number	Account Name	Pay Amount	Relieve Amount
10-241-538.100	Grant Programs	2,598.41	0.00
Distribution Total		2,598.41	0.00

Vendor Total: 2,598.41

75240	NANCY'S FASHION 101 RIVER DR. SPC #104 KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/08/2019 02/08/2019 02/08/2019		WFB N N N N	Business License Over Payment. N N 0	4.40 0.00 0.00 4.40
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GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	4.40	0.00
Distribution Total		4.40	0.00

Vendor Total: 4.40

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Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	OFFICE DEPOT P O BOX 29248 PHOENIX	02/22/2019 02/22/2019 01/31/2019		WFB N N	Supplies N	 21.96 0.00
75241	AZ 85038-9248 <Emailing Stub Disabled>	01/31/2019 01/31/2019	0.00 268127027001	N	0	0.00 21.96

GL Number	Account Name	Pay Amount	Relieve Amount
10-422-521.000	Office Supplies	21.96	0.00
Distribution Total		21.96	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	OFFICE DEPOT P O BOX 29248 PHOENIX	02/22/2019 02/22/2019 01/31/2019		WFB N N	Supplies N	 17.20 0.00
75242	AZ 85038-9248 <Emailing Stub Disabled>	01/31/2019 01/31/2019	0.00 268130000001	N	0	0.00 17.20

GL Number	Account Name	Pay Amount	Relieve Amount
10-161-521.000	Office Supplies	17.20	0.00
Distribution Total		17.20	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	OFFICE DEPOT P O BOX 29248 PHOENIX	02/22/2019 02/22/2019 02/05/2019		WFB N N	Supplies N	 324.99 0.00
75243	AZ 85038-9248 <Emailing Stub Disabled>	02/05/2019 02/05/2019	0.00 269976275001	N	0	0.00 324.99

GL Number	Account Name	Pay Amount	Relieve Amount
10-161-521.000	Office Supplies	324.99	0.00
Distribution Total		324.99	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	OFFICE DEPOT P O BOX 29248 PHOENIX	02/22/2019 02/22/2019 01/29/2019		WFB N N	Supplies N	 87.43 0.00
75244	AZ 85038-9248 <Emailing Stub Disabled>	01/29/2019 01/29/2019	0.00 266328743001	N	0	0.00 87.43

GL Number	Account Name	Pay Amount	Relieve Amount
10-422-521.000	Office Supplies	87.43	0.00
Distribution Total		87.43	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	OFFICE DEPOT P O BOX 29248 PHOENIX	02/22/2019 02/22/2019 01/10/2019		WFB N N	Supplies N	 70.37 0.00
75245	AZ 85038-9248 <Emailing Stub Disabled>	01/10/2019 01/10/2019	0.00 254610566001	N	0	0.00 70.37

GL Number	Account Name	Pay Amount	Relieve Amount
10-161-521.000	Office Supplies	70.37	0.00
Distribution Total		70.37	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	OFFICE DEPOT P O BOX 29248 PHOENIX	02/22/2019 02/22/2019 01/11/2019		WFB N N	Supplies/toner N	 132.89 0.00
75246	AZ 85038-9248 <Emailing Stub Disabled>	01/11/2019 01/11/2019	0.00 258079797001	N	0	0.00 132.89

GL Number	Account Name	Pay Amount	Relieve Amount
10-161-521.000	Office Supplies	66.45	0.00
10-121-521.000	Office Supplies	66.44	0.00

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Vendor No.	State/Province Zip/Postal Email Address	Disc. Date Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	

Distribution Total	132.89	0.00
Vendor Total:		654.84

75251	PARA EL PUEBLO P O BOX 2434 GREENFIELD CA 93927 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/08/2019 02/08/2019 02/08/2019	0.00 02082019	WFB N N N	Refund of 2019 Annual Fire Inspection.(Owner Responsible) N 0	200.00 0.00 0.00 200.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-000-471.023	Annual Fire inspection Fee	200.00	0.00
Distribution Total		200.00	0.00
Vendor Total:		200.00	

75250	HIREN PARMAR 1190 BROADWAY KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/09/2019 02/09/2019 02/09/2019	0.00 02092019	WFB N N Y	BB Ref - 4.5 @ \$12 N 0	54.00 0.00 0.00 54.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-621-538.110	Sports Officials	54.00	0.00
Distribution Total		54.00	0.00
Vendor Total:		54.00	

75253	PENINSULA PURE WATER INC. PO BOX 1090 SALINAS CA 93902 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/01/2019 02/01/2019 02/01/2019	0.00 335539	WFB N N N	Water - Police Dept N 0	37.75 0.00 0.00 37.75
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GL Number	Account Name	Pay Amount	Relieve Amount
10-311-541.101	Water	37.75	0.00
Distribution Total		37.75	0.00
Vendor Total:		37.75	

75252	PG&E P.O. BOX 997300 SACRAMENTO CA 95899-7300 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/05/2019 02/05/2019 02/05/2019	0.00 02052019	WFB N N N	Gas & Electric - #3845488588-0 N 0	17,057.11 0.00 0.00 17,057.11
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GL Number	Account Name	Pay Amount	Relieve Amount
10-161-541.102	Gas & Electricity	1,063.15	0.00
10-311-541.102	Gas & Electricity	1,477.61	0.00
10-321-541.102	Gas & Electricity	888.98	0.00
10-620-541.102	Gas & Electricity	1,900.72	0.00
22-427-541.102	Gas & Electricity	6,827.25	0.00
10-426-541.102	Gas & Electricity	857.73	0.00
10-430-541.102	Gas & Electricity	785.50	0.00
36-465-541.102	Gas & Electricity	261.09	0.00
10-621-541.102	Gas & Electricity	371.78	0.00
15-440-541.102	Gas & Electricity	963.12	0.00
18-412-541.102	Gas & Electricity	1,660.18	0.00
Distribution Total		17,057.11	0.00

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Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	

Vendor Total: 17,057.11

75249	PINNACLE HEALTHCARE 1180 BROADWAY STREET KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/01/2019 02/01/2019		WFB N N Y	Shots for Staff Hepatitis. N 0	436.00 0.00 0.00 436.00
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GL Number	Account Name	Pay Amount	Relieve Amount
18-412-538.000	Professional Services	436.00	0.00
Distribution Total		436.00	0.00

Vendor Total: 436.00

75247	PRODUCERS DAIRY FOODS INC P O BOX 1231 FRESNO CA 93715 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/08/2019 02/08/2019	0.00	WFB N N N	Business License Over Payment. N 0	284.40 0.00 0.00 284.40
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GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	284.40	0.00
Distribution Total		284.40	0.00

Vendor Total: 284.40

75248	LISA PUMPHREY 401 N FIRST STREET STE D KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/08/2019 02/08/2019	0.00	WFB N N N	Refund of Fire Inspection for 2018 & 2019.(Viridan's) N 0	400.00 0.00 0.00 400.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-000-471.023	Annual Fire inspection Fee	400.00	0.00
Distribution Total		400.00	0.00

Vendor Total: 400.00

75254	QUILL CORPORATION PO BOX 37600 PHILADELPHIA PA 19101-0600 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/14/2019 01/14/2019	0.00	WFB N N N	Supplies N 0	30.94 0.00 0.00 30.94
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GL Number	Account Name	Pay Amount	Relieve Amount
10-241-521.000	Office Supplies	30.94	0.00
Distribution Total		30.94	0.00

75255	QUILL CORPORATION PO BOX 37600 PHILADELPHIA PA 19101-0600 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/09/2019 01/09/2019	0.00	WFB N N N	Supplies N 0	59.08 0.00 0.00 59.08
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GL Number	Account Name	Pay Amount	Relieve Amount
10-161-521.000	Office Supplies	59.08	0.00
Distribution Total		59.08	0.00

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Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	QUILL CORPORATION PO BOX 37600 PHILADELPHIA	02/22/2019 02/22/2019 01/18/2019		WFB N N	Supplies N	8.54 0.00
75256	QUILL CORP PA 19101-0600 <Emailing Stub Disabled>	01/18/2019 01/18/2019	0.00 4405957	N	0	0.00 8.54

GL Number	Account Name	Pay Amount	Relieve Amount
10-231-521.000	Office Supplies	8.54	0.00
Distribution Total		8.54	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	QUILL CORPORATION PO BOX 37600 PHILADELPHIA	02/22/2019 02/22/2019 01/17/2019		WFB N N	Supplies N	81.70 0.00
75257	QUILL CORP PA 19101-0600 <Emailing Stub Disabled>	01/17/2019 01/17/2019	0.00 4370652	N	0	0.00 81.70

GL Number	Account Name	Pay Amount	Relieve Amount
10-121-521.000	Office Supplies	81.70	0.00
Distribution Total		81.70	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	QUILL CORPORATION PO BOX 37600 PHILADELPHIA	02/22/2019 02/22/2019 01/21/2019		WFB N N	Office Supplies N	14.92 0.00
75258	QUILL CORP PA 19101-0600 <Emailing Stub Disabled>	01/21/2019 01/21/2019	0.00 4444640	N	0	0.00 14.92

GL Number	Account Name	Pay Amount	Relieve Amount
10-422-521.000	Office Supplies	14.92	0.00
Distribution Total		14.92	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	QUILL CORPORATION PO BOX 37600 PHILADELPHIA	02/22/2019 02/22/2019 01/22/2019		WFB N N	Building Supplies N	44.36 0.00
75259	QUILL CORP PA 19101-0600 <Emailing Stub Disabled>	01/22/2019 01/22/2019	0.00 4453872	N	0	0.00 44.36

GL Number	Account Name	Pay Amount	Relieve Amount
10-231-521.000	Office Supplies	44.36	0.00
Distribution Total		44.36	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	QUILL CORPORATION PO BOX 37600 PHILADELPHIA	02/22/2019 02/22/2019 01/10/2019		WFB N N	Supplies N	36.25 0.00
75260	QUILL CORP PA 19101-0600 <Emailing Stub Disabled>	01/10/2019 01/10/2019	0.00 4145717	N	0	0.00 36.25

GL Number	Account Name	Pay Amount	Relieve Amount
10-422-521.000	Office Supplies	36.25	0.00
Distribution Total		36.25	0.00

Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	QUILL CORPORATION PO BOX 37600 PHILADELPHIA	02/22/2019 02/22/2019 01/31/2019		WFB N N	Supplies for City Hall. N	51.36 0.00
75261	QUILL CORP PA 19101-0600 <Emailing Stub Disabled>	01/31/2019 01/31/2019	0.00 4748251	N	0	0.00 51.36

GL Number	Account Name	Pay Amount	Relieve Amount
10-161-521.000	Office Supplies	51.36	0.00

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Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice.No.	1099?	Hand Check Number/Date	Discount Net Amount

Distribution Total						51.36	0.00
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75262	QUILL CORPORATION PO BOX 37600 PHILADELPHIA QUILL CORP PA 19101-0600 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/09/2019 01/09/2019 01/09/2019		WFB N N N	Supplies N 0	151.29 0.00 0.00	151.29
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GL Number	Account Name	Pay Amount	Relieve Amount
10-121-521.000	Office Supplies	151.29	0.00
Distribution Total		151.29	0.00

Vendor Total: 478.44

75223	ROBERT MACKIN OR P O BOX 1958 KING CITY MACKINTID CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/08/2019 02/08/2019 02/08/2019		WFB N N N	Business License Over Payment. N 0	10.00 0.00 0.00	10.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	10.00	0.00
Distribution Total		10.00	0.00

Vendor Total: 10.00

75239	RUSSELL S NICHOLS 422 BASSETT STREET KING CITY MOON CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/11/2019 02/11/2019 02/11/2019		WFB N N N	Training Expenses for PGE Hazmat Seminar. N 0	217.73 0.00 0.00	217.73
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GL Number	Account Name	Pay Amount	Relieve Amount
10-321-553.000	Training	217.73	0.00
Distribution Total		217.73	0.00

Vendor Total: 217.73

75263	SCUDDER ROOFING SUN P O BOX 2596 MONTEREY SCUDDER CA 93942 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/08/2019 02/08/2019 02/08/2019		WFB N N N	Business License Over Payment. N 0	0.80 0.00 0.00	0.80
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GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	0.80	0.00
Distribution Total		0.80	0.00

Vendor Total: 0.80

75271	SHELL ENERGY NORTH AMERICA/ P O BOX 4525 HOUSTON SHELL TX 77210 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/08/2019 02/08/2019 02/08/2019		WFB N N N	Business License Over Payment. N 0	15.25 0.00 0.00	15.25
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GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	15.25	0.00

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Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	

Distribution Total	15.25	0.00
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Vendor Total: 15.25

75265	SO CO NEWSPAPERS P.O. BOX 710 KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/09/2019 01/09/2019 01/09/2019		WFB N N Y	Softball N 0	200.00 0.00 0.00 200.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-621-535.111	Advertising	200.00	0.00
Distribution Total		200.00	0.00

75266	SO CO NEWSPAPERS P.O. BOX 710 KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/02/2019 01/02/2019 01/02/2019		WFB N N Y	218 N First St - David Gill N N 0	204.00 0.00 0.00 204.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-000-204.327	D Gill Farmworker Housing	204.00	0.00
Distribution Total		204.00	0.00

75267	SO CO NEWSPAPERS P.O. BOX 710 KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/02/2019 01/02/2019 01/02/2019		WFB N N Y	Regulatory Ord. Inclusionary Housing N 0	161.50 0.00 0.00 161.50
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GL Number	Account Name	Pay Amount	Relieve Amount
10-241-554.102	Public Notices	161.50	0.00
Distribution Total		161.50	0.00

75268	SO CO NEWSPAPERS P.O. BOX 710 KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/09/2019 01/09/2019 01/09/2019		WFB N N Y	CDBG Public Hearing Notice. N 0	136.00 0.00 0.00 136.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-121-554.102	Public Notices	136.00	0.00
Distribution Total		136.00	0.00

75269	SO CO NEWSPAPERS P.O. BOX 710 KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/09/2019 01/09/2019 01/09/2019		WFB N N Y	Notice of Availability for Planning Commission. N 0	136.00 0.00 0.00 136.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-121-554.102	Public Notices	136.00	0.00
Distribution Total		136.00	0.00

75270	SO CO NEWSPAPERS P.O. BOX 710 KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/30/2019 01/30/2019 01/30/2019		WFB N N Y	Ord on Inclusionary Housing N 0	119.00 0.00 0.00 119.00
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Ref. No.	Vendor Name	Post Date	PO Number	Bank Hold?	Invoice Description Line 2	Gross Amount
Vendor No.	Vendor Address	Pay. Date	Req. No.	Sep. Ck.?	Invoice Description Line 2	Taxes Withheld
	City	Disc. Date	Disc. %	1099?	Use Description 1 On Check	Discount
	State/Province Zip/Postal	Due Date	Invoice No.		Hand Check Number/Date	Net Amount
	Email Address	Inv. Date				

GL Number	Account Name	Pay Amount	Relieve Amount
10-241-554.102	Public Notices	119.00	0.00
Distribution Total		119.00	0.00

Vendor Total: 956.50

75273	SOCIAL VOCATIONAL SERVICES	02/22/2019		WFB	Patrol Veh Car Washes.	
	3555 TORRANCE BOULEVARD	02/22/2019		N		915.00
SVSCLIENT	TORRANCE	01/31/2019		N	N	0.00
	CA 90503	01/31/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	01/31/2019	25A1906-IN			915.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-311-543.315	Auto Detail Service	915.00	0.00
Distribution Total		915.00	0.00

Vendor Total: 915.00

75272	SOUTH MONTEREY COUNTY JUI-	02/22/2019		WFB	Youth BB Building Lease.	
	800 BROADWAY	02/22/2019		N		137.86
SMCJUHS	KING CITY	02/13/2019		N	N	0.00
	CA 93930	02/13/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	02/13/2019	INV19-00026			137.86

GL Number	Account Name	Pay Amount	Relieve Amount
10-621-542.101	Building Lease	137.86	0.00
Distribution Total		137.86	0.00

Vendor Total: 137.86

75264	STARBUCKS COFFEE #11095	02/22/2019		WFB	Business License Over Payment.	
	P O BOX 34442 - S - TAX 2	02/22/2019		N		59.00
STARBUCKS	SEATTLE	02/08/2019		N	N	0.00
	WA 98124-1442	02/08/2019	0.00	N	0	0.00
	<Emailing Stub Disabled>	02/08/2019	02082019			59.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	59.00	0.00
Distribution Total		59.00	0.00

Vendor Total: 59.00

75276	THE SALINAS CALIFORNIAN #107	02/22/2019		WFB	1051 Industrial Way.	
	P O BOX 677371	02/22/2019		N	RFP for Sale	76.45
SAL CAL	DALLAS	12/22/2018		N	N	0.00
	TX 75267-7371	12/22/2018	0.00	N	0	0.00
	<Emailing Stub Disabled>	12/22/2018	0003303546			76.45

GL Number	Account Name	Pay Amount	Relieve Amount
10-121-554.102	Public Notices	76.45	0.00
Distribution Total		76.45	0.00

Vendor Total: 76.45

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Ref. No.	Vendor Name Vendor Address City	Post Date Pay. Date Disc. Date	PO Number Req. No.	Bank Hold? Sep. Ck.?	Invoice Description Line 2 Invoice Description Line 2 Use Description 1 On Check	Gross Amount Taxes Withheld Discount Net Amount
75278 SPCA	THE SPCA FOR MONTEREY COUI P O BOX 3058 MONTEREY CA 93942 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/08/2019 02/08/2019	 0.00 1-19	WFB N N	Vet Services 0	2,685.00 0.00 0.00 2,685.00

GL Number	Account Name	Pay Amount	Relieve Amount
10-311-538.304	Veterinary Services	2,685.00	0.00
Distribution Total		2,685.00	0.00

Vendor Total: 2,685.00

75275 THOMASC	CANNON THOMAS 51640 PINE CANYON ROAD KING CITY CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/09/2019 02/09/2019	 0.00 02092019	WFB N N Y	BB Ref - 2 @ \$12 0	24.00 0.00 0.00 24.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-621-538.110	Sports Officials	24.00	0.00
Distribution Total		24.00	0.00

Vendor Total: 24.00

75274 TITAN	TITAN STEEL CONSTRUCTION IN P O BOX 1005 ATASCADERO CA 93423 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/08/2019 02/08/2019	 0.00 02082019	WFB N N N	Business License Over Payment. 0	98.00 0.00 0.00 98.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-000-432.100	Business License	98.00	0.00
Distribution Total		98.00	0.00

Vendor Total: 98.00

75279 TORO	TORO PETROLEUM CORP. 308 W. MARKET ST. SALINAS CA 93901 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/31/2019 01/31/2019	 0.00 CL15786	WFB N N N	Fuel - #1679 0	925.47 0.00 0.00 925.47
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GL Number	Account Name	Pay Amount	Relieve Amount
10-321-543.302	Gasoline	43.48	0.00
10-426-543.302	Gasoline	296.89	0.00
10-426-543.302	Gasoline	198.58	0.00
22-423-543.302	Gasoline	112.14	0.00
10-161-543.302	Gasoline	274.38	0.00
Distribution Total		925.47	0.00

75280 TORO	TORO PETROLEUM CORP. 308 W. MARKET ST. SALINAS CA 93901 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/15/2019 02/15/2019	 0.00 CL16306	WFB N N N	Fuel - #1679 0	1,196.82 0.00 0.00 1,196.82
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GL Number	Account Name	Pay Amount	Relieve Amount
10-231-543.302	Gasoline	27.13	0.00
10-321-543.302	Gasoline	196.64	0.00

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Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % Invoice No.	1099?	Hand Check Number/Date	
	10-426-543.302	Gasoline			513.10	0.00
	10-426-543.302	Gasoline			203.73	0.00
	22-423-543.302	Gasoline			113.67	0.00
	10-161-543.302	Gasoline			142.55	0.00
	Distribution Total				1,196.82	0.00

Vendor Total: 2,122.29

75277	TRANSUNION RISK AND ALTERN/ DATA SOLUTIONS, INC DALLAS TX 75320-9047 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/01/2019 02/01/2019		WFB N N Y	Research Services Investigations. (412260)	100.00 0.00 0.00 100.00
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GL Number	Account Name	Pay Amount	Relieve Amount
13-312-533.001	Intervention & Prevention	100.00	0.00
Distribution Total		100.00	0.00

Vendor Total: 100.00

75281	RAFAEL VALDEZ P O BOX 284 SAN ARDO CA 93450 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/09/2019 02/09/2019		WFB N N N	BB Ref - 4.5 @ \$12	54.00 0.00 0.00 54.00
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GL Number	Account Name	Pay Amount	Relieve Amount
10-621-538.110	Sports Officials	54.00	0.00
Distribution Total		54.00	0.00

Vendor Total: 54.00

75282	WM J. CLARK TRUCKING SVC, IN P.O. BOX 682 KING CITY, CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/16/2019 01/16/2019		WFB N N N	Emergency Sand Bags	246.81 0.00 0.00 246.81
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GL Number	Account Name	Pay Amount	Relieve Amount
10-423-522.000	Operating Supplies	246.81	0.00
Distribution Total		246.81	0.00

75283	WM J. CLARK TRUCKING SVC, IN P.O. BOX 682 KING CITY, CA 93930 <Emailing Stub Disabled>	02/22/2019 02/22/2019 01/16/2019 01/16/2019		WFB N N N	Emergency Sand Bags	172.77 0.00 0.00 172.77
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GL Number	Account Name	Pay Amount	Relieve Amount
10-422-522.000	Operating Supplies	172.77	0.00
Distribution Total		172.77	0.00

Vendor Total: 419.58

75284	ZUMAR INDUSTRIES INC. 12015 STEELE STREET SOUTH TACOMA WA 98444-1300 <Emailing Stub Disabled>	02/22/2019 02/22/2019 02/06/2019 02/06/2019		WFB N N N	Stop Signs.	4,164.00 0.00 0.00 4,164.00
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Vendor No.	State/Province Zip/Postal Email Address	Due Date Inv. Date	Disc. % invoice No.	1099?	Hand Check Number/Date	

GL Number	Account Name	Pay Amount	Relieve Amount
10-422-543.000	Repair & Maintenance	4,164.00	0.00
Distribution Total		4,164.00	0.00
		Vendor Total:	4,164.00

Total Invoices: 119

Grand Total:	110,160.64
Less Credit Memos:	-1,178.67
Net Total:	108,981.97
Less Hand Check Total:	0.00
Outstanding Invoice Total:	108,981.97



Item No. 9(C)

REPORT TO THE CITY COUNCIL

DATE: MARCH 12, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MIKE HOWARD, FINANCE DIRECTOR

RE: CONSIDERATION OF CITY OF KING KCCP PAYMENTS THROUGH MARCH 5, 2019

RECOMMENDATION:

It is recommended City Council receive and file.

BACKGROUND:

At least once a month, the City Treasurer shall submit to the City Council, a copy of the invoices paid for the previous month.

DISCUSSION:

The purpose of this item is to provide the Council an opportunity to review and monitor ongoing expenditures. These documents are attached.

COST ANALYSIS:

There is no fiscal impact as a result of this action.

ENVIRONMENTAL REVIEW:

No Environmental Review required for this item.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Receive and file the report; or
2. Provide other direction to staff regarding requests for additional information.

**CITY COUNCIL
CONSIDERATION OF CITY OF KING KCCP PAYMENTS THROUGH MARCH
5, 2019
MARCH 12, 2019
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Exhibits:

1. Listing of ACH payments

Submitted by: 
Mike Howard, Finance Director

Approved by: 
Steven Adams, City Manager

City of King

King City Community Power

ACH Payments through Pilot Power

Date	Vendor	Description	Amount
12/26/2018	California ISO	Purchase Power from Grid	\$ 5,620.78
12/31/2019	California ISO	Purchase Power from Grid	\$ 5,042.35
1/8/2019	Pilot Power Group	Administrative Fees & Loan Repayment	\$ 60,622.10
1/8/2019	California ISO	Purchase Power from Grid	\$ 15,046.07
1/15/2019	California ISO	Purchase Power from Grid	\$ 4,396.01
1/22/2019	California ISO	Purchase Power from Grid	\$ (6,620.61)
1/29/2019	California ISO	Purchase Power from Grid	\$ 9,880.79
2/1/2019	Pilot Power Group	Administrative Fees & Loan Repayment	\$ 63,365.66
2/5/2019	California ISO	Purchase Power from Grid	\$ 9,207.34
2/12/2019	California ISO	Purchase Power from Grid	\$ 23,108.16
2/19/2019	California ISO	Purchase Power from Grid	\$ 9,655.84
2/26/2019	California ISO	Purchase Power from Grid	\$ 2,847.40
3/5/2019	Pilot Power Group	Administrative Fees & Loan Repayment	\$ 62,361.76
			<u>\$ 264,533.65</u>



Item No. 9(D)

REPORT TO THE CITY COUNCIL

DATE: MARCH 12, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING CHAPTER 15 OF THE KING CITY MUNICIPAL CODE GOVERNING WASTEWATER DISCHARGE REGULATIONS

RECOMMENDATION:

It is recommended the City Council waive the second reading and adopt an Ordinance amending Chapter 15 of the King City Municipal Code to establish wastewater discharge regulations.

BACKGROUND:

At the September 12, 2017 meeting, the City Council approved a Wastewater Treatment Plant Facilities Plan prepared by Carollo Engineers. The purpose of the plan is to develop recommendations for upgrade of the wastewater treatment plant to meet State standards and address future capacity demand in the most cost effective manner.

The recommendations include replacing the existing plant with a new secondary wastewater treatment plant. The total cost is estimated at approximately \$46 million. A rate study is being prepared to provide an overall funding plan, which will also be presented to Council at the March 12th meeting. In addition, staff is coordinating efforts with California Water Service to study the feasibility of upgrading the new plant to provide tertiary treatment, which would enable the production of recycled water.

As part of the planning efforts, the City is proposing to update the Municipal Code, Chapter 15 (Water and Sewers), to incorporate a new pretreatment ordinance. The update was needed to protect the quality of wastewater being

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CONSIDERATION OF SECOND READING AND ADOPTION OF AN
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discharged to the wastewater treatment plant from industrial and commercial businesses in the service area. With the new wastewater treatment plant design, it will be critical to protect this investment by ensuring wastewater discharge does not include chemicals and substances that will damage the plant and reduce its effectiveness.

The ordinance applies to all dischargers to the City's sewer system; however, it is focused toward regulating industrial and large commercial businesses whose discharges may potentially impact the wastewater plant. An example of this type of industrial business are those associated with the cannabis industry. Therefore, the City has also contracted with Carollo Engineers to draft a wastewater discharge ordinance in order to establish new restrictions on wastewater discharge.

With this primary goal in mind, the City and Carollo Engineers has developed the following objectives for update of the ordinance:

- Prevent the introduction of pollutants into the wastewater plant that will interfere with its operation or cause violations of the discharge requirements;
- Protect City personnel who may be affected by wastewater in the course of their employment and the general public;
- Promote reuse and recycling of effluent produced by the wastewater plant;
- Protect the environment; and
- Protect the City's investments in sewers, treatment facilities, and reuse programs.

Carollo Engineers presented a summary of the Ordinance at the February 26, 2019 meeting. The City Council introduced the Ordinance at that time.

DISCUSSION:

The proposed Ordinance is presented at this time for Council consideration and introduction of the Ordinance is recommended. The primary changes proposed in the Ordinance include the following:

- Authorizes the City to issue industrial wastewater discharge permits;
- Provides for monitoring, reporting, compliance, and enforcement activities;
- Establishes administrative review procedures to address noncompliance uniformly;
- Establishes numerical limits for pollutants of particular concern for the new wastewater plant including ammonia; and

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- Prohibits the discharge of membrane retentates or brines that would negatively impact wastewater salinity and jeopardize the City's ability to use recycled water.

COST ANALYSIS:

The Ordinance will enable establishment of a wastewater discharge permit fee to be set by resolution. The fee will be designed to recover costs of administering the new regulations.

ENVIRONMENTAL REVIEW:

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Statutory Exemption set forth in Water Code 13372, 13389, which exempts adoption of waste discharge requirements. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Adopt the Ordinance;
2. Modify the Ordinance to modify the restrictions and then re-introduce;
3. Direct staff to modify sections of the Ordinance;
4. Do not adopt the Ordinance and do not establish new wastewater discharge regulations; or
5. Provide staff other direction.

Exhibits:

1. Ordinance

Prepared and Approved by:



Steven Adams, City Manager

ORDINANCE NO. 2019-772

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING,
CALIFORNIA, AMENDING CHAPTER 15 OF THE KING CITY
MUNICIPAL CODE GOVERNING WASTEWATER**

WHEREAS, the City of King has provided facilities for the collection and treatment of wastewater to promote the health and safety and convenience of its people and for the safeguarding of water resources common to all, and

WHEREAS, the Regional Water Quality Control Board issues a permit to, and promulgated pretreatment program requirements for, the City of King Wastewater Treatment Plant which requires stringent and continuous control of the quality of wastewaters discharged by the system, and

WHEREAS, in order to meet the permit requirements, promulgated by the Regional Water Quality Control Board, the City of King now seeks to amend and update the requirements of its municipal code governing wastewater and set forth requirements for users of the City's sewer system; and

WHEREAS, the City Council now wishes to amend Chapter 15 of the King City Municipal Code.

NOW THEREFORE, , the people of the chartered City of King City do ordain as follows:

SECTION 1. The facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in the Ordinance.

SECTION 2. The Ordinance is consistent with the City's General Plan, King City Municipal Code, and applicable Federal and State law.

SECTION 3. The Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 4. The Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. The Ordinance is further exempt from CEQA because the City Council's adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)).

SECTION 5. The Ordinance is hereby adopted by the amending of a new Chapter 15, “Waters and Sewers” of the King City Municipal Code to read in its entirety as shown in Exhibit “A” attached hereto and incorporated herein by this reference.

SECTION 6. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 7. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declare that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

SECTION 8. This Ordinance shall take effect 30 days after its adoption.

SECTION 9. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of King.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

Mike LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM

Roy C. Santos,
City Attorney

STATE OF CALIFORNIA
COUNTY OF MONTEREY

CITY OF KING

I, Steven Adams, City Clerk of the City of King, do hereby certify that the foregoing Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of King held on the _____ day of _____, 2019. Upon motion of Councilmember _____, seconded by Councilmember _____, the foregoing Ordinance No. _____ was duly passed and adopted.

Vote on the Motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of King, this _____ day of _____, 2019.

Steven Adams, City Clerk

Chapter 15.04 SEWERS—GENERAL PROVISIONS
Chapter 15.08 SEWERS—DEFINITIONS
Chapter 15.12 SEWERS—GENERAL RULES
Chapter 15.13 SEWERS—USE
Chapter 15.14 SEWERS—INDUSTRIAL WASTEWATER DISCHARGE PERMITS
Chapter 15.17 SEWERS—INDUSTRIAL USER REPORTING REQUIREMENTS
Chapter 15.18 SEWERS—COMPLIANCE MONITORING
Chapter 15.19 SEWERS—REMEDIES FOR NONCOMPLIANCE
Chapter 15.20 SEWERS—CONSTRUCTION REQUIREMENTS
Chapter 15.24 SEWERS—CONSTRUCTION PERMITS AND FEES
Chapter 15.28 SEWERS—EXTENSIONS
Chapter 15.32 SEWERS—CONNECTION CHARGES
Chapter 15.36 SEWERAGE SYSTEM FUNDING—ALLOCATION AND USE OF REVENUES
Chapter 15.38 SEWERS—USER CHARGES—RATE DISTINCTION
Chapter 15.40 SEWERS—USER CHARGES
Chapter 15.44 SEWERS—COLLECTION OF FEES AND CHARGES
Chapter 15.48 WATER WELL REGULATIONS
Chapter 15.50 WATER EFFICIENT LANDSCAPES

Title 15 WATERS AND SEWERS

Chapter 15.04 SEWERS—GENERAL PROVISIONS

15.04.010 Purpose and Policy.

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of King (city) and enables the city to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (c) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- (f) To enable the city to comply with its Waste Discharge Requirements (WDRs), sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all Users of the POTW. The ordinance authorizes the issuance of industrial wastewater discharge permits; provides for monitoring, reporting, compliance, and enforcement activities; and establishes administrative review procedures.

15.04.020 Short title.

The ordinance codified herein may be cited as “King City Waste Water Regulations Ordinance.”

15.04.030 [RESERVED]

15.04.040 Enterprise.

The city has and will furnish a system, plant, works and undertaking used for and useful in the collection, treatment and disposal of sanitary sewage and industrial waste, including all parts of the enterprise, all appurtenances thereto, and lands, easements, rights in land, contract rights, and franchises.

Chapter 15.08 SEWERS—DEFINITIONS

15.08.010 Act, Clean Water Act.

Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

15.08.020 Applicant.

“Applicant” means the person making application for permit to install a public sewerage facility and shall be the owner of premises to be served by the sewer for which a permit is requested or the owner’s authorized agent.

15.08.030 Authorized or Duly Authorized Representative of the User.

The User may designate a Duly Authorized Representative. The authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

15.08.040 Best Management Practices or BMPs

“Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Chapter 15.13. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

15.08.050 B.O.D.

“B.O.D.” (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C., expressed in milligrams per liter (mg/L) by weight.

15.08.060 Building.

“Building” means any structure containing sanitary facilities used for human habitation, a place of business, recreation or like purpose.

15.08.070 Building sewer.

“Building sewer” means that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private sewage disposal system. (Ord. 394 § 1, 1978)

15.08.080 Categorical Pretreatment Standard or Categorical Standard.

“Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 471.

15.08.090 Charges.

“Charges” means the fees, tolls, rates, rentals and charges for the treatment and disposal of industrial wastes.

15.08.100 City.

“City” means the city of King.

15.08.110 City council.

“City council” means the city council of the city.

15.08.120 City manager.

“City manager” means the city manager of the city, or the city manager’s authorized deputy, agent or representative.

15.08.130 Clerk.

“Clerk” means the city clerk of the city.

15.08.140 Contractor.

“Contractor” means an individual, firm, corporation, partnership or association duly licensed by the state to perform the type of work to be done under a permit.

15.08.150 Daily Maximum.

The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

15.08.160 Domestic sewage.

“Domestic sewage” means sanitary sewage normally emanating from residential and commercial structures and uses.

15.08.170 Engineer.

“Engineer” means the engineer appointed by and acting for the council and shall be a registered civil engineer.

15.08.180 Existing Source.

Any source of discharge that is not a “New Source.”

15.08.190 Fixture.

“Fixture” means any sink, tub, shower, water closet or other facility connected by drain to a sewer.

15.08.200 Garbage.

“Garbage” means solid waste from the preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.

15.08.210 Indirect Discharge or Discharge.

“Indirect Discharge” or “Discharge” means the introduction of pollutants into the POTW from any nondomestic source.

15.08.220 Industrial User

“User” or “Industrial User” means a source of indirect discharge.

15.08.230 Industrial waste.

“Industrial waste” means all liquids or solid waste substances not sewage, emanating from any producing, manufacturing or processing operation of whatever nature.

15.08.240 Instantaneous limit.

“Instantaneous limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

15.08.250 Interceptor.

“Interceptor” means a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity.

15.08.260 Interference.

“Interference” means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city’s WDRs or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/ regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

15.08.270 Lateral sewer.

“Lateral sewer” means the portion of a sewer lying within a public street connecting a building to the main sewer.

15.08.280 Living unit.

“Living unit” means any residence, apartment, habitation or other structure to be occupied by a single person or family requiring sewage disposal service.

15.08.290 Local Limits.

Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Section 15.13.080.

15.08.300 Main sewer.

“Main sewer” means a public sewer designated to accommodate more than one lateral sewer.

15.08.310 Natural outlet.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

15.08.320 New Source.

- (a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of this Section but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- (1) Begun, or caused to begin, as part of a continuous onsite construction program
 - (A) Any placement, assembly, or installation of facilities or equipment; or
 - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

15.08.330 Non-Significant Categorical Industrial User.

An Industrial User subject to a categorical Pretreatment Standard or categorical Standard that never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (a) The Industrial User, prior to city's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- (b) The Industrial User annually submits the certification statement required in this ordinance, together with any additional information necessary to support the certification statement; and
- (c) The Industrial User never discharges any untreated concentrated wastewater.

15.08.340 Outlet.

"Outlet" means any part of a plumbing system to which a fixture is attached.

15.08.350 Outside sewer.

“Outside sewer” means a sanitary sewer beyond the limits of the city not subject to the control or jurisdiction of city.

15.08.360 Pass Through.

“Pass Through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city’s WDRs, including an increase in the magnitude or duration of a violation.

15.08.370 Permit.

“Permit” means any written authorization required pursuant to this or any other regulation of city for the installation of any sewage works.

15.08.380 Person.

“Person” means any human being, individual, firm, company, partnership, association and private or public or municipal corporation, the United States of America, the state of California, a district and any political subdivision, governmental agency and mandatory thereof.

15.08.390 pH.

“pH” means the logarithm of the reciprocal of the hydrogen ion concentration in gram equivalents per liter of solution.

15.08.400 Plumbing system.

“Plumbing system” means all plumbing fixtures and traps or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection three (3) feet outside the building wall.

15.08.410 Pretreatment Requirement.

“Pretreatment Requirements” mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

15.08.420 Pretreatment Standards or Standards.

“Pretreatment Standards” or “Standards” shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

15.08.430 Private sewer.

“Private sewer” means a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries.

15.08.440 Properly shredded garbage.

“Properly shredded garbage” means the garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

15.08.450 Public sewer.

“Public sewer” means a sewer lying within a street and which is controlled by or under the jurisdiction of the city.

15.08.460 Publicly Owned Treatment Works or POTW

“Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the city. This definition includes any devices or

systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

15.08.470 Sanitary sewage.

“Sanitary sewage” means any and all waste substances, liquids or solids, associated with human habitation, but excluding stormwaters, surface waters, groundwaters and industrial wastes.

15.08.480 Sanitary sewer.

“Sanitary sewer” means a sewer which carries sanitary sewage and to which stormwaters, surface-waters and groundwaters are not intentionally admitted.

15.08.490 Sewage.

“Sewage” means a combination of water-carried wastes from residences, business buildings, public building, institutions and industrial establishments.

15.08.500 Sewage treatment plant.

“Sewage” treatment plant” means the city sewage treatment works and facilities auxiliary thereto.

15.08.510 Sewer.

“Sewer” means a pipe or conduit for carrying sewage.

15.08.520 Sewerage system.

“Sewerage system” means all facilities for collecting, pumping, treating, and disposing of sewage, including major interceptors.

15.08.530 Side sewer.

“Side sewer” means the sewer line beginning three (3) feet outside the foundation wall of any building and terminating at the main sewer and including the building and lateral sewer.

15.08.540 Significant Industrial User (SIU)

Except as provided in paragraphs (c) and (d) of this Section, a Significant Industrial User is:

- (a) An Industrial User subject to categorical Pretreatment Standards; or
- (b) An Industrial User that:
 - (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - (2) Contributes a process waste stream which makes up five (5) percent (%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.
- (c) The city may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (1) The Industrial User, prior to city’s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

- (2) The Industrial User annually submits the certification statement required in this ordinance, together with any additional information necessary to support the certification statement; and
- (3) The Industrial User never discharges any untreated concentrated wastewater.
- (d) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the city may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

15.08.550 Significant Noncompliance.

"Significant Noncompliance" shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent (%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Chapter 15.08
- (b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent (%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by Chapter 15.08 (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the city manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city manager's exercise of emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include a violation of Best Management Practices, which the city manager determines will adversely affect the operation or implementation of the local pretreatment program.

15.08.560 Single-family unit.

"Single-family unit" means and refers to the place of residence for a single family. Property improved for multifamily purposes shall constitute the number of units that the facilities thereon provide in number of single-family units.

15.08.570 Slug Load or Slug Discharge.

“Slug Load” or “Slug Discharge” means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Chapter 15.13 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits or Industrial Wastewater Discharge Permit conditions.

15.08.580 Standards

See “Pretreatment Standards”

15.08.590 Storm sewer—Storm drain.

“Storm sewer” or “storm drain” means a sewer which carries storm and surface or ground waters and drainage, but excludes sewage and polluted industrial wastes.

15.08.600 Street.

“Street” means any public highway, road, street, avenue, alley, way, place, easement or right-of-way.

15.08.610 Suspended solids.

“Suspended solids” means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

15.08.620 User.

See “Industrial User”

15.08.630 Waste Discharge Requirements (WDRs)

“Waste Discharge Requirements” or “WDRs” refers to the city’s current wastewater treatment plant permit issued by the Regional Water Quality Control Board.

15.08.640 Watercourse.

“Watercourse” means a channel in which a flow of water occurs either continuously or intermittently.

Chapter 15.12 SEWERS—GENERAL RULES

15.12.010 Purpose.

The ordinance codified in Chapters 15.04 through 15.28 is intended to provide rules and regulations for the use and construction of sanitary sewerage facilities hereafter installed, altered or repaired within the city. The ordinance codified in Chapters 15.04 through 15.28 shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

15.12.020 Rules—Regulations.

The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewerage works of the city are adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

15.12.030 Violation unlawful.

Following June 25, 1970, it is unlawful for any person to connect to, construct or install or provide, maintain or use any other means of sewage disposal from any building in the city except by connection to a public sewer in the manner as in Chapters 15.04 through 15.28 provided, except as herein otherwise provided.

15.12.040 Damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the city sewerage system.

15.12.050 Inspecting premises.

The city manager, upon presentation of the proper credentials, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of Chapters 15.04 through 15.28, provided, however, that if any owner, agent or person lawfully occupying premises situated on such property refuses to consent to such entry, the city manager is empowered to seek appropriate assistance from any court of competent jurisdiction to assist the city manager in obtaining such entry.

15.12.060 Violation—Notice.

Any person found to be violating any provision of Chapters 15.04 through 15.28 or any other ordinance, rule or regulation of the city may be served with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two (2) nor more than seven (7) working days. Upon being notified by the city manager of any defect arising in any sewer or of any violation of Chapters 15.04 through 15.28, the person or persons having charge of said work shall immediately correct the same. The offender shall, within the period of time stated in such notice, permanently cease all violations.

15.12.070 Responsibility for acts of agents.

All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of Chapters 15.04 through 15.28, or any other ordinance, rule or regulation of the city.

15.12.080 Public nuisance.

A violation of any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the city manager. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 15.19 governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

15.12.090 Disconnection.

As an alternative method of enforcing the provisions of Chapters 15.04 through 15.28, or any other ordinance, rule or regulation of the city, the city council shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the city. Upon disconnection the city council shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The city council shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

15.12.100 Abatement.

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the city shall cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the city a reasonable attorney's fee and cost of suit arising in said action.

15.12.110 Liability for violation.

Any person violating any of the provisions of the ordinances, rules or regulations of the city shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

15.12.120 Special circumstances—Application.

When any person, by reason of special circumstances, is of the opinion that any provision of Chapters 15.04 through 15.28 is unjust or inequitable as applied to that person's premises, that person may make written application to the council stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to that person's premises.

15.12.130 Special circumstances—Modification.

If the application provided for in Section 15.12.120 be approved, the council may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

15.12.140 Special circumstances—Council may modify.

The council may, on its own motion, find that by reason of special circumstances any provision of this section and Chapters 15.04 through 15.28 should be suspended or modified as applied to a particular premises and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances or any part thereof.

Chapter 15.13 SEWERS—USE

15.13.010 Waste disposal.

It is unlawful for any person to place, deposit, or permit to be deposited upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

15.13.020 Waste treatment.

It is unlawful to discharge to any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of Chapters 15.04 through 15.28.

15.13.030 Unlawful disposal.

Except as provided in Chapters 15.04 through 15.28, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

15.13.040 Occupancy prohibited.

No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the city.

15.13.050 Sewer required.

The owner of any house, building or structure occupied by humans, situated within the city and abutting on any street in which there is or shall have then been located a public sewer of the city, is required at the owner's expense to connect said building directly with the public sewer of the city, in accordance with the provisions of Chapters 15.04 through 15.28, within 90 days after the date of official notice to do so, provided that said public sewer is within 200 feet of the nearest point of building.

Commercial and public buildings or institutions shall be required to connect to the sewerage system upon notice as in Chapters 15.04 through 15.28 provided. Industrial plants shall be required to connect as provided in Chapters 15.36 through 15.44.

15.13.060 Sanitary sewers—Drainage.

No leaders from roofs and no surface drains for rain water shall be connected to any sanitary sewer. No surface or storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

15.13.070 Storm sewer use.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the city council. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the city council, to a storm sewer, combined sewer or natural outlet.

15.13.080 Prohibited Discharge Standards.

- (a) **General Prohibitions: Interference and Pass Through.** Any pollutant or wastewater which causes Pass Through or Interference is prohibited. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- (b) **Specific Prohibitions:** No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (1) Any pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, gasoline, benzene, naphtha fuel oil, or other flammable or explosive liquid, solid or gas or waste streams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW or sewerage works;
 - (3) Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension;
 - (4) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance in amounts capable of causing obstruction of the flow in the collection system or in the POTW resulting in Interference with the proper operation of the sewerage works;
 - (5) Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - (6) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - (7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - (8) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans or animals, or creating any hazard in the receiving waters of the sewage treatment plant;

- (9) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (10) Any septic tank sludge or trucked or hauled pollutants, except as authorized by the city manager.
- (11) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are capable of creating a public nuisance or a hazard to life, or may prevent entry into the sewers for maintenance or repair;;
- (12) Any water or waste which may contain more than 100 parts per million (ppm), by weight, of fat, oil or grease;
- (13) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- (14) Any water or waste which contains more than 1.0 mg/L of boron.
- (15) Any water or waste which contains more than 50 mg/L ammonia-nitrogen.
- (16) Sludges, membrane retentates, spent chemical solutions, or other wastes generated during the reclamation, recycling, purification, or recovery of water, chemical solutions, brines, or other industrial process flow streams.

15.13.082 Prohibition Against Dilution as Treatment.

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

15.13.084 Best Management Practices.

The city manager may develop Best Management Practices (BMPs), by ordinance or in industrial wastewater discharge permits, to implement Local Limits and the requirements in Chapter 15.13.

15.13.090 Interceptors required.

Grease, oil and sand interceptors shall be provided by the owner when, in the opinion of the city manager, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except such interceptors shall not be required for a building used for residential purposes containing not more than two (2) kitchens, designed and/or used to house not more than two (2) families, living independently of each other, including all necessary employees of each such family. All interceptors shall be of a type and capacity approved by the city manager, and shall be so located as to be readily and easily accessible for cleaning and inspection.

15.13.100 Interceptors maintenance.

All grease, oil and sand interceptors shall be maintained by the owner, at owner's expense, in continuously efficient operation at all times. For all grease interceptors required under this chapter, the property owner shall maintain a maintenance record for the grease trap or grease interceptor, which shall be transmitted to the city on an annual basis, on or before June 1 of each year. This record shall include the date, the name and address of the person who performed cleaning and the disposal site of

the waste. The record shall be posted in a conspicuous location and be available for review by the city's manager at each routine inspection and at such other time as necessary for the city to determine whether a particular establishment may be performing maintenance contrary to the provisions of this chapter.

15.13.110 Pretreatment Facilities.

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Pretreatment Standards and the prohibitions set out in this ordinance within the time limitations specified by EPA, the State, or the city manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense.

- (a) The admission into the public sanitary sewers of any waters or wastes having characteristics exceeding the following limits shall be subject to the review and approval of the city council and where necessary, in the opinion of the city council, the owner shall provide, at the owner's own expense, such pretreatment as may be necessary to reduce the objectionable characteristics to within the following allowable limits:
- (b) Five (5) day B.O.D. of 250 milligrams per liter (mg/L);
- (c) Suspended solids content of 250 milligrams per liter (mg/L);
- (d) Any quantity of substances having the characteristics described in Section 15.13.080;
- (e) An average daily flow of two (2) percent (%) of the average daily flow of the city.

15.13.120 Pretreatment Facilities—Plans and Specifications.

Detailed plans describing pretreatment facilities and operating procedures shall be submitted to the city manager for review, and shall be acceptable to the city manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the city manager, and no construction of such facilities shall be commenced until said approval is obtained in writing.

15.13.140 Pretreatment Facilities—Maintenance.

Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

15.13.150 Pretreatment Facilities—Control manhole.

When required by the city council, the owner of any property served by a building sewer carrying wastes of unusual strength or character shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the city council. The manhole shall be installed by the owner at owner's own expense and shall be maintained by the owner so as to be safe and accessible at all times.

15.13.160 Water—Sewage—Standards.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the most recent edition of "Standard Method for the Examination of Water and Sewage," American Public Health Association and American Water Works Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the

control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the building sewer is connected.

15.13.170 Swimming pools.

It is unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two (2) inches and shall not be under a head to exceed 20 feet. If the water is discharged by pumping, the rate of flow shall not exceed 100 gallons per minute. Each swimming pool discharging to a sanitary sewer shall be equipped with an approved separator to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

Chapter 15.14 SEWERS—INDUSTRIAL WASTEWATER DISCHARGE PERMITS

15.14.010 Industrial Wastewater Discharge Permit Requirement.

- (a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an industrial wastewater discharge permit from the city manager and paying applicable fees (established by separate resolution), except that a Significant Industrial User that has filed a timely application pursuant to this Chapter may continue to discharge for the time period specified therein.
- (b) The city manager may require other Users to obtain industrial wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- (c) Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this ordinance and subjects the industrial wastewater discharge permittee to the sanctions set out in Chapter 15.19 of this ordinance. Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.
- (d) When requested by the city manager, a User must submit information on the nature and characteristics of its wastewater. The city manager is authorized to prepare a form for this purpose and may periodically require Users to update this information.

15.14.020 Industrial Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an industrial wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the city manager for an industrial wastewater discharge permit, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this ordinance except in accordance with an industrial wastewater discharge permit issued by the city manager.

15.14.030 Industrial Wastewater Discharge Permitting: New Connections

Any User required to obtain an industrial wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this industrial wastewater discharge permit must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

15.14.040 Industrial Wastewater Discharge Permit Application Contents

- (a) All Users required to obtain an industrial wastewater discharge permit must submit an application for such a permit. The city manager may require Users to submit all or some of the following information as part of an industrial wastewater discharge permit application:
- (1) Identifying Information.
 - (A) The name and address of the facility, including the name of the operator and owner.
 - (B) Contact information, description of activities, facilities, and plant production processes on the premises;
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations.
 - (A) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (B) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (C) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (D) Type and amount of raw materials processed (average and maximum per day);
 - (E) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - (4) Time and duration of discharges;
 - (5) The location for monitoring all wastes covered by the industrial wastewater discharge permit;
 - (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (7) Measurement of Pollutants.
 - (A) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the city manager, of regulated pollutants in the discharge from each regulated process.
 - (C) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

- (D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 15.17.080 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the city manager or the applicable Standards to determine compliance with the Standard.
 - (E) Sampling must be performed in accordance with procedures set out in Section 15.17.090 of this ordinance.
- (b) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

15.14.050 Application Signatories and Certifications

- (a) All industrial wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A.
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the city manager prior to or together with any reports to be signed by an Authorized Representative.

15.14.060 Industrial Wastewater Discharge Permit Decisions.

The city manager will evaluate the data furnished by the User and may require additional information. Within 60 days of receipt of a complete industrial wastewater discharge permit application, the city manager will determine whether to issue an industrial wastewater discharge permit. The city manager may deny any application for an industrial wastewater discharge permit for not meeting the intent and purpose of this ordinance or the King City Municipal Code.

15.14.070 Industrial Wastewater Discharge Permit Duration.

An industrial wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the industrial wastewater discharge permit. An industrial wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the city manager. Each industrial wastewater discharge permit will indicate a specific date upon which it will expire.

15.14.080 Industrial Wastewater Discharge Permit Contents.

An industrial wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the city manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (a) Industrial wastewater discharge permits must contain:
 - (1) A statement that indicates the industrial wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the industrial wastewater discharge permit is nontransferable without prior notification to the city in accordance with this Chapter, and provisions for furnishing

the new owner or operator with a copy of the existing industrial wastewater discharge permit;

- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements including chain-of-custody forms with monitoring data. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 - (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (b) Industrial wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works,
 - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - (7) A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the industrial wastewater discharge permit; and
 - (8) Other conditions as deemed appropriate by the city manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
 - (9) Requirements to control Slug Discharge, if determined by the city manager to be necessary.
 - (10) A compliance schedule if needed to implement requirements of the industrial wastewater discharge permit or this ordinance.

15.14.090 Industrial Wastewater Discharge Permit Issuance and Appeals Process.

The User may petition the city manager to reconsider the terms of an industrial wastewater discharge permit within 60 days of notice of its issuance.

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (b) In its petition, the appealing party must indicate the industrial wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the industrial wastewater discharge permit.
- (c) The effectiveness of the industrial wastewater discharge permit shall not be stayed pending the appeal.
- (d) If the city manager fails to act within 90 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue an industrial wastewater discharge permit, or not to modify an industrial wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (e) Aggrieved parties seeking judicial review of the final administrative industrial wastewater discharge permit decision must do so by filing a complaint with the Superior Court for Monterey County within 90 days.

15.14.100 Industrial Wastewater Discharge Permit Modification.

- (a) The city manager may modify an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the industrial wastewater discharge permit issuance;
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, receiving waters, or beneficial use of effluent or biosolids;
 - (5) Violation of any terms or conditions of the industrial wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application or in any required reporting;
 - (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - (8) To correct typographical or other errors in the industrial wastewater discharge permit; or
 - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with this Chapter.

- (b) The User may petition the city manager to reconsider the terms of an industrial wastewater discharge permit modification within 60 days of notice of its issuance and in accordance with the procedures in Section 15.14.090.

15.14.110 Industrial Wastewater Discharge Permit Transfer.

Industrial wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to the city manager, and the city manager approves the industrial wastewater discharge permit transfer as demonstrating consistency with the terms of this chapter. The notice to the city manager must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing industrial wastewater discharge permit.

Failure to provide advance notice of a transfer renders the industrial wastewater discharge permit void as of the date of facility transfer.

If the city manager or designee denies the request for transfer, the User may appeal the decision in accordance with the procedure set forth in Section 15.48.090.

15.14.120 Industrial Wastewater Discharge Permit Revocation

The city manager may revoke an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the city manager of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the city manager of changed conditions pursuant to Section 15.17.040 of this ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the city manager timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the industrial wastewater discharge permit application;

- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any Pretreatment Standard or Requirement, or any terms of the industrial wastewater discharge permit or this ordinance.

If the city manager or designee revokes an industrial wastewater discharge permit, the User may appeal the decision in accordance with the procedure set forth in Section 15.48.090.

Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to a User are void upon the issuance of a new industrial wastewater discharge permit to that User.

15.14.110 Industrial Wastewater Discharge Permit Reissuance.

A User with an expiring industrial wastewater discharge permit shall apply for industrial wastewater discharge permit reissuance by submitting a complete industrial wastewater discharge permit application a minimum of 60 days prior to the expiration of the User's existing industrial wastewater discharge permit.

Chapter 15.17 SEWERS – INDUSTRIAL USER REPORTING REQUIREMENTS

15.17.010 Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The User shall submit a progress report to the city manager no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the city manager.

15.17.020 Requirement to Conduct Representative Sampling.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

15.17.030 Submission of All Monitoring Data.

If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the city manager, using the procedures prescribed in this chapter, the results of this monitoring shall be included in the report.

15.17.040 Reports of Changed Conditions.

Each User must notify the city manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

- (a) The city manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater discharge permit application.
- (b) The city manager may issue an industrial wastewater discharge permit under Chapter 15.13 of this ordinance or modify an existing industrial wastewater discharge permit in response to changed conditions or anticipated changed conditions.

15.17.050 Reports of Potential Problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the city manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the city manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the city manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

15.17.060 Notice of Violation/Sampling Requirement.

If sampling performed by a User indicates a violation, the User must notify the city manager within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city manager within 30 days after becoming aware of the violation. Resampling by the Industrial User is not required if the city performs sampling at the User's facility at least once a month, or if the city performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the Industrial User.

15.17.070 Notification of Discharge of Hazardous Waste.

- (a) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following

information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 15.17.040 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards.

- (b) Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the city manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, an industrial wastewater discharge permit issued thereunder, or any applicable Federal or State law.

15.17.080 Analytical Procedures.

All pollutant analyses, including sampling techniques, to be submitted as part of an industrial wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the city manager or other parties approved by EPA.

15.17.090 Sample Collection Procedures.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (a) The User must collect wastewater samples using 24 hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the city manager. Where time proportional composite sampling or grab sampling is authorized by the

city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90 day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city manager may authorize a lower minimum. For the reports required by this chapter, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

15.17.100 Date of Receipt Reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

15.17.110 Record-Keeping Requirement.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 15.13.084. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the city, or where the User has been specifically notified of a longer retention period by the city manager.

15.17.120 Certification Statements.

All periodic compliance reports must be signed and certified in accordance with this section of the ordinance. Certification Statements:

- (a) Certification of Industrial Wastewater Discharge Permit applications and all User Reports—The following certification statement is required to be signed and submitted by Users submitting industrial wastewater discharge permit applications; The following certification statement must be signed by an Authorized Representative as defined in Chapter 15.08:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and

belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (b) Annual Certification for Non-Significant Categorical Industrial Users— A facility determined to be a Non-Significant Categorical Industrial User by the city manager pursuant to Section 15.08.362(C) must annually submit the following certification statement signed in accordance with the signatory requirements in Part A above.

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (1) The facility described as
[Facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 15.08.362(C).
- (2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

Chapter 15.18 SEWERS — COMPLIANCE MONITORING

15.18.010 Right of Entry: Inspection and Monitoring.

The city manager shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any industrial wastewater discharge permit or order issued hereunder. Users shall allow the city manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The city manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (c) The city manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated [insert desired frequency] to ensure their accuracy.

- (d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the city manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (e) Unreasonable delays in allowing the city manager access to the User's premises shall be a violation of this ordinance.

15.18.020 Confidential Information

Information and data on a User obtained from reports, surveys, industrial wastewater discharge permit applications, industrial wastewater discharge permits, and monitoring programs, and from the city manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the city manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public unless otherwise required by court order or law, but shall be made available immediately upon request to governmental agencies for uses related to the WDRs or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

Chapter 15.19 SEWERS – REMEDIES FOR NONCOMPLIANCE

15.19.005 Violation – Penalty

It shall be unlawful for any person to violate any provision of this chapter. Unless otherwise specified in this chapter, any violation of the provisions herein shall constitute a misdemeanor. Notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of the chapter, the trial court, upon recommendation of the City Attorney, may reduce the charged offense from a misdemeanor to an infraction.

- (a) The administrative citation penalty for all violations of this chapter, within a rolling twelve-month period, deemed misdemeanors under the King City Municipal Code shall be as follows:
 - (1) First administrative citation: two hundred fifty dollars per violation;
 - (2) Second administrative citation: five hundred dollars per violation;
 - (3) Third administrative citation: one thousand dollars per violation; and
 - (4) One thousand dollars per violation for each subsequent administrative citation.
- (b) The administrative citation penalty for all violations of this chapter, within a rolling twelve-month period, deemed infractions under the King City Municipal Code shall be as follows:
 - (1) First administrative citation: one hundred dollars per violation;
 - (2) Second administrative citation: two hundred dollars per violation;
 - (3) Third administrative citation: five hundred dollars per violation; and

- (4) Five hundred dollars per violation for each subsequent administrative citation.
- (c) The administrative citation penalty for all violations of this chapter, within a rolling twelve-month period, deemed misdemeanors under the King City Municipal Code shall be as follows:
- (d) In addition to the penalty set forth hereinabove for the conviction of a misdemeanor and/or infraction for violation of any of the provisions of this chapter, any person so convicted shall further be required to pay restitution to the city for all costs, including city staff time and reasonable attorney's fees, related to the enforcement of this chapter.

15.19.010 Notification of Violation.

When the city manager finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the city manager may serve upon that User a written Notice of Violation by either personal service, U.S. mail and/or posting or depositing the notice at the property. Within 10 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the city manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the city manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

15.19.020 Consent Orders.

The city manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this Chapter and shall be judicially enforceable.

15.19.030 Show Cause Hearing.

The city manager may order a User which has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the city manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 15.08.012. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

15.19.040 Compliance Orders.

When the city manager finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the city manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants

discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

15.19.050 Cease and Desist Orders.

When the city manager finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the city manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

15.19.060 Administrative Fines.

- (a) When the city manager finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the city manager may fine such User in an amount not to exceed \$1,000. . Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized pursuant to this chapter and/or the provisions of the King City Municipal Code.
- (c) Each and every violation of this chapter shall constitute a separate violation and shall be penalized pursuant to this chapter and/or the provisions of the King City Municipal Code.
- (d) Assessments may be added to the User's next scheduled sewer service charge and the city manager shall have such other collection remedies as may be available for other services charges and fees.
- (e) Users desiring to appeal such fines must file a written request with the city manager to reconsider the fine within ten (10) days of being notified of the fine. The city manager shall convene a hearing on the matter within 60 days of receiving the request from the User. In the event the User's appeal is successful, the fine shall be removed. If the Users appeal is denied, the city manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (f) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

15.19.070 Emergency Suspensions.

The city manager may immediately suspend a User's discharge, after informal notice (oral, written, or other reasonable notice) to the User, whenever such suspension is necessary to stop an actual or

threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The city manager may also immediately suspend a User's discharge, after informal notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the city manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the city manager that the period of endangerment has passed, unless the termination proceedings in Chapter 15.13 of this ordinance are initiated against the User.
- (b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the city manager prior to the date of any show cause or termination hearing under this Chapter.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

15.19.080 Termination of Discharge.

In addition to the provisions in Section 15.14.100 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- (a) Violation of industrial wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the Pretreatment Standards defined in Chapter 15.08 or Pretreatment Standards or Requirements established in Chapter 15.13.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 15.19.030 of this ordinance why the proposed action should not be taken. Exercise of this option by the city manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

15.19.090 Injunctive Relief.

When the city manager finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the city manager may petition the Monterey Superior Court through the city's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The city manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement

for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

15.19.100 Civil Penalties.

- (a) A User who has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the city for a maximum civil penalty of up to one thousand dollars (\$1,000.00) per violation of the King City Municipal Code, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The city manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
- (c) In determining the amount of civil liability, the Court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

15.19.110 Criminal Penalties.

- (a) A User who willfully or negligently violates any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.
- (b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than one thousand dollars (\$1,000.00) or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, industrial wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.
- (d) In the event of a second conviction, a User shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than [six (6) months,, or both.

Chapter 15.20 SEWERS—CONSTRUCTION REQUIREMENTS

15.20.010 Building sewers—Lateral sewers.

Construction of building sewers and lateral sewers shall be in accordance with the requirements hereof.

15.20.020 Minimum size and slope.

The minimum size of a side sewer shall be four (4) inch diameter. The minimum slope of a side sewer shall be one and one-half feet per 100 feet (one and five-tenths percent (%) slope). Not more than 150 fixture units shall be connected to a four (4) inch diameter building or side sewer.

15.20.030 Construction methods.

The size, slope, alignment, materials of construction of a side sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the latest edition of the Uniform Plumbing Code. A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

15.20.040 Building sewer—Elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the side sewer.

15.20.050 Plumbing code conformance.

The connections of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the latest edition of the Uniform Plumbing Code. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city council before installation.

15.20.060 Building sewer—Inspection.

The applicant for the side sewer permit shall notify the city manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the city manager's supervision.

15.20.070 Excavation—Barricade.

All excavations for side sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

15.20.080 Separate sewers.

No two (2) adjacent buildings fronting on the same street shall be permitted to join in the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, one or more buildings located on a lot or parcel of land belonging to the same owner may be served with the same side sewer during the period of said ownership. Upon the subsequent subdivision of said lot and sale of a portion thereof, the portion not directly connected with such public sewer shall be separately connected with a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

15.20.090 Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test to meet all requirements of the city.

15.20.100 Cleanouts.

Cleanouts in building sewers shall be provided where the building sewer joins the lateral sewer and in accordance with the rules, regulations and ordinances of the city. All cleanouts shall be maintained watertight.

15.20.110 Sewer too low.

In all buildings in which the plumbing system is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building sewer shall be lifted by artificial means, approved by the city council, and discharged to the public sewer at the expense of the owner.

15.20.120 Connection to public sewer.

The connection of the building sewer into the public sewer shall be made at the lateral or “Y” branch, if such lateral or “Y” branch is available at the suitable location. Where no properly located “Y” branch is available, a neat hole may be cut into the public sewer to receive the lateral sewer, with entry in the downstream direction at an angle of about 45 degrees. A wye saddle shall be used for the connection and in no case shall the pipe protrude inside the main sewer. The invert of the building or lateral sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connections made secure and watertight by encasement in concrete. The connection to the public sewer shall be made in the presence of the city manager and under the city manager’s supervision and direction. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the city manager.

15.20.130 Testing.

All building sewers and lateral sewers shall be tested in the presence of the city manager by filling the line with water and inspecting for excessive leakage. Fittings, plugs, water and labor for testing shall be furnished by the person constructing the sewer. All lines showing excessive leakage shall be repaired or replaced at the expense of the person doing the work and shall be done at the direction and to the satisfaction of the city manager.

Chapter 15.24 SEWERS—CONSTRUCTION PERMITS AND FEES

15.24.010 Construction Permit required.

No person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances or perform any work on any lateral or building sewer without first obtaining a written construction permit from the city.

15.24.020 Construction Permit application.

Any person legally entitled to apply for and receive a construction permit shall make such application on forms provided by the city for that purpose. A description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith shall be provided to the city. The city manager may require plans, specifications or drawings and such other information as the city manager may deem necessary.

15.24.030 Construction Permit issuance.

If the city manager determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the city, the city manager shall issue the construction permit applied for upon payment of a fee therefor; subject,

however, to the provisions of Section 15.24.140. The amount of the construction permit fee shall be as established by resolution of the council.

15.24.040 Construction Permit compliance.

After approval of the application, evidenced by the issuance of a construction permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the construction permit or as shown in the plans and specifications for which the construction permit was issued except with written permission from the city manager.

15.24.050 Construction Permit agreement.

The applicant's signature on an application for any construction permit shall constitute an agreement to comply with all of the provisions, terms, and requirements of this chapter and other ordinances, rules and regulations of the city, and with the plans and specifications the applicant has filed with the applications, if any, together with such corrections or modifications as may be made or permitted by the city, if any. Such agreement shall be binding upon the applicant and may be altered only by the city upon the written request for the alteration from the applicant.

15.24.060 Work inspection.

All sewer construction work, building sewers, plumbing and drainage systems shall be inspected by an inspector acting for the city to insure compliance with all requirements of the city. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the city's public sewer until the work covered by the construction permit has been completed, inspected and approved by the city manager. If the test proves satisfactory and the sewer has been cleaned of all debris accumulated from construction operations, the city manager shall issue a certificate of satisfactory completion.

15.24.070 Inspection notification.

It shall be the duty of the person doing the work authorized by construction permit to notify the city manager in writing that said work is ready for inspection. Such notification shall be given not less than 24 hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the city before giving the above notification.

15.24.080 Condemned work.

When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the construction permit in accordance with the ordinances, rules and regulations of the city.

15.24.090 Costs—Owner responsibility.

All costs and expenses incident to the installation and connection of any sewer or other work for which a construction permit has been issued shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the work.

15.24.100 Street excavation permit.

A separate street excavation permit must be secured from the city by the owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connection.

15.24.110 Liability.

The city and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any work by any such applicant. The applicant shall be answerable for, and shall defend, indemnify, and save the city and its officers, agents and employees harmless from any

liability imposed by law upon the city or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of work or any failure which may develop therein.

15.24.120 Construction Permit time limit.

If work under a construction permit is not commenced within six (6) months from the date of issuance, or if after partial completion the work be discontinued for a period of one year, the construction permit shall thereupon become void and no further work shall be done until a new construction permit shall have been secured. A new fee shall be paid upon the issuance of said new construction permit.

15.24.130 Sewer service application.

A property owner or the owner's agent may make application for regular sewer service on an application form prepared by the city manager or by letter giving the same information.

15.24.140 Previous service charges payment.

An application will not be honored unless payment in full has been made for previous charges against applicant on the property involved.

Chapter 15.28 SEWERS—EXTENSIONS

15.28.010 Application.

Any owner of one or more lots or parcels desiring the extension of one or more mains to serve such property, shall make a written application therefor to the city, said application to contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the city, and be accompanied by a map showing the location of the proposed connection.

15.28.020 Investigation.

Upon receipt of an application for a main extension, the city manager shall make an investigation and survey of the proposed extension and shall report the city manager's findings to the council, including the estimated cost thereof.

15.28.030 Acceptance—Rejection.

The city council shall thereupon consider the application for main extension and the report thereon and after such consideration reject or approve it.

15.28.040 City lines.

All sewer main extensions shall be in accordance with Chapters 15.04 through 15.28, and shall be and remain the property of the city.

15.28.050 City extension.

The city may install main extensions authorized by it, or require that it be installed by the applicant.

15.28.060 Cost determination.

If, in the opinion of the council, the cost of a sewer main extension is in excess of what it is prepared to advance, or it questions the economic advantage to the city of making such advance, it shall determine the cost of such line.

15.28.070 Advance cost.

The council may determine that an applicant shall advance to the city the amount of such estimate and the line shall then be installed by the city, or that the line shall be installed by the applicant.)

15.28.080 Refund provision.

When a sewer main is extended, as provided in this chapter, the city may provide by contract or otherwise for the refund to the applicant of a portion of the costs determined to be beneficial to properties other than that of applicant. In such event, it shall require that any applicant for a connection to said line shall pay a part or percentage of said refund amount to the city and said sum shall be refunded to the original applicant or assigns.

Chapter 15.32 SEWERS—CONNECTION CHARGES

15.32.010 Short title.

The ordinance codified herein may be cited as “King City Sewer Connection Charge Ordinance.”

15.32.020 General provisions.

The general provisions contained in Sections 15.04.020 and 15.04.030 shall apply to this chapter.

15.32.030 Definitions.

The definitions contained in Chapter 15.08 shall apply to this chapter.

15.32.040 General rules.

The general rules contained in Chapter 15.12 shall apply to this chapter.

15.32.050 Establishment—Collection.

Charges for the privilege of making connections to the city sanitary sewerage works and system are prescribed and established and shall be collected prior to such connections, as provided in Sections 15.32.060 through 15.32.140.

15.32.060 Limitation.

The connection charges provided in this chapter shall apply only to additional connections made after August 27, 1970, with the following qualifications:

- (a) There shall be no charge to a single-family residence constructed to replace an older home on the same property; and
- (b) A credit of one connection shall be given to a multifamily unit constructed to replace an older single-family residence. The connection charge shall then apply to each additional unit.

15.32.070 Single-family base unit rate.

The connection charge of a single-family residential unit shall be set by resolution of the council.

15.32.080 Multifamily.

The connection charge of multiple residential structure, hotels and motels shall be the base unit rate for the first single-family unit and the following percentage of the base unit rate for each additional unit: Next 2-4 units, 90 percent (%); next 5-9 units, 75 percent (%); next 10-14 units, 60 percent (%); next 15 or more units, 50 percent (%).

15.32.090 Commercial.

The connection charge of a commercial structure shall be base unit rate plus three (3) dollars for each fixture unit as defined in the city building code.

15.32.100 Trailers.

For each trailer pad the connection charge shall be base unit rate.

The sewer bond fund shall be used for the purpose of holding moneys realized by the city from the issuance and sale of bonds to finance large capital projects within the municipal sewerage system (including but not limited to moneys realized from the sale in 1970 of bonds for the construction of interceptor sewer lines and wastewater treatment facilities) and for the servicing of said bonded indebtedness. Bond proceeds which are not needed for debt service shall be used to finance the construction of large capital improvements to the municipal sewerage system and for this purpose may be transferred to the sewer construction fund as circumstances from time to time require. Income to this fund consists of interest earned on unexpended proceeds from the sale of such bonds; ad valorem taxes upon the general property tax roll which have been allocated by the council to the servicing of such bonded indebtedness; the 1970 bond redemption additional charge imposed by Section 15.40.100; and lost interest charges imposed by Section 15.40.140.

15.36.060 Sewer operations and maintenance fund.

The sewer operations and maintenance fund shall be used to pay the costs of operation and maintenance of the municipal sewerage system and to pay the cost of small capital items for said system. Income to this fund consists of user charges imposed by Sections 15.40.040, 15.40.050, 15.40.060, 15.40.070 and 15.40.090.

15.36.070 Sewer capital recovery fund.

The sewer capital recovery fund shall be used for the holding, investment and distribution of moneys realized from industrial cost recovery charges, in accordance with the provisions of Sections 15.40.110 and 15.40.120.

Chapter 15.38 SEWERS—USER CHARGES—RATE DISTINCTION

15.38.010 General provisions.

The general provisions contained in Sections 15.04.020 and 15.04.030 shall apply to this chapter.

15.38.020 Definitions.

The definitions contained in Chapter 15.08 shall apply to this chapter.

15.38.030 Intrinsic distinctions.

The user charges prescribed in Chapter 15.40 may be variable for different classes of uses for different parts of the sewerage works, or where portions of the works have been previously installed and financed, so that variable rates may be equitable and just to all concerned. The uses and properties to be served have natural, intrinsic and fundamental distinctions which are reasonable in their relation to the objects of said charges and fees, and based thereon are herein classified for the purposes of such charges.

15.38.040 Special circumstances.

When any person, by reason of special circumstances, is of the opinion that any provision of Chapter 15.40 is unjust or inequitable as applied to that person's premises, that person may make written application to the council stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to that person's premises.

15.38.050 Relief on application.

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

15.32.110 Industrial.

For connection of an industrial structure, works or establishment, the charge shall be determined by the city manager, based on quantity in relation to single-family units, plus unusual strength and characteristics of the waste waters to be received, as more particularly provided in Chapters 15.04 through 15.28 and Chapters 15.36 through 15.44.

15.32.120 Other uses.

For connection of public and other structures, works or establishments not specified in this chapter, the charge shall be determined as provided in Section 15.32.090.

15.32.130 Present uses.

The connection charges prescribed and established in this chapter are for the uses presently made of existing structures, works and establishments and proposed use or uses of new structures, works or establishments at the time a connection permit is hereafter issued therefor.

15.32.140 New uses.

In the event of alteration or addition to any existing structure, works or establishment or a change in or addition to the use or uses to which any thereof were or were to be put, at the time of issuance of a connection permit, which will result in an increase in the quantity authorized for such prior use, or in the strength or character of such waste water, additional charges shall be determined and collected in conformity with the residential units or their equivalents provided in Sections 15.32.050 through 15.32.130.

Chapter 15.36 SEWERAGE SYSTEM FUNDING—ALLOCATION AND USE OF REVENUES

15.36.010 General provisions.

The general provisions contained in Sections 15.04.020 and 15.04.030 shall apply to this chapter.

15.36.020 Definitions.

The definitions contained in Chapter 15.08 shall apply to this chapter.

15.36.030 Revenues—Administration through separate funds.

“Revenues,” as used in this chapter, means moneys realized by the city from any source for the purpose of paying annual capital costs, bond redemption costs, and operation and maintenance costs of the municipal sewerage system. Such revenues shall be administered through the use of four (4) separate funds: the sewer construction fund, the sewer bond fund, the sewer operations and maintenance fund and the sewer capital recovery fund.

15.36.040 Sewer construction fund.

The sewer construction fund shall be used to finance large capital projects within the municipal sewerage system. Income to this consists of federal and state grants transfers from the sewer bond fund; domestic single-family service connection fees imposed by Section 15.32.070; industrial cost recovery revenues distributable thereto under the provisions of Section 15.40.120; and any other funds of the city which from time to time may be specifically allocated thereto by the council. Revenues assigned to this fund from single-family service connection fees imposed by Section 15.32.070 shall be used only for the financing of additions to, or modifications of, or the correction of deficiencies in, said sewerage system.

15.36.050 Sewer bond fund.

15.38.060 Relief by council on own motion.

The council may, on its own motion, find that, by reason of special circumstances, any provision of Chapter 15.40 should be suspended or modified as applied to a particular premises and may by ordinance order such suspension or modification for such premises during the period of such special circumstances or any part thereof.

Chapter 15.40 SEWERS—USER CHARGES

15.40.010 General provisions.

The general provisions contained in Sections 15.04.020 and 15.04.030 shall apply to this chapter.

15.40.020 Definitions.

The definitions contained in Chapter 15.08 shall apply to this chapter.

15.40.030 User charges authorized.

A user charge may be imposed for each user or user category, based upon the average sewage and/or industrial waste constituents and characteristics for each user classification. The charges provided for in this chapter shall be established annually by resolution and shall be set forth in a schedule of rates and charges.

15.40.040 Residential user charges.

A fixed unit charge shall be established annually for residential users, based upon the average sewage and wastewater constituents, characteristics and volumes of residential users.

15.40.050 Nonresidential user charges.

For other than residential users, user charges shall be based upon and applied against the total amount of water used from all sources unless, in the opinion of the city manager, significant portions of water received are not discharged to the municipal sewerage system. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the City manager.

15.40.060 Nonresidential user charges—Alternative where water diverted.

For nonresidential users where, in the opinion of the city manager, a significant portion of the water received from any metered source does not flow into the municipal sewer works, the user charges shall be applied against the volume of sewage and industrial waste discharged from the premises into the municipal sewerage system. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of user charges and fees by the method prescribed in Section 15.40.050. The user may install a meter of a type and at a location approved by the city manager, at the user's expense, which may measure either the volume of the discharge into the municipal sewerage system or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the city manager.

15.40.070 Non-metered users.

Notwithstanding the provisions of Sections 15.40.050 and 15.40.060, for users where, in the opinion of the city manager, it is unnecessary or impractical to install meters, the user charges to be paid by a nonresidential user may be based upon other factors, such as the number of fixtures, seating capacity, number of employees, or such other determinants of water use which may be necessary to estimate the volume of the discharge from the user's premises into the municipal sewerage system. The amount of the charge to be paid by each such user shall be included in the schedule of rates and charges referred to in Section 15.40.030 or shall be established by separate ordinance.

15.40.080 Computation of nonresidential user charges.

Each nonresidential user shall pay the applicable charge as established by ordinance and set forth in the schedule of user charges and fees. This charge shall be determined by multiplying the user charge by the determined water or waste water volume, or other charge unit as specified in the schedule of rates and charges referred to in Section 15.40.030.

15.40.090 Excess B.O.D. or solids—Additional charge.

In addition to the user charges imposed upon nonresidential users by other sections of this chapter, a specific charge shall be imposed upon such users whose discharge into the municipal sewerage system exceeds the following limits:

- (a) Five day (5) B.O.D. of 250 mg/1;
- (b) Suspended solids content of 250 mg/1;
- (c) An average daily flow of two (2) percent (%) of the average daily flow of the city.

The amount of such additional charge shall be included in the schedule of rates and charges referred to in Section 15.40.030.

15.40.100 1970 bond redemption—Additional charge.

The following users discharging industrial waste to the domestic side of the municipal sewerage system shall pay, in addition to the charges imposed upon nonresidential users by other sections of this chapter, a charge to recover one-third of the total annual principal and interest on the 1970 sewer bonds issued by the city, as follows:

Basic Vegetable Products, Inc.	91.3 percent (%)
Beatrice Foods (Cal-Compack)	7.5 percent (%)
Meyer Tomato	0.6 percent (%)
Brown & Hill	0.6 percent (%).

15.40.110 Sewer facility construction—Additional charge.

Any user or group of users benefiting from lift stations, extensions or modifications of sewer facilities not benefiting the community’s users in a like manner, excluding existing facilities, shall be required to pay any costs associated with construction, operation, maintenance, replacement or other costs identified to said facilities.

Chapter 15.44 SEWERS—COLLECTION OF FEES AND CHARGES

15.44.010 General provisions.

The general provisions contained in Sections 15.04.020 and 15.04.030 shall apply to this chapter.

15.44.020 Definitions.

The definitions contained in Chapter 15.08 shall apply to this chapter.

15.44.030 Rate schedule filing.

Copies of the schedule of rates and charges referred to in Section 15.40.030 shall be kept on file in the office of the clerk and shall be open for inspection by any interested person.

15.44.040 Rate changes—Notice of increase.

The user charges to be established annually, as provided in Section 15.40.030, may be changed or modified in their application at any other time by resolution of the council; provided, that before adopting an ordinance increasing the rate of such charges or modifying the application thereof in a way which would increase the amount to be paid by any user, the council shall adopt a resolution of intention to do so and shall hold a public hearing thereon. Notice of such hearing shall be given by publishing said notice of intention in accordance with the provisions of Section 6061 of the Government Code, or by posting a copy of the same on or near the council chamber door, at least ten (10) days prior to such hearing. Compliance with Proposition 218 shall satisfy the requirements of this section with regard to an increase in the amount to be paid by any user. The provisions of this section shall not apply to the annual establishment of charges under Section 15.40.030.

15.44.050 Billing.

Charges may be collected by billing monthly, quarterly, semiannually, or as determined by the council. Opening and closing bills for less than the normal billing period shall be for not less than one month.

15.44.060 Due date.

Bills for sewer service shall be rendered at the beginning of each billing period and the charges set forth therein shall be due and payable upon presentation.

15.44.070 Overdue payment—Penalty.

If a bill for sewer service is not paid within 45 days from the due date, a basic penalty of ten (10) percent (%) will be added thereto and on the first day of each calendar month thereafter a penalty of one-half of one percent (%) of the amount of the delinquent bill shall also be added and become due.

15.44.080 Collection of charges with general taxes.

Commencing with fiscal year 1978-1979, the city may elect to have charges for sewerage services and facilities provided to users under Title 15 collected pursuant to the provisions of the California Health and Safety Code, commencing with Section 5473, by having the same collected on the general tax roll in the same manner, by the same persons, and at the same time, as its general taxes. This shall be an alternative method of enforcing collection of such charges and shall not preclude the city from pursuing any other enforcement procedure or procedures that may be available under the provisions of this chapter or under any applicable provision of state law, either separately or concurrently.

15.44.090 Lien.

All unpaid penalties, fees, fines and costs imposed by Chapter 15.40 may be confirmed by the city council as a special assessment and collected with property taxes or as a judgment lien upon the respective premises from which sewage and/or industrial waste emanates. Owners of premises subject to such lien shall be entitled to reimbursement by any non-owner tenant or other occupant of the premises who produced such sewage and/or waste. A special assessment and/or lien shall comply with procedural provisions established within Chapter 7.51, section 7.51.709 of the King City Municipal Code.

15.44.100 Recordation of notice of lien.

The lien referred to in Section 15.44.090 shall not be effective until written notice thereof has been filed by the clerk with the county recorder and, when so recorded, shall have the force, effect and priority of a judgment lien. The lien shall continue for three (3) years from the time of recording, unless sooner released or otherwise discharged.

15.44.110 Delinquent charge list.

As an alternative method of collecting any of the charges imposed by Chapters 15.32 and 15.40, the clerk may prepare and record with the county recorder a list of all delinquent charges at least every six

(6) months, but no delay or informality in its recording shall invalidate the lien of any unpaid charge or any subsequent act or proceedings.

15.44.120 Contents of list.

The delinquent charge list shall state the amount of each delinquent charge and the penalties thereon, a description of the property subject to the lien by assessor's parcel number, and the fact that the delinquent charge constitutes a lien upon said property in favor of the city.

15.44.130 Suit.

The city may bring an action to enforce the lien of any of the charges imposed by Chapter 15.40, together with penalties thereon and reasonable attorney's fees, or it may, in the alternative and without taking action to enforce said lien, bring an action at law against the occupant of the premises served to collect the unpaid charges, which shall constitute a debt from said occupant to the city.

Chapter 15.48 WATER WELL REGULATIONS

15.48.010 Purpose.

The purposes of this chapter are:

- (a) To regulate the construction, maintenance, repair, reconstruction, abandonment and destruction of wells so as to protect the quality of underground waters by preventing or minimizing the pollution or contamination thereof, thereby promoting the public health, safety and welfare; and
- (b) To comply with Article 4 (commencing at Section 13800) of Chapter 10, Division 7 of the Water Code, relating to well standards.

15.48.020 Definitions.

(a) As used in this chapter, unless otherwise apparent from the context:

- (1) Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural the singular.
- (2) "Person" means any individual, firm, partnership, association, corporation or governmental agency.
- (3) "Health officer" means the city manager or designee, including but not limited to the health officer of the County of Monterey and/or his/her designee.
- (4) "Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include:
 - (A) Oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or
 - (B) Wells used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments.
- (5) "Contamination," "pollution," and "nuisance" have the meanings ascribed to them by Section 13050 of the Water Code.

(6) "Shall" is mandatory, and "may" is permissive.

(b) Section headings, when contained herein, shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section.

15.48.030 Construction or repair—Permit required.

(a) No person shall construct, repair, reconstruct, abandon or destroy any well unless a written permit has first been obtained from the health officer pursuant to this chapter.

(b) No person to whom such a permit has been issued shall fail to comply with all of the terms and conditions thereof and with the standards specified in this chapter.

(c) No person other than a contractor licensed in accordance with the provisions of the contractors' license law (Chapter 9, Division 3, of the Business and Professions Code) shall perform any construction, repair, reconstruction or destruction of a well, unless exempted by that law.

15.48.040 Permit—Application—Expiration.

(a) Application for a permit pursuant to this chapter shall be:

(1) Made in writing to the health officer, in such form as the health officer may prescribe, setting forth such information as the health officer may reasonably require to secure the purposes of this chapter;

(2) Signed by the applicant and accompanied by a filing fee of 25 dollars no part of which shall be refundable.

(b) Any permit which is issued may contain and be subject to such terms and conditions as the health officer finds necessary to carry out the purposes of this chapter. The health officer shall deny an application for a permit if, in the health officer's judgment, its issuance would tend to defeat the purposes of this chapter.

(c) Every permit issued pursuant to this chapter shall expire and become null and void if the work authorized thereby has not been completed within one year following its issuance. Upon expiration, no further work shall be done unless and until a new permit has been obtained.

15.48.050 Permit—Suspension or revocation.

(a) The health officer may suspend or revoke any permit issued pursuant to this chapter whenever the health officer finds that the permittee has violated any of the provisions of this chapter or has misrepresented any material fact in the permittee's application, or any supporting documents, for such permit. Prior to ordering any such suspension or revocation the health officer shall give the permittee an opportunity for a hearing thereon, after reasonable notice.

(b) No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the health officer.

(c) Upon suspending or revoking any permit the health officer may order the permittee to perform any work reasonably necessary to protect the underground waters from pollution or contamination if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the underground waters. No permittee shall fail to comply with any such order.

15.48.060 Variances from provisions.

The health officer shall have the power, in specific cases, to grant a variance from any provision of the standards incorporated into this chapter by reference whenever the health officer finds that special circumstances exist in a particular case and that practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any such standard, and that the granting of such a variance would not tend to defeat the purposes of this chapter.

15.48.070 Standards adopted.

Chapter II and Appendices E, F, and G of the California Department of Water Resources Bulletin No. 74-90, "Water Well Standards," dated February, 1968, and California Water Code Section 13711, "Cathodic Protection Well Standards," copies of both of which are on file as required by law, are adopted and incorporated into this chapter by reference, with the following modification to paragraph A of Section 8 of Part II of said Bulletin No. 74-90." The minimum distance between all wells and any subsurface sewage leaching field or septic tank shall be 100 feet."

15.48.080 Notices and reports.

- (a) Nothing contained in this chapter shall be deemed to excuse any person from compliance with the provisions of Article 3 (commencing at Section 13750) of Chapter 10, Division 7 of the Water Code, relating to notices and reports.
- (b) Upon completion of a well the owner or the owner's authorized representative shall file with the health officer a copy of the well driller's detailed log, referred to in Section 13751 of the Water Code.

15.48.090 Permit—Application denial—Appeal.

- (a) Any person whose application for a permit has been denied, or granted conditionally, or whose permit has been suspended or revoked, may appeal to the city council in writing, within ten (10) days after any such denial, conditional granting, suspension or revocation. Such appeal shall specify the grounds upon which it is taken. The clerk of the city shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and the health officer, in writing, of the time so set at least five (5) days prior to the hearing.
- (b) After such hearing the city manager or designee, including but not limited to the board of supervisors for the County of Monterey, may reverse, wholly or partly, or may modify the order or determination appealed from.

15.48.100 Inspection—Right of entry.

The health officer shall enforce and administer this chapter, and shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of such enforcement and administration. If any such premises is occupied the health officer shall first present proper credentials and request entry, and if same is unoccupied the health officer shall first make a reasonable effort to locate the owner or other person having charge or control of same and request entry. If such entry is refused the city manager or designee, including but not limited to the health officer, shall have recourse to such remedies as are provided by law to secure entry. The fees and costs for enforcement of this section may be billed to the owner(s) who refused entry by the city manager or designee, including but not limited to the health officer and/or board of supervisors for the County of Monterey.

15.48.110 Penalties—Enforcement.

- (a) Every person, other than a governmental agency, who violates any of the provisions of Section 15.48.030, subdivision (c) of Section 15.48.040, subdivisions (b) or (c) of Section 15.48.050, or subdivision (b) of Section 15.48.080, is guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the county jail for not more than six (6) months, or by a fine not

exceeding one thousand dollars (\$1,000.00) or by both. Each separate day, or portion thereof, during which any such violation continues shall be deemed a separate offense.

- (b) Every well which is so constructed or maintained as to cause contamination or pollution is a public nuisance dangerous to health, and may be abated in the manner provided by law.
- (c) The enforcement remedies specified in this section are cumulative, and the pursuit of one of them shall not preclude the pursuit of others, whether mentioned in this chapter or not.

Chapter 15.50 WATER EFFICIENT LANDSCAPE

15.50.010 Purpose.

- (a) The State Legislature has found:
 - (1) That the limited supply of state waters are subject to ever increasing demands;
 - (2) That California's economic prosperity depends on adequate supplies of water;
 - (3) That state policy promotes conservation and efficient use of water;
 - (4) That landscapes provide recreation areas, clean the air and water, prevent erosion, offer fire protection and replace ecosystems displaced by development; and
 - (5) That landscape design, installation and maintenance can and should be water efficient.
- (b) Consistent with the legislative findings, the purpose of this model ordinance is to:
 - (1) Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
 - (2) Establish a structure for designing, installing and maintaining water efficient landscapes in new projects; and
 - (3) Establish provisions for water management practices and water waste prevention for established landscapes.

15.50.015 Applicability.

- (a) This chapter shall apply to all of the following landscape projects:
 - (1) New construction projects with a landscape area greater than 500 square feet requiring a building or landscape permit, plan check or design review;
 - (2) Rehabilitated landscape projects with an aggregated landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
 - (3) Existing landscapes limited to Sections 493, 493.1 and 493.2 of the State Model Water Efficient Landscape Ordinance; and
 - (4) Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2 of the State Model Water Efficient Landscape Ordinance.

- (b) This chapter does not apply to:
- (1) Registered local, state or federal historical sites;
 - (2) Ecological restoration projects that do not require a permanent irrigation system;
 - (3) Mined-land reclamation projects that do not require a permanent irrigation system; or
 - (4) Existing plant collections, as part of botanical gardens and arboretums open to the public.

15.50.020 Definitions.

The words used in this chapter have the meaning set forth below:

“Anti-drain valve” or “check valve” means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.

“Application rate” means the depth of water applied to a given area, usually measured in inches per hour.

“Applied water” means the portion of water supplied by the irrigation system to the landscape.

“Automatic controller” means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.

“Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

“Conversion factor (0.62)” means a number that converts the maximum applied water allowance from acre-inches per acre per year to gallons per square foot per year. The conversion factor is calculated as follows:

- $(325,851 \text{ gallons}/43,560 \text{ square feet})/12 \text{ inches} = (0.62)$
- 325,851 gallons = one acre foot
- 43,560 square feet = one acre
- 12 inches = one foot

To convert gallons per year to 100-cubic-feet per year, another common billing unit for water, divide gallons per year by 748.

(748 gallons = 100 cubic feet)

“Ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

“Effective precipitation” or “usable rainfall” means the portion of total precipitation that is used by the plants. Precipitation is not a reliable source of water, but can contribute to some degree toward the water needs of the landscape.

“Emitter” means drip irrigation fittings that deliver water slowly from the system to the soil.

“Established landscape” means the point at which plants in the landscape have developed roots into the soil adjacent to the root ball.

“Establishment period” means the first year after installing the plant in the landscape.

“Estimated applied water use” means the portion of the estimated total water use that is derived from applied water. The estimated applied water use shall not exceed the maximum applied water allowance. The estimated applied water use may be the sum of the water recommended through the irrigation schedule, as referenced in Section 15.50.030(c)(3).

“Estimated total water use” means the annual total amount of water estimated to be needed to keep the plants in the landscaped area healthy. It is based upon such factors as the local evapotranspiration rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system, as described in Section 15.50.030(c)(4).

“ET adjustment factor” means a factor of 0.8, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two (2) major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. The irrigation efficiency for purposes of the ET adjustment factor is 0.625. Therefore, the ET adjustment factor $(0.8) = (0.5/0.625)$.

“Evapotranspiration” means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time.

“Flow rate” means the rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).

“Hydrozone” means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.

“Infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

“Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of this ordinance is 0.625. Greater irrigation efficiency can be expected from well designed and maintained systems.

“Landscaped area” means the entire parcel less the building footprint, driveways, non-irrigated portions of parking hardscapes, such as decks and patios, and other nonporous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.

“Landscape irrigation audit” means a process to perform site inspections, evaluate irrigation systems and develop efficient irrigation schedules.

“Lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

“Main line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.

“Maximum applied water allowance” means, for design purposes, the upper limit of annual applied water for the established landscaped area as specified in Section 15.50.030(c)(2). It is based upon the

area's reference evapotranspiration, the ET adjustment factor and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance.

"Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

"Mulch" means any material such as leaves, bark, straw or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.

"Operating pressure" means the pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.

"Overhead sprinkler irrigation systems" means those with high flow rates (pop-ups, impulse sprinklers, rotors, etc.)

"Overspray" means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures, or other non-landscaped areas.

"Plant factor" means a factor that when multiplied by reference evapotranspiration, estimates the amount of water used by plants. For purposes of this chapter, the average plant factor of low water using plants ranges from 0 to 0.3, for average water using plants the range is 0.4 to 0.6, and for high water using plants the range is 0.7 to 1.0.

"Rain sensing device" means a system which automatically shuts off the irrigation system when it rains.

"Record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

"Recreational area" means areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.

"Recycled water," "reclaimed water," or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation; not intended for human consumption.

"Reference evapotranspiration" or "ET_o" means a standard measurement of environmental parameters which affect the water use of plants. ET_o is given in inches per day, month, or year as represented in Section 15.50.050, and is an estimate of the evapotranspiration of a large field of four (4) to seven (7)-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances so that regional differences in climate can be accommodated.

"Rehabilitated landscape" means any relandscaping project that requires a permit.

"Run off" means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.

"Soil moisture sensing device" means a device that measures the amount of water in the soil.

"Soil texture" means the classification of soil based on the percentage of sand, silt and clay in the soil.

"Sprinkler head" means a device which sprays water through a nozzle.

“Static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.

“Station” means an area served by one valve or by a set of valves that operate simultaneously.

“Turf” means a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore paspalum, St. Augustinegrass, Zoysiagrass and Buffalo grass are warm-season grasses.

“Valve” means a device used to control the flow of water in the irrigation system.

“Water conservation concept statement” means a one page checklist and a narrative summary of the project as shown in Section 15.50.030(c)(1).

15.50.030 Provisions for new or rehabilitated landscapes.

(a) Landscape Documentation Package.

- (1) A copy of the landscape documentation package conforming to this chapter shall be submitted to the city. No permit shall be issued until the city reviews and approves the landscape documentation package.
- (2) A copy of the approved landscape documentation package shall be provided to the property owner or site manager along with the record drawings and any other information normally forwarded to the power owner or site manager.
- (3) A copy of the water conservation concept statement and the certificate of substantial completion shall be sent by the project manager to the local retail water purveyor.
- (4) Each landscape documentation package shall include the following elements, which are described in subsection (c) of this section:
 - (A) Water conservation concept statement;
 - (B) Calculation of the maximum applied water allowance;
 - (C) Calculation of the estimated applied water use;
 - (D) Calculation of the estimated total water use;
 - (E) Landscape design plan;
 - (F) Irrigation design plan;
 - (G) Irrigation schedules;
 - (H) Maintenance schedule;
 - (I) Landscape irrigation audit schedule;
 - (J) Pesticides, herbicides and fertilizers;
 - (K) Grading design plan;
 - (L) Soil preparation, mulch and amendments; and
 - (M) Certificate of substantial completion (to be submitted after installation of the project).

- (5) If effective precipitation is included in the calculation of the estimated total water use, then an effective precipitation disclosure statement from the landscape professional and the property owner shall be submitted with the landscape documentation package.
- (b) Elements of Landscape Documentation Package.
- (1) Water Conservation Concept Statement. Each landscape documentation package shall include a cover sheet, referred to as the water conservation concept statement. An example of said statement is on file in the offices of the City Clerk, City of King, 212 South Vanderhurst Avenue, King City, California 93930, and is open to inspection by the public during regular business hours. It serves as a checklist to verify that the elements of the landscape documentation package have been completed and has a narrative summary of the project.
- (2) The Maximum Applied Water Allowance.
- (A) The formula for calculating the maximum applied water allowance and examples of calculations are on file in the offices of the City Clerk, City of King, 212 South Vanderhurst Avenue, King City, California 93930, and are open to inspection by the public during regular business hours.
- (B) Portions of landscaped areas in public and private projects such as parks, playgrounds, sports fields, golf courses, or school yards where turf provides a playing surface or serves other recreational purposes are considered recreational areas and may require water in addition to the maximum applied water allowance. A statement shall be included with the landscape design plan designating recreational areas to be used for such purposes and specifying any needed amount of additional water above the maximum applied water allowance.
- (3) Estimated Applied Water Use.
- (A) The estimated applied water use shall not exceed the maximum applied water allowance.
- (B) A calculation of the estimated applied water use shall be submitted with the landscape documentation package. It may be calculated by summing the amount of water recommended in the irrigation schedule.
- (4) Estimated Total Water Use.
- (A) A calculation of the estimated total water use shall be submitted with the landscape documentation package. The estimated total water use may be calculated by summing the amount of water recommended in the irrigation schedule and adding any amount of water expected from effective precipitation (not to exceed 25 percent (%) of the local annual mean precipitation) or may be calculated from a formula such as the following:
- The estimated total water use for the entire landscaped area equals the sum of the estimated water use of all hydrozones in that landscaped area.

$$EWU (\text{hydrozone}) = \frac{(ET_o) (PF) (HA) (.62)}{(IE)}$$

EWU (hydrozone) = Estimated water use (gallons per year)
ETo = Reference evapotranspiration (inches per year)
PF = Plant factor
HA = Hydrozone area (square feet)
(.62) = Conversion factor
IE = Irrigation efficiency

- (B) If the estimated total water use is greater than the estimated applied water use due to precipitation being included as a source of water, an effective precipitation disclosure statement such as the one in Section 15.50.040 shall be included in the landscape documentation package.
- (5) Landscape Design Plan. A landscape design plan meeting the following requirements shall be submitted as part of the landscape documentation package.
- (A) Plant Selection and Grouping.
- (i) Any plants may be used in the landscape, providing the estimated applied water use recommended does not exceed the maximum applied water allowance and that the plants meet the specifications set forth in subsection (b)(5)(A)(ii)—(iv) of this section. To encourage the efficient use of water, the following is recommended:
 - 1. Protection and preservation of native species and natural vegetation.
 - 2. Selection of water-conserving plant and turf species.
 - 3. Selection of plants based on disease and pest resistance.
 - (ii) Plants having similar water use shall be grouped together in distinct hydrozones.
 - (iii) Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this chapter.
 - (iv) Turf is not allowed on slopes greater than 25 percent (%) where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent (%) means one foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run x 100 = slope percent (%)).
 - (v) Fire prevention needs shall be addressed in areas that are fire prone. Information about fire prone areas and appropriate landscaping for fire safety is available from local fire departments or the California Department of Forestry.
 - (vi) The use of invasive and/or noxious plant species is strongly discouraged.
 - (vii) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

- (B) Water Features.
 - (i) Recirculating water shall be used for decorative water features.
 - (ii) Where available, recycled water shall be used as a source for decorative water features.
 - (iii) Surface area of a water feature shall be included in the high-water use hydrozone area of the water budget calculation.
 - (iv) Pool and spa covers are encouraged.
- (C) Landscape Design Plan Specifications. The landscape design plan shall be drawn on project base sheets at a scale that accurately and clearly identifies:
 - (i) Designation of hydrozones by number, letter, or other method;
 - (ii) Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
 - (iii) Landscape materials, trees, shrubs, groundcover, turf and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing and quantities of each group of plants indicated;
 - (iv) Property lines and street names;
 - (v) Streets, driveways, walkways and other paved areas;
 - (vi) Pools, ponds, water features, fences and retaining walls;
 - (vii) Existing and proposed buildings and structures, including elevation, if applicable;
 - (viii) Natural features including, but not limited to, rock outcroppings, existing trees, shrubs that will remain;
 - (ix) Tree staking, plant installation, soil preparation details and any other applicable planting and installation details;
 - (x) A calculation of the total landscaped area;
 - (xi) Designation of recreational areas;
 - (xii) Identify areas permanently and solely dedicated to edible plants;
 - (xiii) Identify areas irrigated with recycled water;
 - (xiv) Identify type of mulch and application depth;
 - (xv) Identify soil amendments, type, and quantity;
 - (xvi) Identify type and surface area of water features;
 - (xvii) Identify hardscapes (pervious and non-pervious);

- (xviii) Identify location and installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
 1. Infiltration beds, swales, and basins that allow water to collect and soak into the ground,
 2. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants, and
 3. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff;
 - (xix) Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
 - (xx) Include the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and
 - (xxi) Bear the signature of the person authorized to design a landscape.
- (6) Irrigation Design Plan. An irrigation design plan meeting the following conditions shall be submitted as part of the landscape documentation package.
- (A) Irrigation Design Criteria.
- (i) **Runoff and Overspray.** Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.

Special attention shall be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten (10) feet, and in median strips.

No overhead sprinkler irrigation systems shall be installed in median strips less than ten (10) feet wide.
 - (ii) **Irrigation Efficiency.** For the purpose of determining the maximum applied water allowance, irrigation efficiency is assumed to be 0.625. Irrigation systems shall be designed, maintained and managed to meet or exceed 0.625 efficiency.
 - (iii) **Equipment.**
 1. **Water Meters.** Separate landscape water meters shall be installed for all projects except for single-family homes or any project with a landscaped area of less than 5,000 square feet.

2. **Controllers.** Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.
3. **Valves.** Plants which require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent lowhead drainage.
4. **Sprinkler Heads.** Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability and ease of maintenance.
5. **Rain Sensing Override Devices.** Rain sensing override devices shall be required on all irrigation systems.
6. **Soil Moisture Sensing Devices.** It is recommended that soil moisture sensing devices be considered where appropriate.

(B) **Recycled Water.**

- (i) The installation of recycled water irrigation systems (dual distribution systems) shall be required to allow for the current and future use of recycled water, unless a written exemption has been granted as described in the following paragraph (B)(ii) of this subdivision.
- (ii) Irrigation systems shall make use of recycled water unless a written exemption has been granted by the local water agency, stating that recycled water meeting all health standards is not available and will not be available in the foreseeable future.
- (iii) The recycled water irrigation systems shall be designed and operated in accordance with all local and state codes.

(C) **Irrigation Design Plan Specifications.** Irrigation systems shall be designed to be consistent with hydrozones. The irrigation design plan shall be drawn on project base sheets. It shall be separate from, but use the same format as, the landscape design plan. The scale shall be the same as that used for the landscape design plan described in subsection (c)(5)(C) of this section.

The irrigation design plan shall accurately and clearly identify:

- (i) Location and size of separate water meters for the landscape;
- (ii) Location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers and backflow prevention devices;
- (iii) Static water pressure at the point of connection to the public water supply;
- (iv) Flow rate (gallons per minute), application rate (inches per hour) and design operating pressure (psi) for each station;

- (v) Recycled water irrigation systems as specified in subsection (c)(6)(B) of this section.
- (7) Irrigation Schedules. Irrigation schedules satisfying the following conditions shall be submitted as part of the landscape documentation package.
- (A) An annual irrigation program with monthly irrigation schedules shall be required for the plant establishment period, for the established landscape and for any temporarily irrigated areas.
 - (B) The irrigation schedule shall:
 - (i) Include run time (in minutes per cycle), suggested number of cycles per day and frequency of irrigation for each station; and
 - (ii) Provide the amount of applied water (in 100 cubic feet, gallons, or in whatever billing units the local water supplier uses) recommended on a monthly and annual basis.
 - (C) The total amount of water for the project shall include water designated in the estimated total water use calculation plus water needed for any water features, which shall be considered as a high water using hydrozone.
 - (D) Recreational areas designated in the landscape design plan shall be highlighted and the irrigation schedule shall indicate if any additional water is needed above the maximum applied water allowance because of high plant factors (but not due to irrigation inefficiency).
 - (E) Whenever possible, irrigation scheduling shall incorporate the use of evapotranspiration data such as those from the California Irrigation Management Information System (CIMIS) weather stations to apply the appropriate levels of water for different climates.
 - (F) Whenever possible, landscape irrigation shall be scheduled between two (2) a.m. and ten (10) a.m. to avoid irrigating during times of high wind or high temperature.
- (8) Maintenance Schedules. A regular maintenance schedule satisfying the following conditions shall be submitted as part of the landscape documentation package:
- (A) Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but, not be limited to, checking, adjusting and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning and weeding in all landscaped areas. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
 - (B) Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.
 - (C) Irrigation systems shall be properly maintained to prevent water waste from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways,

parking lots, or structures. Repair of all irrigation equipment shall be done with the originally installed components or equivalents.

- (9) Landscape Irrigation Audit Schedules. A schedule of landscape irrigation audits, for all but single-family residences, satisfying the following conditions shall be submitted to the city or county as part of the landscape documentation package.
 - (A) At a minimum, audits shall be in accordance with the State of California Landscape Water Management Program as described in the Landscape Irrigation Auditor Handbook, the entire document, which is hereby incorporated by reference. (See Landscape Irrigation Auditor Handbook (June, 1990) Version 5.5 [formerly Master Auditor Training]).
 - (B) The schedule shall provide for landscape irrigation audits to be conducted by certified landscape irrigation auditors at least once every five (5) years.
- (10) Pesticides, Herbicides and Fertilizers. Provisions shall be made to reduce the discharge of pesticides, herbicides and fertilizers.
 - (A) No application of pesticides, herbicides or fertilizers shall occur during irrigation or within 48 hours of predicted rainfall with greater than 50 percent (%) probability as predicted by the National Oceanic and Atmospheric Administration (NOAA).
 - (B) Application of pesticide and herbicide should be limited to the least amount feasible, and manual weed and insect removal methods should be employed where practicable.
- (11) Grading Design Plan. Grading design plans satisfying the following conditions shall be submitted as part of the landscape documentation package.
 - (A) A grading design plan shall be drawn on project base sheets. It shall be separate from, but use the same format as, the landscape design plan.
 - (B) The grading design plan shall indicate finished configurations and elevations of the landscaped area, including the height of graded slopes, drainage patterns, pad elevations and finish grade.
- (12) Soil Preparation, Mulch and Amendments.
 - (A) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition.
 - (B) Soil amendments shall be incorporated according to the recommendations of the soil management report in paragraph (12)(C) of this subsection and what is appropriate for the plants selected.
 - (C) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:
 - (i) A soil analysis satisfying the following conditions shall be submitted as part of the landscape documentation package;
 - (ii) Determination of soil texture, indicating the percentage of organic matter;

- (iii) An approximate soil infiltration rate (either measured or derived from soil texture/infiltration rate tables). A range of infiltration rates shall be noted where appropriate;
 - (iv) Measure of pH, and total soluble salts;
 - (v) Recommendations.
 - (D) For landscape installations, compost at a rate of a minimum of four (4) cubic yards per 1,000 square feet of permeable area (unless contradicted by soil test) shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than 25 percent (%) organic matter in the top six (6) inches of soil are exempt from adding compost.
 - (E) A mulch of at least three (3) inches shall be applied to all planting areas except turf.
 - (F) Organic mulch materials should take precedence over inorganic materials in instances where it is suitable, ecologically possible, and the material does not pose a fire hazard. Composted organic material, in particular that which includes post-consumer material, should be considered over more compacted products such as bark, wood chips, etc.
- (13) Certification.
- (A) Upon completing the installation of the landscaping and the irrigation system, an irrigation audit shall be conducted by a certified landscape irrigation auditor prior to the final field observation. (See Landscape Irrigation Auditor Handbook as referenced in subsection (b)(9)(A) of this section.)
 - (B) A licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field shall conduct a final field observation and shall provide a certificate of substantial completion to the city. The certificate shall specifically indicate that plants were installed as specified, that the irrigation system was installed as designed, and that an irrigation audit has been performed, along with a list of any observed deficiencies.
 - (C) Certification shall be accomplished by completing a certificate of substantial completion and delivering it to the city, to the retail water supplier, and to the owner of record. A sample of such a form is on file in the offices of the city clerk, city of King, 212 South Vanderhurst Avenue, King City, California 93930, and is open to inspection by the public during regular business hours.
- (c) Public Education.
- (1) Publications.
 - (A) Local agencies shall provide information to owners of all new, single-family residential homes regarding the design, installation and maintenance of water efficient landscapes.
 - (B) Information about the efficient use of landscape water shall be provided to water users throughout the community.

- (2) Model Homes. At least one model home that is landscaped in each project consisting of eight (8) or more homes shall demonstrate via signs and information the principles of water efficient landscapes described in this chapter.
 - (A) Signs shall be used to identify the model as an example of a water efficient landscape and featuring elements such as hydrozones, irrigation equipment and others which contribute to the overall water efficient theme.
 - (B) Information shall be provided about designing, installing and maintaining water efficient landscapes.

15.50.040 Provisions for existing landscapes.

- (a) Water Management. All existing landscaped areas to which the city or county provides water that are one acre or more, including golf courses, green belts, common areas, multifamily housing, schools, businesses, parks, cemeteries, and publicly owned landscapes shall have a landscape irrigation audit at least every five (5) years. At a minimum, the audit shall be in accordance with the California Landscape Water Management Program as described in the Landscape Irrigation Auditor Handbook, the entire document which is hereby incorporated by reference. (See Landscape Irrigation Audit Handbook, as referenced in Section 15.50.030(c)(9)(A)).
 - (1) If the project's water bills indicate that they are using less than or equal to the maximum applied water allowance for that project site, an audit shall not be required.
 - (2) Recognition of projects that stay within the maximum applied water allowance is encouraged.
- (b) Water Waste Prevention. Cities shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Penalties for violation of these prohibitions shall be established locally.

15.50.050 Effective precipitation.

If effective precipitation is included in the calculation of the estimated total water use, an effective precipitation disclosure statement shall be completed, signed and submitted with the landscape documentation package. No more than 25 percent (%) of the local annual mean precipitation shall be considered effective precipitation in the calculation of the estimated total water use. A sample of the precipitation disclosure statement is on file in the offices of the City Clerk, City of King, 212 South Vanderhurst Avenue, King City, California 93930, and is open to inspection by the public during regular business hours.

15.50.060 Reference evapotranspiration.

The schedule showing the evapotranspiration for the counties situated in the state of California is on file in the offices of the City Clerk, City of King, 212 South Vanderhurst Avenue, King City, California 93930, and is open to inspection by the public during regular business hours.

15.50.070 Stormwater management.

Landscape-related stormwater management practices can reduce runoff and improve water quality when properly designed and constructed. The following standards apply to the design of landscape areas used as bioretention facilities:

- (a) Facility Sizing. Bioretention facilities shall be designed to manage stormwater from the drainage management area. Sizing shall be in accordance with the city's stormwater permit and as codified elsewhere in the King City Municipal Code.
- (b) Plant Selection. Plants used in bioretention facilities shall be selected for tolerance to both periodic inundation, as well as prolonged dry periods. Plants shall be non-invasive and should be native to the region whenever possible, so as to reduce the demand for excessive irrigation and pesticide/herbicide application. A list of suitable plant species is on file with the King City community development department. Plants shall be selected according to the surface grade and the incidence of periodic surface water inundation. Plants selected for Zone A should tolerate periodic surface water inundation as well as seasonal dry periods. Plants selected for Zone B should tolerate the planting on side slopes and surface water runoff.
- (c) Hydrozone Grouping and Irrigation. Installed plants within rain gardens and other bioretention facilities shall be grouped into hydrozones based on similar water usage. During plant establishment, temporary irrigation shall use separate valves for each hydrozone. All irrigation shall be removed or disconnected from the bioretention facility at the end of plant establishment.
- (d) Planter Edge and Curb Design. Bioretention facilities are intended to receive and treat stormwater runoff. Edge treatments shall be designed not to impede sheet flow from surrounding areas. See standard design details contained in the King City Standard Drawings.
- (e) Compost. Compost application, quantity, and composition for bioretention facilities shall be as specified in the design details contained in the King City Standard Drawings.



Item No. 9(E)

REPORT TO THE CITY COUNCIL

DATE: MARCH 12, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ROY C. SANTOS, CITY ATTORNEY

RE: CONSIDERATION OF SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING ADDING CHAPTER 7.38 OF THE KING CITY MUNICIPAL CODE GOVERNING WIRELESS TELECOMMUNICATIONS FACILITY IN THE PUBLIC RIGHT-OF-WAY

RECOMMENDATION:

It is recommended the City Council waive the second reading and adopt an Ordinance of the City of King adding Chapter 7.38 of the King City Municipal Code regarding telecommunications.

BACKGROUND:

In prior decades, wireless antennas and equipment were primarily installed on large towers or "macro-cells". These deployments are subject to conditional use permit approval under the Zoning Code and are currently prohibited in residential zones.

However, in recent years, carriers increasingly seek to place wireless facilities in the City's public right of way ("PROW") on utility poles, streetlights and new poles. The demand for such wireless installations, particularly small wireless facilities (or "SWFs"), is expected to grow exponentially over the next several years given the expansion of home streaming video, social media, drones, self-driving cars and the Internet of Things (IoT) serving homes and businesses. To accommodate this expansion, the telecommunications industry is starting to look for small cell 5G (fifth generation) technology. 5G technology is distinguished from the present 4G service by use of low power transmitters with coverage radius of approximately 400 feet. 5G thus requires close spacing of antennas and more of them. PROW street light poles and other poles are, therefore, suited for 5G SWFs.

**CITY COUNCIL
CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF KING ADDING CHAPTER 7.38 OF THE KING CITY MUNICIPAL CODE
GOVERNING WIRELESS TELECOMMUNICATIONS FACILITY IN THE
PUBLIC RIGHT-OF-WAY
MARCH 12, 2019
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The City's existing Municipal Code contains outdated standards for dealing with SWFs. This is particularly true in light of significant changes in law implemented by the Federal Communications Commission ("FCC"). On September 27, 2018, the FCC released a Declaratory Ruling and Third Report and Order (the "FCC Order") significantly limiting state and local management of SWFs in the PROW (and, in a limited way, SWFs on private property). In short, the FCC Order does the following:

- Defines SWFs as up to 50 feet in height, including antennas, or mounted on structures no more than 10% taller than other adjacent structures; or that do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; each antenna is no more than 3 cubic feet in volume, and the total associated wireless equipment on one structure is no more than 28 cubic feet in volume.
- Caps all fees that local governments can charge to the actual and reasonable cost of providing service. This limitation applies to fees for SWFs located on private property as well.
- Imposes shot clocks of 60 days for SWFs added to existing structures (regardless of whether the structure already supports a wireless service) and 90 days for SWFs proposing a new structure. The shortened shot clocks also apply to applications for SWFs on private property.
- Preempts all aesthetic requirements for SWFs in the PROW unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance (Effective April 14, 2019).

Staff drafted an ordinance to provide the regulatory framework and standards for permitting the installation of SWFs within the City's PROW. The proposed ordinance and corresponding design standards have been revised in response to the FCC Order. The proposed ordinance also addresses "eligible facilities requests"—a category of "by-right" installations that were established by the FCC several years ago, but never acknowledged in the City's current version of its Municipal Code. The ordinance was presented to and introduced by the City Council at the February 26th meeting.

CITY COUNCIL

CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING ADDING CHAPTER 7.38 OF THE KING CITY MUNICIPAL CODE GOVERNING WIRELESS TELECOMMUNICATIONS FACILITY IN THE PUBLIC RIGHT-OF-WAY

MARCH 12, 2019

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DISCUSSION:

The Federal Telecommunications Act is intended to ensure that the public has sufficient access to telecommunication services. Based on this Federal law, a local government shall not prohibit or have the effect of prohibiting the provision of personal wireless services. Further, no State or local government may dictate, or even consider, wireless entitlements based on “the environmental (health) effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” A zoning authority’s mere consideration of health effects, including potential effects on property values due to potential radio frequency emissions, may not serve as “substantial evidence” for purposes of denying a wireless facility. The City’s role in the siting and design of WCFs is generally limited to aesthetics.

Wireless telecommunications providers are treated as telephone companies under their State franchise conferred in California Public Utilities Code Section 7901, and thus are entitled to use the PROW to deploy their equipment. However, even with their right to occupy the PROW, under Section 7901 providers may *not* “unreasonably subject the public use to inconvenience or discomfort; to unreasonably trouble, annoy, molest, embarrass, inconvenience; to unreasonably hinder, impede, or obstruct the public use.” These limitations on Section 7901 have been interpreted broadly enough to include concerns related to the appearance of a facility,” and thus Section 7901 allows cities to condition a wireless permit on (i) aesthetic concerns, (ii) restricting the location of proposed facilities due to public safety reasons or other local concerns or even deny applications in appropriate circumstances, and (iii) to exercise reasonable control over the time, place and manner of “when, where, and how telecommunications service providers gain entry to the public rights-of-way,” including the need for encroachment permits. (See, Pub. Util. Code § 7901.)

The new FCC Order significantly changes Federal law to shorten time frames and other requirements on local review of SWFs in the PROW. Now, if a city does not render a decision on a SWF application within a specified time period (60 days for installations on existing structures, and 90 days for new structures), *the failure to meet the deadline for action will be presumed to violate federal law.*

On aesthetics, spacing restrictions and undergrounding requirements, the FCC declares that such requirements will not be preempted if they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance. In essence, this new standard for aesthetic conditions means that cities can impose aesthetic requirements to the extent they are “technically feasible” for the provider. This is

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OF KING ADDING CHAPTER 7.38 OF THE KING CITY MUNICIPAL CODE
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a significant departure from the “least intrusive means” analysis that developed in the Ninth Circuit over the last few decades. The FCC Order purports to overturn the “least intrusive means” standard entirely, with the new standards taking effect on April 15, 2019.¹

Aesthetic standards implementing the FCC Order must be reasonable, objective, and published ahead of time. If a city does not have “published” design standards, then it does not appear that any standards can be enforced. It is therefore important that the City update its ordinance with new standards and procedures by April 14, 2019 or shortly thereafter. Staff therefore recommends the Council adopt an ordinance setting out the permitting procedures for SWFs in the PROW. The proposed ordinance seeks to balance the community’s need for wireless services, the industry’s need to deploy quickly, and the City’s obligation to maintain safety and protect the aesthetic qualities of our neighborhoods.

As drafted, the proposed ordinance would:

- Add a new Chapter 7.38 to the King City Municipal Code, Wireless Facilities in the Public Right of Way. For all wireless facility installations in the PROW, the ordinance provides, among other regulations, the permit and review procedures as well as the operation and maintenance standards. The ordinance treats wireless installations in the PROW similar to other installations in the ROW by requiring an encroachment permit. Once the encroachment permit is issued, the carrier may still need to obtain traffic control plans, construction permits and if necessary, a license to attach to City infrastructure.
- The substantially shorter “shot clocks” established by the FCC Order render discretionary review by the planning commission (or any other hearing body) much more difficult, if not logistically impossible. To this end, the proposed ordinance presents an entirely new administrative review process for SWF applications, with public works taking the lead of administratively reviewing SWF applications.
- The new ordinance recognizes, and establishes procedures and standards for, “eligible facility requests” pursuant to Federal law. These are ministerial modifications and collocations that must be approved by-

¹ While the legal validity of both of these FCC orders is being litigated, the effectiveness of the orders has not been stayed. Further, another FCC order that was released in August 2018 prohibits cities from imposing a moratorium on wireless installations, which means that there can be no pause in accepting or processing applications to allow a city to study and address potential issues.

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right, which provisions were not included in the current the Municipal Code, despite being required by law since 2012.

- [Given the short time that the City has to act on these applications under Federal law, having two days to process appeals, staff recommends that the appeals be heard by an independent hearing officer, who can hold hearings on short notice within the short time frame. Doing so also provides an independent level of oversight over the decisions before they become final and subject to challenge in court.
- The ordinance contains a comprehensive list of permit conditions that will apply to wireless encroachment permits, including insurance requirements, indemnity, performance bond for removal upon abandonment, and maintenance and inspection requirements. The permits are in effect for a term of 10 years, which stems from a State law that allows the City to limit the permits to 10 years; compared to utility poles, for example, which are erected in perpetuity.
- Staff sensed the importance of public awareness and involvement for wireless facilities. The ordinance thus requires applicants to provide mailed notices to owners, occupants and multi-family building property managers within 300 feet of proposed SWFs and major facilities before they are approved.
- Finally, the ordinance allows the flexibility needed in the face of rapidly changing wireless laws and technology. Rather than publish SWF design standards in the ordinance, staff proposes that such standards should be adopted as administrative regulations that may be readily and quickly adapted given the frequency and magnitude of changes in law and technology surrounding wireless installations.

COST ANALYSIS:

No fiscal impacts are associated with the ordinance. However, installation of wireless facilities would be subject to fees and yield potential lease revenue. Staff will bring to City Council a proposed Master License Agreement for use of City infrastructure in the ROW and a fee resolution for any fees associated with these applications at a later date.

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ENVIRONMENTAL REVIEW:

The ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. Most of the terms and scope of city discretion are guided by existing State and Federal law. The ordinance creates an administrative process to process requests for wireless facilities in the PROW and the City's discretion with these applications is limited. The ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Alternatively, the ordinance is exempt from CEQA because the City Council's adoption of the ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)). Installations, if any, would further be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land), as these facilities are allowed under Federal and State law, are by their nature smaller when placed in the PROW and subject to various siting and design preferences to prevent aesthetic impact to the extent feasible.

ALTERNATIVES:

The following alternatives are provided for Council consideration:

1. Approve staff's recommendations;
2. Modify and approve staff's recommendations;
3. Do not approve changes to the City's telecommunications regulations; or
4. Provide other direction to staff.

Exhibits:

1. Ordinance

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Submitted by: *Roy C. Santos for*
Roy C. Santos, City Attorney

Approved by: 
Steven Adams, City Manager

ORDINANCE NO. 2019-771**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING,
CALIFORNIA, ADDING CHAPTER 7.38 OF THE KING CITY
MUNICIPAL CODE GOVERNING WIRELESS
TELECOMMUNICATION FACILITIES**

A. The City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

B. Significant changes in Federal and State law that affect local authority over wireless communications facilities (“WCFs”) have occurred, including but not limited to the following:

- i. On November 18, 2009, the Federal Communications Commission (“FCC”) adopted a declaratory ruling (the “2009 Shot Clock”), which established presumptively reasonable timeframes for State and local governments to act on applications for WCFs.
- ii. On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act (“Section 6409(a)”), which mandated that State and local governments approve certain modifications and collocations to existing WCFs, known as eligible facilities requests.
- iii. On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how State and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the 2009 Shot Clock.
- iv. On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the 2009 Shot Clock timeframes.
- v. On August 2, 2018, the FCC adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a).
- vi. On September 26, 2018, the FCC adopted a declaratory ruling and report and order that, among other things, creates a new regulatory classification for small wireless facilities (“SWFs”), requires State and local governments to process applications for small wireless facilities within 60 days or 90 days, establishes a national standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.

C. In addition to the changes described above, new Federal laws and regulations that drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- i. On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced above, but may adopt forthcoming rulings and/or orders that further limit local authority over wireless facilities deployment.
- ii. On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the “STREAMLINE Small Cell Deployment Act” (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the 2009 Shot Clock timeframes, require all proceedings to occur within the 2009 Shot Clock timeframes, and provide a "deemed granted" remedy for failure to act within the applicable 2009 Shot Clock.

D. Given the rapid and significant changes in Federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with Federal and State law, the City Council desires to amend Chapter 7.38 of the King City Municipal Code, entitled “Chapter 7.38 - WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY” (the “Ordinance”) to allow greater flexibility and responsiveness to the new Federal and State laws while still preserving the City’s traditional authority to the maximum extent practicable.

NOW THEREFORE, , the people of the chartered City of King City do ordain as follows:

SECTION 1. The facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in the Ordinance.

SECTION 2. The Ordinance is consistent with the City’s General Plan, King City Municipal Code, and applicable Federal and State law.

SECTION 3. The Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 4. The Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. The Ordinance is further exempt from CEQA because the City Council’s adoption of the Ordinance is covered by the general rule that CEQA applies only

to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)). Installations, if any, would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

SECTION 5. The Ordinance is hereby adopted by the addition of a new Chapter 7.38, “WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY” in Title 7.38 of the King City Municipal Code to read in its entirety as shown in Exhibit “A” attached hereto and incorporated herein by this reference.

SECTION 6. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 7. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declare that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

SECTION 8. This Ordinance shall take effect 30 days after its adoption.

SECTION 9. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of _____.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

Mike LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM

Roy C. Santos,
City Attorney

STATE OF CALIFORNIA
COUNTY OF MONTEREY

CITY OF KING

I, Steven Adams, City Clerk of the City of King, do hereby certify that the foregoing Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of the City of King held on the _____ day of _____, 2019. Upon motion of Councilmember _____, seconded by Councilmember _____, the foregoing Ordinance No. _____ was duly passed and adopted.

Vote on the Motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of King, this _____ day of _____, 2019.

Steven Adams, City Clerk

**Chapter 7.38 - WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC
RIGHT-OF-WAY**

7.38.010 - PURPOSE.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the city's public right-of-way. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary (1) for the preservation of the public right-of-way ("PROW") in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the general plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations, including those regulations of the Federal Communications Commission ("FCC") and California Public Utilities Commission ("CPUC"), and (4) to ensure that the use and enjoyment of the PROW is not inconvenienced by the use of the PROW for the placement of wireless facilities. The city recognizes the importance of wireless facilities to provide high-quality communications service to the residents and businesses within the city, and the city also recognizes its obligation to comply with applicable Federal and State laws. This chapter shall be constructed and applied in consistency with the provisions of state and federal laws, and the rules and regulations of FCC and CPUC. In the event of any inconsistency between any such laws, rules and regulations and this chapter, the laws, rules and regulations shall control.

7.38.020 - DEFINITIONS.

"Accessory equipment" means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.

"Antenna" means that specific device for transmitting and/or receiving radio frequency or other signals for purposes of wireless telecommunications services. "Antenna" is specific to the antenna portion of a wireless telecommunications facility.

"Antenna array" shall mean two or more antennas having active elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

"Base station" shall have the meaning as set forth in Title 47 Code of Federal Regulations (C.F.R.) Section 1.40001(b)(1), or any successor provision. This means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network (regardless of the technological configuration, and encompassing DAS and small cells). "Base station" does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cells).
3. Any structure other than a tower that, at the time the relevant application is filed with the city under this chapter, supports or houses equipment described in paragraphs 1 and 2 of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. “Base station” does not include any structure that, at the time the relevant application is filed under this chapter, does not support or house equipment described in paragraphs 1 and 2 of this definition. Other structures that do not host wireless telecommunications facilities are not “base stations.”

As an illustration and not a limitation, the FCC’s definition of “base station” refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

“Cellular” means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

“City” means the City of King.

“Code” means the King Municipal Code.

“Collocation” bears the following meanings:

1. For the purposes of any eligible facilities request, the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and
2. For all other purposes, the same as defined in 47 CFR 1.6002(g)(1) and (2), as may be amended, which defines that term as (1) Mounting or installing an antenna facility on a pre-existing structure, and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Collocation facility” means the eligible support structure on, or immediately adjacent to, which a collocation is proposed, or a wireless telecommunications facility that includes collocation facilities. (See, Gov. Code, § 65850.6(d).)

“COW” means a “cell on wheels,” which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed, at a location. Under this chapter, the maximum time a facility can be installed to be considered a COW is five (5) days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

“Distributed antenna system” or “DAS” means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.

“Eligible facilities request” means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment;
3. Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or
4. Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.

“Eligible facilities request” does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. “Eligible facilities request” does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code Section 65850.6.

“Eligible support structure” means any support structure located in the PROW that is existing at the time the relevant application is filed with the city under this chapter.

“Existing” means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the city’s applicable zoning or siting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this chapter. However, a support structure, wireless telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is “existing” for purposes of this chapter. “Existing” does not apply to any structure that (1) was illegally constructed without all proper local agency approvals, or (2) was constructed in noncompliance with such approvals. “Existing” does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.

“Facility(ies)” means wireless telecommunications facility(ies).

“FCC” means the Federal Communications Commission.

“Ground-mounted” means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.

“Lattice tower” means an open framework structure used to support one or more antennas, typically with three or four support legs.

“Located within (or in) the public right-of-way” includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the PROW.

“Modification” means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. “Modification” does not include repair, replacement or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.

“Monopole” means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).

“Mounted” means attached or supported.

“OTARD antennas” means antennas covered by the “over-the-air reception devices” rule in 47 C.F.R. sections 1.4000 et seq. as may be amended or replaced from time to time.

“Permittee” means any person or entity granted a WTFP pursuant to this chapter.

“Personal wireless services” shall have the same meaning as set forth in 47 United States Code Section 332(c)(7)(C)(i).

“Community Development Director” means the director of [LNL1]Community Development Department, or his or her designee.

“Pole” means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

“Public works director” means the director of public works, or his or her designee.

“Public right-of-way” or “PROW” means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, and parking strips. The PROW does not include lands owned, controlled or operated by the city for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.

“Replacement” refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials and style. I

1. In the context of determining whether an application qualifies as an eligible facilities request, the term “replacement” relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.
2. In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the “replacement” of the underlying support structure qualifies as a new pole proposal.

“RF” means radio frequency.

“Small cell” means a low-powered antenna (node) that has a range of 10 meters to two kilometers. The nodes of a “small cell” may or may not be connected by fiber. “Small,” for purposes of “small cell,” refers to the area covered, not the size of the facility. “Small cell” includes, but is not limited to, devices generally known as microcells, picocells and femtocells.

“Small cell network” means a network of small cells.

“Spectrum Act” means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act of 2012, 47 U.S.C. §1455(a).

“Substantial change” has the same meaning as “substantial change” as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the public works director and based upon his/her reasonable consideration of the cabinet’s proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the public works director may allow for a ground mounted cabinet. A modification or collocation results is a “substantial change” to the physical dimensions of an eligible support structure if it does any of the following:

1. It increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
2. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. However, for towers and base stations located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are

more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site. For purposes of this Subsection, excavation outside the current site occurs where excavation more than twelve feet from the eligible support structure is proposed;
5. It defeats the concealment or stealthing elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs 1 through 4 of this definition.
7. For all proposed collocations and modifications, a substantial change occurs when:
 - a. The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four equipment cabinets;
 - a. The proposed collocation or modification would defeat the concealment elements of the support structure; or
 - b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this Section.

The thresholds and conditions for a “substantial change” described in this Section are disjunctive such that the violation of any individual threshold or condition results in a substantial change. The height and width thresholds for a substantial change described in this Section are cumulative for each individual support structure. The cumulative limit is measured from the physical dimensions of the original structure for base stations, and for all other facilities sites in the PROW from the smallest physical dimensions that existed on or after February 22, 2012, inclusive of originally approved-appurtenances and any modifications that were approved prior to that date.

“Support structure” means a tower, pole, base station or other structure used to support a wireless telecommunications facility.

“SWF” means a “small wireless facility” as defined by the FCC in 47 C.F.R. 1.6002(l) as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

1. The facilities:
 - a. Is mounted on an existing or proposed structure 50 feet or less in height, including antennas, as defined in Title 47 C.F.R. Section 1.1320(d); or

- c. Is mounted on an existing or proposed structure no more than 10 percent taller than other adjacent structures, or
 - d. Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
5. The facility is not located on Tribal lands, as defined under Title 36 C.F.R. Section 800.16(x); and
6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Title 47 C.F.R. Section 1.1307(b).

“SWF Regulations” means those regulations adopted by the city council (City Council Policy _____) implementing the provisions of this chapter applicable to SWFs and further regulations and standards applicable to SWFs.

“Telecommunications tower” or “tower” bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Utility pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.

“Wireless telecommunications facility” means equipment and network components such as antennas, accessory equipment, support structures, and emergency power systems that are integral to providing wireless telecommunications services. Exceptions: The term “wireless telecommunications facility” does not apply to the following:

1. Government-owned and operated telecommunications facilities.
2. Emergency medical care provider-owned and operated telecommunications facilities.
3. Mobile services providing public information coverage of news events of a temporary nature.
4. Any wireless telecommunications facilities exempted from this code by federal law or state law.

“Wireless telecommunications services” means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

“WTFP” means a “wireless telecommunications facility permit” required by this chapter, which may be categorized as either a Major WTFP or an Administrative WTFP.

7.38.030 - APPLICABILITY.

- B. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in the public right-of-way as follows:
 - C. Pre-existing Facilities in the ROW. Nothing in this chapter shall validate any existing illegal or unpermitted wireless facilities. All existing wireless facilities shall comply with and receive a wireless encroachment permit, when applicable, to be considered legal and conforming.
 - D. This chapter does not apply to the following:
 1. Amateur radio facilities;
 2. OTARD antennas;
 3. Facilities owned and operated by the city for its use or for public safety purposes;
 4. Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement, excepting that to the extent such the terms of state or federal law, or franchise agreement, are preemptive of the terms of this chapter, then the terms of this chapter shall be severable to the extent of such preemption and all remaining regulations shall remain in full force and effect.
 5. Installation of a COW or a similar structure for a temporary period in connection with an emergency or event at the discretion of the public works director, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
 - E. Public use. Except as otherwise provided by state or federal law, any use of the PROW authorized pursuant to this chapter will be subordinate to the city’s use and use by the public.

7.38.040 - WIRELESS TELECOMMUNICATIONS FACILITY PERMIT REQUIREMENTS.

A. Administration. Unless a matter is referred to the community development director as provided below, The public works director is responsible for administering this chapter. As part of the administration of this chapter, the public works director may:

1. Interpret the provisions of this chapter;
2. Develop and implement standards governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
3. Develop and implement acceptable design, location and development standards for wireless telecommunications facilities in the PROW, taking into account the zoning districts bounding the PROW;
4. Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this chapter;
5. Collect, as a condition of the completeness of any application, any fee established by this chapter;
6. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;
7. Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
8. Require, as part of, and as a condition of completeness of any application, that an applicant for a wireless encroachment permit send notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
9. Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
10. Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

B. Administrative Wireless Telecommunications Facilities Permits (“Administrative WTFP”).

1. An Administrative WTFP, subject to the public works director’s approval, may be issued for wireless telecommunications facilities, collocations, modifications or replacements to an eligible support structure that meet the following criteria:

- a. The proposal is determined to be for a SWF; or
 - b. The proposal is determined to be an eligible facilities request; or
 - c. Both.
2. In the event that the public works director determines that any application submitted for an Administrative WTFP does not meet the administrative permit criteria of this chapter, the public works director shall convert the application to a Major WTFP and refer it to the community development director for planning commission hearing.
 3. Except in the case of an eligible facilities request, the public works director may refer, in his/her discretion, any application for an Administrative WTFP to the community development director, who shall have discretion to further refer the application to planning commission for hearing. If the community development director determines not to present the Administrative WTFP application to the planning commission for hearing, the application shall be relegated back to the public works director for processing. This exercise of discretion shall not apply to an eligible facilities request.
- C. Major Wireless Telecommunications Facilities Permit (“Major WTFP”). All other new wireless telecommunications facilities or replacements, collocations, or modifications to a wireless telecommunications facility that are *not* qualified for an Administrative WTFP shall require a Major WTFP subject to planning commission hearing and approval unless otherwise provided for in this chapter.
- D. Special Provisions for SWFs; SWF Regulations. Notwithstanding any other provision of this chapter as provided herein, all SWFs are subject to a permit as specified in the SWF Regulations, which is adopted and may be amended by city council resolution. All SWFs, shall comply with the SWF Regulations, as they may be amended from time to time.
1. The SWF Regulations are intended to be constructed in consistency with, and addition to, the terms and provisions of this chapter. To the extent general provisions of this chapter are lawfully applicable to SWFs, such terms shall apply unless in contradiction to more specific terms set forth in the SWF Regulations, in which case the more specific terms of the SWF Regulations shall control.
- E. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments, state or federal agencies. Building and encroachment permits, and all city standards and requirements therefor, are applicable.
- F. Eligible Applicants. Only applicants who have been granted the right to enter the PROW pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the PROW, shall be eligible for a WTFP pursuant to this chapter.

7.38.050 - APPLICATION FOR WIRELESS TELECOMMUNICATIONS FACILITY PERMITS.

- A. Generally. Unless the SWF Regulations specifically provide otherwise, the applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to a WTFP application, or responses to requests for information regarding an WTFP, in accordance with the provisions of this section. SWF applications shall be governed by any additional terms set forth in the SWF Regulations, and in the event of an inconsistency between the provisions of this Section and the terms of the SWF Regulations, the Regulations shall control.
1. All applications for WTFPs shall be initially submitted to the public works director. In addition to the information required of an applicant for an encroachment permit or any other permit required by this code, each applicant shall fully and completely submit to the city a written application on a form prepared by the public works director and published on the city's website.
 2. Application Submittal Appointment. All WTFP applications must be submitted to the public works director at a pre-scheduled application submission appointment. City staff will endeavor to provide applicants with an appointment within five business days after receipt of a written request. A WTFP application will only be reviewed upon submission of a complete application therefor.
 3. If the wireless telecommunications facility will also require the installation of fiber, cable or coaxial cable, such cable installations shall be included within the application form and processed in conjunction with the proposal for vertical support structure(s). Applicants shall simultaneously request fiber installation or other cable installation when seeking to install antennas in the PROW. Standalone applications for the installation of fiber, cable or coaxial cable, or accessory equipment designed to serve an antenna must include all features of the wireless telecommunications facility proposed.
- B. Application Contents—Administrative WTFPs. The content of the application form for facilities subject to an Administrative WTFP shall be determined by the public works director, but at a minimum shall include the following:
1. The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless facility.
 2. The name of the owner of the structure, if different from the applicant, and a signed and notarized owner's authorization for use of the structure.
 3. A complete description of the proposed wireless telecommunications facility and any and all work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility, and dimensioned drawings with specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and

a dimensioned map identifying and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photo simulations must be provided.

4. Documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
 5. A copy of the lease or other agreement, if any, between the applicant and the owner of the property to which the proposed facility will be attached.
 6. If the application is for a SWF, the application shall state as such and shall explain why the proposed facility meets the definition of a SWF.
 7. If the application is for an eligible facilities request, the application shall state as such and must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must demonstrate that the eligible support structure was not constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. This shall include copies of all applicable local permits in-effect and as-built drawings of the current site. Before and after 360 degree photo simulations must be provided, as well as documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
 8. For SWFs, the application must contain all additional application information, if any, required by the SWF Regulations.
 9. The Administrative WTFP applicant shall submit a mailing list and envelopes, stamped and addressed, for all properties and record owners of properties within 300 feet of the project location. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.
 10. If the applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the City from complying with any deadline for action on an application.
- C. Application Contents—Major WTFPs. The public works director shall develop an application form and make it available to applicants upon request and post the application form on the city's website. The application form for a Major WTFP shall require the following information, in addition to all other information determined necessary by the public works director:
1. The name, address and telephone number of the applicant, owner and the operator of the proposed wireless telecommunication facility.

2. If the applicant does not, or will not, own the support structure, the applicant shall provide a duly-executed letter of authorization from the owner of the structure. If the owner of the support structure is the applicant, but such owner/applicant will not directly provide wireless telecommunications services, the owner/applicant shall provide a duly-executed letter of authorization from the person(s) or entity(ies) that will provide those services.
3. A full written description of the proposed wireless telecommunications facility and its purpose.
4. Detailed engineering plans of the proposed wireless telecommunications facility and related report prepared by a professional engineer registered in the state documenting the following:
 - a. Height/elevation, diameter, layout and design of the facility, including technical engineering specifications, economic and other pertinent factors governing selection of the proposed design, together with evidence that demonstrates that the proposed facility has been designed to be the least intrusive equipment within the particular technology available to the carrier for deployment.
 - b. A photograph and model name and number of each piece of the facility or proposed antenna array and accessory equipment included.
 - c. Power output and operating frequency for the proposed antenna array (including any antennas existing as of the date of the application serving the carrier identified in the application).
 - d. Total anticipated capacity of the wireless telecommunications facility for the subject carrier, indicating the number and types of antennas and power and frequency ranges, which can be accommodated.
 - e. Sufficient evidence of the structural integrity of the support structure as required by the city.
5. A written description identifying the geographic service area to be served by the proposed WTFP, plus geographic or propagation maps showing applicant's service area objectives.
6. A justification study which includes the rationale for selecting the proposed wireless telecommunication facility design, support structure and location. A detailed explanation of the applicant's coverage objectives that the proposal would serve, and how the proposed use is the least intrusive means for the applicant to cover such objectives. This shall include:
 - a. A meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant or intrusive location and design necessary to reasonably achieve the applicant's reasonable

objectives of covering an established significant gap (as established under state and federal law).

- b. Said study shall include all eligible support structures and/or alternative sites evaluated for the proposed WTFP, and why said alternatives are not reasonably available, technically feasible options that most closely conform to the local values. The alternative site analysis must include the consideration of at least two eligible support structures; or, if no eligible support facilities are analyzed as alternatives, why no eligible support facilities are reasonably available or technically feasible.
 - c. If a portion of the proposed facility lies within a jurisdiction other than the city's jurisdiction, the applicant must demonstrate that alternative options for locating the project fully within one jurisdiction or the other is not a viable option. Applicant must demonstrate that it has obtained all approvals from the adjacent jurisdiction for the installation of the extra-jurisdictional portion of the project.
7. Site plan(s) to scale, specifying and depicting the exact proposed location of the proposed wireless telecommunications facility, location of accessory equipment in relation to the support structure, access or utility easements, existing utilities, adjacent land uses, and showing compliance with all design and safety requirements set forth in this chapter.
8. A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 *et seq.*, or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to exercise its rights as a responsible agency to review *de novo* the environmental impacts of any WTFP application.
9. An accurate visual impact analysis showing the maximum silhouette, view-shed analysis, color and finish palette and proposed screening for the wireless telecommunications facility, including scaled photo simulations from at least three different angles.
10. Completion of the radio frequency (RF) emissions exposure guidelines checklist contained in Appendix A to the FCC's "Local Government Official's Guide to Transmitting Antenna RF Emission Safety" to determine whether the facility will be "categorically excluded" as that term is used by the FCC.
11. For a facility that is not categorically excluded under the FCC regulations for RF emissions, the applicant shall submit an RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any facilities that contribute to the cumulative exposure in the subject area, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective

radio power “ERP”) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

12. Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
 13. A noise study prepared by a qualified acoustic engineer documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this code, including Chapter 8.28 (Noise) of this code.
 14. A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
 15. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the wireless telecommunication facility.
 16. Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
 17. Evidence that the proposed wireless facility qualifies as a “personal wireless services facility” as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii).
 18. Address labels for use by the city in noticing all property owners within 500 feet of the proposed wireless telecommunication facility and, if applicable, all public hearing information required by the municipal code for public noticing requirements.
 19. Any other information and/or studies reasonably determined to be necessary by the public works or community development director(s) may be required.
- D. Fees and Deposits Submitted with Application(s). For all WTFPs, application fee(s) shall be required to be submitted with any application, as established by city council resolution and in accordance with California Government Code Section 50030. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a WTFP unless paid as a refundable deposit.
- E. Independent Expert. The public works and/or community development director, as applicable, is authorized to retain on behalf of the city one or more independent, qualified consultant(s) to review any WTFP application. The review is intended to be a review of technical aspects of

the proposed wireless telecommunications facility and shall include, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.

- F. **Costs.** Reasonable costs of city staff, consultant and attorney time (including that of the city attorney) pertaining to the review, processing, noticing and hearing procedures directly attributable to a WTFP shall be reimbursable to the City. To this end, the public works and/or community development director, as applicable, may require applicants to enter a trust/deposit reimbursement agreement, in a form approved by the city attorney, or other established trust/deposit accounting mechanism for purposes of obtaining an applicant deposit from which the direct costs of City processing of an application may be drawn-down.
- G. **Effect of State or Federal Law on Application Process.** In the event a state or federal law prohibits the collection of any information or application conditions required by this Section, the public works director is authorized to omit, modify or add to that request from the city's application form in consultation with the city attorney. Requests for waivers from any application requirement of this Section shall be made in writing to the public works director or his or her designee. The public works director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the WTFP sought. All waivers approved pursuant to this Subsection shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the municipal code.
- H. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city on any application within thirty (30) calendar days after the application is deemed incomplete in a written notice to the applicant. The public works or community development director (as applicable) may, in his/her discretion, grant a written extension for up to an additional thirty (30) calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension.
- I. **Waiver of Applications Superseded by Submission of New Project.** If an applicant submits a WTFP application, but substantially revises the proposed facility during the application process prior to any city hearing or decision on such application, the substantially revised application shall be deemed a new application for all processing purposes, including federal shot clocks, and the prior submittals deemed waived and superseded by the substantially revised application. For purposes of this subparagraph, "substantially revised" means that the project as initially-proposed has been alternately proposed for a location 300 feet or more from the original proposal or constitutes a substantial change in the dimensions or equipment that was proposed in the original WTFP application.
- J. **Rejection for Incompleteness.** WTFPs will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, it may be rejected by the public works director by notifying the applicant in writing and specifying the material omitted from the application.

7.38.060 - REVIEW PROCEDURE.

- A. Generally. Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety and utilizes installation of new support structures or equipment cabinets in the PROW only after all existing and replacement structure options have been exhausted, and where feasible, places equipment underground, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the PROW; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the ROW, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the PROW or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the PROW.
- B. Collocation Encouraged. Where the facility site is capable of accommodating a collocated facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow collocation of third-party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
- C. Findings Required for Approval.
 - 1. Administrative WTFP Applications for SWFs. For WTFP applications proposing a SWF, the public works director or community development director, as the case may be, shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. The facility qualifies as a SWF; and
 - b. The facility meets all standards, requirements and further findings as may be specified in the SWF Regulations; and
 - c. The facility is not detrimental to the public health, safety, and welfare; and
 - d. The facility meets applicable requirements and standards of State and Federal law.
 - 2. Administrative WTFP Applications for Eligible Facility Requests. For WTFP applications proposing an eligible facilities request, the public works director shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. That the application qualifies as an eligible facilities request; and
 - b. That the proposed facility will comply with all generally-applicable laws.
 - 3. Major WTFP Applications. No Major WTFP shall be granted unless all of the following findings are made by the applicable decision-maker:

- a. If applicable, all notices required for the proposed WTFP have been given, including the inclusion, or placement on-site, of photo simulations for the proposed facility.
- b. The proposed wireless telecommunications facility has been designed and located in compliance with all applicable provisions of this chapter.
- c. If applicable, the applicant has demonstrated its inability to locate on an eligible support structure.
- d. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.
- e. The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible, supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not reasonably available.

D. Notice; Decisions. The provisions in this Section describe the procedures for the approval process, any required notice and public hearings for a WTFP application.

1. Administrative WTFPs: Notice of a WTFP application for a SWF shall be mailed to owners and occupants of real property surrounding the proposed SWF site in the manner specified in the SWF Regulations. Applications qualifying for eligible facilities requests shall not require notice.
2. Major WTFP Applications. Any Major WTFP application shall require notice and a public hearing. Notice of such hearing shall be provided in accordance with Government Code Section 65091. Public notices shall include color photo simulations from three different angles depicting the wireless telecommunication facility as proposed to be considered by the planning commission. If the application proposes the use of an existing or replacement eligible support structure, such simulations shall be posted upon the proposed support structure for a period of at least thirty (30) days prior to the date of approval; such posted simulations shall remain in-place until final decision on the application is reached.
3. Written Decision Required for All WTFP Determinations. Unless otherwise specified for SWF's in the SWF Regulations, all final decisions made pursuant to this chapter, including those for administratively-processed permits and eligible facilities requests, shall be in writing and based on substantial evidence in the written administrative record. Within five days after any decision to grant, approve, deny or conditionally grant a WTFP application, the public works director or community development director, as applicable, shall provide written notice including the following:

- a. A general explanation of the decision, including the findings required for the decision, if any, and how those findings were supported or not supported by substantial evidence;
 - b. A general description of the property involved;
 - c. Information about applicable rights to appeal the decision and explanation of how that right may be exercised; and
 - d. To be given by first class mail to:
 - (i) The project applicant and property owner,
 - (ii) Any person who submitted written comments concerning the WTFP,
 - (iii) Any person who has filed a written request with the city to receive such notice, and
 - (iv) Any homeowner association on file with the city that has jurisdiction over the WTFP site.
4. Once a WTFP is approved, no changes shall be made to the approved plans without review and approval in accordance with this chapter.

E. Appeals.

1. Administrative WTFP Appeals. Any person claiming to be adversely affected by an administrative decision pursuant to this chapter may appeal such decision. The appeal will be considered by a hearing officer appointed by the city manager. The hearing officer may decide the issues de novo and whose written decision will be the final decision of the city. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless facility. Because Section 332(c)(7) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, appeals of the administrative decision premised on the environmental effects of radio frequency emissions will not be considered.
 - a. Where the administrative decision grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to the hearing officer. All appeals must be filed within two (2) business days of the written administrative decision, unless the public works director extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law.
 - b. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law. For SWFs, the appeal shall be conducted in accordance with any procedures adopted in the SWF Regulations.

5. Appeals on Major WTFPs shall proceed as provided in accordance with the appeal provisions in Title 2.12 of the Municipal Code, Section 2.12.050 (Appeals). The appellate authority may hear the appeal de novo.
- F. Notice of Shot Clock Expiration. The city acknowledges there are federal and state shot clocks which may be applicable to a proposed wireless telecommunications facility. That is, federal and state law provide time periods in which the city must approve or deny a proposed wireless telecommunications facility. As such, the applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city (e.g. overnight mail) no later than 20 days prior to the expiration.

7.38.070 – DESIGN AND DEVELOPMENT STANDARDS.

- A. SWF Design and Development Standards. SWFs are subject to those design and development standards and conditions of approval set forth in the SWF Regulations. The city's grant of a WTFP for a SWF does not waive, and shall not be construed to waive, any standing by the city to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.
- B. Eligible Facilities Request Design and Development Standards. Approved eligible facilities requests for which the findings set forth in Section XX.YY.060 have been made are subject to the following conditions, unless modified by the approving authority:
1. WTFP subject to conditions of underlying permit. Any WTFP granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit and all such conditions that were applicable to the facility prior to approval of the subject eligible facility request.
 2. No permit term extension. The city's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the city's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall have the same term as the underlying permit or other regulatory approval for the subject tower or base station.
 3. No waiver of standing. The city's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.
- C. Major WTFP Design and Development Standards. All wireless telecommunications facilities subject to a Major WTFP that are located within the PROW shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the following standards:

1. General Guidelines.
 - a. The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties and public views, all in a manner that achieves compatibility with the community and in compliance with this code.
 - b. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.
 - c. Wireless telecommunications facilities shall be located consistent with Section XX.YY.080 (Location Restrictions) unless an exception is granted.
2. Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.
3. Blending Methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area, infrastructure and structures.
4. Equipment. The applicant shall use the least visible equipment for the provision of wireless telecommunications services that is technically feasible. Antenna elements shall be flush mounted, to the extent feasible, with all cables and wires clipped-up or otherwise out of public view. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this Section, antennas shall be situated as close to the ground as technically feasible.
5. Support Structures.
 - a. Pole-Mounted Only. Only pole-mounted antennas (excepting wooden poles per subparagraph 5.b below) shall be permitted in the public right-of-way. Mountings to all other forms of support structure in the public right-of-way are prohibited unless an exception pursuant to Section XX.YY.080 is granted.
 - b. Utility Poles. Wireless telecommunications facilities shall not be located on wooden poles unless an exception pursuant to Section XX.YY.080 is granted. The maximum height of any antenna shall not exceed 48 inches above the height of an existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than 24 feet above any drivable road surface. All installations on utility poles shall fully comply with the California

Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be revised or superseded.

- c. Light Poles. The maximum height of any antenna shall not exceed four feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than 16½ feet above any drivable road surface.
- d. Replacement Poles. If an applicant proposes to replace a pole that is an eligible support structure to accommodate the proposed facility, the replacement pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible.
- e. Equipment mounted on a support structure shall not exceed four (4) cubic feet in dimension.
- f. No new guy wires shall be allowed unless required by other laws or regulations.
- g. An exception pursuant to Section XX.YY.080 shall be required to erect any new support structure (non-eligible support structure) that is not the replacement of an existing eligible support structure.
- h. As applicable to all new support structures (non-eligible support structures), regardless of location, the following requirements shall apply:
 - (i) Such new support structure shall be designed to resemble existing support structures of the same type in the right-of-way near that location, including size, height, color, materials and style, with the exception of any existing structural designs that are scheduled to be removed and not replaced.
 - (ii) Such new support structures that are not replacement structures shall be located at least 90 feet from any eligible support structure to the extent feasible.
 - (iii) Such new support structures shall not adversely impact scenic corridors, as defined in chapter 17.42 of the municipal code, and shall be located to the extent feasible in an area where there is existing natural or other feature that obscures the view of the new support structure. The applicant shall further employ concealment techniques to blend the new support structure with said features including but not limited to the addition of vegetation if feasible.
 - (iv) A justification analysis shall be submitted for all new support structures that are not replacements to demonstrate why an eligible support facility cannot be utilized and demonstrating the new structure is the least intrusive means possible, including a demonstration that the new

structure is designed to be the minimum functional height and width required to support the proposed wireless telecommunications facility.

- i. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the support structure and shall be camouflaged or hidden to the fullest extent feasible. For all support structures wherein interior installation is infeasible, conduit and cables attached to the exterior shall be mounted flush thereto and painted to match the structure.
6. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.
7. Wind Loads. Each facility shall be properly engineered to withstand wind loads as required by this code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility.
8. Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of the right-of-way, or cause safety hazards to pedestrians and motorists.
9. Public Facilities. A facility shall not be located within any portion of the public right-of-way interfering with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.
10. Screening. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.
11. Accessory Equipment. Not including the electric meter, all accessory equipment shall be located underground, except as provided below:
 - a. Unless city staff determines that there is no room in the public right-of-way for undergrounding, or that undergrounding is not feasible, an exception pursuant to Section 7.38.080 shall be required in order to place accessory equipment above-ground and concealed with natural or manmade features to the maximum extent possible.
 - b. When above-ground is the only feasible location for a particular type of accessory equipment and will be ground-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of 15 square feet, and shall be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or camouflaged. Also, while pole-mounted equipment is generally the least favored installation, should pole-mounted equipment be sought, it shall be installed as required in this chapter.
 - c. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence. Such

above-ground accessory equipment shall be installed along the side of the street with no homes.

12. Landscaping. Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.
13. Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.
14. Lighting.
 - a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.
 - b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as towers, lattice towers and monopoles.
 - c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.
 - d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.
 - e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties. Should no lighting be proposed, no lighting study shall be required.
15. Noise.
 - a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.
 - b. At no time shall equipment noise from any facility exceed the noise levels permitted by the King City Municipal Code.
16. Security. Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The public works director or the approving city body, as applicable, may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized

access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.

17. Modification. Consistent with current state and federal laws and if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.
18. The installation and construction approved by a wireless telecommunications facility permit shall begin within one year after its approval or it will expire without further action by the city.
19. Conditions of Approval. All Major WTFPs shall be subject to such conditions of approval as reasonably imposed by the public works director or the approving city body, as applicable, as well as any modification of the conditions of approval deemed necessary by the public works director or the approving city body.

7.38.080 -LOCATION RESTRICTIONS; EXCEPTIONS FOR NON-COMPLIANT MAJOR WIRELESS TELECOMMUNICATIONS FACILITIES.

- A. Locations Requiring an Exception. Major WTFPs are strongly disfavored in certain areas and on certain support structures. Therefore the following locations are permitted only when an exception has been granted pursuant to Subsection B hereof:
 1. Public right-of-way within those zones as identified in the general plan as residential zones;
 2. Public right-of-way within those zones as identified in the general plan as historic districts, or within 100 feet of designated historic buildings;
- B. Required Findings for an Exception on Major WTFPs. For any Major WTFP requiring an "exception" under this chapter, no such exception shall be granted unless the applicant demonstrates with clear and convincing evidence all the following:
 1. The proposed wireless facility qualifies as a "personal wireless services facility" as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii);
 2. The applicant has provided the city with a clearly defined significant gap (as established under state and federal law) and a clearly defined potential site search area.
 - a. In the event the applicant seeks to install a wireless telecommunications facility to address service coverage concerns, full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent wireless telecommunications facilities without the proposed facility, predicted service coverage levels from all adjacent facilities serving applicant with the proposed facility, and predicted

service coverage levels from the proposed facility without all adjacent facilities.

- b. In the event the applicant seeks to address service capacity concerns, a written explanation and propagation maps identifying the existing facilities with service capacity issues together with competent evidence to demonstrate the inability of those facilities to meet capacity demands.
 3. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or reasonably available; and
 4. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 5. The applicant has demonstrated that strict compliance with any provision in this chapter for a Major WTFP would effectively prohibit the provision of personal wireless services.
- C. **Scope.** The planning commission or public works director, as applicable, shall limit an exemption for a Major WTFP to the extent to which the applicant demonstrates such exemption is necessary to reasonably achieve its objectives of covering an established significant gap (as established under state and federal law). The planning commission or public works director, as applicable, may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

7.38.090 - OPERATION AND MAINTENANCE STANDARDS.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards:

- A. The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules, including, without limitation, those applying to use of the PROW. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved WTFP are maintained in a manner that is not detrimental or injurious to the public health, safety, and general welfare and that the aesthetic appearance is continuously preserved, and substantially the same as shown in the approved plans at all times relevant to the WTFP.
- B. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent at its sole cost within 48 hours:

1. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or
 2. After permittee, owner, operator or any designated maintenance agent receives notification from the city.
- C. Insurance. The permittee shall obtain and maintain throughout the term of the permit a type and amount of insurance as specified by city's risk management. The relevant policy(ies) shall name the city, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insured. The permittee shall use its best efforts to provide thirty (30) days prior notice to the public works director of the cancellation or material modification of any applicable insurance policy.
- D. Indemnities. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the city or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and, if applicable, the private property owner and shall reasonably cooperate in the defense. The city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or Permittee (as applicable) shall reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course
- E. Performance Bond. Prior to issuance of a wireless encroachment permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 100% of the cost of removal of the facility as specified in the application for the WTFP or as that amount may be modified by the public works director in the permit based on the characteristics of the installation. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the city council. Reimbursement shall be paid when the security is posted and during each administrative review.
- F. Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility. All facilities, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the PROW, impede the flow of vehicular or pedestrian traffic, impair the primary use and purpose of poles/signs/traffic signals or other infrastructure, interfere with

outdoor dining areas or emergency facilities, or otherwise obstruct the accessibility of the PROW.

- G. **Contact Information.** Each permittee of a wireless telecommunications facility shall provide the public works director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility (“contact information”). Contact information shall be updated within seven days of any change.
- H. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
 - 1. Subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems (water, sewer, storm drains, gas, oil, electrical, etc.) that result from any activities performed in connection with the installation and/or maintenance of a wireless facility in the PROW.
 - 2. General dirt and grease;
 - 3. Chipped, faded, peeling, and cracked paint;
 - 4. Rust and corrosion;
 - 5. Cracks, dents, and discoloration;
 - 6. Missing, discolored or damaged artificial foliage or other camouflage;
 - 7. Graffiti, bills, stickers, advertisements, litter and debris. All graffiti on facilities must be removed at the sole expense of the permittee within forty eight (48) hours after notification from the City.
 - 8. Broken and misshapen structural parts; and
 - 9. Any damage from any cause.
- I. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in neat, safe and good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the public works director.
- J. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
- K. Each facility shall be operated and maintained to comply at all conditions of approval. The permittee, when directed by the city, must perform an inspection of the facility and submit a

report to the public works director on the condition of the facility to include any identified concerns and corrective action taken. Additionally, as the city performs maintenance on city-owned infrastructure, additional maintenance concerns may be identified. These will be reported to the permittee. The city shall give the permittee thirty (30) days to correct the identified maintenance concerns after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit. The burden is on the Permittee to demonstrate that it complies with the requirements herein. Prior to issuance of a permit under this Chapter, the owner of the facility shall sign an affidavit attesting to understanding the City's requirement for performance of annual inspections and reporting.

- L. All facilities permitted pursuant to this chapter shall comply with the American with Disabilities Act.
- M. The permittee is responsible for obtaining power to the facility and for the cost of electrical usage.
- N. Failure to comply with the city's adopted noise standard after written notice and reasonable opportunity to cure have been given shall be grounds for the city to revoke the permit.
- O. Interference.
 - 1. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the city shall be moved to accommodate a permitted activity or encroachment, unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the permittee shall provide the city with documentation establishing to the city's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property within the PROW or city utility easement to be affected by permittee's facilities.
 - 2. The facility shall not damage or interfere in any way with city property, the city's operations or the operations of prior-existing, third party installations. The city will reasonably cooperate with the permittee and/or carrier to carry out such activities as are necessary to correct the interference.
 - a. Signal Interference. The permittee shall correct any such interference within 24 hours of written notification of the interference. Upon the expiration of the 24-hour cure period and until the cause of the interference is eliminated, the permittee shall cease operation of any facility causing such interference until such interference is cured.
 - b. Physical Interference. The city shall give the permittee thirty (30) days to correct the interference after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit.

3. The City at all times reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve the sites. Such actions may temporarily interfere with the operation of the facility. The City will in all cases, other than emergencies, give the applicant 30 days written notification of such planned, non-emergency actions.
- P. RF Exposure Compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, the permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC Office of Engineering and Technology Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.
1. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
- Q. Records. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.
- R. Attorney's Fees. In the event the city determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with permittee to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

7.38.100 - NO DANGEROUS CONDITION OR OBSTRUCTIONS ALLOWED.

No person shall install, use or maintain any wireless telecommunications facility that in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.

7.38.110 - NONEXCLUSIVE GRANT; NO POSSESSORY INTERESTS.

- A. No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as a warranty of title.
- B. No possessory interest is created by a WTFP. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, the permittee acknowledge that the city has given to the applicant notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a WTFP may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Wireless telecommunications facility operators shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interest taxes or other taxes, fees, and assessments levied against their right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by the WTFP.
- C. The permission granted by a WTFP shall not in any event constitute an easement on or an encumbrance against the PROW. No right, title, or interest (including franchise interest) in the PROW, or any part thereof, shall vest or accrue in permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.

7.38.120 - PERMIT EXPIRATION; ABANDONMENT OF APPLICATIONS.

- A. Permit Term. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall automatically expire.
- B. A permittee may apply for a new permit within 180 days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities.
- C. Timing of Installation. The installation and construction authorized by a WTFP shall begin within one (1) year after its approval, or it will expire without further action by the city. The installation and construction authorized by a WTFP shall conclude, including any necessary post-installation repairs and/or restoration to the PROW, within thirty (30) days following the day construction commenced.
- D. Commencement of Operations. The operation of the approved facility shall commence no later than ninety (90) days after the completion of installation, or the WTFP will expire without further action by the city. The permittee shall provide the public works director notice that operations have commenced by the same date.

7.38.130 - CESSATION OF USE OR ABANDONMENT.

- A. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for 90

or more consecutive days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.

- B. The operator of a facility shall notify the public works director in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the public works director of any discontinuation of operations of 30 days or more.
- C. Failure to inform the public works director of cessation or discontinuation of operations of any existing facility as required by this Section shall constitute a violation of any approvals and be grounds for:
 - 1. Litigation;
 - 2. Revocation or modification of the permit;
 - 3. Acting on any bond or other assurance required by this article or conditions of approval of the permit;
 - 4. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 - 5. Any other remedies permitted under this code or by law.

7.38.140 - REMOVAL AND RESTORATION—PERMIT EXPIRATION, REVOCATION OR ABANDONMENT.

- A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the WTFP or abandonment of the facility, the permittee, owner or operator shall remove its wireless telecommunications facility and restore the site to the condition it was in prior to the granting of the WTFP, except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. Expired, terminated or revoked wireless telecommunications facility equipment shall be removed from the site at no cost or expense to the City.
- B. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within 90 days after expiration, earlier termination or revocation of the WTFP, or abandonment of the facility, shall be a violation of this code. Upon a showing of good cause, an extension may be granted by the public works director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this Section shall be grounds for:
 - 1. Prosecution;
 - 2. Acting on any security instrument required by this chapter or conditions of approval of permit;

3. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 4. Any other remedies permitted under this code or by law.
- C. **Summary Removal.** In the event any city director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), such director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within 60 days, the facility shall be treated as abandoned property.
- D. **Removal of Facilities by City.** In the event the city removes a wireless telecommunications facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removal by the city due to exigent circumstances.

7.38.150 - EFFECT ON OTHER ORDINANCES.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this code. In the event of a conflict between any provision of this chapter and other sections of this code, this chapter shall control.

7.38.160 - STATE OR FEDERAL LAW.

The implementation of this chapter and decisions on applications for placement of wireless telecommunications facilities in the PROW shall, at a minimum, ensure that the requirements of this chapter are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Chapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.

7.38.170 – LEGAL NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY.

- A. Legal nonconforming wireless telecommunications facilities are those facilities that existed but did not conform to this chapter on the date this chapter became effective.

- B. Legal nonconforming wireless telecommunications facilities shall, within ten years from the date this chapter became effective, be brought into conformity with all requirements of this article; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this code at such time, to the extent the city can require such compliance under federal and state law.

- C. An aggrieved person may file an appeal to the city council of any decision of the public works director or other deciding body made pursuant to this Section. In the event of an appeal alleging that the ten-year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.



Item No. 9(F)

REPORT TO THE CITY COUNCIL

DATE: MARCH 12, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CONSIDERATION OF SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING SECTIONS 7.34.020 AND 7.34.140 OF CHAPTER 7.34 OF THE KING CITY MUNICIPAL CODE GOVERNING FIREWORKS

RECOMMENDATION:

It is recommended the City Council waive the second reading and adopt an Ordinance increasing penalties for illegal discharge of fireworks.

BACKGROUND:

In 2011, the City Council adopted Ordinance Number 691 establishing Chapter 7.34 of the King City Municipal Code governing the limited allowance of the sale and use of safe and sane fireworks in the City limits. Section 7.34.030(c) calls for the City Council, in the calendar month of January, to set by Resolution or by minute order the number of permits to be issued for the sale of safe and sane fireworks, the form of application for such permit and for the method of selection.

That annual review was conducted at the January 9, 2019 meeting. During the review, the City Council discussed concerns regarding the amount of illegal fireworks that are discharged and complaints received regarding discharge of fireworks past the time period allowed. Last year, the Police Department increased enforcement and citations were issued. Staff believes this helped, but it continues to be a significant issue. As a result, staff was directed to prepare an Ordinance for consideration that would increase the penalties for violation of the City's fireworks regulations.

Staff presented the Ordinance at the February 26, 2019 meeting. The City Council introduced the Ordinance at that time.

**CITY COUNCIL
CONSIDERATION OF SECOND READING AND ADOPTION OF AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING
SECTIONS 7.34.020 AND 7.34.140 OF CHAPTER 7.34 OF THE KING CITY
MUNICIPAL CODE GOVERNING FIREWORKS
MARCH 12, 2019
PAGE 2 OF 3**

DISCUSSION:

Fines for fireworks related violations are currently \$100 for the first violation, \$200 for the second violation within a 12-month period, and \$500 for any subsequent violations within any 12-month period. Given that the problem occurs primarily during July and enforcement is difficult, it is unlikely that citations will escalate past the first violation in a 12-month period. Therefore, the risk of a \$100 fine is not an effective deterrent for this activity.

It is recommended to increase fines to \$1,000 per violation. This is typical in many other cities. Therefore, it will provide a more substantial penalty and the City Attorney has determined the amount is legally defensible. In addition, provisions have been modified to enable the City Council to approve professional fireworks shows as part of a special event permit. Events have been held in the past, but they have resulted in inconsistencies with the Municipal Code regulations.

COST ANALYSIS:

There is no direct financial impact projected from the proposed action.

ENVIRONMENTAL REVIEW:

This item is not a "project" for the purposes of the California Environmental Quality Act (CEQA) as it does not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Adopt the Ordinance;
2. Modify the Ordinance to change the fine amount and then re-introduce;
3. Make other changes to the Ordinance regarding restrictions on fireworks use;
4. Do not adopt the Ordinance and maintain fines at the current amounts; or
5. Provide staff other direction.

**CITY COUNCIL
CONSIDERATION OF SECOND READING AND ADOPTION OF AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING AMENDING
SECTIONS 7.34.020 AND 7.34.140 OF CHAPTER 7.34 OF THE KING CITY
MUNICIPAL CODE GOVERNING FIREWORKS
MARCH 12, 2019
PAGE 3 OF 3**

Exhibits:

1. Ordinance

Prepared and Approved by:



Steven Adams, City Manager

ORDINANCE NO. 2019 - 770

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KING, CALIFORNIA, AMENDING SECTIONS 7.34.020 AND 7.34.140 OF CHAPTER 7.34 OF THE KING CITY MUNICIPAL CODE, FIREWORKS

WHEREAS, the City of King (“City”) is authorized by the California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Chapter 7.34 Fireworks, sets forth sale and discharge requirements for all fireworks and the administrative penalties for these requirements; and

WHEREAS, it is important for the public health and safety that fireworks usage within the City be limited to restricted usage of safe and sane fireworks only during specified times and dates; and

WHEREAS, the City has received multiple complaints from citizens regarding illegal usage of fireworks; and

WHEREAS, City Council desires to increase fines for violations of the City’s regulations involving fireworks in order to improve safe compliance with such regulations.

NOW THEREFORE, , the people of the chartered City of King City do ordain as follows:

Section 1. The above recitals are all true and correct and are hereby adopted as findings.

Section 2. Chapter 7.34, of Title 7, of the King City Municipal Code hereby is amended to read as follows:

CHAPTER 7.34 FIREWORKS

Section 7.34.020 Sale and Discharge of Firework.

- (a) Subject to the provisions of this chapter, the State Fireworks Law, Sections 12500 through 12726 of the Health and Safety Code of the state, and any regulations promulgated thereunder, safe and sane fireworks, as defined herein, may be sold and/or discharged within the city limits of the city of King only during the period beginning at noon on the twenty-eighth day of

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June and ending at 8:00 p.m., on the fourth of July, each year. No fireworks classified as “dangerous fireworks” by Section 12505 of the Health and Safety Code of the state of California may be sold within the city. This section shall not apply to the discharge of fireworks which are authorized by a city issued special event permit.

(b) Subject to the provisions of this chapter, the State Fireworks Law, Sections 12500 through 12726 of the Health and Safety Code of the state, and any regulations promulgated thereunder, safe and sane fireworks, as defined herein, may be discharged within the city limits of the city of King only during the period beginning at noon on the twenty-eighth day of June and ending at 10:00 p.m., on the fourth of July, each year. No fireworks classified as “dangerous fireworks” by Section 12505 of the Health and Safety Code of the state of California may be sold and/or discharged within the city. This section shall not apply to the discharge of fireworks which are authorized by a city issued special event permit.

(c) The use or discharge of fireworks within fifty feet of any fireworks sales stand is prohibited.

Section 7.34.140 Administrative Penalties and Appeals.

In addition to any other remedy available at law, any person or entity who possesses, uses, stores, sells, and/or displays dangerous fireworks or any person or entity who possesses, uses, sells, and/or displays safe and sane fireworks on or at dates, times, and/or locations other than those permitted by this chapter, or any permittee who violates any provision of this chapter is subject to an administrative penalty, in an amount as provided below:

- (a) The amount of the administrative penalty shall be one thousand (\$1,000.00) dollars per violation of the King City Municipal Code.
- (b) Appeals of administrative penalties shall be made and heard in accordance with sections 7.51.603, 7.51.604 and 7.51.609 of the King City Municipal Code.

1 STATE OF CALIFORNIA)
2 COUNTY OF MONTEREY) ss
3 CITY OF KING)

4
5 I, Steven Adams, City Clerk of the City of King, do hereby certify that the foregoing
6 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council
7 of the City of King held on the _____ day of _____, 2018.

8 Upon motion of Councilmember _____, seconded by
9 Councilmember _____, the foregoing Ordinance No. _____ was duly
10 passed and adopted.

11 Vote on the Motion:

12 AYES:

13 NOES:

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the
16 City of King, this _____ day of _____, 2018.

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20 _____
Steven Adams, City Clerk

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Item No. 9(G)

REPORT TO THE CITY COUNCIL

DATE: MARCH 12, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: STEVEN ADAMS, CITY MANAGER

RE: CANCELLATION OF JULY 23, 2019 MEETING

RECOMMENDATION:

It is recommended the City Council cancel the regular meeting of July 23, 2019.

BACKGROUND:

The Municipal Code specifies that the City Council shall conduct regular meetings on the second and fourth Tuesday of each month. Therefore, formal action is required to cancel a meeting.

DISCUSSION:

The City Council has traditionally cancelled the second meeting in July. Many cities cancel one meeting in the summer to provide a summer break and to allow Council Members and staff to plan vacations without having to miss a meeting. Therefore, staff normally proposes to take the action well in advance to provide sufficient notice for those making vacation plans.

Staff recommends the July 23, 2019 meeting be cancelled since it provides time for the Council to complete the fiscal year-end budget review, while providing a meeting break prior to school returning to session for those that would like to plan a family vacation. The only disadvantage of cancelling a meeting is that it often results in lengthy agendas for meetings following and preceding the cancelled meeting.

COST ANALYSIS:

There may be a minor savings by reducing the staff time required related to the meeting.

**CITY COUNCIL
CONSIDERATION OF CANCELLATION OF JULY 23, 2019 MEETING
MARCH 12, 2019
PAGE 2 OF 2**

ENVIRONMENTAL REVIEW:

Meeting cancellations are not a "project" for the purposes of the California Environmental Quality Act (CEQA) as they do not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Approve staff's recommendation;
2. Select a different meeting to be cancelled in the summer months;
2. Do not approve the recommendation; or
4. Provide staff other direction.

Prepared and Approved by:



Steven Adams, City Manager



Item No. 11(A)

REPORT TO THE CITY COUNCIL

DATE: MARCH 12, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

BY: GEOFF ENGLISH, PUBLIC WORKS SPECIAL PROJECT COORDINATOR

FROM: STEVEN ADAMS, CITY MANAGER

RE: WASTEWATER RATE STUDY DRAFT REPORT PRESENTATION

RECOMMENDATION:

It is recommended City Council accept the Wastewater Rate Study and direct staff to prepare and distribute a Proposition 218 Public Hearing Notice for Wastewater Rate Increases as proposed in the Wastewater Rate Study.

BACKGROUND:

City staff are working on plans to address major deficiencies in its wastewater system. Last year, the Collection System Master Plan and the Wastewater Treatment Facilities Plans completed and approved by the City Council. The Wastewater Treatment Plant will need to be upgraded in order to meet current State Water Board regulations and to meet future capacity needs. In addition, many of the sewer pipes making up the sanitary sewer collection system are outdated, deteriorating and undersized, necessitating replacement of significant pipe segments. If appropriate upgrades and replacements are not taken, the City may be subject to fines and or urgent and untimely replacement projects.

On September 12, 2018, the City Council approved a consultant services agreement to Bartle Wells Associates to conduct a wastewater rate study. The purpose of the rate study was to evaluate the City's operational budget, Wastewater Treatment Facilities Plan and the Collection System Master Plan to determine the City's future revenue needs. Bartle Wells Associates used a software model to run a variety of scenarios on rates to meet the revenue needs and options of restructuring wastewater fees to help ensure they are as fair and

**CITY COUNCIL
CONSIDERATION OF WASTEWATER RATE STUDY
MARCH 12, 2019
PAGE 2 OF 5**

equitable as possible. Bartle Wells Associates has worked with City staff to prepare a Draft Waste Water Rate Study (Exhibit #1).

DISCUSSION:

The City provides sanitary sewer service to a population of approximately 12,900 people within the City's incorporated boundaries. Sanitary sewer services provided by the City includes a collection system of gravity sewer pipelines, force mains, sewer lift stations and the King City Wastewater Treatment Plant. The City collects wastewater from residential, commercial, institutional and industrial customers within the City's service area. Additionally, the City pays for staffing, contract services, utilities, equipment, materials and all other related costs to operate and maintain the sanitary sewer system. Fees and charges to customers cover the cost to maintain and operate the sanitary sewer systems.

The current sewer rates and charges are detailed in the draft study and were established by Resolution No 09-4302 on September 8, 2009. This Resolution establish four rate adjustments from September 1, 2009 through September 1, 2012. Additionally, the City Council adopted the Wastewater Treatment Facilities Plan and the Collection System Master Plan in September of 2017. These two documents outline future improvements including a significant capital improvement project to construct a new secondary treatment facility that will meet the water quality mandates of the Central Coast Regional Water Quality Control Board. The projected costs to the City for Phase I of the Master Plan include approximately \$43.7 million for construction and an annual increase of \$460,000 for maintenance and operations expenses. The Wastewater Collection System Master Plan recommends replacing deficient pipes on an ongoing annual basis for the next 20 years, which will result in an estimated \$250,000 annually with a cost escalating factor included over the life of the projection.

A portion of this cost for the above-mentioned projects will be assumed to be funded from grants. However, other revenue will be necessary. The Draft Wastewater Rate Study proposes gradual rate increases over five years to all customer classifications to reach the necessary revenue levels to fund the required upgrades to the Wastewater Treatment Plant and sanitary sewer collection system.

On Thursday, February 7, 2019 a public workshop and presentation of the Draft Wastewater Rate Study was held. Notices in both English and Spanish were mailed to every King City resident and rate payer. Additionally, press releases were distributed and certain individual customers who had made comments in the past regarding wastewater rates were contacted directly. Twenty residents attended the workshop and they actively participated and provided thoughtful

**CITY COUNCIL
CONSIDERATION OF WASTEWATER RATE STUDY
MARCH 12, 2019
PAGE 3 OF 5**

comments and questions. A summary of questions and comments during the workshop included the following:

- Resident interest in proposed collection system improvements.
- Questions about the mechanics about the Proposition 218 process.
- Consideration of reduced costs for apartments and accessory dwelling units.
- Further explanation as to the reason that Phase 1 of the WWTP Improvement project does not more significantly increase the treatment capacity and that largely new development will cover the costs of phase 2 of the WWTP Improvement Project.

Staff is recommending that the City Council formally accept the Wastewater Rate Study and direct staff to prepare and distribute a Proposition 218 Public Hearing Notice for Wastewater Rate Increases as proposed in the Wastewater Rate Study. If directed as such, staff will prepare a draft Proposition 218 Public Hearing Notice for Tuesday, May 28, 2019. Language in the draft 218 Notice will include any changes and modifications directed by the City Council. If a Proposition 218 Public Hearing is conducted and assuming the 50% threshold for protest votes is not eclipsed, then the proposed sewer rate increases will take effect on July 1, 2019.

COST ANALYSIS:

The Draft Wastewater Rate Study proposes gradual rate increases to all customer classifications that would, if approved, be evenly distributed over a five-year period. The proposed rate increases are based on the following factors and assumptions:

- Cost increases are designed to provide funding for upgrade of the Treatment Plant to Secondary Treatment only. The improvement for tertiary level treatment (recycled water) will be covered by CalWater later when that portion of the facilities is initiated.
- Additional operations and staffing expenditures will be necessary when the Secondary Wastewater Treatment Plant improvements are completed which is tentatively scheduled for Fiscal Year 2024/25.
- The City will secure seven million dollars in grants to help fund the Wastewater Treatment plant upgrades and will utilize the State Revolving Fund Loan program to secure low interest loans.
- The outstanding General Fund loan from the Sewer Fund will be repaid in full by Fiscal Year 2022/23.
- Annual sewer line replacement projects in the amount of \$240,000 per year will continue through project completion.

**CITY COUNCIL
 CONSIDERATION OF WASTEWATER RATE STUDY
 MARCH 12, 2019
 PAGE 4 OF 5**

The proposed rate increases are outlined in the Draft Study and in the table below:

Table 13 – Proposed Sewer Rates

Customer Class	Current Rates	Projected Sewer Rates					
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
RESIDENTIAL							
<i>Monthly charge per dwelling unit</i>							
Single Family	\$51.35	\$55.71	\$60.44	\$65.57	\$71.14	\$77.18	\$83.73
Multi-Family	51.35	53.74	56.24	58.85	61.59	64.45	67.45
NON-RESIDENTIAL							
<i>Volumetric charges per hcf of water use</i>							
Low Strength	3.18	3.53	3.92	4.35	4.83	5.36	5.96
Standard Strength	3.35	3.74	4.17	4.65	5.19	5.79	6.47
Moderate Strength	3.69	4.15	4.66	5.24	5.89	6.62	7.44
High Strength	4.55	5.16	5.85	6.64	7.53	8.54	9.70
<i>Minimum Non-Residential Monthly Charge</i>		<i>26.87</i>	<i>28.12</i>	<i>29.43</i>	<i>30.80</i>	<i>32.23</i>	<i>33.72</i>
SCHOOLS							
<i>Annual charge per student per year</i>							
Grades K-8	6.24	6.64	7.06	7.51	7.99	8.50	9.03
High-School	13.18	13.89	14.64	15.43	16.26	17.14	18.07

ENVIRONMENTAL REVIEW:

The Wastewater Rate Study is not a “project” for the purposes of the California Environmental Quality Act (CEQA) as it will not have the potential for resulting in either a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. No further action is required under CEQA for City Council action.

ALTERNATIVES:

The following alternatives are provided for the Council’s consideration:

- Approve staff’s recommendation to accept the Wastewater Rate Study and direct staff to prepare and distribute a Proposition 218 Public Hearing Notice for Wastewater Rate Increases as proposed in the Wastewater Rate Study;
- Direct the consultant to utilize other assumptions to modify the proposed rate increases;
- Direct the consultant to prepare other options for consideration;
- Do not approve staff’s recommendation and direct staff to modify the proposed wastewater rates and return with modified recommendations;
- Provide direction to staff.

**CITY COUNCIL
CONSIDERATION OF WASTEWATER RATE STUDY
MARCH 12, 2019
PAGE 5 OF 5**

EXHIBITS:

1. Draft Wastewater Rate Study

Submitted by:

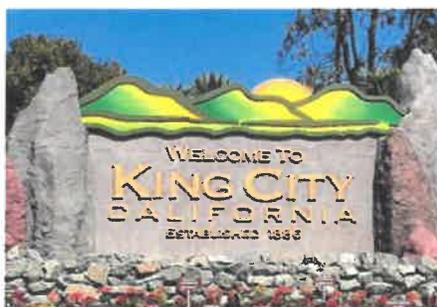


Geoff English, Public Works Special Project Coordinator

Approved by:



Steven Adams, City Manager



Wastewater Rate Study

Draft 02/19/19



BARTLE WELLS ASSOCIATES
INDEPENDENT PUBLIC FINANCE ADVISORS

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1 BACKGROUND & OBJECTIVES

1.1 Background & Wastewater Facility Improvements

King City is located in the southern Salinas Valley of California's Central Coast in Monterey County, California, roughly half-way between the cities of Salinas and Paso Robles along US Route 101. The City has a population of approximately 14,900. The City provides wastewater service to 2,615 customers including residential, commercial, institutional, agricultural, and light industrial accounts within the City. The City owns and operates a wastewater collection system consisting of 32 miles of sewer main pipelines and 2 pump stations, and wastewater treatment facilities consisting mainly of headworks/screens and treatment ponds.

Some of the City's sewer pipelines are now 70 to 100 years old and will need to be replaced and upsized in upcoming years. Many pipelines are inadequately sized for current capacity needs, resulting in periodic backups and overflows and resulting in the potential for water pollution and significant fines from the State Water Resources Control Board. To address existing collection system deficiencies and provide capacity for growth, the City plans to fund a long-term pipeline replacement program.

Additionally, the City's wastewater treatment facilities were constructed almost 50 years ago and are a) reaching the end of their useful life, b) approaching capacity limitations, and c) incapable of meeting new Regional Water Quality Control Board (RWQCB) regulatory and permit requirements. Failure to comply with the new regulatory requirements in a timely manner could result in substantial fines and additional infrastructure and operating requirements that could be mandated by the RWQCB. To address the existing deficiencies, the the City has been proactively planning to build a new wastewater treatment plant at the existing site. The new treatment plant includes a) "secondary treatment" facilities designed to meet new regulatory requirements and will be designed to also b) facilitate "tertiary treatment" for provision of recycled water, and c) allow for gradual expansion in stages as growth occurs.

With construction cost inflation, the initial wastewater facility secondary treatment improvements to address existing deficiencies are projected to cost \$43.7 million. The City has been working with its engineering consultants to try and minimize the project cost and is aggressively seeking grants and subsidized, low-interest-rate loans to offset funding requirements from future sewer rates.

The City's wastewater utility is accounted for as a financially self-supporting enterprise. Revenues are derived primarily from sewer service charges. As such, the City's sewer rates must be set at adequate levels to fund the costs of providing service and:

- Fund ongoing operating and maintenance expenses
- Address State mandates & RWQCB wastewater regulatory requirements
- Fund the initial wastewater treatment facility improvements and related debt service and associated increased operating costs
- Provide funding for sewer collection system cleaning and an ongoing pipeline replace program to gradually address collection system deficiencies

The City's sewer rates have not been adjusted in over 6 years. Sewer rates were last increased effective July 2012 as the last step of a 4-year rate increase adopted in 2009, roughly 10 years ago. The prior sewer rate increases strengthened the financial condition of the sewer enterprise. However, current rates are not adequate to fund the needed wastewater facility improvements.

1.2 Goals & Objectives

In 2018, the City retained Bartle Wells Associates (BWA) via a competitive RFP process to develop a financial plan and rate study for the sewer enterprise. Key goals and objectives of the study include:

1. Develop a 10-year financial plan for the City's sewer enterprise that:
 - a. supports the City's sewer operating and capital programs
 - b. funds a new wastewater treatment facility to address existing deficiencies
 - c. provides an ongoing funding stream for sewer collection system improvements
 - d. prudently uses sewer fund reserves to help minimize debt financing needs for the wastewater treatment improvements while maintaining an adequate level of fund reserves in future years
 - e. maintains the long-term financial sustainability of the sewer enterprise
2. Develop sewer rates that:
 - a. recover the City's costs of providing sewer service
 - b. are fair and equitable to all customer classes
 - c. are easy to understand and implement
 - d. comply with the legal requirements of Proposition 218 and other California law
3. Aim for steady, gradual annual rate increases, to the extent possible, to help minimize the annual impact on customers.

BWA worked closely with City staff and Carollo Engineers – the City’s engineering consultants who developed the Wastewater Treatment Facilities Plan (September 2017), Collection System Master Plan (September 2017), and Recycled Water Feasibility Study (July 2018) – to incorporate information and input, evaluate alternatives, and develop recommendations. This report summarizes key findings and recommendations for sewer rates over the next 6 years.

1.3 Summary of Sewer Rate Recommendations

The table on the following page shows a summary of proposed sewer rate recommendations. Rate increases are phased in over the next 6 years and are designed to support an overall 9% rate increase each year. The proposed rates also include some rate structure modifications designed to improve equity and reflect the cost of providing wastewater service to all customer classes. Proposed rate structure modifications include the following:

Residential Sewer Rates

- Maintain fixed monthly sewer service charges per dwelling unit
- Establish reduced charges for multi-family dwelling units (currently all residential dwelling units are charged the same monthly rate)

Commercial/Non-Residential Sewer Rates

- More increases to commercial rates, which are currently disproportionately low compared to residential rates
- Maintain volumetric commercial rates, but establish a minimum monthly charge to help fund fixed costs (the minimum charge only applied if usage is below minimum levels)
- Transition commercial rate categories to customer classes based on wastewater strength

Proposed rate increases and rate structure modifications are both phased in over the next 6 years to help minimize the impact on customers.

Proposed Sewer Rates

Current Rates 2018/19	Proposed Sewer Rates (Assumes Equal Annual % Phase-in)						Average Annual Increase	
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25		
Effective Date	July 1 2019	July 1 2020	July 1 2021	July 1 2022	July 1 2023	July 1 2024		
Overall Rate Increase	9%	9%	9%	9%	9%	9%		
RESIDENTIAL								
<i>Monthly charge per dwelling unit</i>								
Single Family	\$51.35	\$55.71	\$60.44	\$65.57	\$71.14	\$77.18	\$83.73	8.5%
Multi-Family	51.35	53.74	56.24	58.85	61.59	64.45	67.45	4.6%
NON-RESIDENTIAL								
<i>Volumetric charges per hcf of water use</i>								
Low Strength	3.18	3.53	3.92	4.35	4.83	5.36	5.96	11.0%
Standard Strength	3.35	3.74	4.17	4.65	5.19	5.79	6.47	11.6%
Moderate Strength	3.69	4.15	4.66	5.24	5.89	6.62	7.44	12.4%
High Strength	4.55	5.16	5.85	6.64	7.53	8.54	9.70	13.4%
<i>Minimum Non-Residential Monthly Charge</i>		26.87	28.12	29.43	30.80	32.23	33.72	
SCHOOLS								
<i>Annual charge per student per year</i>								
Grades K-8	6.24	6.64	7.06	7.51	7.99	8.50	9.03	6.4%
High-School	13.18	13.89	14.64	15.43	16.26	17.14	18.07	5.4%

Note: 1 hcf = one hundred cubic feet, or approximately 748 gallons.

2 SEWER FINANCIAL PLAN & RATE PROJECTIONS

2.1 Sewer Rates

Table 1 shows the City's current sewer rates. These rates have been effective for over 6 years, since July 2012. Most customers are billed monthly via a combined water and sewer utility bill sent by Cal Water. Cal Water is a private water company that provides water service to King City and other regional communities. The City partners with Cal Water for billing to help reduce costs.

Table 1. Current Sewer Rates

Rates Effective July 1, 2012		
RESIDENTIAL		<u>Equivalent Rate per Day</u>
Monthly charge per dwelling unit	\$51.35	\$1.69
COMMERCIAL		<u>Equivalent Rate per 100 gallons</u>
Volumetric charges per hundred cubic feet (hcf) of water use		
Laundromats & Car Washes	\$3.18	\$0.43
Commercial Users (Including Hospitals)	3.35	0.45
Trucking Operations	3.69	0.49
Restaurants	4.55	0.61
SCHOOLS		
Annual charge per student per year		
Grades K-8	\$6.24	
High-School	13.18	

The City's sewer rate structure varies by customer class:

- Residential customers pay a fixed monthly charge per dwelling unit. These fixed charges reflect the system capacity needs for serving a typical residential unit. The City incurs a substantial amount of fixed costs ensuring that sewer system capacity is available at all times to meet customer needs on demand. All residential dwelling units current pay the same fixed monthly charge of \$51.35, which equates to a charge of \$1.69 per day.
- Commercial and other non-residential customers pay volumetric sewer charges billed based on customer class and water use. Customer classes with higher strength wastewater pay higher rates reflecting the higher costs of wastewater treatment. Commercial charges are billed per hundred cubic feet (hcf) of metered water use, with 1 hcf equal to approximately 748 gallons of water. Current commercial rates range from \$3.18 to \$4.55 per hcf, which equates to a range of \$0.43 to \$0.61 per hundred gallons.

Table 2 shows historical sewer rates since 2005. Sewer rates were last increased effective July 2012 as the last step of a 4-year rate increase adopted in 2009. The prior sewer rate increases substantially strengthened the financial condition of the sewer enterprise and has enabled the City to accrue some fund reserves that it plans to use to help fund wastewater treatment facility improvements.

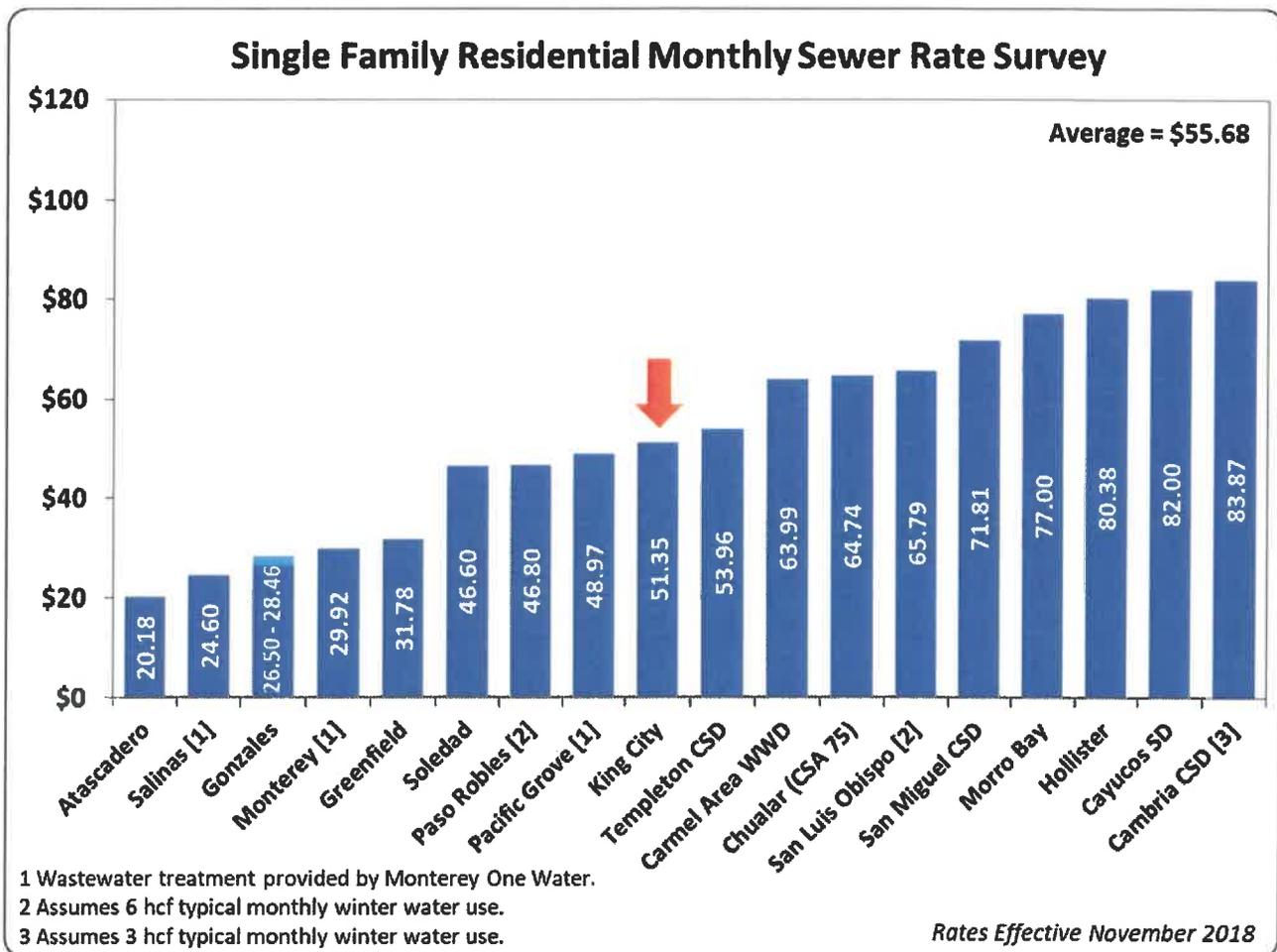
Table 2. Historical Sewer Rates

Effective Date	July 1 2005	Sept 1 2009	July 1 2010	July 1 2011	Sept 1 2012
RESIDENTIAL					
<i>Percentage Increase</i>		25%	25%	25%	25%
Monthly charge per dwelling unit	\$21.03	\$26.29	\$32.86	\$41.08	\$51.35
COMMERCIAL					
<i>Percentage Increase</i>		50%	25%	25%	25%
Volumetric charges per hundred cubic feet of metered water use (\$/hcf)					
Laundromats & Car Washes	\$1.08	\$1.62	\$2.03	\$2.54	\$3.18
Commercial Users & Hospitals	1.14	1.71	2.14	2.68	3.35
Trucking Operations	1.26	1.89	2.36	2.95	3.69
Restaurants	1.55	2.33	2.91	3.64	4.55
SCHOOLS					
<i>Annual charge per student per year</i>		25%	25%	25%	25%
Grades K-8	\$2.55	\$3.19	\$3.99	\$4.99	\$6.24
High-School	5.39	6.74	8.43	10.54	13.18

2.2 Regional Sewer Rate Survey

The following chart compares the City's current residential sewer rates to those of other regional agencies. Most of the agencies levy fixed monthly residential charges while a few agencies levy residential rates that include a volumetric rate component, typically based on winter water use as a proxy for sewer discharge. Rates can vary widely from agency to agency due to a wide range of factors. The City's residential sewer are currently in the middle range compared to other regional agencies and are expected to end up the upper-middle range assuming proposed rate increases are phased in over the next 6 years. A number of other regional agencies have already adopted multi-year rate increases or are anticipating raising rates in upcoming years to address operating and capital funding needs.

Figure 1 –Sewer Rate Survey



2.3 Sewer Financial Overview

BWA conducted an independent evaluation of sewer enterprise finances. Key observations include:

- Previous rate increases have put the sewer enterprise in a sound financial position, but the City faces substantial financial challenges going forward.
- The City needs to build a new wastewater treatment plant with secondary treatment in order to comply with new RWQCB regulatory requirements, replace aging facilities, and facilitate expansion in phases to meet the future demands of growth. The new wastewater treatment facility will also be designed to facilitate transition to tertiary treatment in order to provide recycled water.
- The proposed sewer rates assume the City's sewer customers would be responsible for funding the initial phase of the wastewater treatment facility improvements with secondary treatment to address existing deficiencies. Funding for tertiary treatment facilities and operations are projected to be funded by Cal Water and grants. The City anticipates partnering with Cal Water to help facilitate cost-effective financing and construction of the tertiary treatment facilities. The City is also targeting that future treatment facility expansions would be funded by new development, with the economies of scale provided by growth benefitting all customers.
- Sewer fund reserves are currently at healthy levels but are projected to be partially drawn down in upcoming years to help fund wastewater treatment facility improvements. Financial projections are designed to maintain a prudent minimum level of fund reserves in future years.
- The City will need to implement significant sewer rate increases over the next 6 years to support funding for the initial phase of wastewater treatment facility improvements with secondary treatment to address existing deficiencies and comply with new RWQCB regulatory and permit requirements. Sewer rate increases can be gradually phased in to help minimize the annual impact on the City's sewer customers.

2.4 Financial Challenges / Key Drivers of Rate Increases

The sewer enterprise is facing a number of financial challenges that will require the City to phase in sewer rate increases in upcoming years. Key drivers of future rate increases are summarized as follows.

2.4.1 New Wastewater Treatment Facility

Based on updated cost estimates provided by Carollo Engineers, the cost of a new wastewater treatment facility with secondary treatment is estimated at \$43.7 million accounting for cost inflation through construction mid-point. Table 3 shows a breakdown of costs by fiscal year.

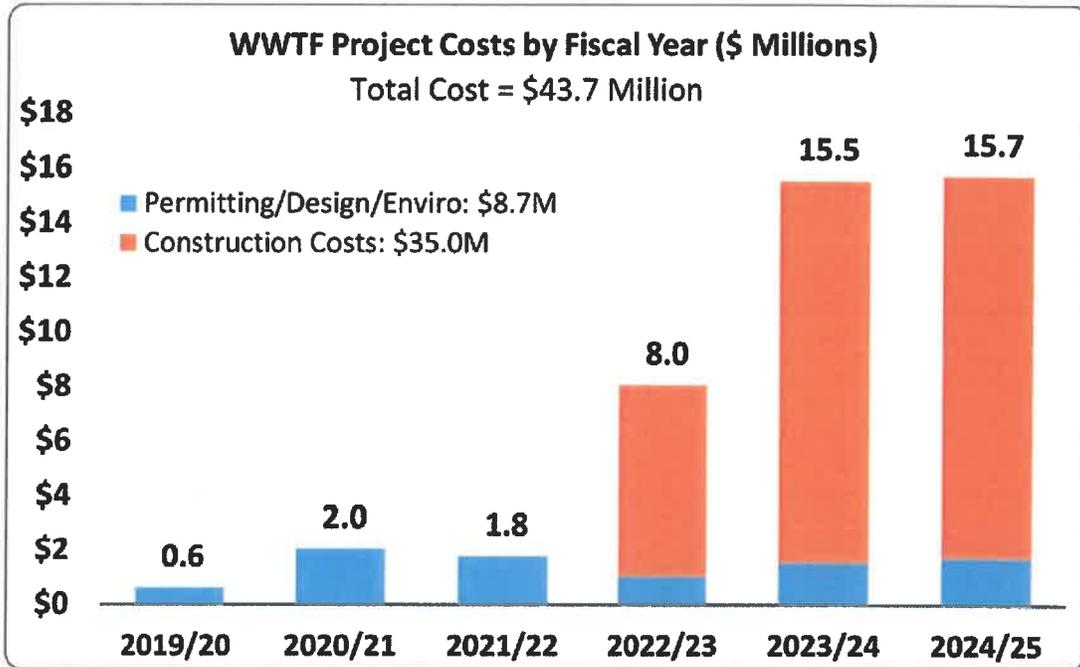
Table 3 – Wastewater Treatment Facility Project: Secondary Treatment Improvements

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	Total
Wastewater Treatment Facility Project: Secondary Treatment Improvements							
Soft Costs							
City Staff	145,700	145,700	145,700	145,700	145,700	145,700	874,200
Engineering Design		1,485,800	1,485,800				2,971,600
Bid & Award				174,800			174,800
Construction Management				646,800	1,293,500	1,293,500	3,233,800
Environmental Mitigation				35,000	69,900	69,900	174,800
Planning/Predesign/Funding	116,500	116,500	116,600				349,600
Environmental Planning	349,600						349,600
Land Acquisition		262,200					262,200
Legal/Admin		35,000	35,000	35,000	35,000	35,000	175,000
Closeout						174,800	174,800
Subtotal	611,800	2,045,200	1,783,100	1,037,300	1,544,100	1,718,900	8,740,400
Construction Costs							
WWTF Secondary Treatment				6,992,000	13,984,000	13,984,000	34,960,000
Total Project Costs	611,800	2,045,200	1,783,100	8,029,300	15,528,100	15,702,900	43,700,400

Source: Carollo Engineers FY Cost Breakdown - Secondary Only (revised 2/4/19).

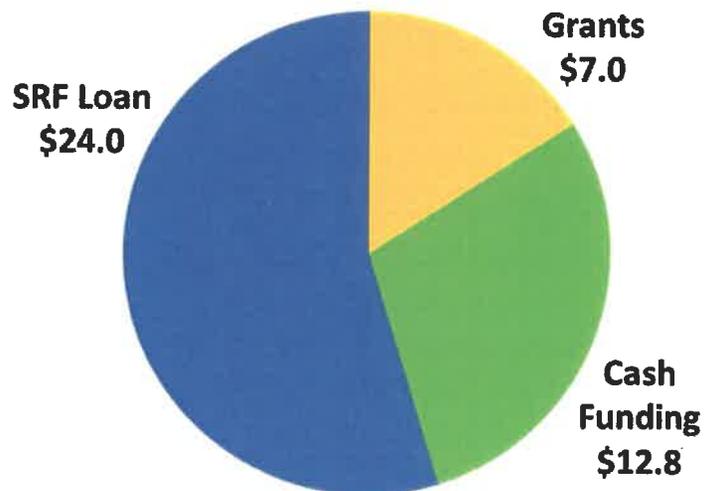
The new wastewater treatment facility with secondary treatment improvements will also result in the need for additional operating and maintenance expenses for staffing, electricity, chemicals, and equipment maintenance. Based on input from Carollo Engineers, the increase in operating costs for secondary treatment is projected at \$460,000 starting fiscal year 2025/26, the first year the new secondary treatment facilities are projected to be in operation. This level of costs is based on a current year-estimate of \$350,000 escalated for cost inflation.

Figure 2 –WWTF Project Costs by Years



The wastewater treatment facility secondary improvements are projected to be funded by a combination of grants, a low-interest-rate loan from the Clean Water State Revolving Fund (SRF) financing program, and a significant amount of cash funding generated from prior and proposed sewer rate increases in intervening years until the new SRF loan debt service starts being repaid. The following chart shows a breakdown of anticipated project funding sources.

Figure 3 –Anticipated WWTF Project Funding Sources



2.4.2 Sewer Collection System Capital Upgrades & Maintenance

Some of the City’s sewer pipelines are now 70 to 100 years old and will need to be replaced and upsized in upcoming years. Many pipelines are inadequately sized for current capacity needs, resulting in periodic backups and overflows and resulting in the potential for water pollution and significant fines from the State Water Resources Control Board. To address existing collection system deficiencies and provide capacity for growth, the City plans to fund a long-term pipeline replacement program at a level of \$250,000 per year escalating at the annual rate of 3% to account for future construction cost inflation. This level of funding is in line with the *Collection System Master Plan* recently developed by Carollo Engineers.

Table 4 below summarizes wastewater system capital improvements through 2024/25, the final year of construction for the secondary wastewater treatment facility improvements.

Table 4 – Sewer Capital Improvement Program with 3% Cost Escalation

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Wastewater Treatment Facility Project							
Secondary Treatment Only							
Soft Costs		611,800	2,045,200	1,783,100	1,037,300	1,544,100	1,718,900
Construction Phase					6,992,000	13,984,000	13,984,000
Subtotal		611,800	2,045,200	1,783,100	8,029,300	15,528,100	15,702,900
Sewer Collection System Improvements							
Small Pipe Replacements*	250,000	258,000	266,000	274,000	282,000	290,000	299,000
* Average annual funding level of \$250,000 plus 3% annual cost escalation.							

The City recognizes that it is important to proactively maintain the wastewater collection system to minimize problems and improve reliability. To do this, the financial projections include some new funding for ongoing collection system cleaning. These costs only account for a minimal share of the proposed rate increases.

2.4.3 Ongoing Operating Cost Inflation

The City faces ongoing operating cost inflation due to annual increases in a range of expenses including staffing, utilities, chemicals, insurance, supplies, etc. Water and sewer cost inflation has historically been significantly higher than the Consumer Price Index (CPI) for consumer goods and services.

2.5 Sewer Enterprise Financial Projections

BWA developed 10-year sewer enterprise cash flow projections to evaluate financial alternatives and determine future sewer rate increases. BWA developed financial projections under 3 alternative scenarios including:

A) Base Case Scenario

- Assumes \$7 million of grants (\$3 million from CDBG and \$4 million from the SWRCB); the City believes this is a level of grant funding that can reasonably be obtained.
- Assumes availability of low-rate State Revolving Fund (SRF) loans for all debt financing needs.
- Based on input from City staff, first scenario is used as the basis for the sewer rate projections.

B) Additional Grant Funding

- Assumes \$9 million of grants to evaluate the impact of potential additional grant funding.
- Assumes availability of low-rate State Revolving Fund (SRF) loans for all debt financing needs.

C) No Grants or Subsidized Financing (Worst Case Scenario)

- Assumes no grant funding.
- Assumes no SRF loan funding with all debt financing needs provided by municipal bonds.

Financial projections under the Base Case Scenario are included in the body of this report and form the basis for sewer rate projections. Financial projections under the alternative scenarios are included in Appendix A, the full set of rate study tables.

2.5.1 Financial Plan Assumptions

The financial projections incorporate the latest information available and a number of reasonable and slightly conservative assumptions for planning purposes. Key assumptions include:

Revenue Assumptions

- Sewer rate revenues are based on estimated revenues for the current fiscal year and escalate to account for projected rate increases and growth. Growth from new development is projected to increase the customer base by about 4% over the three years, with future growth projected at 0.25% per year thereafter.
- The projections assume an elevated level of sewer connection fee revenues over the next 3 years with longer-term connection fee revenues projected at \$50,000 per year.
- Future investment earnings are projected at 2% of beginning annual fund reserves.
- The projections account for repayment of a prior sewer loan made to the General Fund via payments through 2021/22.

Expense Assumptions

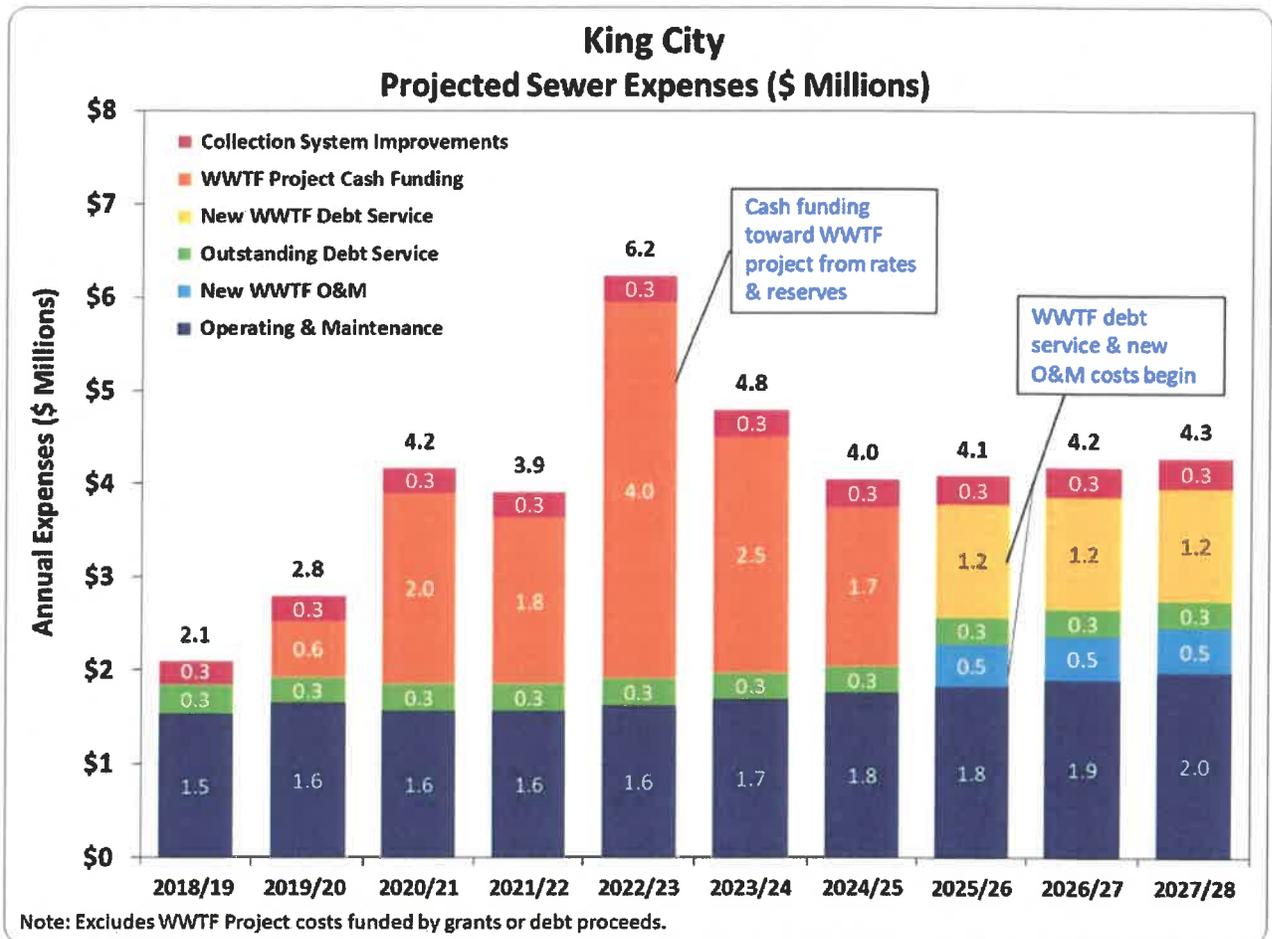
- Operating and maintenance costs are primarily based on the 2018/19 budget. Salaries and benefits are projected to escalate at the annual rate of 5%, while other operating costs are projected to escalate at the annual rate of 3% to account for cost inflation as shown on the table.
- The projections include funding for sewer collection system line cleaning. The City anticipates funding \$130,000 of line cleaning in 2020/21 with subsequent year funding projected at \$50,000 plus 3% cost inflation to account for average annual funding although costs may vary from year to year.
- New operating and maintenance expenses for secondary treatment are projected at \$460,000 starting 2025/26, the first year the new secondary treatment facilities are projected to be in operation. This level of costs is based on a current year-estimate of \$350,000 escalated for inflation.
- Capital improvement costs are based on updated engineering cost estimates for the wastewater treatment facility improvements and ongoing collection system repairs and replacements. Capital costs account for 3% annual construction cost inflation.
- The projections assume \$7 million of grant funding as shown on the table.
- Debt service projections for the wastewater treatment facility assume use of a low-interest-rate loan from the Clean Water State Revolving Fund with a 2.50% annual interest rate and a 30-year repayment term starting the year after the wastewater treatment facility secondary improvements are completed. The projections also account for establishing a debt service reserve fund equal to an annual debt service payment for the SRF Loan. Based on current SRF policy, the reserve fund must be funded at least 90 days prior to project completion.
- The projections include debt service for the Wastewater Refunding Revenue Bonds, Series 2018, which refunded prior wastewater Certificates of Participation issued in 2009 for savings.
- For financial planning purposes, the financial projections assume the City aims to maintain a minimum fund reserve target equal to 50% of annual operating and maintenance expenses, plus \$1 million for emergency capital reserves. Maintaining a prudent minimal level of fund reserves provides a financial cushion for dealing with unanticipated expenses, revenue shortfalls, and non-catastrophic emergency capital repairs. The fund reserve target will escalate over time as the City's expenses gradually increase. It is acceptable if reserves fall below the target on a temporary basis, provided action is taken to achieve the target over the longer run.
- Future debt service coverage is projected in the 1.30x range.

Table 5 - 10-Year Sewer Cash Flow Projections

King City Sewer Cash Flow Projections										\$7M Grants & SRF Financing			
King City Sewer Cash Flow Projection	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29		
Sewer Rate Adjustment	-	9.0%	9.0%	9.0%	9.0%	9.0%	9.0%	2.0%	2.0%	2.0%	2.0%		
Growth %	-	1.5%	1.5%	0.75%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%		
Interest Earnings Rate	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%		
Beginning Sewer Fund Reserves	\$5,652,000	\$6,561,000	\$7,375,000	\$7,094,000	\$7,158,000	\$4,499,000	\$3,517,000	\$2,391,000	\$2,517,000	\$2,639,000	\$2,755,000		
SRF Debt Reserves	-	-	-	-	-	-	-	1,200,000	1,200,000	1,200,000	1,200,000		
REVENUES													
Sewer Service Charges	2,200,000	2,434,000	2,693,000	2,957,000	3,231,000	3,531,000	3,858,000	3,945,000	4,034,000	4,125,000	4,218,000		
Industrial Sewer Fees	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000		
Connection Fees	50,000	400,000	400,000	200,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000		
Investment Earnings	113,000	131,000	148,000	142,000	143,000	90,000	70,000	72,000	74,000	77,000	79,000		
Other Revenues	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000		
General Fund Loan Repayment	500,000	500,000	500,000	532,000	0	0	0	0	0	0	0		
Total Revenues	3,008,000	3,610,000	3,886,000	3,976,000	3,569,000	3,816,000	4,123,000	4,212,000	4,303,000	4,397,000	4,492,000		
Grant Funding					4,000,000	3,000,000							
SRF Loan Proceeds						10,000,000	14,000,000						
EXPENSES													
Operating & Maintenance													
Salaries & Benefits	461,000	484,000	508,000	533,000	560,000	588,000	617,000	648,000	680,000	714,000	750,000		
Professional Services	398,000	400,000	412,000	424,000	437,000	450,000	464,000	478,000	492,000	507,000	522,000		
Utilities	155,000	160,000	165,000	170,000	175,000	180,000	185,000	191,000	197,000	203,000	209,000		
Repair & Maintenance	102,000	105,000	108,000	111,000	114,000	117,000	121,000	125,000	129,000	133,000	137,000		
Admin/ Other	67,000	69,000	71,000	73,000	75,000	77,000	79,000	81,000	83,000	85,000	88,000		
Overhead Reimbursement	350,000	300,000	250,000	200,000	210,000	221,000	232,000	244,000	256,000	269,000	282,000		
Collection System Line Cleaning	-	130,000	50,000	52,000	54,000	56,000	58,000	60,000	62,000	64,000	66,000		
New Secondary O&M Expenses	-	-	-	-	-	-	-	460,000	474,000	488,000	503,000		
Subtotal	1,533,000	1,648,000	1,564,000	1,563,000	1,625,000	1,689,000	1,756,000	2,287,000	2,373,000	2,463,000	2,557,000		
Debt Service													
2018 Wastewater Refunding Bonds	316,000	278,000	292,000	292,000	292,000	291,000	291,000	291,000	291,000	291,000	291,000		
WWTF SRF Loan Repayment	-	-	-	-	-	-	-	1,200,000	1,200,000	1,200,000	1,200,000		
Total	316,000	278,000	292,000	292,000	292,000	291,000	291,000	1,491,000	1,491,000	1,491,000	1,491,000		
Capital/Non-Operating													
WWTF Secondary Improvements	-	612,000	2,045,000	1,783,000	1,037,000	1,544,000	1,719,000	-	-	-	-		
Soft Costs/Design/Const Mgmt	-	-	-	-	6,992,000	13,984,000	13,984,000	-	-	-	-		
Construction	250,000	258,000	266,000	274,000	282,000	290,000	299,000	308,000	317,000	327,000	337,000		
Collection System Improvements	250,000	870,000	2,311,000	2,057,000	8,311,000	15,818,000	16,002,000	308,000	317,000	327,000	337,000		
Subtotal	2,099,000	2,796,000	4,167,000	3,912,000	10,228,000	17,798,000	18,049,000	4,086,000	4,181,000	4,281,000	4,385,000		
Total Expenses	909,000	814,000	(281,000)	64,000	(2,659,000)	(982,000)	74,000	126,000	122,000	116,000	107,000		
Revenues Less Expenses	2,109,000	2,806,000	3,886,000	3,912,000	3,569,000	3,816,000	4,123,000	4,212,000	4,303,000	4,397,000	4,492,000		
Transfer to SRF Debt Reserves	-	-	-	-	-	-	(1,200,000)	-	-	-	-		
Ending Sewer Fund Reserves	6,561,000	7,375,000	7,094,000	7,158,000	4,499,000	3,517,000	2,391,000	2,517,000	2,639,000	2,755,000	2,862,000		
SRF Debt Reserves	-	-	-	0	0	0	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000		
Min Reserve Target: 50% O&M + \$1M cap	1,767,000	1,824,000	1,782,000	1,782,000	1,813,000	1,845,000	1,878,000	2,144,000	2,187,000	2,232,000	2,279,000		
Debt Service Coverage	4.67	7.06	7.95	8.26	6.66	7.31	8.13	1.29	1.29	1.30	1.30		

The following chart shows a 10-year breakdown of projected sewer enterprise expenses.

Figure 4 – Projected Sewer Enterprise Expenses



- Operating and maintenance expenses are shown in blue and include the new WWTF secondary treatment operating expenses in light blue starting 2025/26.
- Cash funding contributed to the WWTF improvement project from fund reserves and projected sewer rates is shown in orange. The application of cash funding will help the City minimize the need for debt financing, which will help minimize future debt service and help keep rates as low as possible. The level of cash funding assumes the City gradually increases sewer rates toward levels needed to meet revenue requirements when the new wastewater treatment facility comes online and new debt service repayment begins.
- New debt service for the WWTF secondary improvements are shown in yellow and begin starting 2025/26.

2.6 Sewer Rate Increases

The cash flow projections indicate the need for overall sewer rate increases over the next 6 years as shown on the following table. *Note that actual rate impacts will vary by customer class due to modifications and cost-of-service rate realignment proposed to the rate structure discussed later in this report.*

Table 6 – Projected Overall Sewer Rate Increases

2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
9%	9%	9%	9%	9%	9%

In future years, the City can re-evaluate its finances and revenue requirements and potentially adjust rates as needed based on updated projections. However, while the City always has the flexibility to implement rate adjustments that are lower than adopted pursuant to Proposition 218, future rates cannot exceed adopted increases without going through the Proposition 218 process again; rates adopted pursuant to Proposition 218 are essentially future rate caps.

3 SEWER RATE DERIVATION & IMPACTS

3.1 Sewer Customers

The following table shows a summary of sewer accounts by customer class. Residential customers account for approximately 94% of total sewer accounts.

Table 7 - Sewer Customer Accounts

	Customer Accounts	Dwelling Units
RESIDENTIAL		
Single Family	2,373	2,304
Multi-Family	<u>80</u>	<u>839</u>
Subtotal	2,453	3,143
NON-RESIDENTIAL		
	<i>Proposed Classes</i>	
Laundromats/Car Washes	<i>Low Strength</i>	7
Commercial Users	<i>Standard Strength</i>	124
Trucking Operations	<i>Moderate Strength</i>	4
Restaurants	<i>High Strength</i>	<u>21</u>
Subtotal		156
SCHOOLS		
		<u>Est. Students</u>
Grades K-8	4	2,626
High-School	<u>2</u>	<u>1,093</u>
Subtotal	6	3,719
TOTAL	2,615	

3.2 Sewer Rate Structure Modifications

Based on evaluation of a number of potential rate structure modifications, updated cost-of-service-based rate derivation, and input from City staff, BWA recommends various modifications to the City’s sewer rate structure. The modifications are designed to improve equity and reflect the cost of providing wastewater service to all customer classes. Proposed rate structure modifications include:

Residential Sewer Rates

- Maintain fixed monthly sewer service charges per dwelling unit
- Establish reduced charges for multi-family dwelling units (currently all residential dwelling units are charged the same monthly rate)

Commercial/Non-Residential Sewer Rates

- More increases to commercial rates, which are currently disproportionately low compared to residential rates
- Maintain volumetric commercial rates, but establish a minimum monthly charge to help fund fixed costs (the minimum charge only applied if usage is below minimum levels)
- Transition commercial rate categories to customer classes based on wastewater strength

3.3 Cost Recovery Allocations

The following table allocates costs for recovery from sewer charges based on cost allocations to wastewater flow and strength, as measured by Biological Oxygen Demand (BOD) and Suspended Solids (SS). Cost allocation is based on projected expenses for fiscal year 2025/26 the year after anticipated WWTF secondary treatment project completion. This ensures that rate adjustments are phased in to reflect cost allocations accounting for the new WWTF operating and debt service costs.

Table 8 – Cost Recovery Allocation

	Expenses 2025/26	Allocation %			Allocation \$		
		Flow	BOD	SS	Flow	BOD	SS
Operating & Maintenance							
Salaries & Benefits	648,000	70%	15%	15%	453,600	97,200	97,200
Professional Services	478,000	70%	15%	15%	334,600	71,700	71,700
Utilities	191,000	50%	25%	25%	95,500	47,750	47,750
Repair & Maintenance	125,000	70%	15%	15%	87,500	18,750	18,750
Admin/ Other	81,000	70%	15%	15%	56,700	12,150	12,150
Overhead Reimbursement	244,000	70%	15%	15%	170,800	36,600	36,600
Collection System Line Cleaning	60,000	100%	0%	0%	60,000	0	0
New Secondary O&M Expenses	460,000	50%	25%	25%	230,000	115,000	115,000
Subtotal	2,287,000	65.1%	17.5%	17.5%	1,488,700	399,150	399,150
Debt Service							
Debt Service	1,491,000	50%	25%	25%	745,500	372,750	372,750
Subtotal	1,491,000	50.0%	25.0%	25.0%	745,500	372,750	372,750
Capital							
Collection System Improvements	308,000	100%	0%	0%	308,000	0	0
Subtotal	308,000	100.0%	0.0%	0.0%	308,000	0	0
Total	4,086,000	62.2%	18.9%	18.9%	2,542,200	771,900	771,900
Rounded		62.2%	18.9%	18.9%			

3.4 Sewer Rate Derivation

The tables in this section derive sewer rates for fiscal year 2024/25, the last of the proposed 6 years of rate increases and year the WWTF secondary improvements are projected to be completed. The following table shows a breakdown of wastewater flows and strength loadings based on wastewater flows from recent years and projected growth, and wastewater strength loadings associated with each customer class.

Table 9 – Wastewater Flow & Strength Loadings

	Current Units	Projected 2024/25 ¹	Wastewater Flow (hcf)	Projected Wastewater Flow			Strength (mg/l)		Loadings (lbs)			
				hcf	mg	gpd	BOD	SS	BOD	SS		
RESIDENTIAL	<u>Dwelling Units</u>		<u>Per Dwelling²</u>									
Single Family	2,304	2,396	9.0	258,768	193.57	530,333	225	225	363,237	363,237		
Multi-Family	<u>839</u>	<u>873</u>	7.25	<u>75,951</u>	<u>56.82</u>	<u>155,658</u>	<u>225</u>	<u>225</u>	<u>106,614</u>	<u>106,614</u>		
Subtotal	3,143	3,269		334,719	250.39	685,991	225	225	469,850	469,850		
NON-RESIDENTIAL	<u>Current Classes</u>		<u>2017/18 hcf</u>	<u>Wtr Use (hcf)</u>	<u>Wtr > WW³</u>	<u>WW Flow</u>						
Low Strength	<i>Laundromats/Car Washes</i>	15,005	15,605	80%	12,484	12,484	9.34	25,585	120	100	9,346	7,788
Standard Strength	<i>Commercial Users</i>	66,502	69,162	80%	55,330	55,330	41.39	113,395	150	150	51,778	51,778
Moderate Strength	<i>Trucking Operations</i>	7,091	7,375	80%	5,900	5,900	4.41	12,092	225	225	8,282	8,282
High Strength	<i>Restaurants</i>	<u>10,240</u>	<u>10,650</u>	80%	8,520	<u>8,520</u>	<u>6.37</u>	<u>17,461</u>	<u>400</u>	<u>400</u>	<u>21,262</u>	<u>21,262</u>
Subtotal		98,838	102,792			82,234	61.51	168,534	177	174	90,668	89,110
School	<u>Students</u>		<u>Per Student</u>									
Grades K-8	2,626	2,731	0.10	3,277	2.45	6,716	130	100	2,658	2,045		
High-School	<u>1,093</u>	<u>1,137</u>	0.20	<u>2,729</u>	<u>2.04</u>	<u>5,593</u>	<u>130</u>	<u>100</u>	<u>2,213</u>	<u>1,702</u>		
Subtotal	3,719	3,868		6,006	4.49	12,309	130	100	4,871	3,747		
TOTAL				422,959	316.39	866,833	214	213	565,389	562,707		

1 Accounts for cumulative 4% growth across customer base.

2 Based on analysis of average monthly winter water use per dwelling unit.

3 Based on analysis of winter and annual commercial water use.

Table 10 on the following page calculates unit charges for wastewater flow, BOD and SS based on sewer rate revenue requirements identified for 2024/25, the cost allocations developed in Table 8, and total billable units of wastewater flow and strength developed in Table 9. These underlying unit charges will be applied to the wastewater characteristics of each customer type to calculate the revenue requirements applicable to each class.

Table 10 – Unit Charges for Flow, BOD & SS

TARGET 2024/25 SEWER SERVICE CHARGES				\$3,858,000
SEWER RATE RECOVERY	FLOW	BOD	SS	
Cost Allocation %	62.2%	18.9%	18.9%	
Cost Allocation \$	\$2,399,676	\$729,162	\$729,162	
Total Loadings	422,959 hcf	565,389 lbs	562,707 lbs	
Unit Rate	\$5.674 per hcf	\$1.290 per lb	\$1.296 per lb	

The following table calculates sewer rate revenue requirements for 2024/25 based on the estimated wastewater flow and discharge strength from each customer class.

Table 11 – Sewer Rate Revenue Requirements by Customer Class

	Wastewater Flow		Wastewater Strength (mg/l)		Unit Costs			2024/25 Revenue Requirement
	hcf	mg	BOD	SS	Flow \$5.674	BOD \$1.290	SS \$1.296	
RESIDENTIAL								
Single Family	258,768	193.6	225	225	\$1,468,133	\$468,453	\$470,686	\$2,407,272
Multi-Family	75,951	56.8	225	225	430,912	137,496	138,151	706,558
NON-RESIDENTIAL								
Low Strength	12,484	9.3	120	100	70,829	12,053	10,092	92,974
Standard Strength	55,330	41.4	150	150	313,915	66,776	67,094	447,786
Moderate Strength	5,900	4.4	225	225	33,474	10,681	10,732	54,887
High Strength	8,520	6.4	400	400	48,339	27,420	27,551	103,310
SCHOOLS								
Grades K-8	3,277	2.5	130	100	18,593	3,428	2,649	24,671
High-School	2,729	2.0	130	100	15,482	2,854	2,206	20,542
TOTAL	271,252	202.9			2,399,676	729,162	729,162	3,858,000

The following table calculates the sewer rate for each customer class in fiscal year 2024/25 by dividing the annual revenue requirement by the number of billing units applicable to each class.

Table 12 – Sewer Rate Derivation for 2024/25

	2024/25 Rate Revenue Requirement	2024/25 Billing Units	2024/25 Sewer Rates
RESIDENTIAL			
<i>Monthly charge per dwelling unit</i>		<u>Dwelling Units</u>	
Single Family	\$2,407,272	2,396	\$83.73
Multi-Family	706,558	873	67.45
NON-RESIDENTIAL			
<i>Volumetric charges per hcf of water use</i>			
Low Strength	92,974	15,605	5.96
Standard Strength	447,786	69,162	6.47
Moderate Strength	54,887	7,375	7.44
High Strength	103,310	10,650	9.70
SCHOOLS			
<i>Annual charge per student per year</i>		<u>Students</u>	
Grades K-8	24,671	2,731	9.03
High-School	20,542	1,137	18.07

3.5 Proposed Sewer Rates

Table 13 shows a 6-year schedule of proposed sewer rates incorporating a) the overall level of required rate increases needed to fund projected future annual revenue requirements, b) proposed rate structure modifications to improve equity in cost recovery, and c) the updated cost allocations designed to reflect the cost of providing service to each customer class. Rate increases and rate structure modifications are phased in accounting for equal percentage rate increases for each customer class over the next 6 years. Proposed sewer rates are scheduled to become effective July 1 at the beginning of each fiscal year.

Table 13 – Proposed Sewer Rates

Customer Class	Current Rates 2018/19	Projected Sewer Rates (Assumes Equal Annual % Phase-in)					
		2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
RESIDENTIAL							
<i>Monthly charge per dwelling unit</i>							
Single Family	\$51.35	\$55.71	\$60.44	\$65.57	\$71.14	\$77.18	\$83.73
Multi-Family	51.35	53.74	56.24	58.85	61.59	64.45	67.45
NON-RESIDENTIAL							
<i>Volumetric charges per hcf of water use</i>							
Low Strength	3.18	3.53	3.92	4.35	4.83	5.36	5.96
Standard Strength	3.35	3.74	4.17	4.65	5.19	5.79	6.47
Moderate Strength	3.69	4.15	4.66	5.24	5.89	6.62	7.44
High Strength	4.55	5.16	5.85	6.64	7.53	8.54	9.70
<i>Minimum Non-Residential Monthly Charge</i>		26.87	28.12	29.43	30.80	32.23	33.72
SCHOOLS							
<i>Annual charge per student per year</i>							
Grades K-8	6.24	6.64	7.06	7.51	7.99	8.50	9.03
High-School	13.18	13.89	14.64	15.43	16.26	17.14	18.07

3.6 Rate Impacts

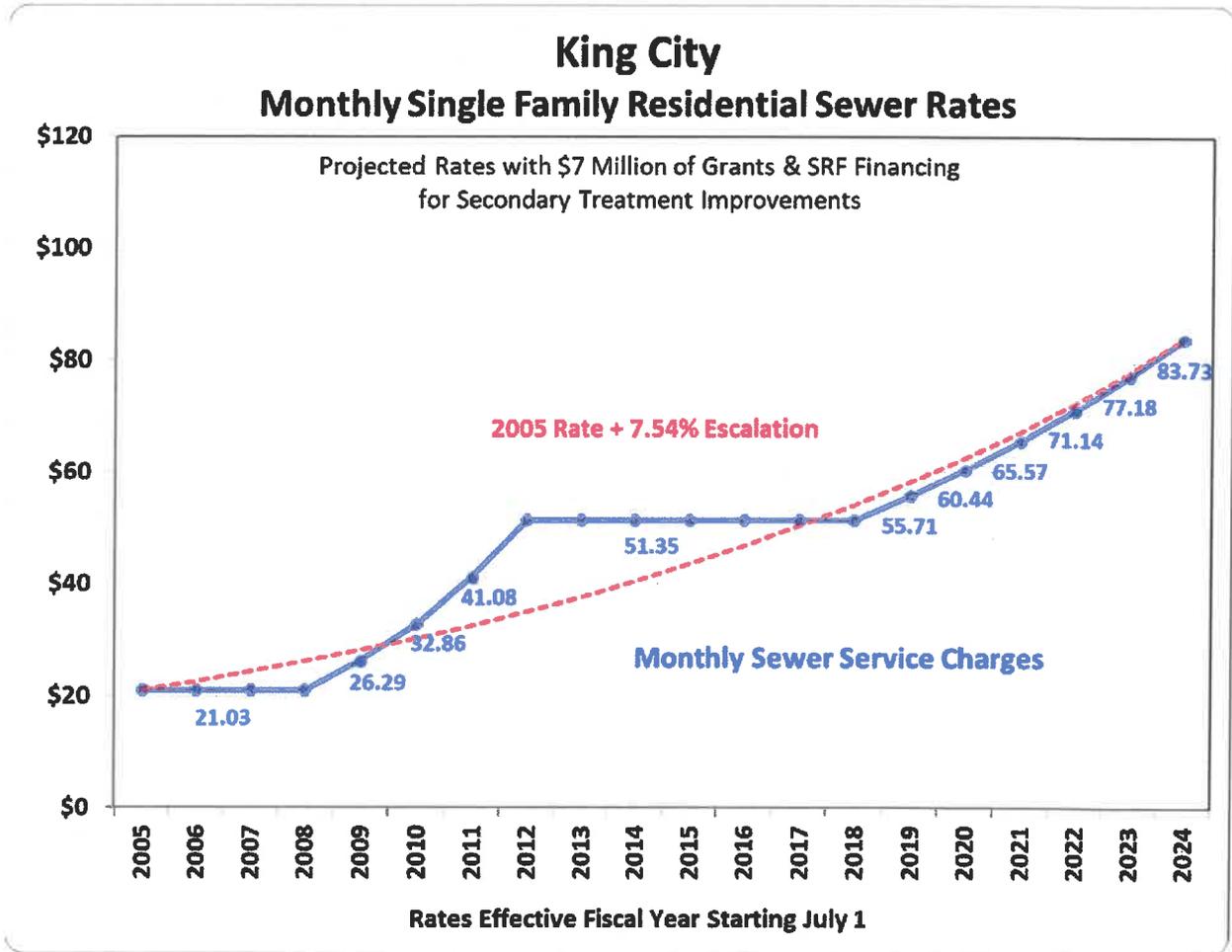
Table 14 shows the impacts of the proposed sewer rates accounting for projected rate increases and cost-of-service rate structure modifications with an equal annual percentage rate increase for each customer class. For example, single family residential rates increase at the annual rate of approximately 8.5% per year while multi-family residential rates increase by 4.6% per year.

Table 14 – Rate Impacts

Customer Class	Current Rates	Projected Sewer Rates & Impacts						Average Annual Increase
	2018/19	(Assumes Equal % Phase-in Over 6 Years)						
		2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	
RESIDENTIAL								
<i>Monthly charge per dwelling unit</i>								
Single Family	\$51.35	\$55.71	\$60.44	\$65.57	\$71.14	\$77.18	\$83.73	8.5%
\$ Increase		4.36	4.73	5.13	5.57	6.04	6.55	
% Increase		8.5%	8.5%	8.5%	8.5%	8.5%	8.5%	
Multi-Family	51.35	53.74	56.24	58.85	61.59	64.45	67.45	4.6%
\$ Increase		2.39	2.50	2.61	2.74	2.86	3.00	
% Increase		4.7%	4.7%	4.6%	4.7%	4.6%	4.6%	
NON-RESIDENTIAL								
<i>Usage charges per hcf of water use</i>								
Low Strength	3.18	3.53	3.92	4.35	4.83	5.36	5.96	11.0%
\$ Increase		0.35	0.39	0.43	0.48	0.53	0.60	
% Increase		11.0%	11.0%	11.0%	11.0%	11.0%	11.2%	
Standard Strength	3.35	3.74	4.17	4.65	5.19	5.79	6.47	11.6%
\$ Increase		0.39	0.43	0.48	0.54	0.60	0.68	
% Increase		11.6%	11.5%	11.5%	11.6%	11.6%	11.8%	
Moderate Strength	3.69	4.15	4.66	5.24	5.89	6.62	7.44	12.4%
\$ Increase		0.46	0.51	0.58	0.65	0.73	0.82	
% Increase		12.5%	12.3%	12.4%	12.4%	12.4%	12.4%	
High Strength	4.55	5.16	5.85	6.64	7.53	8.54	9.70	13.4%
\$ Increase		0.61	0.69	0.79	0.89	1.01	1.16	
% Increase		13.4%	13.4%	13.5%	13.4%	13.4%	13.6%	
SCHOOLS								
<i>Annual charge per student per year</i>								
Grades K-8	6.24	6.64	7.06	7.51	7.99	8.50	9.03	6.4%
\$ Increase		0.40	0.42	0.45	0.48	0.51	0.53	
% Increase		6.4%	6.3%	6.4%	6.4%	6.4%	6.3%	
High-School	13.18	13.89	14.64	15.43	16.26	17.14	18.07	5.4%
\$ Increase		0.71	0.75	0.79	0.83	0.88	0.93	
% Increase		5.4%	5.4%	5.4%	5.4%	5.4%	5.4%	

The following chart shows historical and projected single family residential sewer rates. With full implementation of the proposed rate increases, single family sewer rates are projected increase to a level equivalent to the City's 2005 rates with 7.54% annual escalation.

Figure 5 – Historical & Projected Single Family Sewer Rates



APPENDIX A

Sewer Rate Study Tables

Table 1
 King City
 Current Sewer Rates

Rates Effective July 1, 2012	
RESIDENTIAL	
Monthly charge per dwelling unit	\$51.35
COMMERCIAL	
Volumetric charges per hundred cubic feet (hcf) of water use	
Laundromats & Car Washes	\$3.18
Commercial Users (Including Hospitals)	3.35
Trucking Operations	3.69
Restaurants	4.55
SCHOOLS	
Annual charge per student per year	
Grades K-8	\$6.24
High-School	13.18

Table 2
King City
Historical Sewer Rates

Effective Date	July 1 2005	Sept 1 2009	July 1 2010	July 1 2011	Sept 1 2012
RESIDENTIAL					
<i>Percentage Increase</i>		25%	25%	25%	25%
Monthly charge per dwelling unit	\$21.03	\$26.29	\$32.86	\$41.08	\$51.35
COMMERCIAL					
<i>Percentage Increase</i>		50%	25%	25%	25%
Volumetric charges per hundred cubic feet of metered water use (\$/hcf)					
Laundromats & Car Washes	\$1.08	\$1.62	\$2.03	\$2.54	\$3.18
Commercial Users & Hospitals	1.14	1.71	2.14	2.68	3.35
Trucking Operations	1.26	1.89	2.36	2.95	3.69
Restaurants	1.55	2.33	2.91	3.64	4.55
SCHOOLS					
<i>Annual charge per student per year</i>		25%	25%	25%	25%
Grades K-8	\$2.55	\$3.19	\$3.99	\$4.99	\$6.24
High-School	5.39	6.74	8.43	10.54	13.18

Table 3
King City
Sewer Fund Reserves

As of June 30	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Sewer Fund Reserves										
Cash & Equivalents	2,678,862	550,074	2,456,482	4,769,307	5,796,635	6,662,097	6,805,876	4,543,644	4,757,761	5,651,544
Advances to General Fund	106,339	2,371,053	4,481,888	2,491,413	3,775,025	2,519,087	4,775,528	5,000,000	2,519,087	2,026,014
Combined Total	2,785,201	2,921,127	6,938,370	7,260,720	9,571,660	9,181,184	11,581,404	9,543,644	7,276,848	7,677,558

Source: Audited Financial Statements

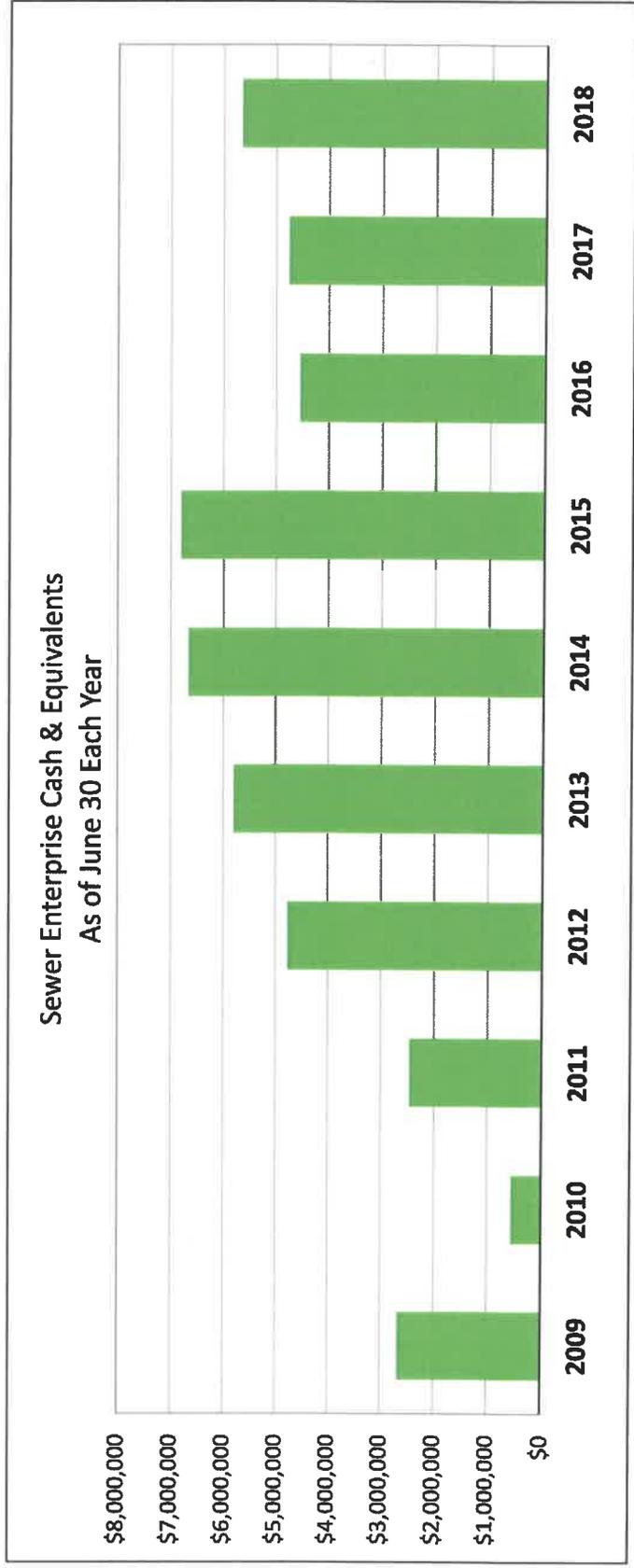


Table 4
 King City
 Repayment Schedule for Sewer Loan to General Fund

Loan Terms	
Authorized	02/09/16
Resolution No.	2016-4495
Amount	\$5,000,000
Interest Rate	0.275%
Max Repayment Term	≥ 7 Years

Amortization Schedule Payments to Sewer Fund					
Pymt	Date	Payment	Interest	Principal	Balance
	02/09/16				5,000,000.00
1	06/30/17	2,500,000.00	19,086.76	2,480,913.24	2,519,086.76
2	06/30/18	500,000.00	6,927.49	493,072.51	2,026,014.25
3	06/30/19	500,000.00	5,571.54	494,428.46	1,531,585.79
4	07/31/19	500,000.00	350.99	499,649.01	1,031,936.78
5	08/31/19	500,000.00	236.49	499,763.51	532,173.27
6	09/30/19	500,000.00	121.96	499,878.04	32,295.23
7	10/31/19	32,302.63	7.40	32,295.23	0.00

Total Payments by Fiscal Year	
2016/17	2,500,000.00
2017/18	500,000.00
2018/19	500,000.00
2019/20	1,532,302.63

Table 5
King City
Wastewater Refunding Revenue Bonds, Series 2018

Taxable rate through 09/01/19

Payment Date	Principal	Rate	Interest	Total Debt Service	Fiscal Year Debt Service
Prior 2009 Certificates of Participation					
09/01/18	\$110,000	4.100%	114,505.63	\$224,505.63	
Wastewater Refunding Revenue Bonds, Series 2018					
03/01/19			91,260.22	91,260.22	315,765.85
09/01/19	106,113	4.810%	97,200.24	203,313.24	
03/01/20			74,774.06	74,774.06	278,087.30
09/01/20	145,025	3.800%	74,774.06	219,799.06	
03/01/21			72,018.59	72,018.59	291,817.65
09/01/21	150,536	3.800%	72,018.59	222,554.59	
03/01/22			69,158.40	69,158.40	291,712.99
09/01/22	156,257	3.800%	69,158.40	225,415.40	
03/01/23			66,189.52	66,189.52	291,604.93
09/01/23	162,195	3.800%	66,189.52	228,384.52	
03/01/24			63,107.82	63,107.82	291,492.34
09/01/24	168,358	3.800%	63,107.82	231,465.82	
03/01/25			59,909.01	59,909.01	291,374.83
09/01/25	174,756	3.800%	59,909.01	234,665.01	
03/01/26			56,588.65	56,588.65	291,253.66
09/01/26	181,396	3.800%	56,588.65	237,984.65	
03/01/27			53,142.13	53,142.13	291,126.78
09/01/27	188,289	3.800%	53,142.13	241,431.13	
03/01/28			49,564.64	49,564.64	290,995.76
09/01/28	195,444	3.800%	49,564.64	245,008.64	
03/01/29			45,851.20	45,851.20	290,859.83
09/01/29	202,871	3.800%	45,851.20	248,722.20	
03/01/30			41,996.65	41,996.65	290,718.85
09/01/30	210,580	3.800%	41,996.65	252,576.65	
03/01/31			37,995.63	37,995.63	290,572.28
09/01/31	218,582	3.800%	37,995.63	256,577.63	
03/01/32			33,842.57	33,842.57	290,420.20
09/01/32	226,888	3.800%	33,842.57	260,730.57	
03/01/33			29,531.70	29,531.70	290,262.27
09/01/33	235,510	3.800%	29,531.70	265,041.70	
03/01/34			25,057.01	25,057.01	290,098.71
09/01/34	244,460	3.800%	25,057.01	269,517.01	
03/01/35			20,412.27	20,412.27	289,929.28
09/01/35	253,749	3.800%	20,412.27	274,161.27	
03/01/36			15,591.04	15,591.04	289,752.31
09/01/36	263,391	3.800%	15,591.04	278,982.04	
03/01/37			10,586.61	10,586.61	289,568.65
09/01/37	273,400	3.800%	10,586.61	283,986.61	
03/01/38			5,392.01	5,392.01	289,378.62
09/01/38	283,790	3.800%	5,392.01	289,182.01	
Total	4,041,590		1,758,619.25	5,800,209.25	5,511,027.24

Optional Redemption: 09/01/21 at 102%, 09/01/22 at 101%, 09/01/25 at 100%.

Rate Covenant: Net Revenues \geq 110% of annual debt service

Additional Parity Debt Test: Net Revenues > 120% of Maximum Annual Debt Service

Excludes connection charges, but includes allowances for a) 70% of average annual Net Revenues from first 3 years of operations of system improvements or expansions a) revenues from rate increases which have become effective but were not fully in effect during the prior fiscal year.

Table 6
 King City
 Wastewater Treatment Facility Project
 Secondary Treatment Only

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	Total
Wastewater Treatment Facility Project: Secondary Treatment Improvements							
Soft Costs							
City Staff	145,700	145,700	145,700	145,700	145,700	145,700	874,200
Engineering Design		1,485,800	1,485,800				2,971,600
Bid & Award				174,800			174,800
Construction Management				646,800	1,293,500	1,293,500	3,233,800
Environmental Mitigation				35,000	69,900	69,900	174,800
Planning/Pre-design/Funding	116,500	116,500	116,600				349,600
Environmental Planning	349,600						349,600
Land Acquisition		262,200					262,200
Legal/Admin		35,000	35,000	35,000	35,000	35,000	175,000
Closeout						174,800	174,800
Subtotal	611,800	2,045,200	1,783,100	1,037,300	1,544,100	1,718,900	8,740,400
Construction Costs							
WWTF Secondary Treatment				6,992,000	13,984,000	13,984,000	34,960,000
Total Project Costs	611,800	2,045,200	1,783,100	8,029,300	15,528,100	15,702,900	43,700,400

Source: Carollo Engineers FY Cost Breakdown - Secondary Only (revised 2/4/19).

Table 7
 King City
 Capital Improvement Program

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	10-Year Total
Wastewater Treatment Facility Project											
Secondary Treatment Only											
Soft Costs	611,800	2,045,200	1,783,100	1,037,300	1,544,100	1,718,900					8,740,400
Construction Phase				6,992,000	13,984,000	13,984,000					34,960,000
Subtotal	611,800	2,045,200	1,783,100	8,029,300	15,528,100	15,702,900					43,700,400
Sewer Collection System Improvements											
Small Pipe Replacements*	250,000	258,000	266,000	274,000	282,000	290,000	299,000	308,000	317,000	327,000	2,871,000

* Average annual funding level of \$250,000 plus 3% annual cost escalation.

Table 8 - King City Historical Sewer Finances

Category	2015/16 Actual	2016/17 Actual	2017/18 Actual	2018/19 Budget	2018/19 Base Year
REVENUES					
476.002 Sewer Fees	2,213,822	2,204,897	2,104,859	2,300,000	2,200,000
428.104 Sewer Connection Fees		103,041	86,846	0	80,000
451.000 Investment Earnings	11,524	24,679	(1,138)	8,000	8,000
452.000 Rents & Concessions	52,550	52,550	24,500	0	0
476.001 Industrial Sewer Fees	100,000	100,000	100,000	100,000	100,000
476.004 Sewer Fees - Miscellaneous	46,684	46,156	54,668	45,000	45,000
481.103 Miscellaneous Revenue	7,143		548	80,000	0
498.002 Transfers In		1,813,402			0
Total Revenues	2,431,723	4,344,725	2,370,283	2,533,000	2,433,000
EXPENSES					
<u>Operating & Maintenance</u>					
511.010 Regular Salaries-Full Time	Salaries & Benefits	95,668	112,187	161,335	273,427
511.020 Overtime	Salaries & Benefits	33,330	36,914	19,044	34,630
513.010 Temp Salary-Part Time	Salaries & Benefits			1,217	
515.010 PERS City Share	Salaries & Benefits	8,994	62,884	12,500	54,039
515.025 Contra Pension Expense	Salaries & Benefits	(6,195)	(189,937)		
515.030 Health Insurance	Salaries & Benefits	25,975	32,615	38,872	57,209
515.036 Self Insurance Expense	Salaries & Benefits	2,626	3,435	0	2,700
515.050 FICA	Salaries & Benefits	10,225	11,918	13,721	23,712
515060 Life/AD&D/LTD	Salaries & Benefits	760	927	970	1,519
515.065 SDI	Salaries & Benefits	1,181	1,400	1,589	2,412
515.068 City Deferred Comp Match	Salaries & Benefits	1,098	1,319	2,095	3,320
515.072 Bilingual Pay	Salaries & Benefits	1,350	3,150	2,194	630
515.075 Educational Incentives	Salaries & Benefits	5,102	4,921	2,368	1,283
515.080 Workers' Compensation Ins	Salaries & Benefits		3,967	5,294	5,700
522.000 Operating Supplies	Admin/ Other	2,863	819	6,403	3,000
522.109 Uniforms	Admin/ Other	1,113	1,700	1,132	2,300
522.118 Small Tools & Equipment	Admin/ Other	253	0	558	1,500
522.200 Refunds	Admin/ Other	150			
531.000 Legal Services	Professional Services			846	
532.000 Engineering Services	Professional Services	8,692	415,714	102,324	100,000
533.000 Contract Services	Professional Services	0	1,698	190,461	325,000
534.000 Audit Services	Professional Services	19,650	18,100	9,180	13,000
534.102 Accounting Services	Professional Services	30,574	29,924	35,605	25,000
534.103 Sewer Billing Service	Professional Services	25,198	26,275	26,739	25,000
538.000 Professional Services	Professional Services	0	2,271	42,859	85,000
538.302 Lab Tests	Admin/ Other	10,515	18,670	3,370	10,000
541.102 Gas & Electricity	Utilities	270,861	130,812	144,825	150,000
543.000 Repair & Maintenance	Repair & Maintenance	67,967	49,158	106,139	75,000
543.200 Equipment Repair & Maintenance	Repair & Maintenance	19,039	20,610	25,904	25,000
543.301 Vehicles Repair & Maint	Repair & Maintenance	1,142	692	532	2,000
543.302 Gasoline	Utilities	1,014	1,192	213	2,000
543.305 Diesel Fuel	Utilities	1,057	0	3,799	3,000
544.101 Property Taxes	Admin/ Other	14,934	14,328	7,762	10,000
544.103 Regulatory Permits & Licenses	Admin/ Other	31,946	33,059	41,403	34,000
551.000 Conference, Travel & Meals	Admin/ Other	0	324	0	2,000
552.000 Dues & Memberships	Admin/ Other	0	0	0	500
553.000 Training	Admin/ Other	700	0	1,203	1,000
554.000 Printing & Publishing	Admin/ Other	240			
555.102 Liability Claims (SIR)	Admin/ Other	0			
556.000 Contract Services/Rentals	Admin/ Other	597	600	8,987	3,000
582.400 Interest Expense	Admin/ Other		71,542	49,568	
556.000 Contract Services/Rentals	Admin/ Other	849			
574.000 Machinery and Equipment	Admin/ Other	(26)			
Subtotal		689,443	923,186	1,071,011	1,357,881
<u>Debt Service</u>					
Transfer to Fund 68 Finance Authority	Debt Service		335,061	336,111	336,756
<u>Capital/ Non-Operating</u>					
532.201 Project Mgmt/Construction Eng	Capital		1,082		
573.411 Sewer Plant Improvements	Capital		0	4,387	0
595.000 Overhead Reimb Transfers Out	Non Operating	350,000	350,000	0	350,000
Subtotal Non-Operating		350,000	351,082	4,387	350,000
Total Expenses		1,039,443	1,609,328	1,411,509	1,869,637
Revenues Less Expenses		1,392,280	2,735,397	958,774	563,363

Table 9
 King City
 SRF Loan Debt Service Estimates

Per \$10 Million of Project Funding

		30-Year SRF Loan
Project Funding Target		\$10,000,000
SRF Loan Amount		
SRF Project Funding ¹		10,000,000
Accrued Interest During Construction ²		<u>313,000</u>
Total Loan Amount		10,313,000
Loan Terms		
Term (years)		30
Interest Rate ³	<i>Current Rate = 1.9%</i>	2.50%
Annual Loan Payment⁴		493,000
Reserve Fund Requirement⁵		
Equal to Annual Debt Service		493,000
<hr/> <p>1 Some costs may not be eligible for SRF Loan funding. 2 Assumes steady gradual drawdown of loan funds over 2.5 years. 3 Total net interest rate estimated for financial planning purposes; actual rate may vary. 4 First debt service payment due one year following completion of project. 5 Agencies must set aside funds to meet the SRF Reserve Requirement at least 90 days prior to project completion date.</p>		

King City Sewer Cash Flow Projections

\$7M Grants & SRF Financing

Table 10	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Water Rate Adjustment	-	9.0%	9.0%	9.0%	9.0%	9.0%	9.0%	2.0%	2.0%	2.0%	2.0%
Growth %	-	1.5%	1.5%	0.75%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
Interest Earnings Rate	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Beginning Sewer Fund Reserves	\$5,652,000	\$6,561,000	\$7,375,000	\$7,094,000	\$7,158,000	\$4,499,000	\$3,517,000	\$2,391,000	\$2,517,000	\$2,639,000	\$2,755,000
F Debt Reserves	-	-	-	-	-	-	-	1,200,000	1,200,000	1,200,000	1,200,000
VENUES											
Water Service Charges	2,200,000	2,434,000	2,693,000	2,957,000	3,231,000	3,531,000	3,858,000	3,945,000	4,034,000	4,125,000	4,218,000
Industrial Sewer Fees	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Connection Fees	50,000	400,000	400,000	200,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Investment Earnings	113,000	131,000	148,000	142,000	143,000	90,000	70,000	72,000	74,000	77,000	79,000
Other Revenues	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000
General Fund Loan Repayment	500,000	500,000	500,000	532,000	0	0	0	0	0	0	0
Total Revenues	3,008,000	3,610,000	3,886,000	3,976,000	3,569,000	3,816,000	4,123,000	4,212,000	4,303,000	4,397,000	4,492,000
Grant Funding					4,000,000	3,000,000					
F Loan Proceeds						10,000,000					
PENSES											
Operating & Maintenance											
Salaries & Benefits	461,000	484,000	508,000	533,000	560,000	588,000	617,000	648,000	680,000	714,000	750,000
Professional Services	398,000	400,000	412,000	424,000	437,000	450,000	464,000	478,000	492,000	507,000	522,000
Utilities	155,000	160,000	165,000	170,000	175,000	180,000	185,000	191,000	197,000	203,000	209,000
Repair & Maintenance	102,000	105,000	108,000	111,000	114,000	117,000	121,000	125,000	129,000	133,000	137,000
Travel/Other	67,000	69,000	71,000	73,000	75,000	77,000	79,000	81,000	83,000	85,000	88,000
Overhead Reimbursement	350,000	300,000	250,000	200,000	210,000	221,000	232,000	244,000	256,000	269,000	282,000
Collection System Line Cleaning	3%	130,000	50,000	52,000	54,000	56,000	58,000	60,000	62,000	64,000	66,000
Raw Secondary O&M Expenses	3%	-	-	-	-	-	-	460,000	474,000	488,000	503,000
Subtotal	1,533,000	1,648,000	1,564,000	1,563,000	1,625,000	1,689,000	1,756,000	2,287,000	2,373,000	2,463,000	2,557,000
Debt Service											
18 Wastewater Refunding Bonds	316,000	278,000	292,000	292,000	292,000	291,000	291,000	291,000	291,000	291,000	291,000
WTF SRF Loan Repayment	-	-	-	-	-	-	-	1,200,000	1,200,000	1,200,000	1,200,000
Total	316,000	278,000	292,000	292,000	292,000	291,000	291,000	1,491,000	1,491,000	1,491,000	1,491,000
Capital/Non-Operating											
WTF Secondary Improvements	-	612,000	2,045,000	1,783,000	1,037,000	1,544,000	1,719,000	-	-	-	-
Soft Costs/Design/Const Mgmt	-	-	-	-	6,992,000	13,984,000	13,984,000	-	-	-	-
Construction	250,000	258,000	266,000	274,000	282,000	290,000	299,000	308,000	317,000	327,000	337,000
Collection System Improvements	3%	870,000	2,311,000	2,057,000	8,311,000	15,818,000	16,002,000	308,000	317,000	327,000	337,000
Subtotal	2,099,000	2,796,000	4,167,000	3,912,000	10,228,000	17,798,000	18,049,000	4,086,000	4,181,000	4,281,000	4,385,000
Total Expenses	909,000	814,000	(281,000)	64,000	(2,659,000)	(982,000)	74,000	126,000	122,000	116,000	107,000
Transfer to SRF Debt Reserves							(1,200,000)				
Ending Sewer Fund Reserves	6,561,000	7,375,000	7,094,000	7,158,000	4,499,000	3,517,000	2,391,000	2,517,000	2,639,000	2,755,000	2,862,000
SRF Debt Reserves	-	-	-	0	0	0	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
In Reserve Target: 50% O&M + \$1M CIP	1,767,000	1,824,000	1,782,000	1,782,000	1,813,000	1,845,000	1,878,000	2,144,000	2,187,000	2,232,000	2,279,000
Debt Service Coverage	4.67	7.06	7.95	8.26	6.66	7.31	8.13	1.29	1.29	1.30	1.30

Table 11
King City
Sewer Customers

	Customer Accounts	Dwelling Units
RESIDENTIAL		
Single Family	2,373	2,304
Multi-Family	<u>80</u>	<u>839</u>
Subtotal	2,453	3,143
NON-RESIDENTIAL		
	<i>Proposed Classes</i>	
Laundromats/Car Washes	<i>Low Strength</i>	7
Commercial Users	<i>Standard Strength</i>	124
Trucking Operations	<i>Moderate Strength</i>	4
Restaurants	<i>High Strength</i>	<u>21</u>
Subtotal		156
SCHOOLS		
		<u>Est. Students</u>
Grades K-8	4	2,626
High-School	<u>2</u>	<u>1,093</u>
Subtotal	6	3,719
TOTAL	2,615	

Table 12
King City
Cost Recovery Allocation

	Expenses 2025/26	Allocation %			Allocation \$		
		Flow	BOD	SS	Flow	BOD	SS
Operating & Maintenance							
Salaries & Benefits	648,000	70%	15%	15%	453,600	97,200	97,200
Professional Services	478,000	70%	15%	15%	334,600	71,700	71,700
Utilities	191,000	50%	25%	25%	95,500	47,750	47,750
Repair & Maintenance	125,000	70%	15%	15%	87,500	18,750	18,750
Admin/ Other	81,000	70%	15%	15%	56,700	12,150	12,150
Overhead Reimbursement	244,000	70%	15%	15%	170,800	36,600	36,600
Collection System Line Cleaning	60,000	100%	0%	0%	60,000	0	0
New Secondary O&M Expenses	460,000	50%	25%	25%	230,000	115,000	115,000
Subtotal	2,287,000	65.1%	17.5%	17.5%	1,488,700	399,150	399,150
Debt Service							
Debt Service	1,491,000	50%	25%	25%	745,500	372,750	372,750
Subtotal	1,491,000	50.0%	25.0%	25.0%	745,500	372,750	372,750
Capital							
Collection System Improvements	308,000	100%	0%	0%	308,000	0	0
Subtotal	308,000	100.0%	0.0%	0.0%	308,000	0	0
Total	4,086,000	62.2%	18.9%	18.9%	2,542,200	771,900	771,900
Rounded		62.2%	18.9%	18.9%			

Table 13
King City
Wastewater Loadings for Cost Recovery

	Current Units	Projected 2024/25 ¹	Wastewater Flow (hcf)	Projected Wastewater Flow			Strength (mg/l)		Loadings (lbs)	
				hcf	mg	gpd	BOD	SS	BOD	SS
RESIDENTIAL										
Single Family	2,304	2,396	Per Dwelling ² 9.0	258,768	193.57	530,333	225	225	363,237	363,237
Multi-Family	839	873	7.25	75,951	56.82	155,658	225	225	106,614	106,614
Subtotal	3,143	3,269		334,719	250.39	685,991	225	225	469,850	469,850
NON-RESIDENTIAL										
Current Classes	2017/18 hcf	Wtr Use (hcf)	Wtr > WW ³	WW Flow						
Low Strength	15,005	15,605	80%	12,484	9.34	25,585	120	100	9,346	7,788
Standard Strength	66,502	69,162	80%	55,330	41.39	113,395	150	150	51,778	51,778
Moderate Strength	7,091	7,375	80%	5,900	4.41	12,092	225	225	8,282	8,282
High Strength	10,240	10,650	80%	8,520	6.37	17,461	400	400	21,262	21,262
Subtotal	98,838	102,792		82,234	61.51	168,534	177	174	90,668	89,110
School										
Grades K-8	2,626	2,731	Per Student	3,277	2.45	6,716	130	100	2,658	2,045
High-School	1,093	1,137	0.20	2,729	2.04	5,593	130	100	2,213	1,702
Subtotal	3,719	3,868		6,006	4.49	12,309	130	100	4,871	3,747
TOTAL				422,959	316.39	866,833	214	213	565,389	562,707

1 Accounts for cumulative 4% growth across customer base.

2 Based on analysis of average monthly winter water use per dwelling unit.

3 Based on analysis of winter and annual commercial water use.

Table 14
 King City
 Unit Rate Calculations

TARGET 2024/25 SEWER SERVICE CHARGES			\$3,858,000
SEWER RATE RECOVERY	FLOW	BOD	SS
Cost Allocation %	62.2%	18.9%	18.9%
Cost Allocation \$	\$2,399,676	\$729,162	\$729,162
Total Loadings	422,959 hcf	565,389 lbs	562,707 lbs
Unit Rate	\$5.674 per hcf	\$1.290 per lb	\$1.296 per lb

Table 15
King City
2024/25 Revenue Requirement by Customer Class

	Wastewater Flow		Wastewater Strength (mg/l)		Flow \$5.674	Unit Costs		2024/25 Revenue Requirement
	hcf	mg	BOD	SS		BOD \$1.290	SS \$1.296	
RESIDENTIAL								
Single Family	258,768	193.6	225	225	\$1,468,133	\$468,453	\$470,686	\$2,407,272
Multi-Family	75,951	56.8	225	225	430,912	137,496	138,151	706,558
NON-RESIDENTIAL								
Low Strength	12,484	9.3	120	100	70,829	12,053	10,092	92,974
Standard Strength	55,330	41.4	150	150	313,915	66,776	67,094	447,786
Moderate Strength	5,900	4.4	225	225	33,474	10,681	10,732	54,887
High Strength	8,520	6.4	400	400	48,339	27,420	27,551	103,310
SCHOOLS								
Grades K-8	3,277	2.5	130	100	18,593	3,428	2,649	24,671
High-School	2,729	2.0	130	100	15,482	2,854	2,206	20,542
TOTAL	271,252	202.9			2,399,676	729,162	729,162	3,858,000

Table 16
 King City
 2024/25 Sewer Rate Calculations

	2024/25 Rate Revenue Requirement	2024/25 Billing Units	2024/25 Sewer Rates
RESIDENTIAL			
<i>Monthly charge per dwelling unit</i>		<u>Dwelling Units</u>	
Single Family	\$2,407,272	2,396	\$83.73
Multi-Family	706,558	873	67.45
NON-RESIDENTIAL			
<i>Volumetric charges per hcf of water use</i>			
Low Strength	92,974	15,605	5.96
Standard Strength	447,786	69,162	6.47
Moderate Strength	54,887	7,375	7.44
High Strength	103,310	10,650	9.70
SCHOOLS			
<i>Annual charge per student per year</i>		<u>Students</u>	
Grades K-8	24,671	2,731	9.03
High-School	20,542	1,137	18.07

Table 17
 King City
 Projected Sewer Rates

With 6-Year Phase-In of Rate Adjustments

Customer Class	Current Rates 2018/19	Projected Sewer Rates (Assumes Equal Annual % Phase-in)					
		2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
RESIDENTIAL							
<i>Monthly charge per dwelling unit</i>							
Single Family	\$51.35	\$55.71	\$60.44	\$65.57	\$71.14	\$77.18	\$83.73
Multi-Family	51.35	53.74	56.24	58.85	61.59	64.45	67.45
NON-RESIDENTIAL							
<i>Volumetric charges per hcf of water use</i>							
Low Strength	3.18	3.53	3.92	4.35	4.83	5.36	5.96
Standard Strength	3.35	3.74	4.17	4.65	5.19	5.79	6.47
Moderate Strength	3.69	4.15	4.66	5.24	5.89	6.62	7.44
High Strength	4.55	5.16	5.85	6.64	7.53	8.54	9.70
<i>Minimum Non-Residential Monthly Charge</i>		26.87	28.12	29.43	30.80	32.23	33.72
SCHOOLS							
<i>Annual charge per student per year</i>							
Grades K-8	6.24	6.64	7.06	7.51	7.99	8.50	9.03
High-School	13.18	13.89	14.64	15.43	16.26	17.14	18.07

Additional Tables

King City Sewer Cash Flow Projections

\$9M Grants & SRF Financing

Table A-1	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
King City Sewer Cash Flow Projections											
Water Rate Adjustment	-	8.5%	8.5%	8.5%	8.5%	8.5%	8.5%	2.0%	2.0%	2.0%	2.0%
Growth %	-	1.5%	1.5%	0.75%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
Interest Earnings Rate	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
King City Sewer Fund Reserves											
RF Debt Reserves	\$5,652,000	\$6,561,000	\$7,364,000	\$7,057,000	\$7,079,000	\$4,360,000	\$3,294,000	\$2,159,000	\$2,271,000	\$2,377,000	\$2,475,000
General Fund Reserves	-	-	-	-	-	-	-	1,100,000	1,100,000	1,100,000	1,100,000
VENUES											
Water Service Charges	2,200,000	2,423,000	2,668,000	2,916,000	3,172,000	3,450,000	3,753,000	3,838,000	3,925,000	4,014,000	4,105,000
Industrial Sewer Fees	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Connection Fees	50,000	400,000	400,000	200,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Investment Earnings	113,000	131,000	147,000	141,000	142,000	87,000	66,000	65,000	67,000	70,000	72,000
Other Revenues	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000
General Fund Loan Repayment	500,000	500,000	500,000	532,000	0	0	0	0	0	0	0
Total Revenues	3,008,000	3,599,000	3,860,000	3,934,000	3,509,000	3,732,000	4,014,000	4,098,000	4,187,000	4,279,000	4,372,000
Grant Funding	-	-	-	4,000,000	5,000,000	8,000,000	14,000,000	-	-	-	-
RF Loan Proceeds	-	-	-	-	-	-	-	-	-	-	-
PENSES											
Operating & Maintenance											
Salaries & Benefits	461,000	484,000	508,000	533,000	560,000	588,000	617,000	648,000	680,000	714,000	750,000
Professional Services	398,000	400,000	412,000	424,000	437,000	450,000	464,000	478,000	492,000	507,000	522,000
Utilities	155,000	160,000	165,000	170,000	175,000	180,000	185,000	191,000	197,000	203,000	209,000
Repair & Maintenance	102,000	105,000	108,000	111,000	114,000	117,000	121,000	125,000	129,000	133,000	137,000
Minor/Other	67,000	69,000	71,000	73,000	75,000	77,000	79,000	81,000	83,000	85,000	88,000
Overhead Reimbursement	350,000	300,000	250,000	200,000	210,000	221,000	232,000	244,000	256,000	269,000	282,000
Collection System Line Cleaning	3%	130,000	50,000	52,000	54,000	56,000	58,000	60,000	62,000	64,000	66,000
RF Secondary O&M Expenses	3%	-	-	-	-	-	-	460,000	474,000	488,000	503,000
Subtotal	1,533,000	1,648,000	1,564,000	1,563,000	1,625,000	1,689,000	1,756,000	2,287,000	2,373,000	2,463,000	2,557,000
Debt Service											
18 Wastewater Refunding Bonds	316,000	278,000	292,000	292,000	292,000	291,000	291,000	291,000	291,000	291,000	291,000
WTF SRF Loan Repayment	-	-	-	-	-	-	-	1,100,000	1,100,000	1,100,000	1,100,000
Total	316,000	278,000	292,000	292,000	292,000	291,000	291,000	1,391,000	1,391,000	1,391,000	1,391,000
Capital/Non-Operating											
WTF Secondary Improvements	-	612,000	2,045,000	1,783,000	1,037,000	1,544,000	1,719,000	-	-	-	-
Soft Costs/Design/Const Mgmt	-	-	-	-	6,992,000	13,984,000	13,984,000	-	-	-	-
Construction	250,000	258,000	266,000	274,000	282,000	290,000	299,000	308,000	317,000	327,000	337,000
Collection System Improvements	250,000	870,000	2,311,000	2,057,000	8,311,000	15,818,000	16,002,000	308,000	317,000	327,000	337,000
Subtotal	2,099,000	2,796,000	4,167,000	3,912,000	10,228,000	17,798,000	18,049,000	3,986,000	4,081,000	4,181,000	4,285,000
Total Expenses	909,000	803,000	(307,000)	22,000	(2,719,000)	(1,066,000)	(35,000)	112,000	106,000	98,000	87,000
Transfer to SRF Debt Reserves	-	-	-	-	-	-	(1,100,000)	-	-	-	-
King City Sewer Fund Reserves											
RF Debt Reserves	6,561,000	7,364,000	7,057,000	7,079,000	4,360,000	3,294,000	2,159,000	2,271,000	2,377,000	2,475,000	2,562,000
General Reserve Target: 50% O&M + \$1M CIP	1,767,000	1,824,000	1,782,000	1,782,000	1,813,000	1,845,000	1,878,000	2,144,000	2,187,000	2,232,000	2,279,000
Debt Service Coverage	4.67	7.02	7.86	8.12	6.45	7.02	7.76	1.30	1.30	1.31	1.30

Table A-3
 King City
 Bond Debt Service Estimates

Per \$10 Million of Project Funding

	Assumptions	30-Year Bonds
Project Funding Target		\$10,000,000
Total Debt Issue		10,330,000
Project Proceeds		10,000,000
Issuance Costs & Reserve Requirement		
Underwriter Discount	0.75%	77,500
Issuance Costs		150,000
Bond Insurance	0.40% TDS	80,600
Reserve Surety Bond	2.50% RR	16,800
Debt Service Reserve Fund		0
Contingency/Rounding		<u>5,100</u>
Total		330,000
Financing Terms		
Term (Years)		30
Est. Interest Rate		5.00%
DEBT SERVICE		
Annual Debt Service		672,000

Table A-4
 King City
 Regional Survey of Single Family vs. Multi-Family Sewer Rates

Agency	Residential Rate Structure	Single Family Monthly Charge	Multi-Family vs. Single Family	Multi-Family Monthly Charge	% of Single Family
Salinas [1]	Fixed	\$24.60	Same	\$24.60	100%
Gonzales	Fixed	26.50 - 28.46	Same	26.50 - 28.46	100%
Monterey [1]	Fixed	29.92	Same	29.92	100%
Greenfield	Fixed	31.78	Reduced	24.69	78%
Atascadero	Fixed	20.18	Reduced	15.13	75%
Soledad	Fixed	46.60	Reduced	33.38	72%
Paso Robles [2]	Volumetric	46.80	Volumetric	31.20	67%
Pacific Grove [1]	Fixed	48.97	Same	48.97	100%
King City	Fixed	51.35	Same	51.35	100%
Templeton CSD	Fixed	53.96	Same	53.96	100%
Carmel Area WWD	Fixed	63.99	Same	63.99	100%
Chualar (CSA 75)	Fixed	64.74	Reduced	55.35	85%
San Luis Obispo [2]	Fixed + Volumetric	65.79	Part Volumetric	50.09	76%
San Miguel CSD	Fixed	71.81	Reduced	44.88	62%
Morro Bay	Fixed	77.00	Reduced	61.60	80%
Hollister	Fixed	80.38	Reduced	70.07	87%
Cayucos SD	Fixed	82.00	Same	82.00	100%
Cambria CSD [3]	Fixed + Volumetric	83.87	Part Volumetric	79.74	95%
<u>For Agencies with Lower Rates for Multi-Family Dwelling Units</u>					
Range of Multi-Family Rate % of Single Family Rate					67% - 95%
Average of Multi-Family Rate % of Single Family Rate					78%
Median of Multi-Family Rate % of Single Family Rate					77%

1 Wastewater treatment provided by Monterey One Water.

2 Based on SFR winter use 6 hcf, MFR winter use 4 hcf

3 Based on SFR monthly use 3 hcf, MFR monthly use 2 hcf.