



City of Weed

Historic Lumber Town Incorporated 1/25/1961

550 Main Street
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Weed, CA 96094

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CITY COUNCIL AGENDA Regular Meeting

Date of Meeting: January 9, 2025
Time of Meeting: 5:30 p.m.
Place of Meeting: City Hall Council Chambers 550 Main Street Weed, CA 96094

The City of Weed does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services. In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk at (530) 938-5020. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II)

PUBLIC NOTICE:

GOVERNMENT CODE, TITLE 5. LOCAL AGENCIES [50001. - 57550.] (Title 5 added by Stats. 1949, Ch. 81.) DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000. - 55821.] (Division 2 added by Stats. 1949, Ch. 81.), PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000. - 54999.7.] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 9. Meetings [54950. - 54963.] (Chapter 9 added by Stats. 1953, Ch. 1588.) 54954.2. (a) (2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Council Members: Mark Mazzoni, Ken Palfini, Phet Virasonh, and Melissa Whetstine.

Mayor: Darrell Parham

III. ACCEPTANCE OF AGENDA/ URGENCY ITEMS:

Move to accept agenda as posted or move to add or delete items.

To add item, the Council is required to make a majority decision that an urgency exists (as defined in the Brown Act) and a 2/3rds determination that the need to take action arose subsequent to the agenda being posted.

IV. NON-AGENDA PUBLIC COMMENT

The agenda is a lawful tool used by the City Council to conduct the public's business. Subject to Government Code §54954.3, members of the public have the opportunity to address the legislative body on any item of interest that is within the Council's jurisdiction and not listed on this agenda. Comments relating to items on this agenda will be taken at the time the item is heard.

No action may be taken by the Council on matters not on this agenda. The Council has the discretion to determine the appropriate disposition of the matter presented. Three members of the Council must agree to add the matter to a future agenda. Pursuant to open meeting laws, no discussion or action, other than a referral, shall be taken by the Council on any issue brought forth.

*The Council encourages public participation, but many members of the public will be denied the opportunity to speak and to have Council action taken at a reasonable hour, if at all, if limits on time and decorum are not placed on all speakers. Individual speakers will be limited to **3 minutes each with a 20-minute maximum for public comment**. Additional opportunity for public comment may be available at the end of the meeting at the discretion of the City Council.*

Please keep comments concise and observe time limits. All remarks shall be addressed to the Council as a body and not to a single Council Member or to the audience. No person, other than the Council and persons having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question shall be asked of or by a Council Member or City staff except through and with the permission of the presiding officer

V. COUNCIL MEMBER ANNOUNCEMENTS, MEETING REPORTS AND COMMENTS

*Pursuant to Government Code §53232.3(d) members of a legislative body shall provide brief reports on **meetings attended at the expense of the local agency** at the next regular meeting of the legislative body.*

VI. CONSENT AGENDA

All items listed under the Consent Agenda are routine and will be approved by one motion with a vote. There will be no separate discussion of these items unless the Council request specific items be removed prior to the time the Council votes on the motion. All resolutions and ordinances on this agenda, or added hereto, shall be adopted by title only and the full reading thereof is hereby waived.

Any items removed will be considered after the motion to approve the Consent Agenda.

A. Code Enforcement - By Motion, Council will consider second reading and adoption, by title only, of Ordinance No. 482-2024, Adding Chapter 12.22 and Amending Sections 9.10.020, 9.10.050, and 9.10.150 of Chapter 9.10 of the Weed Municipal Code.

B. Administrative – By Motion, Council will consider second reading and adoption, by title only, of Ordinance No. 475-2024 Amending Section 2.12.070 of Chapter 2.12 and Chapter 2.16 of Title 2 of the Weed Municipal Code.

- C. **City Clerk** – By Motion, approve minutes from December 12, 2024, Regular Meeting.
- D. **Finance** – By Motion, approve payment warrants dated 12/16/2024 through 12/19/2024 including any voided warrants totaling \$879,446.49.
- E. **Finance** – By Motion, approve and file month end report for December 2024.

VII. ITEMS REMOVED FROM CONSENT

VIII. COUNCIL BUSINESS

All items listed under the Council Business below require action which may include any and/or all of the following: report, review, consideration, discussion, approval, disapproval, acceptance and rejection. Public input is invited. Individual speakers will be limited to 3 minutes each with a 20- minute maximum per item. As a rule, and unless otherwise expressly permitted by the presiding officer, after a motion is made by a member of the Council on the matter under consideration, no member of the public shall address or be permitted to address the Council.

- A. **Code Enforcement** – By Motion, Council will consider Resolution No. 01-2025 adopting a policy for the notice, removal, and storage of personal property from encampment removal sites.

IX. STAFF REPORTS

X. ADJOURN TO CLOSED SESSION

XI. CLOSED SESSION

- A. Public Employee Appointment (§54957)
City Manager
- B. Conference with Labor Negotiator(s) (§54957.6)
Negotiators: Interim City Manager Steven W. Baker and Police Chief Justin Mayberry
Teamsters Local 137

XII. ADJOURN TO OPEN SESSION

Announcement of action taken, if any, by the City Council in Closed Session required by the Ralph. M. Brown Act (Gov. Code, §§ 54950 et seq.)

XIII. ADJOURNMENT

Staff reports and/or other written documentation pertaining to the items on the agenda are on file in the Office of the City Clerk and are available for public inspection during normal weekday business hours. Information may be obtained by calling (530) 938-5020. City Council Minutes and Agendas may also be available on the City's website: <http://www.ci.weed.ca.us>. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 550 Main Street during normal business hours, or on the City's website at www.ci.weed.ca.us.

Privileged and confidential documents exempted.

Posting statement: On Thursday January 2, 2025, a true and correct copy of this agenda was posted on the front door at 550 Main Street, (city hall).



CITY COUNCIL AGENDA MEMORANDUM

Meeting Date: January 9, 2025

From: Justin Mayberry, Chief of Police

Subject: Second reading and Adoption, by title only, of
Ordinance No. 482-2024 Prohibited Activities
(Camping/Fires)

A handwritten signature in black ink, appearing to be "JMB", is located in the top right corner of the memorandum box.

Staff Recommendation:

Council moves for second reading and adoption, by title only, of Ordinance 482-2024 establishing restriction on camping and fire in public spaces within the City of Weed.

Below is the staff report from the December 2024 Meeting:

Analysis:

Since 1989, the Weed Municipal Code regulates activities within parks including hours of operation, distribution of rubbish, and camping.

On June 28, 2024, the United States Supreme Court reversed the decision of the 9th Circuit in *Johnson v. Grants Pass* by holding that generally applicable laws regulating camping on public property does not constitute "cruel and unusual punishment" prohibited by the Eighth Amendment. (*City of Grants Pass v Johnson* (2024) 144. S. Ct. 2002, 2215-2226.)

In response to the decision, the City of Weed looks to establish Ordinance XXX regulating camping and related activities in public spaces for the health, safety, and welfare of the general public. The Ordinance will amend definitions within Sections 9.10.020, amend prohibited acts within 9.10.050, and amend penalties 9.10.150 of Chapter 9.10 Regulations Governing Parks. The Ordinance will add regulation prohibiting activities in public spaces withing Chapter 12.22.

Options:

1. Introduce and hold first reading of Ordinance 482-2024.
2. Rejection of Ordinance 482-2024.
3. Such other action as the Council may deem appropriate.

Fiscal Impact:

Adoption of this ordinance will have unknown increased fiscal impacts. Such costs will be associated with the staffing required from various departments to enforce the proposed codes as incidents occur. While compliance members of the public is assumed; there may be instances requiring enforcement action, clean up action and due process.

Discrepancies:

None.

Attachments:

1. Ordinance 482-2024

ORDINANCE NO. 482-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEED, CALIFORNIA
ADDING CHAPTER 12.22 AND AMENDING SECTIONS 9.10.020, 9.10.050 AND
9.10.150 OF CHAPTER 9.10 OF THE WEED MUNICIPAL CODE AND FINDING THE
ORDINANCE EXEMPT FROM CEQA

THE CITY COUNCIL OF THE CITY OF WEED DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 12.22 of the City of Weed Municipal Code is hereby added to read as follows:

12.22.010 – Definition of specialized terms and phrases.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Camping" means to occupy or prepare to occupy as exemplified by sleeping or making preparations to sleep, storing personal belongings (including, but not limited to, clothing, sleeping bags, bed rolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar materials), or igniting fires for food or beverage preparation or for warming. Camping may involve the use of a any trailer, mobilehome, camper or other vehicle equipped for human habitation; the erection of any tent or other shelter; or the arrangement of sleeping bags, bedding, bed rolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar materials for the purpose of or which will permit remaining overnight.

"Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

12.22.020 – Activities prohibited citywide.

- A. No person shall camp, sit, lie, sleep or store their belongings in or upon any public place in the city, including but not limited to any street/highway, green belt, median island, alley, sidewalk, crosswalk or other public place.
- B. The provisions of this section do not prohibit a person from sitting upon a public street/highway, green belt, median island, alley, sidewalk, crosswalk, or other public place if:
 - 1. Such person is lawfully using a recreational area during posted hours of operation, or if no hours are posted between dawn and sunset;
 - 2. Such person is viewing a legally conducted parade or similar permitted temporary event; or

3. Such person is seated for less than one hour on a bench lawfully installed for such purpose.
- C. Nothing in this chapter shall be construed as to prohibit camping in public campgrounds or other facility under a permit authorized by other provisions of law or ordinance.
- D. Nothing in this chapter is intended to prohibit or make unlawful the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and nothing is intended to prohibit or make unlawful the activities of a property owner or other lawful user if such activities are expressly authorized by the Code or other laws, ordinances, and regulations.

12.22.030 – Fires.

It is unlawful to build any fire or burn any combustible material within any public place within the city except on private property or as allowed pursuant to section 9.10.050 in fireplaces or barbecues constructed and maintained for such use by the city within recreation areas. Nothing in this section shall prohibit the use of a barbecue or similar type of cooking device when used or maintained in such a manner as not to injure or destroy vegetation or constitute a fire hazard, when done consistent with the California Fire Code.

12.22.040 – Abatement.

- A. In addition to any other lawful authority, any violation of Section 12.22.020 may be abated by the city or any law enforcement officer consistent with policies for the removal of encampments adopted by the City Council. Any violation of Section 12.22.020 may be abated immediately by the city or any law enforcement officer without prior notice if the violation poses an imminent threat to public health or safety.
- B. Abatement pursuant to subsection 12.22.040(a) of this section may include, but is not limited to, removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk or debris, and securing the perimeter of the property with fencing, gates, notification tape, or barricades to prevent further occurrences of the nuisance activity.
- C. Regardless of the city's authority to conduct abatement pursuant to this section, every owner, occupant, or lessee of real property, and every holder of any interest in real property, is required to maintain the property in compliance with local, state, and federal law and is liable for violations thereof.
- D. The abatement authority provided in this chapter shall be cumulative and in addition to any other procedures provided by the laws of the city or the state for the abatement of any of the conditions described in this chapter, and abatement pursuant to the provisions of this chapter shall not prejudice

or affect any other action, civil or criminal, for the abatement of any such condition.

12.22.050 – Violation – Penalty.

- A. A violation of any provision of this chapter shall be an infraction; provided, however, that any additional violation within any one-year period, may be treated as a misdemeanor. The maximum fine for a violation is: One hundred dollars for the first offense; two hundred dollars for the second offense within one year, and each subsequent offense within one year shall be five hundred dollars. Any person found guilty of a misdemeanor may be punished by a fine of not more than one thousand dollars, by imprisonment not exceeding six months, or by both such fine and imprisonment.
- B. Nothing in this chapter shall be construed to prevent a person from being prosecuted, convicted, or sentenced for a violation of any lesser or related city, state, or federal statutes which might impose different penalties.

12.22.060 – Ability-to-Pay Determination.

- A. Any fine issued under Section 12.22.050 will be accompanied with a notice of and instruction regarding the right to request an ability-to-pay determination.
- B. If the requestor is receiving public benefits under Government Code section 68632, subdivision (a), or has a monthly income which is one hundred twenty-five percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the requestor's administrative fine shall be waived and the violator shall instead be subject to:
 - 1. Completing community service in lieu of paying the total administrative fine; or
 - 2. An alternative disposition.
- C. Fine waiver and/or alternative disposition shall not be applicable to violators who have access to adequate temporary shelter but choose not to use it.

SECTION 2. Section 9.10.020 of the City of Weed Municipal Code is hereby amended to read as follows (additions designated by underlined text and deletions with strikethrough):

Section 9.10.020 – Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Alcoholic beverages" means alcohol, spirits, liquor, beer or wine.
- B. "Amplified sound" means music, speech, or sound projected and transmitted by electronic equipment including amplifiers,

tape, disk, or record players, and radios.

- C. "Board" means the board of directors of the Weed Recreation and Parks District.
- D. "Camping" means to occupy or prepare to occupy as exemplified by sleeping or making preparations to sleep, storing personal belongings (including, but not limited to, clothing, sleeping bags, bed rolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar materials), or igniting fires for food or beverage preparation or for warming. Camping may involve the use of a any trailer, mobilehome, camper or other vehicle equipped for human habitation; the erection of any tent or other shelter; or the arrangement of sleeping bags, bedding, bed rolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar materials for the purpose of or which will permit remaining overnight.
- E. "City" means the city of Weed.
- F. "City council" means the legislative body of the city.
- G. "Director" means the director of recreation and parks of the Weed Recreation and Parks District or his designated representative.
- H. "District" means the Weed Recreation and Parks District.
- I. "Overnight" means between the hours of eleven o'clock p.m. of one day and sunrise the following day.
- J. "Park" means any public park owned or leased by the Weed Recreation and Parks District.
- K. "Recreational area" means a playground, swimming pool, recreation center, or any other area in the city, owned or used by the Weed Recreation and Parks District and devoted to active or passive recreation.
- L. "Vehicle" means any wheeled conveyance, whether motor-powered, drawn or self-propelled, of any size, kind or description, except for baby carriages and vehicles in service to the Weed Recreation and Parks District.

SECTION 3. Section 9.10.050 of the City of Weed Municipal Code is hereby amended to read as follows (additions designated by underlined text and deletions with ~~striketrough~~):

No person in a park or recreational area shall:

- A. Take into, have brought or have in his possession, exhibit or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets, or other fireworks or explosives or inflammable materials, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints;
- B. Fire or carry any pellet gun, BB gun, handgun, rifle, slingshot, or weapon of any kind, unless under the direction of a police officer of the city or Siskiyou County sheriff, or an approved district representative and shall act in

accordance with state law;

- C. Practice, carry on, conduct, or solicit for any trade, occupation, or profession, without the written permission of the director;
- D. Use restrooms and washrooms designated for the opposite sex; provided, that this shall not apply to children under seven years of age accompanied by their father, mother, guardian or custodian;
- E. Erect, construct, install, or post any structure, wire, pipe or sign of any kind whatsoever without prior written permission of the director;
- F. ~~Use any~~ No sound amplification system shall be permitted to be used in any park without the prior approval of the director, who may deny approval if such use will unduly disturb users of, or neighbors to the park. Permits will be issued only as a part of a permit being issued under Section 9.10.140 hereof. The permittee shall keep the sound level of such amplification system at a reasonable level to avoid disturbing other people using the park;
- G. Claim exclusive use of, prevent the use by others of, nor reserve for use, any park area without prior written permission of the director;
- H. Violate the regulation that use of the individual fireplaces together with tables and benches, follows generally the rule of "first come, first serve," with the exceptions that those units may be served by an authorized permit signed by the director or his representative;
- I. ~~No person shall t~~ Take part in or abet the playing of games involving batted, thrown, or otherwise propelled objects of danger such as golf balls, baseballs, stones, arrows, javelins, or model airplanes in any park except in areas, if any exist, posted to permit such forms of recreation, provided, however, that all balls may be thrown and batted in any area if doing so will not constitute a danger to other users of the park, nor unreasonably interfere with their enjoyment of same.
- J. Build any fire or burn any combustible material within any park and/or recreational area except in fireplaces or barbecues constructed and maintained for such use by the city. Nothing in this section shall prohibit the use of a barbecue or similar type of cooking device when used or maintained in such a manner as not to injure or destroy vegetation or constitute a fire hazard, when done consistent with the California Fire Code.

SECTION 4. Section 9.10.150 of the City of Weed Municipal Code is hereby amended to read as follows:

Violation of any provision of this chapter is an infraction punishable by a fine of not more than one hundred dollars for a first violation, and for a second violation of the same provision within one year by a fine of not more than two hundred dollars and for each additional violation of the same provision within one year by a fine of not more than five hundred dollars. A violation of any provision of this chapter shall be an infraction; provided, however, that any additional violation within any one-year period, may be treated as a misdemeanor. The maximum fine

for a violation is: One hundred dollars for the first offense; two hundred dollars for the second offense within one year, and each subsequent offense within one year shall be five hundred dollars. Any person found guilty of a misdemeanor may be punished by a fine of not more than one thousand dollars, by imprisonment not exceeding six months, or by both such fine and imprisonment. Nothing in this chapter shall be construed to prevent a person from being prosecuted, convicted, or sentenced for a violation of any lesser or related city, state, or federal statutes which might impose different penalties.

SECTION 5. California Environmental Quality Act. The City Council hereby finds and determines that the action taken in this Ordinance does not commit the City to any action that may have a significant effect on the environment. Accordingly, under the provisions of sections 15061(b)(3) and 15378(b)(5) of Division 6 of Title 14 of the California Code of Regulations, the CEQA Guidelines, the adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act. The City Council directs City staff to file a Notice of Exemption within five (5) days following adoption of this Ordinance with the Siskiyou County Clerk.

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

SECTION 7. Effective Date. This Ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Weed ordinance.

SECTION 8. Inconsistencies. Any provisions of the Weed Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 9. Codification. The City Clerk is directed and authorized to instruct the publisher of the City of Weed Municipal Code that codification of this Ordinance is limited to Sections 1 through 5.

SECTION 10. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law.

I hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Weed held on the 12th day of December

2024, and thereafter adopted at a regular meeting of said Council held on the 9th day of January, 2025, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAINING:

Darrell Parham, Mayor

ATTEST:

Sandra Duchi, City Clerk



**CITY COUNCIL
AGENDA MEMORANDUM**

Meeting Date: January 9, 2025

SWB

From: Steven W. Baker, Interim City Manager

Subject: Ordinance Amending Section 2.12.070 of Chapter 2.12 and Chapter 2.16 of Title 2 of the Weed Municipal Code regarding City Manager appointment authority over City officials and fire department.

Staff Recommendation:

That the Council conduct the second reading by Title Only and Adopt Ordinance 475-2024 Amending Section 2.12.070 of Chapter 2.12 and Chapter 2.16 of Title 2 of the Weed Municipal Code regarding City Manager appointment authority over City officials and fire department.

Analysis:

The first reading of this ordinance took place on May 9, 2024. A second reading and adoption was scheduled for June 13, 2024, however, the item was tabled. Staff believes that the reasons for preparing the ordinance still apply and is recommending approval. The original analysis from the staff report of May 9, 2024 follows below:

At the direction of the City Council, the City Attorney's office reviewed the Weed Municipal Code (WMC) provisions regarding the City Manager's appointment authority to properly align with the Council-City Manager form of government.

In 2016, the City of Weed adopted the City Council-City Manager form of government. Under this system, the City Council provides overall policy direction and appoints a City Manager to administer the affairs of the City on a day-to-day basis, including the direction and supervision of City personnel as the City's human resources officer.

When the City moved to the City Council-City Manager system, the Council reserved to itself the power to appoint the city clerk and city treasurer (the city

treasurers functions are now essentially fulfilled by the finance director). In addition, it created an inconsistency with the City's earlier-adopted fire department ordinance (WMC Ch. 2.16). In practice, the City Manager hired the fire chief and subordinate officers, consistent with the Council-Manager form of government. However, WMC Ch. 2.16 still provides for Council appointment of the fire chief and all subordinate officers in the fire department.

Efficient and effective administrative operations of the City organization are advanced by centralized administration and support of the City Council-City Manager form of government. As a result, the proposed ordinance would establish all appointed officers and employees, including department head positions (other than City Attorney), under the direction of the City Manager. If adopted, the appointment and supervision of the positions of the fire chief, city clerk, and city treasurer would be under the City Manager's authority like the police chief and other city employees.

Options:

1. Waive second reading and adopt the Ordinance.
2. Provide alternative direction to staff.
3. Take no further action.

ORDINANCE 475-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEED AMENDING SECTION 2.12.070 OF CHAPTER 2.12 AND CHAPTER 2.16 OF TITLE 2 OF THE WEED MUNICIPAL CODE

WHEREAS, the City Council of the City of Weed recognizes that under the City Council-City Manager form of government under which the City operates, the City Council provides overall policy direction and appoints a City Manager to administer the affairs of the City on a day-to-day basis, including the direction and supervision of City personnel; and

WHEREAS, the City Council has determined that the efficient and effective administrative operations of the City organization are advanced by centralized administration and support of the City Council-City Manager form of government; and

WHEREAS, the City Council has determined that establishing all department head positions (other than City Attorney) under the direction of the City Manager is desirable for efficient and orderly operation of the City's administration.

NOW, THEREFORE, the City Council of the City of Weed does ordain as follows:

SECTION I: Section 2.12.070 (Powers) of Chapter 2.12 (City Manager) of Title 2 (Administration and Personnel) of the City of Weed Municipal Code to read as follows (additions denoted with underlined text and deletions denoted with ~~struck through~~ text):

2.12.070 - Powers.

A. Supervisory. The city manager shall have the powers to: (a) exercise control over all departments, divisions, and bureaus of the city and over all employees, and, (b) appoint and dismiss ~~the chief of police and other subordinate~~ any and all appointive officers and employees, and all department heads, except for the city attorney, ~~city clerk, and city treasurer~~, the appointment of ~~all of which~~ whom shall rest solely with the city council.

B. Discipline. The city manager may, in his or her discretion, in compliance with the city's municipal code, personnel policy, and any applicable memorandum of understanding with an employee's union, appoint, remove, promote, demote, suspend, and take disciplinary action against any city employee, with or without the recommendation of the employee's department head. As soon as practicable, the city manager shall report, in writing, to the employee's department head and the city council the facts and circumstances of any such termination, demotion, or suspension. The department head and city council shall keep the contents of such report strictly confidential.

C. Support. It shall be the duty of all city employees, subordinate officers, and the city attorney, ~~and city treasurer~~, to assist the city manager in the efficient, economical, and harmonious administration of city affairs.

D. Appeals. Actions of the city manager to demote, reduce the pay or benefits, suspend, or discharge any city employee may be appealed to the city council pursuant to Chapter 2.36 of this code.

E. Administrative Leave. The city manager shall have the power to place any city employee on paid administrative leave, pending satisfaction of the employee's due process rights.

F. Council Initiatives. The city council may not initiate action against any city employee unless the position of city manager is then vacant or the city manager has been on a leave of absence for more than twenty-one calendar days, and then only after considering the recommendation, if any, of the employee's department head.

G. Reorganization. It shall be the duty and responsibility of the city manager to recommend to the city council such reorganization of office, positions, and departments under his or her direction as may be in the best interests of the efficient, effective, and economical conduct of the city's business.

H. Ordinances. It shall be the duty of the city manager and he or she shall recommend to the city attorney for preparation, and to the city council for adoption, such measures and ordinances as he or she deems necessary or expedient.

I. Meetings. It shall be the duty of the city manager to attend all meetings of the city council unless excused therefrom, except when his or her contract, compensation, suspension, or removal is under consideration.

J. Financial condition. It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial conditions and needs of the city.

K. Budget. It shall be the duty of the city manager to prepare and submit the proposed annual budget to the city council for its approval.

L. Purchases. It shall be the duty of the city manager, and he or she shall be responsible for the purchase of all materials, equipment, and supplies for the departments of the city. No expenditures shall be submitted or recommended to the city council except on report and approval of the city manager.

M. Investigations. It shall be the duty of the city manager to make investigations into the affairs of the city, and any department or division thereof, any contract and the proper performance thereof, and all complaints in relation to matters concerning the administration of city government or in regard to the service of public utilities in the city.

O. City Properties. It shall be the duty of the city manager and he or she shall exercise general supervision over all public buildings and other public property which is under the control and jurisdiction of the city council.

P. Entire Time. The city manager shall devote his or her entire time to the duties of his or her office in the interests of the city, provided, however, that nothing herein shall prohibit the city manager from engaging in any business enterprise, nor from accepting other employment which does not interfere with his or her duties hereunder.

Q. Other Duties and Powers. It shall be the duty of the city manager to perform such other duties and exercise such other powers as may from time to time be delegated to him or her by ordinance, resolution, or other action of the city council.

R. Law Enforcement. It shall be the duty of the city manager to enforce all ordinances and regulations of the city and to see that all franchises, contracts, permits, and privileges granted by the city council are faithfully observed. Nothing herein shall be deemed to authorize the city manager to make or cause to be made any arrest, nor to issue any citation, for violation of any law or ordinance, such powers being reserved solely to the chief of police, the fire chief, and the city building inspector, or their respective subordinates, as appropriate.

SECTION II: Chapter 2.16 (Fire Department) of Title 2 (Administration and Personnel) of the City of Weed Municipal Code to read as follows (additions denoted with underlined text and deletions denoted with ~~struck through~~ text):

2.16.010 – Established.

There is established in the city a fire department, which all be known as the Weed Volunteer ~~f~~ire Department.

2.16.020 – Organization.

The fire department shall consist of a fire chief and other officers as the city ~~council~~ manager may deem necessary for the effective operation of the department and other volunteer firefighters, their exact number to be determined from time to time by the city ~~council~~ manager.

2.16.030 – Appointment of fire chief.

The fire chief of the fire department shall be appointed by the city ~~council~~ manager.

2.16.040 – Appointment of officers.

Other officers shall be appointed by the city ~~council~~ manager after recommendation by the fire chief ~~and approval by the executive committee of the volunteer fire department~~. Such appointed officers shall hold office for and during the pleasure of the ~~council~~ city manager.

2.16.050 – ~~[Reserved]~~ Internal government.

~~The volunteer firefighters shall be self-governing in internal affairs and are authorized and empowered to adopt a constitution and by-laws for its own internal government subject to approval by the city council.~~

2.16.060 – Membership.

The members of the department, shall be appointed by the ~~executive committee~~ city manager and shall hold office until such appointment is terminated. Such members, after receiving their appointment, shall take the oath of office and sign an agreement to be active members of the department until their appointment is terminated by withdrawal or action of the ~~executive committee~~ city manager unless prevented by sickness, absence from the city or unavoidable accident.

2.16.070 – Duties of the members.

It shall be the duty of the members of the fire department to answer all fire alarms and rescue calls as assigned promptly and to care properly for all material and apparatus belonging to the fire department that may be entrusted to them; and to perform such other duties as shall be required of them by the fire chief of the fire department.

2.16.080 – Duties of the fire chief.

A. The fire chief shall determine the number and kind of companies of the department, and shall determine the order of response of such companies to fire alarms and rescue calls. The fire chief shall appoint the fire captains to the fire companies.

B. The fire chief shall appoint the training captain to conduct monthly drills and training instruction in fire control, fire prevention and matters generally considered essential to good firemanship and the safety of life and property from fire.

C. The fire chief shall cooperate with and assist the proper legal authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstance of all fires.

D. The fire chief shall keep, or cause to be kept, a log book for the department in complete and accurate detail, and to keep, or cause to be kept, complete and accurate records of all fires, inspections, apparatus, equipment and other matters or information pertaining to the department and its operations.

2.16.090 – Duties of the fire chief – Enforcement of rules and regulations.

The fire chief shall enforce the adopted rules and regulations of the department, and shall be responsible for the general efficiency of the department.

2.16.100 - Duties of captain.

The captain of the fire department shall attend all fires and directly assist the fire chief in the discharge of his or her duties on all occasions; and, in the case of the absence or inability of the fire chief to act, the captain shall have control of the fire department and, in all respects, shall perform the duties of the fire chief.

2.16.110 - Rescue captain.

The captain of the rescue squad shall attend fifty percent of all rescue calls and directly assist the fire chief in the discharge of his or her duties on all rescue calls; and in the case of absence or inability of the fire chief to act, the rescue captain shall have control of the fire department rescue squad and in all respects, shall perform the duties of the fire chief on rescue calls.

2.16.120 - Assignment of duties.

The fire chief shall assign to each member of the department his or her special duty at the time of the fire. When an alarm of fire is sounded, it shall be the duty of each and every member of the department to respond immediately and proceed to the fire station, or the location of fire, without delay. Members of the department who are present at any

fire or who respond to any alarm of fire shall report to the captain or other officer in charge.

2.16.130 - Duties of firefighters.

It shall be the duty of each and every member in going to or returning from a fire, or in removing their apparatus from their usual place of deposit, to obey the orders of the fire chief or captains, and in case any captain, equipment operator, or any other member refuses or neglects to obey any orders or directions given by the fire chief or captain, he or she shall for such offense, on complaint of the fire chief or captain, to the ~~executive committee~~ city manager on conviction be, at their option, reprimanded, suspended, or expelled from the fire department.

2.16.140 - Apparatus of companies to be kept in good condition.

Each and every equipment operator shall keep, or cause to be kept, their apparatus in good order and condition and ready for immediate service, and the operator shall report to the fire chief or person acting as such in writing, any disability or deficiency of the apparatus under his or her operation within twenty-four hours after such disability or deficiency shall occur, or they become cognizant thereof.

2.16.150 - Powers of officers at fires.

Every officer of the fire department, during the time of any conflagration shall have the powers of a peace officer; they may prevent persons other than firefighters (except it be the owners of goods or tenements, or those particularly interested in the removal of the goods, or protection of the tenements or persons assisting them) from coming into such portion of the city as may interfere with the firefighters in the extinguishing of fires.

2.16.160 - Conduct of persons during fires—Obedience to fire chief.

No person, except by permission and under authority of the fire chief of the fire department, shall enter any burning building after the fire department has arrived at such building.

2.16.170 - Interference with or disobedience to fire department.

No person shall interfere with the fire chief of the fire department, captain, or any member thereof, while in the lawful performance of his or her duties, or refuse or neglect to obey the lawful orders or requirements of the fire chief or captain.

2.16.180 - Damage to department property prohibited.

No person shall willfully or negligently injure or damage any house or place for the housing or protection of any machinery or apparatus of the fire department, nor injure any apparatus of the fire department.

2.16.190 - Use of department equipment.

No person shall use fire department hydrants or equipment without prior authorization from the fire chief or the city ~~administrator~~ manager.

2.16.200 - Open burning.

No open burning shall be done without a written permit from April 1st to the end of the fire season as determined by the California Department of Forestry (CDF). Applications for burning permits may be obtained from the fire chief. No burning permits shall be issued when in conflict with any state law or, at the determination of the fire chief.

2.16.210 - Driving over fire hose prohibited.

It is unlawful for any person to drive any vehicle, whether loaded or otherwise, across any fire hose.

2.16.220 - Notice of street closure or water turnoff required.

When, for any reason, the water is turned off from any fire hydrant, or any hydrant is inoperative, or whenever, for any reason, any street is closed, the fire chief shall be notified immediately, and shall also be advised when such service is restored.

2.16.230 - Meetings.

A regular meeting of the fire department shall be held on the second and fourth Monday of each month, at a place to be designated by the fire chief, at which the fire chief shall preside. The fire chief, by the tenth day of each month, shall file with the city clerk a certificate setting forth the names of each firefighter at meetings held during the previous month, and showing whether such meetings were regularly scheduled or otherwise; and no pay shall be allowed for any meeting not regularly scheduled or for more than two meetings regularly scheduled during any month, unless authorized by the city council.

2.16.240 - Authorization to reimburse volunteer firefighters.

The volunteer firefighters and medical rescuers are to be reimbursed as provided for in the fire department budget of the annual city budget.

2.16.250 - Penalty for violation.

Any person violating any of the provisions of Sections 2.16.160 through 2.16.210, or any one or more of such sections, shall be guilty of a misdemeanor and, upon conviction, shall be punishable by fine of not more than five hundred dollars, or imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. The city may, however, elect to file any such charges as infractions, punishable by a fine as set forth in California Government Code Section 36900(b).

SECTION III: CEQA: Because there is not substantial evidence, in light of the whole record before the City, that this ordinance would have a significant impact on the environment, the City Council determined that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION IV: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it

would have passed this ordinance and each section, subsection, sentence, clause, or phrase of this ordinance irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION V: This ordinance shall become effective thirty (30) days after its passage, and within fifteen (15) days after its adoption it shall be posted in three public places in the City of Weed in accordance with Government Code Section 36933.

I HEREBY CERTIFY the foregoing ordinance was introduced for first reading at a regular meeting of the City Council of the City of Weed held on the 9th day of May 2024, and thereafter adopted at a regular meeting of said Council held on the 9th day of January 2025, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Darrell Parham, Mayor

ATTEST:

Sandra Duchi, City Clerk

CITY OF WEED CITY COUNCIL
REGULAR MEETING MINUTES
DECEMBER 12, 2024

The City Council of the City of Weed held a regular meeting on Thursday, December 12, 2024, at 5:30 pm in the Council Chambers at City Hall. Mayor Darrell Parham called the meeting to order. Present, in addition to Mayor Parham, were Council Members Bob Hall, Mark Mazzoni, Ken Palfini, and Susan Tavalero. Also present were Interim City Manager Steven W. Baker, City Attorney David Ruderman, Police Chief Justin Mayberry, Finance Director Jill Porterfield, Public Works Director Chris Davis, Fire Chief Steve Duncan, and City Clerk Sandra Duchi

III. ACCEPTANCE OF AGENDA/URGENCY ITEMS

Council Member Palfini moved to pull item A and accept the amended staff report for item E under Council Business then moved to accept the agenda. Council Member Tavalero seconded the motion, and the vote was:

AYES: Council Members Hall, Mazzoni, Palfini, Parham, and Tavalero.

NOES: None

ABSENT: None

ABSTAIN: None

IV. NON-AGENDA PUBLIC COMMENT

There was none.

V. COUNCIL MEMBER REPORTS AND COMMENTS

Council Member Mazzoni thanked the Police Department and Public Works for their hard work during the recent storms. Council Member Hall reported this was his final meeting and it has been the honor of his life to serve on the City Council, he discussed the changes over the past 16 years, and urged citizens to be active within their community. Council Member Tavalero thanked staff and Council Members individually. Council Member Palfini reported on the success of Giving Tuesday and took a moment to say goodbye to his fellow Council Members. Council Member Parham reported the Christmas Tree lighting on Main Street was a success, thanked the outgoing and incoming City Council Members, and thanked staff for hard work during the recent storms.

VI. CONSENT AGENDA

Mayor Parham read the consent agenda, asked for public comment, and asked if any member would like to pull any items from the consent agenda. There were none and all items were considered inclusive.

A. Public Works - By Motion, Council considered second reading and adoption, by title only, of Ordinance No. 479-2024 Establishing Administrative Remedies Procedure for Challenges to Fees, Charges, and Assessments.

B. Revenue and Finance - By Motion, Council considered second reading and adoption, by title only, of Ordinance No. 480-2024 Amending Chapter 3.32 of the Weed Municipal Code regarding Community Facilities District No. 2009-1.

C. Public Works – By Motion, Council considered adoption of Resolution No. 51-2024 Adopting the City of Weed Language Access Plan for the CDBG Program 2024 Lincoln Heights Planning and Technical Assistance (PTA).

D. Fire – By Motion, Council considered approval for the Weed Volunteer Fire Department to submit a FEMA Grant application for a commercial extractor washer and commercial dryer for cleaning personal protective equipment (PPE).

E. City Clerk – By Motion, approved minutes from November 14, 2024, Regular Meeting.

F. Finance – By Motion, approved payment warrants dated 11/07/2024 through 11/26/2024 including any voided warrants totaling \$368,756.90.

G. Finance - By Motion, approved and file month end report for November 2024.

Council Member Palfini moved to approve the consent agenda. Council Member Tavalero seconded the motion, and the vote was:

AYES: Council Members Hall, Mazzoni, Palfini, Parham, and Tavalero.

NOES: None

ABSENT: None

ABSTAIN: None

VIII. COUNCIL OATH OF OFFICE AND ELECTION OF OFFICERS

Council Member Palfini moved to begin with item B to accommodate timelines of departing Council Members. Mayor Parham seconded the motion, and the vote was:

AYES: Council Members Hall, Mazzoni, Palfini, Parham, and Tavalero.

NOES: None

ABSENT: None

ABSTAIN: None

B. Plaque Presentation for Bob Hall and Susan Tavalero's years of service. Mayor Parham presented the two outgoing Council Members with plaques and thanked them for their years of service.

A. Administration of Oath of Office for Newly Appointed Council Members (2). City Clerk Duchi requested Phetsamone Jenny Virasonh and Melissa Whetstine to stand before the dais, raise their right hands and administered their oath of offices. The two newly appointed members took their seats on the dais with the remaining seated council members.

C. Election of Mayor and Mayor Pro Tempore by the Council. City Clerk Duchi opened the floor for nominations for the position of Mayor. Council Member Mazzoni nominated Council Member Parham. Council Member Parham accepted the nomination and there were no others. Council Member Mazzoni moved to approve the nomination. Council Member Palfini seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Parham opened the floor for nomination for the position of Mayor Pro Tempore. Council Member Mazzoni nominated Council Member Palfini. Council Member Palfini accepted the nomination and there were no others. Council Member Mazzoni moved to approve the nomination. Council Member Parham seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

IX. NEW COUNCIL MEMBERS COMMENTS

Council Member Virasonh thanked the council and citizens for this opportunity and stated she is excited to learn. Council Member Whetstine thanked everyone for the warm welcome and stated she is truly energized, ready to share her agenda and work with everyone.

XIII. COUNCIL BUSINESS

B. Code Enforcement - By Motion, Council considered Introduction and First Reading, by title only, of Ordinance No. 482-2024, Adding Chapter 12.22 and Amending Sections 9.10.020, 9.10.050, and 9.10.150 of Chapter 9.10 of the Weed Municipal Code. Police Chief Mayberry presented the staff report. Council Members questions were asked and answered. Council Member Palfini moved for introduction and first reading, by title only. Council Member Whetstine seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

C. Public Works - By Motion, Council considered adoption of Resolution No. 52-2024 Authorizing the City Manager to enter into Task Order No. 2024-08 Authorizing PACE Engineering to proceed with the Shastina WWTP Improvement Planning Phase. Public Works Director Davis presented the staff report. Council Member questions were asked and answered. Mickey Sosongkham asked if there was capacity to support a laundry mat on Main Street. Council Member Palfini moved to approve Resolution No. 52-2024. Council Member Mazzoni seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

D. Finance - By Motion, Council considered adoption of Resolution No. 53-2024 Approving the Mid-Year Budget Adjustments for Fiscal Year 24-25. Finance Director Porterfield presented the staff report. Council Members questions were asked and answered. Council Member Palfini moved to approve Resolution No. 53-2024. Council Member Whetstine seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

E. Finance - By Motion, Council considered Adoption of Resolution No. 54-2024 Approving the Fiscal Year 23/24 Final Budget Adjustments. Finance Director Porterfield presented the staff report. Council Members questions were asked and answered. Council Member Palfini moved to approve Resolution No. 54-2024. Council Member Whetstine seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

F. Fire Department - By Motion, Council considered Authorizing the Weed Volunteer Fire Department to Apply for a FEMA Micro Grant for Equipment. Interim City Manager Baker presented the staff report.

Council Member Whetstine requested an inventory of equipment from all departments. Council Members questions were asked and answered. Council Member Palfini moved to approve authorizing the Weed Volunteer Fire Department to apply for the Micro Grant. Council Member Whetstine seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

XI. STAFF REPORTS

Finance Department reported the new finance software is being implemented. Public Works reported the Water Bypass Project is continuing and appreciates all of the citizens that have been impacted by the project for being patient during the construction, and reported the Bel Air area may have nighttime shutdowns. Police Department reported the citizens that signed up for Christmas Baskets can pick up their meal December 20th at the Presbyterian Church, and reported Roxann Anzo recently celebrated her 30 years with the Weed Police Department. Clerk reported there will be a Planning Commission meeting December 18th at 5:30, welcomed the new Council Members and wished everyone a happy Holiday. City Manager reminded the Council and the citizens of the winter shutdown December 24, 2024, to January 2, 2025. City Attorney wished everyone a safe and happy Holiday.

Council Member Palfini moved to adjourn to closed session at 6:56pm. Council Member Mazzoni seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

Interim City Manager announced there will be no reportable action coming from the closed sessions.

XII. CLOSED SESSION

A. Public Employee Appointment (\$54957)

City Manager

B. Conference with Labor Negotiator(s) (\$54957.6)

Negotiators: Interim City Manager Steven W. Baker and Police Chief Justin Mayberry
Teamsters Local 137

XIII. ADJOURN TO OPEN SESSION

Announcement of action taken, if any, by the City Council in Closed Session required by the Ralph. M. Brown Act (Gov. Code, §§ 54950 et seq.)

Council Member Mazzoni moved to adjourn to open session. Council Member Parham seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

XV. ADJOURNMENT

Council Member Mazzoni moved to adjourn the meeting. Council Member Virasonh seconded the motion, and the vote was:

AYES: Council Members Mazzoni, Palfini, Parham, Virasonh, and Whetstine.

NOES: None

ABSENT: None

ABSTAIN: None

SINE DIE 9:17 pm

Mayor

ATTEST:

City Clerk

Check Number	GL Period	Check Issue Date	Vendor Number	Payee	Amount
11075	12/24	12/04/2024	1853	POSTMASTER	1,000.00
11076	12/24	12/12/2024	1030	Airgas USA, LLC	276.48
11077	12/24	12/12/2024	1106	BENEFIT & RISK MANAGEMENT	90.00
11078	12/24	12/12/2024	2228	BJERS AUTO REPAIR	2,456.27
11079	12/24	12/12/2024	1116	BLUE STAR GAS	1,448.41
11080	12/24	12/12/2024	1180	CAPITAL LIVE SCAN	60.00
11081	12/24	12/12/2024	1336	DON ERICKSON	3,633.68
11082	12/24	12/12/2024	1386	EZ JANITORIAL	235.00
11083	12/24	12/12/2024	1388	FAMILY AND COMMUNITY RESOURCE	10,800.00
11084	12/24	12/12/2024	1390	FASTRAK	7.00
11085	12/24	12/12/2024	1393	FERGUSON WATERWORKS #1423	674.69
11086	12/24	12/12/2024	1398	FIRST BANKCARD	733.16
11087	12/24	12/12/2024	1406	FREIGHTLINER NORTHWEST	160.93
11088	12/24	12/12/2024	1414	GANNETT CALIFORNIA LOCALIQ	71.00
11089	12/24	12/12/2024	1438	GREAT NORTHERN SERVICES	1,996.60
11090	12/24	12/12/2024	1593	KELLIE POWER	925.00
11091	12/24	12/12/2024	1613	KRM SERVICES	170.00
11092	12/24	12/12/2024	1621	L.N. CURTIS & SONS	30.00
11093	12/24	12/12/2024	1703	MES	271.30
11094	12/24	12/12/2024	1756	NAPA AUTO PARTS	1,650.30
11095	12/24	12/12/2024	1766	NETWORK ONE	6,310.00
11096	12/24	12/12/2024	1808	PACE ANALYTICAL SERVICES LLC	608.64
11097	12/24	12/12/2024	1813	PACIFIC POWER & LIGHT CO.	13,674.18
11098	12/24	12/12/2024	1815	PALACIOS LAW OFFICE	200.00
11099	12/24	12/12/2024	1847	PLACEWORKS	7,116.25
11100	12/24	12/12/2024	1847	PLACEWORKS	275.00
11101	12/24	12/12/2024	2027	SISKIYOU COUNTY ECONOMIC	833.34
11102	12/24	12/12/2024	2049	SOLANO'S INC.	677.95
11103	12/24	12/12/2024	2076	STATEWIDE TRAFFIC SAFETY	1,152.77
11104	12/24	12/12/2024	2132	TIMBERWORKS	386,385.85
11105	12/24	12/12/2024	2159	U.S. CELLULAR	561.43
11106	12/24	12/12/2024	2161	UNION PACIFIC RAILROAD	677.88
11107	12/24	12/12/2024	2167	US BANK	1,059.96
11108	12/24	12/12/2024	2178	VESTIS	166.68
Grand Totals:					446,389.75

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Check Number	GL Period	Check Issue Date	Vendor Number	Payee	Amount
11119	12/24	12/23/2024	1030	Airgas USA, LLC	268.48
11120	12/24	12/23/2024	1101	BATTERY SYSTEMS, INC.	465.03
11121	12/24	12/23/2024	2229	BLUE SPARTAN PRODUCTS	394.22
11122	12/24	12/23/2024	1116	BLUE STAR GAS	1,477.38
11123	12/24	12/23/2024	1130	BRIAN CARTER	92.50
11124	12/24	12/23/2024	1173	CAL-ORE COMMUNICATIONS	637.35
11125	12/24	12/23/2024	1188	CASCADE FIRE EQUIPMENT	7,151.26
11126	12/24	12/23/2024	1198	CED REDDING	151.44
11127	12/24	12/23/2024	1252	COLANTUONO, HIGHSMITH & WHATLEY PC	9,474.94
11128	12/24	12/23/2024	1257	COMCAST	414.72
11129	12/24	12/23/2024	1316	DEPT OF JUSTICE	196.00
11130	12/24	12/23/2024	1336	DON ERICKSON	4,814.25
11131	12/24	12/23/2024	1353	E & S ENGINEERS & SURVEYORS	602.00
11132	12/24	12/23/2024	1374	ERICKSON VALERO	138.48
11133	12/24	12/23/2024	1393	FERGUSON WATERWORKS #1423	8,707.50
11134	12/24	12/23/2024	1406	FREIGHTLINER NORTHWEST	405.31
11135	12/24	12/23/2024	1414	GANNETT CALIFORNIA LOCALIQ	392.00
11136	12/24	12/23/2024	1552	JOHN MACHADO	150.00
11137	12/24	12/23/2024	1626	LAW OFFICES OF DARRIN W. MERCIER	843.00
11138	12/24	12/23/2024	1781	NORCO INC	39.52
11139	12/24	12/23/2024	1809	PACE CIVIL INC.	42,500.00
11140	12/24	12/23/2024	1809	PACE CIVIL INC.	2,805.00
11141	12/24	12/23/2024	1809	PACE CIVIL INC.	434.00
11142	12/24	12/23/2024	1809	PACE CIVIL INC.	806.00
11143	12/24	12/23/2024	1809	PACE CIVIL INC.	62.00
11144	12/24	12/23/2024	1809	PACE CIVIL INC.	3,876.25
11145	12/24	12/23/2024	1813	PACIFIC POWER & LIGHT CO.	6,780.08
11146	12/24	12/23/2024	1826	PECKHAM & MCKENNEY	9,166.68
11147	12/24	12/23/2024	1847	PLACEWORKS	3,938.75
11148	12/24	12/23/2024	2231	RYAN CARPENTER	150.00
11149	12/24	12/23/2024	1982	SERVAM BY WRIGHT	2,823.20
11150	12/24	12/23/2024	1993	SHASTA VALLEY PEST CONTROL	90.00
11151	12/24	12/23/2024	2017	SISKIYOU COUNTY	52.00
11152	12/24	12/23/2024	2025	SISKIYOU COUNTY COMMUNITY	749.00
11153	12/24	12/23/2024	2027	SISKIYOU COUNTY ECONOMIC	2,500.00
11154	12/24	12/23/2024	2054	SOUSA READY MIX, INC.	151.96
11155	12/24	12/23/2024	2055	SOUTH WEED VALERO	421.14
11156	12/24	12/23/2024	2059	SPRINGBROOK HOLDING CO. LLC	5,856.00
11157	12/24	12/23/2024	2098	SWRCB ACCOUNTING OFFICE	3,945.00
11158	12/24	12/23/2024	2230	TERRI-LEA WILLIAMS	625.00
11159	12/24	12/23/2024	2132	TIMBERWORKS	245,269.29
11160	12/24	12/23/2024	2177	VERIZON	1,703.11
11161	12/24	12/23/2024	2178	VESTIS	166.68
11162	12/24	12/23/2024	2207	WITMER PUBLIC SAFETY GROUP INC	1,851.24
12192401	12/24	12/18/2024	1487	INTERNAL REVENUE SERVICE	31,964.31
12232401	12/24	12/23/2024	1174	CalPERS	27,554.67
Grand Totals:					433,056.74



CITY COUNCIL AGENDA MEMORANDUM

Meeting Date: January 9, 2025

SLB

From: Justin Mayberry, Chief of Police

Subject: Resolution No. 01-2025 Adopting the City of Weed
Public Encampment Removal Policy

Staff Recommendation:

Staff recommends Council move to adopt Resolution No. XX-2025 adopting the City of Weed Public Encampment Removal Policy.

Analysis:

In September of 2024, Gov. Newsom issued Executive Order N-1-2024, providing state and local agencies with guidance on removal of encampments from public spaces.

As encouraged by section 3) of that order, the City of Weed has created a consistent policy to take action as necessary to remove encampment from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them.

Options:

1. Adoption of Resolution 01-2025.
2. Rejection of Resolution.
3. Such other action as the Council may deem appropriate.

Fiscal Impact:

Adoption of this resolution will have unknown increased fiscal impacts. Such costs will be associated with the staffing required from various departments to remove encampments as incidents occur, storage of valuables, and cleanup of identified hazardous conditions.

Attachments:

1. Resolution 01-2025
2. City of Weed Public Encampment Removal Policy
3. California Executive Order N-1-24

RESOLUTION NO.01-2025

**RESOLUTION OF CITY COUNCIL OF THE CITY OF WEED
ADOPTING A POLICY FOR THE NOTICE, REMOVAL AND STORAGE
OF PERSONAL PROPERTY FROM ENCAMPMENT REMOVAL SITES**

WHEREAS, the City of Weed does not permit camping in the City on public property, and in order to protect the public health and welfare through enforcement of the City codes, must remove encampment sites and all personal property associated with such sites;

WHEREAS, notice for persons engaged in unlawful camping should be provided to inform persons of the need to remove their personal property from areas where camping is unlawful;

WHEREAS, the City Council desires to establish a policy to set a procedure for the notice of encampment removal, and collection and storage of personal property of persons who have unlawfully camped within the City;

WHEREAS, it is the intent of the City Council that this policy shall apply to encampment removal, and personal property storage and collection at encampments, irrespective of the issuance of any citation for unlawful camping within the City;

WHEREAS, this policy facilitates such needs while providing guidance regarding encampment removal operations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Weed, Siskiyou County, California, hereby adopts the Policy for the Notice, Removal, and Storage of Personal Property from Encampment Removal Sites, attached hereto as Exhibit A. To whatever extent this policy is in conflict with this the City code or state law, those provisions of the City code or state law shall take precedence.

I HEREBY CERTIFY the foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Weed, held on the 9th day of January 2025 by the following vote to wit:

AYES: Council Members
NOES: None
ABSENT: None

Mayor

ATTEST

City Clerk,

EXHIBIT A

POLICY FOR THE NOTICE, REMOVAL, AND STORAGE OF PERSONAL PROPERTY FROM ENCAMPMENT REMOVAL SITES

The City of Weed does not permit camping in various parts of the City on public property. The City's goal is to protect the public health and welfare through enforcement of the City codes, while at the same time providing adequate notice for persons engaged in unlawful camping of the need to remove their personal property from areas where camping is unlawful. This policy will also set a procedure for addressing the personal property of persons who have unlawfully camped within the City.

Removal of encampments mitigates health, safety, access, and concealment issues for Persons Experiencing Homelessness (PEHs), the public, adjacent neighborhoods, City staff and first responders.

This policy facilitates transportation, access and safety needs while providing guidance regarding encampment removal operations. To whatever extent the City code or state law is in conflict with this policy, those provisions of the City code or state law shall take precedence.

It shall be at the discretion of the City Manager to assign personnel to undertake the duties specified herein.

A. Site Assessment - When feasible, a site assessment should be performed by staff and include:

1. Prioritization of each encampment as either a Priority Level 1 (Critical Priority for Expeditious / Urgent Removal) or a Priority Level 2 (Removal Needed).
 - a. Priority Level 1 (Critical Priority for Expeditious/ Urgent Removal) - Critical circumstances exist when an encampment poses an imminent threat to life, health, safety or infrastructure and must be immediately addressed. This is limited to exigent circumstances. Non-exclusive examples include: the encampment is on or near an unstable structure at risk of collapse; the encampment is close to traffic and the persons in the encampment are at immediate risk of getting hit by vehicles; persons obstructing public rights of way or access; persons near waterways; persons are living within a confined space; the encampment poses a fire risk.
 - b. Priority Level 2 (Removal Needed) - All other encampments.

B. Site Assessment Action Items and Considerations

1. When appropriate, the Weed Police Department should be contacted in advance to assist in initial site assessment.
2. City staff should contact service providers providing services for PEH and request outreach services for PEH at the encampment.
3. City hazmat-trained staff should evaluate the site for any hazards unique to the encampment that will require specialized hazardous materials handling, disposal, or site remediation.
4. If appropriate, the Public Works Director or designee should evaluate potential mitigation efforts related to landscaping and other public infrastructure to prevent future encampments.

C. Notice

1. Priority Level 1
 - a. No advance posted Notice to Vacate is required.
 - b. Weed Police Department should be present during operations.
 - c. If circumstances reasonably allow for advance notice, then give as much advance notice as is reasonable under the circumstances, to be determined on a case-by-case basis.
 - d. If advance written notice is not given and if property was collected during the removal, an after encampment "removal advisory" shall be posted in a prominent location near where the encampment was removed providing information describing where items were removed from, a contact phone number for reclaiming collected property, including the date by which property must be reclaimed.
 - e. Time-stamped photographs or videos should be taken of the "removal advisory."
2. Priority Level 2
 - a. Post Notice to Vacate at least 48 hours before beginning encampment removal.
 - b. Weed Police Department shall be present during the posting of Notice to Vacate.
 - c. Location of Posted Notice to Vacate – Written Notice to Vacate should be posted at each major point of ingress/egress in a conspicuous manner.
 - d. If prevented from posting the Notice to Vacate because of hostility, interference, or any other action from persons on site, posting should not be attempted until Weed Police Department mitigates the situation.
 - e. Time-stamped photographs or videos should be taken of the posted Notices to Vacate.
3. Paper Notices to Vacate should be enclosed in sheet protectors to protect against weather.
4. Paper Notices to Vacate shall be filled out completely and include:
 - a. Posting date and time.
 - b. Location of encampment (general reference).
 - c. "Vacate by" date and time.
 - d. Telephone number for assistance in obtaining property collected during a removal.
 - e. Date by which property must be collected from City before it is discarded.
 - f. Removal start and end dates.
 - g. Manner for requesting reasonable accommodation for vacation under the Americans with Disabilities Act.

D. Removal Operations

1. Before working at an encampment site, Weed Police Department shall be present. Do not begin removal operations when persons are in the immediate vicinity. Any persons who remain on site when staff or City contractors arrive to

begin the removal shall be given a reasonable amount of time to remove possessions before any removal begins.

2. Where advance written notice is given, removal work shall begin on the date written on the Notice to Vacate and shall begin no earlier than the time written on the Notice to Vacate. If removal work does not begin on the date written on the Notice to Vacate, the location must be reposted before removal operations may begin. If prevented from removal work because of hostility, interference, or any other action from persons on site, removal work should not be attempted until Weed Police Department mitigates the situation. No further posting is necessary once City workforce and/or contractors arrive for removal operations and will continue from day to day until completed.
3. Time-stamped photographs or videos should be taken before, during, and after removal work has been completed.
4. Hazardous Materials trained personnel should evaluate the site to identify and plan for removal of any hazardous materials.
5. When possible, equipment should be used to gather, pile, and load encampment debris to reduce exposure and contamination.
6. Any personal property that is collected should be stored in a secured location by City for not less than 60 days, then discarded if not claimed.
7. Collected personal property should be time-stamped photographed and shall be inventoried by describing and labeling the items and identifying the encampment location and the removal date.

E. Items To Be Collected (Bagged and Tagged) and Stored

1. Personal property that is not a health or safety hazard, in plain sight, shall be collected, labelled, and stored. City employees and contractors shall collect the following items:
 - a. Items of apparent value - defined as items having an apparent value of \$50 or more.
 - b. Items of apparent personal value including but not limited to:
 - i. Eyeglasses, operational wheelchairs, walkers, crutches, other medical equipment.
 - ii. Tents (habitable and uncontaminated).
 - iii. Personal papers such as photographs, albums, ID's, bank statements, legal papers, etc.
 - iv. Bicycles, scooters, strollers in good repair.
 - v. Backpacks and containers that appear to be in good condition and have been determined by a City hazmat-trained personnel or contractor to be free of materials described in Section F(2)(a)-(f) below.
2. Due to the exigent circumstances surrounding Priority Level 1 removals, it may not be possible to collect, label and store items.

F. Items That Will Not Be Collected

1. Items identified by the owner of the property as being intentionally abandoned.
2. Items that present an immediate health or safety risk, such as:
 - a. Toxic sharps: needles, scissors, knives.
 - b. Chemicals: bleach, paint, oils, etc.

- c. Items (including bedding and clothing) soiled by infectious materials: human waste, bodily fluids.
 - d. Moldy, mildewed items.
 - e. Items that may be infested by rodents and insects: rats, mice, fleas, lice, bed bugs.
 - f. Items that pose a risk of fire or explosion, combustibles and propane tanks; any item containing fuel or corrosives or other unidentified liquids.
 - g. Backpacks and closed containers that have been determined by City hazmat trained personnel or contractor to contain items listed in (a)-(f) above or items (3), (4), (5), or (6) below. Such backpacks and closed containers may be discarded where no hazmat contractor is present to make a determination.
 - h. If personal belongings are co-mingled or littered with needles, human waste, or other health risks, employees/contractor may dispose of the entire pile of belongings and are not required to sort through and attempt to remove the health or safety risks or other items from such risks.
- 3. Mattresses: furniture with fabric, padding, or is porous; sheds, structures, rolling structures, and bulky items. Sheds, structures, or rolling structures may be demolished if not removed by person claiming such property prior to the encampment removal. A "bulky item" is any single item that is over 50 pounds and requires more than two persons to safely lift.
 - 4. Perishable items, perishable food. Liquids of any kind.
 - 5. Controlled substances, drugs with or without prescription and medications of any kind. Should be handled by hazmat trained personnel and/or by Weed Police Department.
 - 6. Contraband, weapons and illegal items. Should be addressed as directed by Weed Police Department.
 - 7. Trash, garbage, and/or debris. This includes property that appears to have been discarded by its owner and broken appliances or broken furniture which constitutes abandoned property or trash.
 - a. If employees/contractors have a reasonable doubt as to whether an item constitutes trash, it should be collected and stored. Employees/contractors should exercise their best judgment in determining which items should be collected and stored.
 - 8. Motor vehicles should be handled as provided in the Vehicle Code.

G. Reclaiming Collected Personal Property

- 1. Persons attempting to retrieve property that was collected during a removal operation shall contact the property technician, give the location of the encampment where the property was collected, describe where and when the personal property was last in their possession, and provide a description of the item(s).
- 2. The person retrieving property shall sign and date a document acknowledging receipt of the property.
- 3. If requested, a receipt should be given to the person retrieving property.

H. Record Keeping

- 1. An After-Action Report should be submitted to the Office of the City Manager within one week of a completed encampment removal.

2. A file should be created for each encampment removal and retained for 4 years, and should contain, if available:
 - a. Photographs and/or videos taken in connection with the removal effort.
 - b. Writings reflecting assessments, evaluations, summaries, receipts and notices connected with the encampment removal, items collected, and items retrieved, if any.
 - c. Name(s) of the contractor(s) involved in the removal.
 - d. Name(s) of the social service providers responding.
 - e. Names and badge number(s) of Weed Police Department or other law enforcement involved in the encampment removal.
 - f. Collected Personal Property Forms and receipts.

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-1-24

WHEREAS California is experiencing a homelessness crisis decades in the making, with over 180,000 people estimated to have experienced homelessness on any given night in 2023, including 123,000 people who experienced unsheltered homelessness, living in tents, trailers, and vehicles across the state; and

WHEREAS within the first year of my Administration I fast-tracked the development of shelter through Executive Order N-23-20, which directed departments to assess and facilitate the use of available state land and resources for short-term emergency homeless shelters; and

WHEREAS since the beginning of my Administration, the State has made unprecedented investments to address the homelessness crisis head on, investing more than \$24 billion across multiple state agencies and departments, including \$4.85 billion in flexible funding to local jurisdictions to prevent and reduce homelessness through Homeless Housing, Assistance and Prevention grants, \$1 billion in Encampment Resolution Funding to assist local jurisdictions in providing services and supports to people living in encampments, and \$3.3 billion to rapidly expand housing for persons experiencing homelessness through Homekey; and

WHEREAS the State has redoubled its commitment to holding local jurisdictions accountable to reduce homelessness, including by strengthening and enforcing requirements that local jurisdictions plan for their fair share of housing and by conditioning state homelessness funding on rigorous reporting and measurable performance metrics; and

WHEREAS it is imperative to act with urgency to address dangerous encampments, which subject unsheltered individuals living in them to extreme weather, fires, predatory and criminal activity, and widespread substance use, harming their health, safety, and well-being, and which also threaten the safety and viability of nearby businesses and neighborhoods and undermine the cleanliness and usability of parks, water supplies, and other public resources; and

WHEREAS while every jurisdiction must do more to address encampments, state and local agencies taking proactive steps to remove encampments have been stymied in those efforts by lawsuits and injunctions, leaving officials without the tools or guidance necessary to address the crisis on their streets; and

WHEREAS in September 2023, I called on the United States Supreme Court to grant review in *City of Grants Pass v. Johnson* to clarify that state and local officials can take reasonable actions to resolve encampments while respecting the humanity of all Californians; and

WHEREAS in June 2024 the Supreme Court overturned Ninth Circuit Court of Appeals precedent that restricted the government's authority to enforce laws regulating encampments, recognizing that jurisdictions may tailor their enforcement practices to reflect policy-driven approaches to addressing homelessness; and

WHEREAS with the threat of these types of injunctions removed, there is no longer any barrier to local governments utilizing the substantial resources

provided by the State, in tandem with federal and local resources, to address encampments with both urgency and humanity, or excuse for not doing so; and

WHEREAS guidelines that prioritize offers of shelter and services as a first step to resolving any encampment best respect the dignity of every Californian and provide meaningful paths to ending homelessness; and

WHEREAS the California Interagency Council on Homelessness leads California's efforts to prevent and end homelessness; and

WHEREAS the California Department of Transportation maintains a policy directive that prioritizes removal of encampments that pose threats to life, health, and safety, while partnering with local governments and nonprofit providers to facilitate offers of shelter and supportive services in advance of a removal; and

WHEREAS the California Department of Transportation has, since July 2021, removed 11,188 encampments and 248,275 cubic yards of debris from these encampments along the state rights of way.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) Agencies and departments subject to my authority shall adopt policies, generally consistent with California Department of Transportation's Maintenance Policy Directive 1001-R1, to address encampments on state property, including through partnerships with other state and local agencies, and shall prioritize efforts to address encampments consistent with such policy. Such policies shall include the following:
 - a. Whenever feasible, site assessment in advance of removal operations to determine whether an encampment poses an imminent threat to life, health, safety or infrastructure such that exigent circumstances require immediate removal of the encampment.
 - b. Where exigent circumstances exist, as much advance notice to vacate as reasonable under the circumstances.
 - c. Where no exigent circumstances exist, posting of a notice to vacate at the site at least 48 hours prior to initiating removal.
 - d. Contacting of service providers to request outreach services for persons experiencing homelessness at the encampment.
 - e. Collection, labeling, and storage for at least 60 days of personal property collected at the removal site that is not a health or safety hazard.
- 2) All departments and agencies not under my authority are requested to adopt policies consistent with the guidelines in Paragraph 1.
- 3) Local governments are encouraged to adopt policies consistent with this Order and to use all available resources and infrastructure,

including resources provided by the State's historic investments in housing and intervention programs where appropriate and available, to take action with the urgency this crisis demands to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them.

- 4) The California Interagency Council on Homelessness shall develop guidance and provide technical assistance consistent with this Order for local governments to follow in implementing their local homelessness programs.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 25th day
of July.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State