



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Thursday, June 05, 2025

Regular Meeting 6:00 PM

The City Council meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public will not be allowed to provide verbal comment during the meeting if attending via Zoom. The public can submit comments in writing for City Council consideration by commenting via the Q&A function in the Zoom platform or by sending comments to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the City Council adequate time to review your comments, you must submit your written emailed comments prior to 4:00 p.m. on the day of the meeting.

AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

Pursuant to Senate Bill 1100 and the City Council Norms and Procedures, any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the City Council, staff or general public, or while attending the City Council meeting and refuses to come to order at the direction of the Mayor/Presiding Officer, shall be removed from the Council Chambers or the Zoom by the sergeant-at-arms or the City Clerk and may be barred from further attendance before the Council during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Mayor/Presiding Officer. The Mayor/Presiding Officer may direct the sergeant-at-arms to remove such offenders from the room.

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Zoom Link:

Join from PC, Mac, iPad, or Android:

<https://clearlakeca.zoom.us/j/81988661218?pwd=ogaJmXJvKXxzv0F1EOLpWbiaHe2Nnh.1>

Passcode:899422

Webinar ID: 819 8866 1218

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE: *The City Council invites members of the clergy, as well as interested members of the public in the City of Clearlake, to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. This opportunity is voluntary and invocations are to be less than three minutes, offered in a solemn and respectful tone, and directed at the City Council. Invitational speakers who do not abide by these simple rules of respect and brevity shall be given a warning and/or not invited back to provide a subsequent invocation for a reasonable period of time, as determined appropriate by the City. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faith represented and practiced among the citizens of Clearlake. If a scheduled invitational speaker does not appear at the scheduled meeting, the Mayor will ask that the City Council observe a moment of silence in lieu of the invocation. More information about the City's invocation policy is available upon request by contacting the Administrative Services Director/City Clerk at (707) 994-8201x106 or via email at mswanson@clearlake.ca.us.*

D. ADOPTION OF THE AGENDA *(This is the time for agenda modifications.)*

E. PRESENTATIONS

- [1.](#) Presentation of a Proclamation Declaring June 2025 as LGBTQ+ Pride Month

- F. PUBLIC COMMENT:** *This is the time for any member of the public to address the City Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*
- G. CONSENT AGENDA:** *All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council requests otherwise, or if staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda.*
2. Consideration of Resolution 2025 - 21 to adopt a list of approved projects for submission to California Transportation Committee (CTC) for funding pursuant to SB1
Recommended Action: Adopt Resolution 2025 – 21
 3. Authorization of an Amendment of Contract with Express Sign & Neon for the Gateway Signs Project
Recommended Action: Move to amend the contract with Express Sign & Neon in the amount of \$13,272.75.
 4. Consideration of Amendment of Contract with Kimble’s Construction for Lot Clearing of City Owned Lots
Recommended Action: Amend the contract with Kimble’s Construction Company for one additional year and authorize the City Manager to sign.
 5. Authorization of an Amendment of Agreement between the City of Clearlake and the County of Lake Road Maintenance Program for 40th Avenue, Davis Avenue and Moss Avenue
Recommended Action: Move to amend the current agreement to revise the program to list any/all work extending beyond specified and routine maintenance currently listed.
 6. Consideration of Resolution 2025-22, a Resolution to Accept Real Property located at 15903 36th Avenue.
Recommended Action: Adopt Resolution 2025-22
 7. Minutes
Recommended Action: Receive and file
 8. Minutes of the April 9, 2025 Lake County Vector Control District Board Meeting
Recommended Action: Receive and file
 9. Approval of Leave of Absence Without Pay for Maintenance Worker I Federico Delacruz
Recommended Action: Approve leave through September 30, 2025
 10. Approval of a License Agreement with Taylor Elise White for Youth Center Use at a Reduced Rate
Recommended Action: Approve agreement and authorize the City Manager to sign

- [11.](#) Second Reading of Ordinance 281-2025, An Ordinance to Designate Fire Hazard Severity Zones in the Local Responsibility Area as Required by State Law
Recommended Action: Hold Second Reading of the Ordinance, Read it by Title Only, Waive Further Reading and Adopt

H. BUSINESS

- [12.](#) Consideration of a Memorandum of Understanding (MOU) with the Konocti Unified School District (KUSD) for two School Resource Officers.
Recommended Action: Approve MOU and authorize City Manager to sign.
- [13.](#) Discussion and Consideration of Ordinance No. 279-2025, An Amendment to Section 9-4 of the Clearlake Municipal Code Regarding Residential Rental Registration and Inspection
Recommended Action: Hold First Reading of Ordinance 279-2025, read by title only, waive further reading and set second reading for next Council meeting.
- [14.](#) Consideration of Resolution 2025-23, endorsing the Lakeshore Drive Safety Enhancement Project, Committing to Vision Zero Principles, and Authorizing the Application and the Commitment of Matching Funds to the U.S. Department of Transportation's Safe Streets and Roads for All Grant
Recommended Action: Approve Resolution 2025-23
- [15.](#) Discussion and Consideration of a Letter to State Officials Regarding Adoption of Local Responsibility Area Fire Hazard Severity Zone Maps
Recommended Action: Approve Letter and Authorize the Mayor to Sign

I. PUBLIC HEARING

- [16.](#) Discussion and Public Hearing to Consider Amendment of Fees for the Residential Registration Program (Public Hearing Continued from May 15, 2025); Resolution No. 2025-11
Recommended Action: Hold public hearing and adopt Resolution 2025-11
- [17.](#) Public Hearing in Compliance with Assembly Bill 2561/Government Code Section 3502.3 Regarding Vacancies, Recruitment, and Retention Efforts
Recommended Action: Receive report and hear public comment. No further action necessary.

J. CITY MANAGER AND COUNCILMEMBER REPORTS

K. FUTURE AGENDA ITEMS

L. CLOSED SESSION

- (18)** Conference with Legal Counsel: Existing Litigation: Pursuant to Government Code Section 54956.9(d)(1): Case No. CV-425596: City of Clearlake v. Highlands Mutual Water Company, et al., Lake County Superior Court

- (19) Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6: Agency designated representatives: City Manager Flora, Administrative Services Director Swanson; Employee Organization: Clearlake Municipal Employees Association
- (20) Conference with Real Property Negotiators: Pursuant to Government Code Section 54956.8. Property Address: 14061 & 14071 Lakeshore Drive, Clearlake; Agency Negotiation: City Manager Alan Flora; Negotiating Parties: AJ Developers; Under Negotiation: Price and terms of payment.
- (21) Conference with Real Property Negotiators: Pursuant to Government Code Section 54956.8. Property Address: 15910 Dam Road Ext., and 15900, 15910, 15920, 15970 Dam Road, Clearlake; Agency Negotiation: City Manager Alan Flora; Negotiating Parties: AJ Developers; Under Negotiation: Price and terms of payment.

M. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

N. ADJOURNMENT

POSTED: June 2, 2025

BY:



Melissa Swanson, Administrative Services Director/City Clerk



LGBTQIA+ Pride Month

June 2025

WHEREAS, our nation was founded on the principle of equal rights for all people, but the fulfillment of this promise has been long in coming for many Americans. Some of the most inspiring moments in our history have arisen from the various civil rights movements that have brought one group after another from the margins to the mainstream of American society; and

WHEREAS, in the movement toward equal rights for Lesbian, Gay, Bisexual and Transgender, Intersex, Asexual (LGBTQIA+) people, a historic turning point occurred on June 28, 1969, in New York City, with the onset of the Stonewall Riots. During these riots, LGBTQIA+ citizens rose up and resisted police harassment that arose out of discriminatory criminal laws that have since been declared unconstitutional. In the four decades since, civil rights for LGBTQIA+ people have grown substantially, and LGBTQIA+ Pride celebrations have taken place around the country every June to commemorate the beginning of the Stonewall Riots; and

WHEREAS, California has been a leader in advancing the civil rights of its LGBTQIA+ citizens. And while further progress is needed, it is important to recognize and celebrate the substantial gains that have been achieved, and the City of Clearlake stands with the LGBTQIA+ community in the struggle to ensure equal treatment for all, and to advocate for LGBTQIA+ rights as human rights.

NOW, THEREFORE, the City Council of the City of Clearlake does hereby proclaim June 2025 as "LGBTQIA+ Pride Month" in Clearlake and advocates for protections for all LGBTQIA+ individuals to make our community a place where all people, regardless of their sexual orientation, gender identity, or gender expression, are treated with dignity and respect.

Dated this 5th day of June, 2025

Russ Cremer, Mayor



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Consideration of Resolution 2025 - 21 to adopt a list of approved projects for submission to California Transportation Committee (CTC) for funding pursuant to SB1.	MEETING DATE: June 5, 2025
SUBMITTED BY: Adeline Leyba, Public Works Director	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve Resolution 2025-21, a Resolution of the City Council of the City of Clearlake, adopting a project list for submission to the California Transportation Committee for funding under the provisions of SB1.

BACKGROUND/DISCUSSION:

Senate Bill 1, the Road Repair and Accountability Act of 2017, was signed into law on April 28, 2017. This legislative package invests \$54 billion over the next decade to fix roads, freeways and bridges in communities across California and puts more dollars toward transit and safety. These funds will be split equally between state and local investments.

Local roads, transit agencies and an expansion of the state's growing network of pedestrian and cycle routes will share an even split of SB 1 funding: \$26 billion. Each year, funding will be used for needs on the local road system, including:

Clearlake is proposing a list of projects identified as follows:

1. Lakeshore Drive Corridor Improvements
2. Highlands Park Frontage Improvement Project
3. Airport Road Regional Connector Improvements
4. Rumsey/Turner Pavement Rehabilitation Project

The City by resolution must adopt the list of projects and that list needs to include the following items:

1. a description and location of each proposed project;
2. a proposed schedule for the project's completion; and,
3. the estimated useful life of the improvement.

The adoption of the resolution, in itself, does not obligate the spending of funds. If the project is funded and approved to move forward, additional action will be required by the Council.

OPTIONS:

1. Adopt Resolution 2025-21, a Resolution of the City Council of the City of Clearlake Adopting a project list for submission to the California Transportation Committee for funding under the provisions of SB1.
2. Other direction

FISCAL IMPACT:

☒ None ☐ Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, the amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

By motion Adopt Resolution 2025 – 21, a Resolution of the City Council of the City of Clearlake Adopting a project list for submission to the California Transportation Committee for funding under the provisions of SB1.

☒ **Attachments:** Project list and Resolution

RESOLUTION NO. 2025-21**RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2025-26 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Clearlake are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated \$480,816.00 in RMRA funding in Fiscal Year 2024-2025 from SB 1; and

WHEREAS, this is the 9th year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate several streets, add active transportation infrastructure throughout the city this year and other similar projects into the future; and

WHEREAS, the 2023 California Statewide Local Streets and Roads Needs Assessment found that the city's streets and roads are in an at-risk and poor condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a fair to good condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets

infrastructure, and using cutting-edge technology, materials and practices, will make a significant impact on roads that are in serious need of deferred maintenance.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Clearlake, State of California, as follows:

- A. Clearlake is proposing a list of four projects identified as follows:
 - 1. Lakeshore Drive Corridor Improvements – Proposed completion is November 2027
 - 2. Highlands Park Frontage Improvement Project – Proposed completion is September 2026
 - 3. Airport Road Regional Connector Improvements – Proposed completion is November 2027
 - 4. Rumsey/Turner Pavement Rehabilitation Project – Proposed completion is October 2026

Which projects are more specifically defined on the attached “Exhibit A”

- B. The City Council hereby adopts the attached “Exhibit A” as its list of projects as required by the provisions of Senate Bill 1.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Clearlake held on June 5, 2025 by the following vote:

AYES:

NOS:

ABSENT:

Russell Cremer, Mayor

ATTEST:

Melissa Swanson, City Clerk
City of Clearlake

Exhibit A

2025-2026 Proposed Project List - SB1

1. *Highlands Park Frontage Improvement Project*

- Pedestrian sidewalk improvements
- Proposed completion is September 2026.
- Estimated useful life of the project is 20 years.
- Estimated cost is \$750,000

2. *Airport Road Regional Connector Improvements*

- Regional shopping center connector road connecting 18th Ave. from State Route 53 to Old Hwy. 53.
- Proposed completion is November 2027.
- Estimated useful life is 20 years.
- Estimated cost is \$5.6 million.

3. *Lakeshore Drive Corridor Improvements*

- Pedestrian sidewalk improvements and pavement rehabilitation of roadway from Austin Park to Highlands Park
- Proposed completion is November 2027.
- Estimated useful life is 20 years.
- Estimated cost is \$3.9 million

4. *Rumsey/Turner Road Rehabilitation Project*

- Pavement rehabilitation project on Rumsey/Turner Roads
- Proposed completion is October 2026.
- Estimated useful life is 20 years.
- Estimated cost is \$2.3 million



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Authorization of an Amendment of Contract with Express Sign & Neon for the Gateway Signs Project	MEETING DATE: June 5, 2025
SUBMITTED BY: Trystan Hayes, Public Works Construction Project Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve an amendment to the current contract with Express Sign & Neon for \$13,272.72.

BACKGROUND/DISCUSSION:

The City executed a contract with Express Sign & Neon to install 2 Gateway Signs and 1 Double Sided Wayfinding Sign in the Hwy 53 Corridor. The City has a grant through Clean California to improve signage around the City. The amendment to the current contract would go towards the delays caused by unforeseen circumstances from hitting large rock pockets in two of the sign locations where the Contractor was unable to drill pier footings per plan and the redesign and additional material/labor costs of changing to a spread footing. The cost of the change order exceeds the approved 10% contingency budget. There are excess funds in the Clean California Grant. Staff requests approval to authorize a change order in the amount of \$13,272.72.

OPTIONS:

1. Move to amend the contract with Express Sign & Neon in the amount of \$13,272.72.
2. Other direction

FISCAL IMPACT:

☐ None ☒ \$13,272.75 Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☒ Other: Clean CA Grant Funding

Comments:

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities

- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

1. Move to amend the contract with Express Sign & Neon in the amount of \$13,272.75.

☐ **Attachments:**



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Amendment of Contract with Kimble's Construction for Lot Clearing of City Owned Lots	MEETING DATE: June 5, 2025
SUBMITTED BY: Adeline Leyba, Public Works Director	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve a one year extension to the current contract with Kimble's Construction Company.

BACKGROUND/DISCUSSION:

In 2021, a Request for Proposals was solicited for lot clearing of city-owned lots. Three responses were received, with Kimble's being selected.

The City has maintained an agreement with Kimble's Construction since October of 2021 to provide weed abatement services in compliance with fire prevention and code enforcement requirements. These services include vegetation management on city-owned parcels, identified as high fire-risk zones.

Weed abatement is a critical public safety service aimed at reducing fire hazards and ensuring code compliance. Kimble's Construction has performed these services reliably and in accordance with contract specifications. Staff has reviewed their performance and found their work satisfactory and responsive to departmental needs.

In the interest of time for weed abatements during the current fiscal year and due to the ongoing demand for weed abatement and the contractor's performance record, staff recommends extending the contract for an additional one year.

OPTIONS:

1. Amend the contract with Kimble's Construction Company for one year and Authorize the City Manager to sign.
2. Other direction

FISCAL IMPACT:

☐ None ☒ Not -to-exceed \$48,500 Budgeted Item? ☒ Yes ☐ No
 Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$
 Affected fund(s): ☒ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

STRATEGIC PLAN IMPACT:

- ☒ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to extend the contract with Kimble's Construction Company for an additional 6 months.

☐ **Attachments:**



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Authorization of an Amendment of Agreement between the City of Clearlake and the County of Lake Road Maintenance Program for 40th Avenue, Davis Avenue and Moss Avenue.	MEETING DATE: June 5, 2025
SUBMITTED BY: Adeline Leyba, Public Works Director	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve an amendment of the current agreement between the County of Lake and City of Clearlake Regarding a Road Maintenance Program and Authorize the Mayor to sign.

BACKGROUND/DISCUSSION:

The County owns and operates the Eastlake Sanitary Landfill on Davis Ave. in Clearlake, which is the principal route for the landfill traffic. In October of 2024, the City and County have previously entered into an agreement to share proportionate costs for the maintenance of 40th Ave, Moss Ave. and Davis Ave. from State Highway 53 to the Eastlake Landfill gate.

The current agreement specifically provides exclusively for routine maintenance for the stretch of city streets from Hwy. 53 to the landfill. Due to the poor conditions and heavy truck traffic on Moss/Davis/40th Ave.—the main access route to the landfill—full road rehabilitation rather than routine maintenance is essential to ensure long-term durability.

Staff is requesting an amendment to the current agreement to revise the program to list any/all work extending beyond specified and routine maintenance currently listed. This will provide a basis for budgeting for both the city and the county for work planned for the duration of this agreement.

OPTIONS:

1. Approve the city-county amendment
2. Provide Direction to Staff.

FISCAL IMPACT:

☒ None ☐ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- ☒ Goal #1: Make Clearlake a Visibly Cleaner City
- ☒ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS: Approve the city-county agreement

☒ **Attachments:** City-County Amended Agreement

Amendment to the Agreement between the City of Clearlake and the County of Lake

Road Maintenance Program for 40th Avenue, Davis Avenue, and Moss Avenue

Fiscal Year 2024-25 through Fiscal Year 2028-29

This Agreement entered the _____ day of _____, 2025 between the City of Clearlake, hereinafter called “City” and the County of Lake, hereinafter called “County”, is as follows:

WHEREAS, the County owns and operates the Eastlake Sanitary Landfill at 16015 Davis Avenue in Clearlake, which is the primary solid waste disposal option for Lake County residents and businesses; and

WHEREAS, the City-maintained streets of 40th Avenue, Moss Avenue, and Davis Avenue, from State Highway 53 to the Eastlake Sanitary Landfill gate, is the principal route for landfill traffic; and

WHEREAS, City and County agree to enter into this agreement to proportionately share in the cost to maintain 40th Avenue, Moss Avenue and Davis Avenue from State Highway 53 to the Eastlake Landfill gate; and

WHEREAS, the City and County proportionate contributions have been established by the most current population figures provided by the California Department of Finance; and

WHEREAS, “Exhibit A” attached to this agreement shows the City and County responsibilities for “specified” and “routine” maintenance.

NOW THEREFORE, It Is Agreed As Follows:

1. City agrees to advise County during its budgeting process whenever the City anticipates performing “routine” maintenance work on 40th Avenue, Davis Avenue, and/or Moss Avenue in excess of \$10,000 during the following fiscal year. City agrees to submit to the County a summary invoice by May 31st of each fiscal year for the cost of “routine” maintenance performed on 40th Avenue, Moss Avenue and Davis Avenue and will provide documentation of said expenditures upon request by County. County agrees to reimburse City at the agreed upon percentages established in section #4 of this Agreement within thirty (30) days of receipt of invoice from City.
2. County and City agree that the County Public Services Director and City Manager, or his/her designee, shall mutually agree on specifications for the “specified” maintenance identified in “Exhibit A” of this Agreement. County and City further agree that the County Public Services Director and City Manager or his/her designee shall mutually agree upon the scheduling of “specified” maintenance and City shall be responsible for administering any contracts for “specified” maintenance. City agrees to pay all costs associated with work performed for “specified” maintenance. County agrees to reimburse City in

accordance with the agreed upon percentages in section #4 of this Agreement within thirty (30) days of receipt of invoice from City with documented expenses for all work completed.

3. City agrees that funds committed by County to City for 40th Avenue, Moss Avenue and Davis Avenue maintenance shall be used exclusively for maintenance of those roadways.
4. The County's contribution for 40th Avenue, Moss Avenue and Davis Avenue maintenance for projects during the term of this agreement shall be 75.3%, and City's responsibility shall be 24.7%, of the total cost as specified in "Exhibit A" of this.
5. This Agreement shall be effective for Fiscal Years 2024-25 through 2028-29.

In Witness Whereof, said parties to this agreement have set their hands the day and year first above written.

City of Clearlake

County of Lake

Mayor

Chair, Board of Supervisors

Attest:
City Clerk

Attest:
Clerk of the Board

By: _____

By: _____

Approved As To Form:

Approved As To Form:

Ryan Jones, City Attorney

Lloyd Guintivano, County Counsel

Exhibit A

Maintenance Program
40th Avenue, Moss Avenue and Davis Avenue

Specified Maintenance Program **FY 2024-25 through FY 2028-29**

1. 2025 – Pavement Rehabilitation
2. Micro surface Type 2 and Type 3
3. 2029 - Fog seal

Routine Maintenance Program **FY 2024-25 through FY 2028-29**

“Routine” means the various maintenance activities to include pothole repairs, striping, sign repair, drainage culvert/swale clean out or repair, glass and litter cleanup, etc.

	2024 Population Estimate	%
Clearlake	16,553	24.7%
Lakeport	4,982	7.4%
Unincorporated County	45,466	67.9%
	67,001	100%

Population numbers are from the Department of Finance’s Population Estimates for January 1, 2024.



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Consideration of Resolution 2025-22, a Resolution to Accept Real Property Located at 15903 36th Avenue

MEETING DATE: June 5, 2025

SUBMITTED BY: Bambi Cline, Management Analyst

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to adopt Resolution 2025-22 directing City Manager or designee to accept the property located at 15903 36th Avenue, pay the taxes and file the appropriate paperwork.

BACKGROUND/DISCUSSION:

The current owners of the property, Jerry Lambert & Alexis Silimon, were approved Homestead Program applicants in December 2023. City staff worked with Mr. Lambert and Ms. Silimon to complete the process of receiving a loan and moving forward with the construction of their home but due to Covid and extenuating circumstances they were unable to complete the process. The property, a value up to \$10,000 per the Homestead Program, was “gifted” to them under the parameters of the program. They now wish to return the property to the City and absolve themselves of the property and any obligation to the program. The City Attorney has drafted the attached Resolution and Deed for Council to approve and sign returning the property to the City, making it available for future applicants under the program.

OPTIONS:

1. Adopt Resolution 2025-22
2. Direction to Staff

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☒ Goal #7: Support Economic Development

- ☐ **Attachments:**
 - 1) Resolution 2025-22
 - 2) Deed with Certificate of Acceptance

RESOLUTION NO. 2025-22**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CLEARLAKE, CALIFORNIA ACCEPTING
A GRANT DEED FOR REAL PROPERTY**

WHEREAS, the City of Clearlake (“City”) desires to accept real property A.P.N. 041-144-010-000, also known as 15903 36th Avenue, along with all buildings, improvements, rights-of-way, appurtenances, easements, sidewalks, alleys, gores, strips of land, streets, roads and avenues adjoining, adjacent, subservient to, or used in connection (the “Property”).

NOW, THEREFORE, the City Council hereby resolves, declare, and finds as follows:

SECTION 1. The above recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The City Council of the City of Clearlake accepts and directs the City Manager to execute a Certificate of Acceptance and the City Clerk to record or have recorded the Grant Deed in substantially the form attached hereto as Exhibit "A" and by this reference incorporated herein.

SECTION 3. This Resolution and action has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) (“CEQA”) and it can be seen with certainty that the acceptance of the Grant Deed for the Property does not have the potential and there is no possibility for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378 and because the acquisition will not lead to a change in the existing use of the Property. Adoption of the Resolution and acceptance of the Grant Deed for the property does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

SECTION 4. The City Manager or designee are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed. Such actions include negotiating in good faith in accordance with the requirements of the Act with any of the Designated Entities that submit a written notice of interest to purchase or lease the Properties in compliance with the Act.

PASSED, APPROVED AND ADOPTED this 5th day of June, 2025.

Russ Cremer, Mayor
City of Clearlake

ATTEST:

_____, City Clerk
City of Clearlake

APPROVED AS TO FORM:

Dean Pucci, City Attorney

RECORDING REQUESTED BY:

First American Title Company

MAIL TAX STATEMENT**AND WHEN RECORDED MAIL DOCUMENT TO:**Jerry Lambert
2585 Sebastopol Road
Santa Rosa, CA 95407

Doc # 2023013488

Page 1 of 2

Date: 12/19/2023 10:39A

Filed by: FIRST AMERICAN TITLE
Filed & Recorded in Official Records
of COUNTY OF LAKE
RICHARD A. FORD
COUNTY RECORDER
Fee: \$17.00

Space Above This Line for Recorder's Use Only

/A.P.N.: 041-144-010-000

File No.: 1705-7056413 (KD)

GRANT DEEDThe Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$GIFT under City of Clearlake Homestead Program
Exempt 11930; CITY TRANSFER TAX \$;

SURVEY MONUMENT FEE \$

- [☒] computed on the consideration or full value of property conveyed, OR
[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[] unincorporated area; [☒] City of Clearlake, and

EXEMPT FROM BUILDING HOMES AND JOBS ACTS FEE PER GOVERNMENT CODE 27388.1(a)FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **The City of Clearlake, a Municipal Corporation**hereby GRANTS to **Jerry Lambert, a single man, as to an undivided 1/2 interest and Alexis Silimon, a single woman, as to an undivided 1/2 interest**

the following described property in the City of Clearlake, County of Lake, State of California:

LOT 24 IN BLOCK 40, AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 3 CLEAR LAKE HIGHLANDS", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY ON NOVEMBER 15, 1923 IN BOOK 3 OF TOWN MAPS AT PAGES 52 TO 59, INCLUSIVE.

Grant Deed - continued

Date: 12/12/2023

A.P.N.: 041-144-010-000

File No.: 1705-7056413 (KD)

Dated: December 12, 2023

The City of Clearlake, a Municipal Corporation

By:

Name: Alan Flora
Title: City Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)SS

COUNTY OF Lake

On December 12, 2023 before me, D. Justus, Notary Public, personally appeared Alan Flora

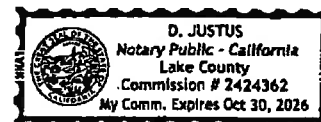
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

This area for official notarial seal.

D. Justus
Notary Signature



When Recorded Return to:
City of Clearlake/Bambi Cline
14050 Olympic Drive
Clearlake, CA 95422

Send a Copy to:
Jerry Lambert & Alexis Silimon
2585 Sebastopol Road
Santa Rosa, CA 95407

space above this line for County Recorder's use only

No Recording Fee Pursuant to Gov't Code §27238

GRANT DEED

STATE OF CALIFORNIA

COUNTY OF LAKE

APN: 041-144-010-000

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Jerry Lambert, a single man, as to an undivided ½ interest** and **Alexis Silimon, a single woman, as to an undivided ½ interest**

hereby grants to, **The City of Clearlake, a Municipal Corporation**

the following described property in the City of **Clearlake**, County of **Lake**, State of **California**:

LOT 24 IN BLOCK 40, AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO.3 CLEARLAKE HIGHLANDS", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY ON NOVEMBER 15, 1923 IN BOOK 3 OF TOWN MAPS AT PAGES 52 TO 59, INCLUSIVE.

Grantor(s) grants, to have and to hold, all of the Grantor's rights, title, and interest in and to the above described property and premises to the Grantee, City of Clearlake, so that neither Grantor(s) heirs, legal representatives, or assigns shall have, claim, or demand and right of title to the property, premises, or appurtenances, or an part thereof.

Mail future tax statements to: City of Clearlake, 14050 Olympic Drive, Clearlake, CA 95422

Grantor(s):

Jerry Lambert (sign and date)

Alexis Silimon (sign and date)

Notary Information Below:

ALL PURPOSE ACKNOWLEDGEMENT

Section G, Item 6.

State of _____)

)ss.:

County of _____)

On the _____ day of _____ in the year _____, before me, the undersigned notary public, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____, that the foregoing is true and correct.

SPACE BELOW RESERVED FOR NOTARY SEAL

WITNESS my hand and official seal.

Signature: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the City of Clearlake by those certain Grant Deeds dated (date) executed by Jerry Lambert and Alexis Silimon are hereby accepted by the undersigned office on behalf of the City of Clearlake pursuant to the authority conferred by the City Council of the City of Clearlake and the grantee consents to recordation thereof by its duly authorized officer, as authorized by Government Code section 27281.

Dated:

CITY OF CLEARLAKE
A Municipal corporation
By: _____
Its: _____



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Thursday, April 17, 2025

Regular Meeting 6:00 PM

MINUTES

A. ROLL CALL

PRESENT

Mayor Russ Cremer

Vice Mayor Dirk Slooten

Councilmember Tara Downey

Councilmember Jessica Hooten

Councilmember Mary Wilson

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE

D. ADOPTION OF THE AGENDA

Motion made by Vice Mayor Slooten.

Voting Yea: Mayor Cremer, Vice Mayor Slooten, Councilmember Downey, Councilmember Hooten, Councilmember Wilson

E. PRESENTATIONS

1. Presentation of April's Adoptable Dogs
2. Presentation of a Proclamation Declaring April 13-19, 2025 as Public Safety Telecommunicators Week
3. Presentation of the City of Clearlake's Blue Zone Certification
4. Presentation by Administrative Services Director/City Clerk Swanson and Charlotte White, Recreation and Events Coordinator

F. PUBLIC COMMENT

Kathy Holland spoke about the process for animal control euthanizing animals and the needs of the community.

Margaret Garcia spoke about the need to look at different viewpoints around euthanizing animals.

Kevin Thompson spoke about the need for traffic control in the avenues on Phillips.

Cynthia Cox spoke about the area around Parkview Market and Lakeshore and the need for traffic control there.

G. CONSENT AGENDA

Motion made by Councilmember Downey, Seconded by Councilmember Hooten.

Voting Yea: Mayor Cremer, Vice Mayor Slooten, Councilmember Downey, Councilmember Hooten, Councilmember Wilson

5. Minutes of the March 12, 2025 Lake County Vector Control District Board Meeting
Recommended Action: Receive and file
6. Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for Winter Storms
Recommended Action: Continue declaration of emergency
7. Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for the Boyles Fire
Recommended Action: Continue declaration of emergency
8. Minutes
Recommended Action: Receive and file
9. Warrants
Recommended Action: Receive and file
10. Second Reading of Ordinance No. 280-2025, An Ordinance of the City Council of the City of Clearlake Authorizing Bingo Games for Charitable Purposes Only
Recommended Action: Hold Second Reading of the Ordinance, read it by title only, waive further reading and adopt
11. Road Closure for the Egg Hunt Events to be Held at the Youth Center on April 18 and 19, 2025
Recommended action: Approve Resolution Number 2025-15 approving the road closure on April 18 and 19, 2025
12. Approve Amendment #1 with Price Consulting Services Regarding Completion of an Environmental Impact Report for the Airport Redevelopment Property.
Recommended Action: Approve Amendment #1 and Authorize the City Manager to Sign.

H. CITY MANAGER AND COUNCILMEMBER REPORTS

I. FUTURE AGENDA ITEMS

J. CLOSED SESSION

- (13) Conference with Legal Counsel: Existing Litigation: Pursuant to Government Code Section 54956.9(d)(1): Case No. A169438; Koi Nation of Northern California v. City of Clearlake, et al., California Court of Appeal
- (14) Conference with Legal Counsel: Existing Litigation: Pursuant to Government Code Section 54956.9(d)(1): Case No. CV-425596: City of Clearlake v. Highlands Mutual Water Company, et al., Lake County Superior Court
- (15) Conference with Real Property Negotiators: Pursuant to Government Code Section 54956.8. Property Address: 14775 Burns Valley Road, Clearlake; Agency Negotiation: City Manager Alan Flora; Negotiating Parties: Cirilio Padilla Gomez; Under Negotiation: Price and terms of payment.
- (16) Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code 54956.9 - Mosqueda, Miguel v. City of Clearlake, p.s.i., administered by LWP Claims Solutions, Inc. WCAB No: ADJ9170309
- (17) Conference with Legal Counsel: Existing Litigation: Pursuant to Government Code Section 54956.9(d)(1): Case No. CV-424726: Joseph Barrios v. City of Clearlake, et al., Lake County Superior Court
- (18) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Initiation of litigation pursuant to Government Code § 54956.9(d)(4): (1 case)

K. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

There was no action taken in closed session.

L. ADJOURNMENT

The meeting adjourned at 7:50 PM.



Melissa Swanson, Administrative Services Director/City Clerk

MINUTES OF PREVIOUS MEETING

April 9, 2025

Prior to the Regular Meeting, beginning at 11:00 A.M., a two-hour AB 1234 Ethics Training webinar was attended by District Trustees, the District Manager and Office Manager.

The regular monthly meeting of the Board of Trustees of the Lake County Vector Control District was called to order at 1:30 P.M. by President Giambruno.

Board Present: Rob Bostock, Curt Giambruno, Frank Lincoln, Ron Nagy, and George Spurr.

Absent: None.

District Personnel: Jamesina J. Scott, Ph.D., Manager and Research Director, and Ms. Jacinda Franusich, Office Manager.

Citizen's Input: None.

Agenda Additions/Deletions: None.

Approve the Minutes of the March 12, 2025 Regular Meeting with a Correction to the Check Numbers to Add Checks 23199-23214 in the Amount of \$32,117.38 Making the Total Expenditures for March 2025 \$137,599.99

Mr. Bostock moved to approve the Board Minutes of March 12, 2025 with a correction to the check numbers to include checks 23199-23214 making the total expenditures for March \$137,599.99. Mr. Spurr seconded the motion. Motion carried unanimously.

Research Report

Dr. Scott reported on arbovirus activity. No West Nile virus (WNV) or other arbovirus activity has been reported in Lake County in 2025.

For the rest of California one WNV positive dead bird was collected in Alameda County. No other arboviral activity has been reported in the rest of the nation.

Dr. Scott reported on adult biting fly activity. The New Jersey light trap (NJLT) set near Borax Lake in Clearlake collected low numbers of *Culex*

tarsalis and *Culiseta inornata*. In addition, the NJLT set in Upper Lake collected *Culiseta inornata* and *Culex tarsalis* as well

Dr. Scott reported on tick testing. Six *Ixodes pacificus* ticks that were removed from Lake County residents were submitted to the Sonoma County Public Health Laboratory for testing for *Borrelia burgdorferi* (the causative agent for Lyme disease). Five of the samples were negative and results are pending for the most recent sample.

Dr. Scott reported on Clear Lake Gnat, Chironominae, and Tanypodinae Surveillance in Clear Lake. The Clear Lake gnat larvae decreased from 0.71 larvae per dredge in January to 0.30 larvae per dredge in March. Chironominae decreased from 55.29 larvae per dredge in January to 29.05 larvae per dredge in March, and Tanypodinae larvae decreased from 0.86 larvae per dredge in January to 0.06 larvae per dredge in March.

Operation Report

During the month of March, 3.30 inches of rainfall were recorded at the District. The total rainfall recorded this season is 26.8 inches.

On March 1, the level of Clear Lake was 7.64 feet on the Rumsey Gauge. The lake level was 7.87 feet on March 31.

On March 10, the District made a drone application for larval mosquito control to 65 acres in areas that the plane was unable to treat.

District Vector Control Technicians made 34 applications to *Aedes increpitus* sources in March. In addition, fifteen service requests were submitted online.

Three hundred acres in the Reclamation were treated with larvicide applied by a swisher spreader mounted on the Argo amphibious vehicle in March.

Vector Control Technician Julian Chavez earned his Federal Aviation Administration (FAA) Part 107 Remote Pilot Certificate in March. The Part 107 Certificate is required to operate a drone for government agencies or private businesses.

Vector Biologist Michelle Koschik, Laboratory Technician Kara Gaylor and Entomologist Jessi Edmiston attended the Annual Meeting of the American Mosquito Control Association (AMCA) in San Juan, Puerto Rico at the beginning of March. Ms. Gaylor presented an updated version of her poster regarding insect preservation for outreach.

All the District's certified employees have completed their continuing education requirements for the cycle ending in June 2025.

The District's certified staff attended a webinar provided by the Mosquito and Vector Control Association of California on mosquitofish disease management and biosecurity on March 13. The staff received continuing education credit for the webinar.

The District was visited in March by Ms. Riley Hoffman, a graduate student studying Forensic Entomology at UC Davis.

Dr. Scott and Office Manager Jacinda Franusich met with Amber Mena of VC3 to discuss the District's technology needs. Several weaknesses in the District's computer and internet systems have been identified. To improve security Ms. Mena suggested moving District email from GoDaddy to a direct Microsoft account and installing a firewall and central hub for wired computer connections. These upgrades are essential for the eventual implementation of an electronic service request system.

The District's outdated phone system was also addressed during the VC3 meeting. Ms. Mena recommended exploring Microsoft Teams through a wireless carrier with Starlink as a backup.

The City of Lakeport has provided the District with biological assessment reports from public agencies that have been approved in recent years. The reports included the names of biological consulting firms. Dr. Scott has contacted those firms and will report back with information as soon as she has it.

Dr. Scott attended two online programs by the California Special Districts Association (CSDA) in March: a webinar titled "CSDA Webinar: AI in 2025: Legal Landscape and Strategic Imperatives" and a workshop titled "Introduction to Project Management."

The District was selected to submit a full grant proposal to the American Mosquito Control Association (AMCA) *Culicoides* Fund. The District has requested \$102,072.36 in grant funding.

Dr. Scott attended the Special Districts Risk Management Authority (SDRMA) Spring Education Day in Sacramento on March 26. Dr. Scott spoke

with Alana Little, the SDRMA Health Benefits Manager, about their coverage options and ancillary benefits being offered.

Consideration of Nomination for the California Special Districts Association Board of Directors Northern Network, Seat B

There were no nominations and no action was taken on this item.

Approval of Budget Transfers

After some discussion, Mr. Spurr moved to approve the budget transfer from 90-91 Contingencies in the amount of \$500.00, to 11-00 Clothing/Personal Supplies. Mr. Nagy seconded the motion. Motion carried unanimously.

Approval of Checks for April 2025

Mr. Nagy moved to approve Check Nos. 23215-23259 for the month of April 2025 in the amount of \$96,421.40. Mr. Lincoln seconded the motion. The motion carried unanimously.

Other Business

Dr. Scott mentioned that if any of the Trustees are interested in assisted hearing devices for Board Meetings the District can purchase them. Many devices transmit directly to hearing aids.

Announcement of the Next Board Meeting

The next regular meeting of the Board of Trustees of the Lake County Vector Control District will be at 1:30 P.M. on May 14, 2025 in the LCVCD Board Room, 410 Esplanade, Lakeport, CA 95453.

Adjourn Regular Meeting

Mr. Nagy moved to adjourn the meeting. Mr. Bostock seconded the motion. There being no other business to discuss, the meeting was adjourned by President Giambruno at 2:29 PM.

Respectfully submitted,

Ronald Nagy
Secretary



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Approval of Leave of Absence Without Pay for Maintenance Worker I Federico Delacruz

MEETING DATE:

June 5, 2025

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve a leave of absence without pay for Maintenance Worker I Federico Delacruz through September 2025.

BACKGROUND/DISCUSSION:

Public Works Maintenance Worker I Federico Delacruz has been off work since January 2025 due to personal reasons and has requested that leave be extended until September 2025. City of Clearlake Personnel Regulations Section 2-7.18 state that an employee may request a leave of absence without pay for personal reasons, but any leave of absence over thirty days must be approved by the City Council. Any employee who takes unpaid leave of absence does not receive accruals or benefits during the unpaid leave.

OPTIONS:

1. Move to approve a leave of absence for Mr. Delacruz through September 30, 2025.
2. Other direction

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities

- ☐ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to approve a leave of absence for Mr. Delacruz through September 30, 2025.

- ☐ **Attachments:** 1)
- 2)



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Approval of a License Agreement with Taylor Elise White for Youth Center Use at a Reduced Rate

MEETING DATE:
June 5, 2025

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve a license agreement with Taylor Elise White for use of the Youth Center on Tuesday and Thursday evenings at a reduced rate of \$150 per month to conduct Zumba classes for the public.

BACKGROUND/DISCUSSION:

Ms. White has been providing Zumba classes at the Youth Center for one year on an informal basis. These classes have become a popular and valued community program, offering a low-impact fitness activity accessible to residents of all ages and fitness levels. The Zumba classes contribute to the health and well-being of our community members and foster a positive social environment.

Recognizing the ongoing success and importance of this program, staff has worked with Ms. White to formalize the arrangement through a license agreement. This agreement will ensure consistent access to the Youth Center and provide clarity regarding the responsibilities of both the City and the instructor.

The standard monthly rental rate for the Youth Center for ongoing programs of this nature is \$275, which is the hourly rate for Ms. White's use of the facility calculated monthly. However, considering the following factors, staff recommend a reduced rate of \$150 per month for Ms. White:

- **Community Value:** The Zumba classes provide a valuable recreational and fitness opportunity for a significant number of Clearlake residents. These types of programs align with the City's goals of promoting healthy lifestyles and community engagement.
- **Long-Standing Use:** Ms. White has consistently offered these classes at the Youth Center for a considerable period without a formal agreement. This demonstrates a commitment to the community and a proven track record of responsible facility use.
- **Accessibility:** Maintaining a lower cost for the instructor helps ensure the continued affordability and accessibility of the Zumba classes for community members.

The proposed license agreement outlines the following key terms:

- 1) **Licensee:** Taylor Elise White
- 2) **Facility:** Clearlake Youth Center, 4750 Golf Avenue, Clearlake
- 3) **Purpose:** To conduct Zumba fitness classes for the community.
- 4) **Term:** July 1, 2025 and continuing on a month-to-month basis
- 5) **Days and Times:** Tuesday and Thursday evenings from 6:00 p.m. to 8:00 p.m.
- 6) **Monthly Fee:** \$150.00
- 7) **Insurance:** The instructor will be required to maintain adequate liability insurance, naming the City as an additional insured.
- 8) **Indemnification:** The agreement includes standard indemnification clauses protecting the City from liability arising from the instructor's operations.
- 9) **Other Standard Terms:** The agreement includes other standard terms and conditions related to facility use, maintenance, and termination.

Staff believe that the reduced rate of \$150 per month is justified given the significant community benefit derived from the Zumba program and the instructor's history of providing this service. This rate will allow the program to continue to thrive while providing the City with some revenue to offset operational costs at the Youth Center. Discontinuing or significantly increasing the cost of this program could negatively impact the availability of affordable fitness options for our residents.

OPTIONS:

- 1. Move to approve a license agreement with Ms. White at a reduced rate of \$150 per month.
- 2. Other direction

FISCAL IMPACT:

☐ None ☒ \$1500 Budgeted Item? ☐ Yes ☒ No
Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$
Affected fund(s): ☒ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: Approval of this license agreement at the reduced rate of \$125 per month will result in a monthly revenue of \$125 to the City's Youth Center budget. This is \$150 less than the standard monthly rate of \$275. However, staff believe that the intangible community benefits and the continuation of this valuable program outweigh the difference in revenue.

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake

- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to approve a license agreement with Taylor Elise White at a reduced rate of \$150 per month and authorize the City Manager to sign.

- ☒ **Attachments:** 1) Draft License Agreement

CITY OF CLEARLAKE

FACILITY USE AGREEMENT FOR TAYLOR ELISE WHITE

THIS AGREEMENT, made and entered into **July 1, 2025** by and between the CITY OF CLEARLAKE, a municipal corporation duly organized and existing under the laws of the State of California (hereinafter referred to as "CITY") and TAYLOR ELISE WHITE, (hereinafter referred to as "ORGANIZATION").

RECITALS:

- A. It Is the CITY's desire to serve the public interest of the community by facilitating a program of organized youth and adult sports and activities; and
- B. ORGANIZATION possesses the skills, knowledge, and certifications required to instruct the public in Zumba dance activities.
- C. In consideration of the mutual covenants and conditions contained herein, the parties do hereby agree as follows:

I. **TERM OF AGREEMENT**

The CITY grants ORGANIZATION the right to use CLEARLAKE YOUTH CENTER (hereinafter "Subject Facility"), for a period of time, commencing July 1, 2025 and continuing until terminated by either party pursuant to Section XIII. Use of the Subject Facility is limited to no more than two days per week, Tuesday evenings and Thursday evenings. In consideration for use of the Subject Facility, ORGANIZATION will pay a facility use fee of \$150 (One Hundred and Fifty Dollars) per month to be paid on the first day of each month of this agreement.

II. **USE OF FACILITY**

The ORGANIZATION shall have the non-exclusive right to use the Subject Facility. ORGANIZATION's right to use the Subject Facility will begin on the above stated date and upon submission of the following to the CITY:

- A. Master calendar of events.
- B. Insurance documents in conformance with the requirements set forth in Exhibit A.

The above requested documents must be submitted at least two weeks prior to use. If the documents are not submitted, the CITY may withhold use of the Subject Facility.

III. **RESPONSIBILITY FOR ACTIVITIES**

The ORGANIZATION shall provide the personnel necessary to supervise and conduct the activities as set forth in this Agreement at the Subject Facility and shall furnish and supply any and all equipment and material, which may be necessary for such activities conducted at the Subject Facility.

IV. **RESPONSIBILITY FOR SAID ACTIVITIES**

- A. ORGANIZATION agrees to observe all rules and regulations as set forth in this Agreement.
- B. Modifications to Park Fields and Facilities - The removal, alteration, painting or addition to any facility or grounds, and construction of any kind to existing structures must be approved by CITY. This will include any proposed changes altering design or appearance of the existing landscape of demised premises. No trees, shrubs, or ground covers shall be planted, trimmed or removed without written consent from the CITY. Any requests to modify or improve park fields and facilities shall be submitted for approval to the Administrative Services Department, at least sixty (60) days prior to the date of any proposed changes.
- C. ORGANIZATION agrees to erect no fences or advertising matter of any kind on CITY grounds without prior approval by the Administrative Services Department (and applicable department).
- D. Any damages to the Subject Facility or appurtenant CITY facilities caused by ORGANIZATION or its use of the Subject Facility, will be the ORGANIZATION's responsibility to replace or repair. In the event ORGANIZATION fails or refuses to replace or repair damage, CITY may cause such replacement and/or repair to be undertaken and ORGANIZATION agrees to reimburse CITY for the costs incurred to do so.
- E. All alarm codes and keys must not be shared with any individual outside of the ORGANIZATION or CITY and locks must not be replaced by any other lock.
- F. ORGANIZATION is responsible for cleaning areas used, including any trash produced by ORGANIZATION.
- G. ORGANIZATION is responsible for controlling their participants and parents while using the Subject Facility.
- H. Any violation of this Agreement by ORGANIZATION and/or any activity run by ORGANIZATION using the Subject Facility shall lose their privilege and use of the Subject Facility.

V. LEGAL RESPONSIBILITIES

The ORGANIZATION shall keep itself informed of City, State and Federal Laws, ordinances and regulations, which in any manner affect the performance of its activities pursuant to this Agreement. The ORGANIZATION shall at all times observe and comply with all such laws, ordinances and regulations. Neither the CITY, nor its officers, volunteers, attorneys, agents or employees shall be liable at law or in equity as a result of the ORGANIZATION's failure to comply with this section.

VI. USE OF PREMISES

- A. The Subject Facility shall be used only for those events as set forth in Paragraph 2 above. ORGANIZATION shall not permit the Subject Facility or any part thereof to be used for:
 - a. The conduct of any offensive, noisy or dangerous activity.
 - b. The creation or maintenance of a public nuisance.
 - c. Anything which fails to comply with public regulations or rules of any public authority at any time, applicable to the Subject Facility.
 - d. Any purpose or in any manner which will obstruct, interfere with or infringe upon the rights of the residents of adjoining properties.

VII. EXCLUSIVE RIGHT

This Agreement does not give the ORGANIZATION any right to the exclusive use of the Subject Facility, restrooms, or any other public facility. ORGANIZATION agrees that the rights herein granted shall not be assigned to or transferable to any persons, teams, or leagues.

VIII. MAINTENANCE

- A. ORGANIZATION shall be responsible for all damages or injury to property or equipment caused by the ORGANIZATION, its agents, employees, volunteers, participants and/or any other individual at the Subject Facility during ORGANIZATION's use of the Subject Facility.
- B. ORGANIZATION is responsible for the facility being free of trash and/or debris caused by group usage upon conclusion of each day's use.
- C. ORGANIZATION is required to report any damage to persons or property or acts of vandalism to the CITY immediately.

IX. INSPECTION

- A. ORGANIZATION shall inspect the Subject Facility prior to each use by ORGANIZATION to ensure that it is free from any defects and/or hazards that may pose a danger to participants, spectators and/or any other person

who is at the Subject Facility as part of the ORGANIZATION's use of the Subject Facility. ORGANIZATION shall immediately notify CITY of any defect or hazard identified so that the CITY has sufficient time to warn of the defect or hazard and/or remediate the defect or hazard prior to ORGANIZATION's use of the Subject Facility. ORGANIZATION agrees that should it fail to conduct any such inspection and/or fail to timely notify CITY of any defect or hazard identified, ORGANIZATION shall be solely responsible for any damage or injury, whether to persons or property, arising from the defect or hazard.

- B. CITY shall have the right to enter the Subject Facility utilized hereunder as needed. However, CITY's exercise of the right to enter shall not create any duty on the party of the CITY to inspect the Subject Facility for defects or hazards under Section A herein.

X. **IMPROVEMENTS**

The removal, alteration, or addition to any facility or grounds and construction of any kind to existing structures must be approved and performed by the CITY. This shall include any proposed changes that would alter the design or appearance of the existing landscape of the Subject Facility. No trees, shrubs, or ground covers shall be planted, trimmed or removed without written consent from the CITY.

Furthermore, all requests for removal, alteration, or addition to any facility or grounds or for construction and painting of any kind to existing structures must be submitted to the CITY for consideration and review at least sixty (60) days prior to the date any proposed change(s) is needed.

Assistance by the ORGANIZATION, its agents, employees, or its participants with any such removal, alteration, addition, painting or construction shall be solely at the discretion and with prior written consent of the CITY.

Nothing in this section shall be interpreted as prohibiting the normal maintenance of the facility by the ORGANIZATION as necessary.

XI. **TITLE TO IMPROVEMENTS**

All alterations and additions to the Subject Facility or surrounding grounds and all construction of any kind to existing structures of the Subject Facility shall become the property of the CITY. Nothing contained in this paragraph shall authorize the ORGANIZATION to make or place any alterations, changes or improvements on the Subject Facility without the prior written consent of the CITY.

XII. **SIGNS**

Except as specifically set forth herein, no signs shall be erected on the Subject Facility unless written approval is obtained from the CITY. Such a request for approval shall be directed to the Administrative Services Director.

XIII. TERMINATION OF THIS AGREEMENT

ORGANIZATION or CITY may, at any time, terminate this Agreement by serving on the other party such written termination at least fifteen (15) days In advance of the effective date of such termination.

XIV. NOTICE

A. All notices respecting this Agreement shall be served by certified mail, postage prepaid, addressed as follows:

B. To CITY/TOWN: City of Clearlake
 14050 Olympic Drive
 Clearlake, CA 95422
 Attention: Administrative Services Director

C. To ORGANIZATION: Taylor Elise White
 Address on file

Notice shall be deemed to have been served seventy-two (72) hours after the same has been deposited in the United States Postal Service.

XV. ATTORNEYS FEES

Should any litigation or other legal action be commenced between the parties hereto to interpret or enforce the provisions of this Agreement, in addition to any other relief to which the party may be entitled in law or equity, the prevailing party in such litigation or legal action shall be entitled to recover costs of suit and reasonable attorney's fees.

XVI. GOVERNING LAW

This Agreement will be governed by and constructed In accordance with the laws of the State of California.

XVII. ASSIGNMENT

Neither this Agreement nor any duties, rights or obligations under this Agreement may be assigned by ORGANIZATION, either voluntarily or by operation of law without the express written consent of the CITY.

XVIII. INSURANCE

ORGANIZATION shall maintain insurance in conformance with the requirements set forth in Exhibit A. ORGANIZATION will use existing coverage to comply with these requirements. If that existing coverage does not meet the requirements set forth herein, ORGANIZATION agrees to amend, supplement or endorse the existing coverage to do so.

ORGANIZATION acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. Any insurance proceeds available to ORGANIZATION in excess of the limits and coverage identified in this Agreement and which is applicable to a given loss, claim or demand, will be equally available to CITY.

XIV. INDEMNIFICATION

ORGANIZATION shall indemnify, defend, and hold harmless CITY, its officials, officers, employees, volunteers and agents from and against any and all liability, claims, allegations, expenses, including defense costs and legal fees, and claims for damages whatsoever, including, but not limited to, those arising from breach of contract, bodily injury, economic loss, death, personal injury, property damage, loss of use, or property loss. The ORGANIZATION's obligation to indemnify, defend and hold harmless includes, but is not limited to, any liability or expense, including defense costs and legal fees, arising from the negligent acts or omissions, or willful misconduct of ORGANIZATION, its officers, employees, agents, participants, representative or Organizations. It is further agreed, ORGANIZATION's obligations to indemnify, defend and hold harmless will apply even in the event of concurrent active or passive negligence on the part of CITY, its officials, officers, employees, volunteers and agents except for liability resulting from the sole negligence or willful misconduct of CITY, its officers, employees or agents relating to ORGANIZATION's use of the Subject Facility under this Agreement. In the event the CITY, its officers, employees, agents and/or volunteers are made a party to any action, lawsuit, or other adversarial proceeding arising from the performance of the services encompassed by this Agreement, and upon demand by CITY, ORGANIZATION shall have an immediate duty to defend the CITY at ORGANIZATION's cost or at CITY's option, to reimburse CITY for its costs of defense, including reasonable attorney's fees and costs incurred in the defense of such matters.

XX. INDEPENDENT CONTRACTOR

Volunteer administrators, volunteer coaches, parents, contractors, employees and/or officers and directors of the ORGANIZATION shall not be deemed to be employees or agents of the CITY as a result of the performance of this Agreement.

XXI. ENTIRE AGREEMENT OF THE PARTIES

This Agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the use of the Subject Facility by ORGANIZATION and contains all of the covenants and conditions between the parties with respect to the use of the Subject Facility. Each party to this Agreement acknowledges that no representations, inducements, promises or agreement, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement has been made by the parties. Modification of this Agreement can only be made in writing, signed by both parties to this Agreement.

ORGANIZATION: Taylor Elise White

City of Clearlake:

City Manager

EXHIBIT A

INSURANCE REQUIREMENTS

ORGANIZATION shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the ORGANIZATION, its agents, representatives, or employees.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if ORGANIZATION has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
3. Workers’ Compensation insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. (Not required if ORGANIZATION provides written verification it has no employees)

If the ORGANIZATION maintains broader coverage and/or higher limits than the minimums shown above, the CITY requires and shall be entitled to the broader coverage and/or higher limits maintained by the ORGANIZATION. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions: The CITY, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the ORGANIZATION including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the ORGANIZATION’s insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).

Primary Coverage

For any claims related to this contract, the ORGANIZATION’s insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the CITY, its

officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, or volunteers shall be excess of the ORGANIZATION's insurance and shall not contribute with it.

Notice of Cancellation

ORGANIZATION shall provide immediate written notice if (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; (3) or the deductible or self-insured retention is increased. In the event of any cancellation or reduction in coverage or limits of any insurance, ORGANIZATION shall forthwith obtain and submit proof of substitute insurance.

Waiver of Subrogation

ORGANIZATION hereby grants to CITY a waiver of any right to subrogation which any insurer of said ORGANIZATION may acquire against the CITY by virtue of the payment of any loss under such insurance. ORGANIZATION agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the CITY has received a waiver of subrogation endorsement from the insurer. However, the Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the CITY for all work performed by the Contractor, its employees, agents and subcontractors.

Self-Insured Retentions

Self-insured retentions must be declared to and approved by the CITY. The CITY may require the ORGANIZATION to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or CITY.

Acceptability of Insurers

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the CITY.

Verification of Coverage

ORGANIZATION shall furnish the CITY with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to CITY before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the ORGANIZATION's obligation to provide them. The CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Subcontractors

ORGANIZATION shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and ORGANIZATION shall ensure that CITY is an additional insured on insurance required from subcontractors.

Special Risks or Circumstances

CITY reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Second Reading of Ordinance 281-2025, An Ordinance to Designate Fire Hazard Severity Zones in the Local Responsibility Are as Required by State Law

MEETING DATE: June 5, 2025

SUBMITTED BY: Alan D. Flora, City Manager

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

From the May 15th staff report:

WHAT IS BEING ASKED OF THE CITY COUNCIL:

City Council to consider an ordinance to adopt Fire Hazard Severity Zone Maps within the City.

BACKGROUND/ DISCUSSION:

For several years the state has mapped fire hazard severity zones. They have been primarily focused on areas of state responsibility, although the last round of mapping (around 2015) identified “recommended” very high fire hazard areas in some local responsibility areas. A portion of the City of Clearlake was one of approximately 12 in the state with around 1,000 acres.

Changes in state law now requires the State Fire Marshal’s Office to prepare statewide maps showing fire hazard severity. The Northern California maps, including the City of Clearlake, were released on February 10, 2025. These maps were reviewed by the City Council on February 20, 2025.

According to state law, the State Fire Marshal shall identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Moderate, high, and very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread.

Affected cities must do the following:

- Within 30 days of receiving the recommended maps, make the information, including the maps, available for public review and comment.
- Within 120 days of receiving the recommended maps, adopt the recommended map by local ordinance.

- Within 30 days of local ordinance adoption, submit the ordinance and other required documents to the Board of Forestry and Fire Protection.

A local agency may only increase the level of fire hazard severity as identified by the state fire marshal for any area within their jurisdiction. Fire hazard severity cannot be decreased. Parcels with multiple zones shall be treated as being in the highest hazard classification. The map has been adjusted to reflect each parcel having a single designation based on the highest hazard classification.

More information on the process can be found here. <https://lakesheriff.com/1800/Local-Responsibility-Area-LRA-Fire-Hazar>

The maps are also available on the City’s website for review.
<https://www.clearlake.ca.us/DocumentCenter/View/2581/36x48-LRA-FIRE-BY-PARCEL-4-1-25?bidId=>

It is important for the public to understand that these maps are created by the California Department of Forestry and Fire Protection (CAL FIRE) under the direction of the State Fire Marshal. Local agencies, including the County of Lake and the Cities of Clearlake and Lakeport, do not control the creation of the maps but are required to ensure the community has the opportunity to review and provide feedback.

OPTIONS:

1. Recommended Action: Hold Second Reading of the Ordinance, Read it by Title Only, Waive Further Reading and Adopt

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☒ No
 Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$
 Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☒ Other:
 Comments:

STRATEGIC PLAN IMPACT

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☒ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☒ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

☒ **Attachments:**

1. Ordinance 281-2025
2. City of Clearlake Fire Hazard Severity Zone Map – Adjusted Per Parcel

3. City of Clearlake Fire Hazard Severity Zone Map – From State Fire Marshal

Section G, Item 11.

CITY OF CLEARLAKE
ORDINANCE NO. 281-2025

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CLEARLAKE TO DESIGNATE FIRE HAZARD SEVERITY
ZONES IN THE LOCAL RESPONSIBILITY AREA AS
REQUIRED BY STATE LAW**

WHEREAS, on February 10, 2025, pursuant to Government Code section 51178, the State Fire Marshal issued Fire Hazard Severity Zone Maps for Local Responsibility Areas in Northern California, including the City of Clearlake;

WHEREAS, under California Government Code section 51179, local agencies are required to designate by ordinance moderate, high and very high fire hazard severity zones in their jurisdictions within 120 days of receiving recommendations from the State Fire Marshal pursuant to California Government Code Section 51178; and

WHEREAS, under California Government Code section 51179(b)(3) a local agency may not decrease the severity of a fire hazard zone as identified by the State Fire Marshal for any area within its jurisdiction; and

WHEREAS, as advised by the Office of the State Fire Marshal, and for simplicity of understanding by staff and the public, the map has been translated to create one designation per parcel based on the highest fire hazard zone affecting the parcel.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CLEARLAKE DOES ORDAIN AS FOLLOWS:

SECTION 1. Fire Hazard Severity Zones

The City hereby designates the Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection pursuant to Government Code Section 51178. The map, approved by the City, entitled “LRA Map Update – Fire Hazard Severity Zones” is hereby incorporated by reference and attached hereto. The map is also available at the following website: www.clearlake.ca.us/475/Priority-Projects

SECTION 2. Effective Date. This ordinance shall become effective on the thirty first day after adoption.

SECTION 3. Certification. The City Clerk shall certify to the passage and adoption of this ordinance.

INTRODUCED by the City Council of the City of Clearlake, County of Lakee, State of California on the 15th day of May, 2025 and PASSED AND ADOPTED this ____ day of _____, 2025 by the following vote:

AYES:
NOES:
ABSENT:

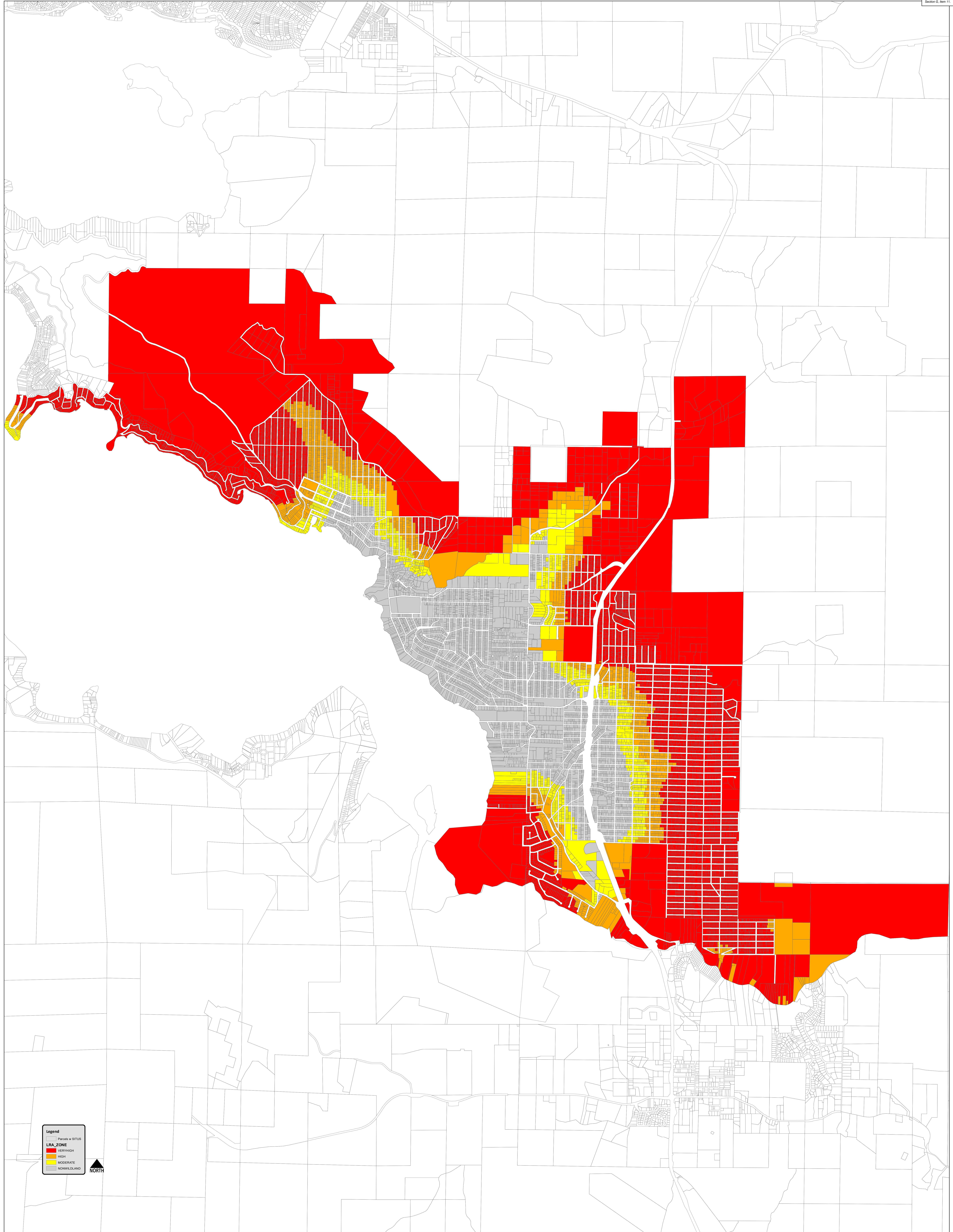
Russell Cremer, Mayor

ATTEST:

Melissa Swanson, City Clerk

APPROVED AS TO FORM

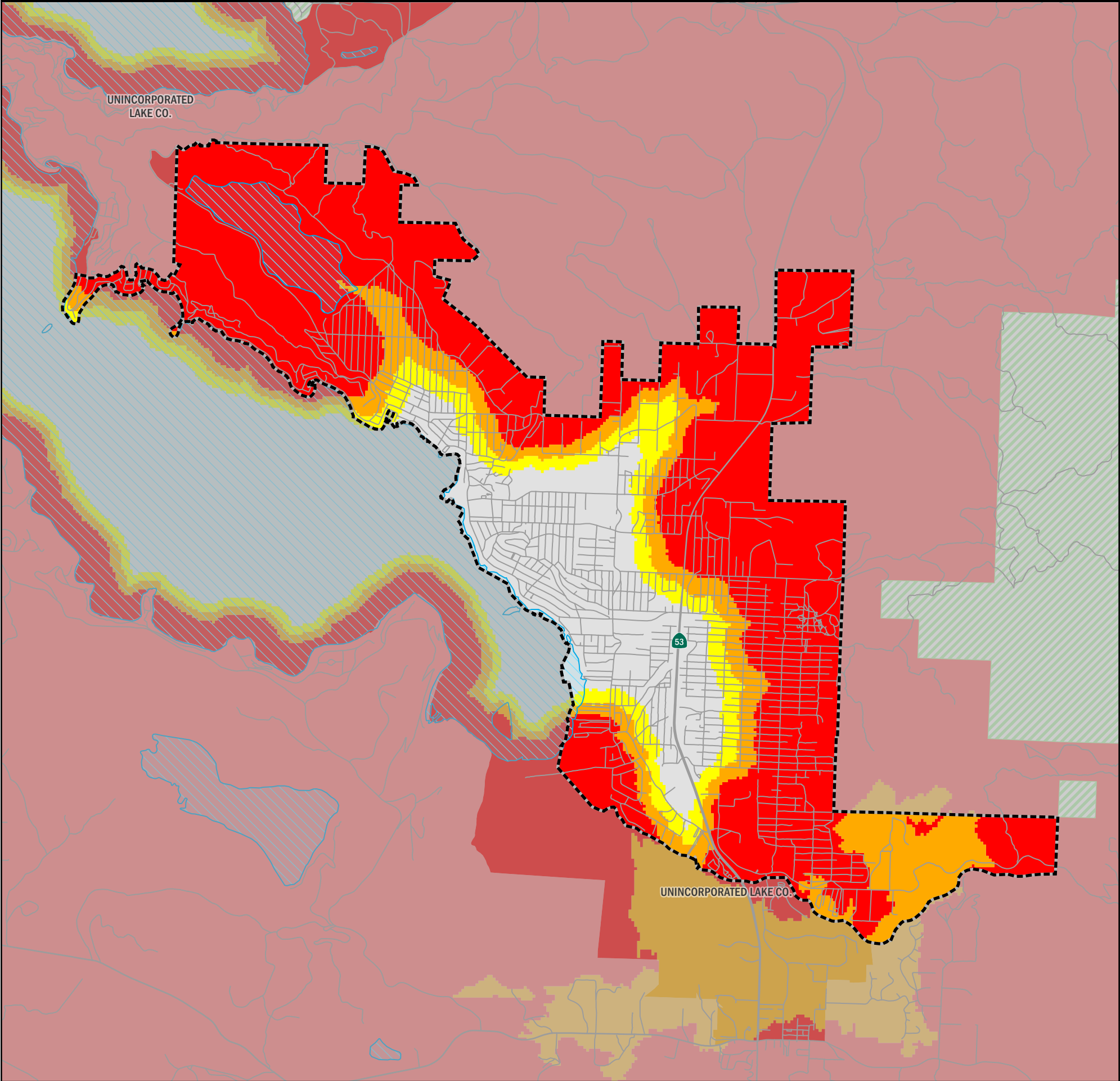
Dean Pucci, City Attorney





Local Responsibility Area Fire Hazard Severity Zones

As Identified by the
State Fire Marshal
January 22, 2025



Fire Hazard Severity Zones (FHSZ) in Local Responsibility Area (LRA), as Identified by the State Fire Marshal

■ Very High ■ High ■ Moderate

Fire Hazard Severity Zones in State Responsibility Area (SRA), Effective April 1, 2024

■ Very High ■ High



Projection: NAD 83 California Teale Albers
Scale: 1:45,000 at 11" x 17"

- Incorporated City
- Waterbody
- Unzoned LRA
- Federal Responsibility Area (FRA)

Government Code section 51178 requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent

statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Moderate, high, and very high fire hazard severity zones shall be based on fuel loading, slope, fire weather,

and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread.

The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps. Neither the State nor the Department shall be liable under any circumstances for any direct, special, incidental, or consequential damages with respect to any claim by any user or third party on account of, or arising from, the use of data or maps.

Gavin Newsom, Governor, State of California
Wade Crowfoot, Secretary for Natural Resources, CA Natural Resources Agency
Joe Tyler, Director/Fire Chief, CA Department of Forestry and Fire Protection
Daniel Berlant, State Fire Marshal, CA Department of Forestry and Fire Protection

Data Sources:
CAL FIRE Fire Hazard Severity Zones (FHSZSRA23_3, FHSZLRA_25_1)
CAL FIRE State Responsibility Areas (SRA25_1)
City and County boundaries as of 10/22/24 (CA Board of Equalization)



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Consideration of a Memorandum of Understanding (MOU) with the Konocti Unified School District (KUSD) for a School Resource Officer

MEETING DATE:
June 5, 2025

SUBMITTED BY: Tim Hobbs, Chief of Police

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize the City Manager to execute a MOU with the Konocti Unified School District for two school resource officers.

BACKGROUND/DISCUSSION:

The Konocti Unified School District (KUSD) has nine schools in Clearlake, Clearlake Oaks, and Lower Lake. Having two police officers assigned full-time to the school district has many benefits for the district as well as the community. The police department's current staffing level allows two officers to be assigned full-time to the SRO position. The City and KUSD desire to enter into a MOU for the 2025-26 school year.

Under the proposed MOU, KUSD will pay \$160,992.62 to fund each of the two full-time SROs, which includes salary, benefits, overtime, training, and vehicle usage costs. The City can also recover additional overtime costs for other officers used at school events.

Staff recommendation is to authorize the City Manager to execute the MOU with KUSD.

OPTIONS:

1. Approve the MOU with Konocti Unified School District and authorize the City Manager to sign.
2. Provide alternative direction to staff.

FISCAL IMPACT:

☐ None ☒ \$160,992.62 Budgeted Item? ☒ Yes ☐ No (FY 25-26)

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: 100% of costs covered by KUSD

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☒ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

- ☒ **Attachments:** 1) Memorandum of Understanding for School Resource Officer Program between the City of Clearlake and Konocti Unified School District

**MEMORANDUM OF UNDERSTANDING
FOR SCHOOL RESOURCE OFFICER PROGRAM
BETWEEN THE
CITY OF CLEARLAKE AND
KONOCTI UNIFIED SCHOOL DISTRICT**

This Memorandum of Understanding (MOU), entered into this ____ day of _____ 2025 by and between the City of Clearlake (hereinafter known as “City”) and Konocti Unified School District (hereinafter known as “District”) and will remain in effect until June 30, 2026. This MOU is regarding services relative to the School Resource Officer Program (SRO) and is authorized under Government Code 6500.

RECITALS

WHEREAS, both City and District have entered into this MOU in partnership to maintain a safe and orderly learning environment with the outreach of the School Resource Officer Program in the Konocti Unified School District.

AGREEMENT

It is hereby agreed by and between the parties hereto as follows:

1. General.

- A. The Clearlake Police Department will provide administration of this MOU.
- B. The Clearlake Police Department (CPD) will agree to provide two SRO’s to the District. These officer’s will provide the service of an SRO to all district schools during normal school hours and special events with prior approval from both District and CPD. Any event (that may require law enforcement response) that may occur on a District campus not during normal school business hours will be the responsibility of the law enforcement agency that provides service to that jurisdiction. During time that the assigned SRO is not on duty (due to training, court time, vacation or sickness, etc.), it will be the responsibility of the local law enforcement jurisdiction to respond and provide whatever services are requested to/from District. If at any time there is an emergency on any of the District campuses that requires immediate law enforcement involvement, the local law enforcement jurisdiction will be notified for the appropriate response.
- C. The position of the SRO will be under the supervision of the Clearlake Police Department as an employee of the Clearlake Police Department, with direct reporting to the Superintendent of District. The District shall fund the position in the amount of \$160,992.62, which includes the salary and benefits and marked vehicle usage for each SRO position. This amount includes any non-Peace Officers Standards and Training-reimbursable School Resource Officer training, overtime and compensatory time, and any time required for court appearances related to the duties of the School Resource Officers.

D. District may request additional Clearlake police officers to work school events, such as football games and school dances. District will reimburse City for overtime costs of these personnel.

E. City shall submit to District an invoice once every three months for payment for services rendered under this MOU. The invoice will include time accountability for overtime reimbursement requests submitted pursuant to Section D.

F. The SRO’s hours of work will generally be a 5/8 schedule, Monday through Friday from 7:30 am to 3:30 pm. This schedule may be adjusted to ensure coverage for school events. The 5/8 schedule may be reverted to a 4/10 or 9/80 schedule with 30 days notice from the Superintendent of District to the Chief of Police and following an opportunity to meet and discuss. The School Resource Officer shall be available for other school events, such as football games and school dances, as needed.

G. District will provide the School Resource Officer access to district-owned premises, including keys and key codes, as well as access to pertinent student records, as needed in the performance of his/her duties. The School Resource Officer will comply with the District’s policies regarding confidentiality of student records.

H. The SRO position will not generally be required to respond to staffing level impacts within the department and will be assigned specifically for utilization as an SRO, excepting an unforeseeable emergency situation.

2. **Insurance**

A. City and District shall maintain or be self insured for comprehensive, broad form, general public liability insurance against claims and liabilities for personal injury, death, or property damage, proving protection of at least \$1,000,000 for bodily injury or death to any one person for any one accident or occurrence and at least \$1,000,000 for property damage occurring on their respective property.

B. City shall maintain Worker’s Compensation Insurance for its personnel as may be required by state law.

C. City is self insured through the California Intergovernmental Risk Authority (CIRA) for general liability, Worker’s Compensation Insurance and automobile liability coverage.

3. **Term**

The term of this MOU may be terminated by either party by giving at least 30 (thirty) days advance written notice to the other party.

4. **Notices**

All notices and communications shall be in writing and shall be deemed given and served upon delivery if delivered personally, or five days after mailing if sent by first class mail as follows:

Clearlake Police Department
Attn: Chief of Police
14050 Olympic Drive
Clearlake, CA 95422

Konocti Unified School District
Attn: Superintendent
9340-B Lake Street
P.O. Box 759
Lower Lake, CA 95457

Updates may be made to the above noted addresses/addressees as needed based upon mailing address or personnel changes.

IN WITNESS THEREOF, this Agreement has been executed by the parties on the day and year first above written.

CITY OF CLEARLAKE

KONOCITI UNIFIED SCHOOL DISTRICT

BY _____
Alan Flora
City Manager

BY _____
Dr. Becky Salato
District Superintendent



City of Clearlake

City Council

STAFF REPORT	
SUBJECT: Discussion and Consideration of Ordinance No. 279-2025, An Amendment to Section 9-4 of the Clearlake Municipal Code Regarding Residential Rental Registration and Inspection	MEETING DATE: June 5, 2025 6:00 p.m.
SUBMITTED BY: Michael Taylor Associate Planner	
REPORT PURPOSE: <input checked="" type="checkbox"/> Action Item <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Information Only	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to reconsider the first reading of Ordinance No. 279-2025 (Attachment A), which proposes amendments to Section 9-4, Rental Housing Unit Registration, Inspections, and Inventory, of Chapter IX, Building and Housing, of the Clearlake Municipal Code. The ordinance is associated with Municipal Code Amendments MCA 2025-01 and the corresponding environmental determination, Categorical Exemption CE 2025-02. The proposed updates aim to improve the City's rental registration and inspection program by clarifying existing requirements, enhancing enforcement mechanisms, and ensuring greater alignment with current housing safety goals.

The ordinance was originally introduced for the first reading on March 20, 2025. At that time, the City Council continued the item at the request of the Lake County Association of Realtors Association, which sought additional time to review the proposed code amendments. The City Council granted this request, and the Realtors submitted comments to City staff on April 17, 2025. (attached) In response, staff revised the ordinance to address the concerns raised and met with the Realtors again on May 22, 2025, to review the proposed modifications. Based on that discussion, the Realtor group indicated that they are amenable to the revised language. Staff are now returning the item to the City Council for reconsideration.

BACKGROUND / DISCUSSION:

Section 9-4, was adopted by City Council on October 25, 2001, and came into effect on November 24, 2001, as Ordinance No. 102-01 (Attachment B). The ordinance mandates that landlords register their rental housing units and comply with required inspections to ensure safe, decent, and sanitary living conditions. Requiring registration and inspections of rental housing units aid in

realizing those units that do not meet acceptable living standards and requires landlords to improve their properties offered for rental or lease.

The code's intent is to identify and correct violations of City codes, the California Building and Fire Codes, State Housing Law, and other applicable regulations that apply to rental properties. It aims to address conditions that pose immediate hazards or threats to the safety and welfare of residents and the public. Furthermore, conditions leading to severe dilapidation will be subject to strict enforcement. However, landlords will be given time to comply with code requirements, aiming to ensure all rental housing meets minimum standards set by local and State laws.

By establishing regulations for maintaining, sanitizing, and ensuring the safety of all residential rental properties, including single and multi-unit structures, motels, hotels, and their common areas, this section aims to safeguard public health and welfare. However, the code does not mandate retrofitting of units built to earlier standards unless required by State or local laws, provided the units are maintained safely.

Through these measures, the code seeks to achieve rental housing that meets the minimum housing and property maintenance standards, contributing to better living conditions for all residents.

Proposed Code Changes

As part of staff’s ongoing efforts to enhance city municipal codes and ensure alignment with current standards, city staff is proposing several revisions for review (see “Attachment C”, for specific text amendments).

1. Inspection Responsibility and Enforcement: Transition of the responsibility for inspections and enforcement from the Code Department to the Building Department Official. This change aims to streamline processes and improve efficiency in code enforcement.
2. Updates to Code References: Update references to state building, fire, and residential codes, along with corresponding definitions. These updates ensure our codes are consistent with state regulations.
3. Clarification of Registration and Inspection Requirements: Update text to clarify registration requirements, inspection protocols, and procedures for reinspection. These revisions aim to provide clear and consistent guidelines for inspections.
4. New code additions: including phasing of inspections, a self-certification program, occupancy pending inspection certificate, change of ownership, and tenant rights and landlord limits on liability.

- 5. Online Registration Portal: Update text to include rental registration through a secure website.
- 6. Value of Rental Unit Inspections: Add a discussion section to highlight the value of rental unit inspections. Emphasizes that data collected from these inspections can inform future policy decisions and contribute to better housing standards.

Resolution No. 01-84

Resolution No.01-84 was adopted on November 8, 2001, to amend, at the time, the Clearlake Schedule of Fees establish fees for the rental property inspection program (Attachment D).

Current Rental Property Inspection Program Fees:

Annual Inspection	\$40.00 (site and 1st unit) \$15.00 (each additional unit)
Noncompliance re-inspection	\$30.00 (site and 1st unit) \$10.00 (each additional unit)

Under subsection 9-4.12 Fees-Adopted by Resolution of the Rental Housing Unit Inspection and Registration section, the City may adopt, and amend, from time to time, by resolution, the fees required to address current costs, future regulations and programs that may be related to the section. Staff are reviewing the current fees related to the amendments to the code and current implementation cost.

Staff has determined that the adopted program fees are outdated and may no longer cover the costs necessary to effectively implement and administer the program. The operational costs associated with the program should align with current economic conditions. Since the existing fees have not been updated to reflect these changes, an adjustment is necessary. Staff have prepared under resolution proposed modification to adopted fees.

Fiscal Impact

The fiscal impacts associated with updating the existing code fees and implementing changes are not fully known and anticipated costs, which include developing an online registration portal, creating a database, City staffing-related expenses, compliance efforts, and legal assistance, need to be aligned with current economic conditions. Since the current fees were adopted by resolution in 2001 and have not been updated to reflect current costs, this adjustment is necessary. While some variability in costs may be expected in subsequent years, annual

operating costs are likely to remain close to the implementation level. This matter is anticipated to be discussed at future meetings and is subject to direction from the City Council.

ENVIRONMENTAL REVIEW (CEQA):

Staff has made the determination pursuant to the California Environmental Quality Act (CEQA) Sections 15060(c)(2), the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, 15060(c)(3) the activity is not a project as defined in Section 15378, and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, the proposed text amendment serves to establish general standards and regulations. Individual projects that are subject to the Ordinance would require individual review for conformance with CEQA. Therefore, the proposed amendments are exempt from CEQA.

LEGAL NOTICE & PUBLIC COMMENT:

A public hearing was originally noticed (10) days in advance in an electronic publication of the Lake County Record Bee on Saturday, March 8, 2025, in accordance with the City Municipal Code, for a the City Council meeting held on March 20, 2025

MOTION/OPTIONS:

1. Hold first reading of Ordinance No. 279-2025, read by title only, waive further reading and set second reading for next Council Meeting.
2. Move to continue the item and provide alternate directions to staff.

ATTACHMENTS:

- Attachment A (Ordinance No. 279-2025)
- Attachment B (Ordinance No. 102-01, Adopted October 2001)
- Attachment C (Ordinance No. 102-01 - Redline)
- Attachment D (Resolution No. 01-84)

CITY OF CLEARLAKE

ORDINANCE NO. 279-2025

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
AMENDING SECTION 9-4 OF CHAPTER 9 OF THE
CITY OF CLEARLAKE MUNICIPAL CODE REGARDING
RENTAL HOUSING UNIT REGISTRATION, INSPECTIONS AND INVENTORY**

**THE CITY COUNCIL OF THE CITY OF CLEARLAKE DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1:

WHEREAS, the City of Clearlake has initiated Municipal Code Amendment MCA 2025-02 and corresponding environmental filing, Categorical Exemption, CE 2025-02 to amend Section 9-4 Rental Housing Unit Inspections and Registration; and

WHEREAS, the City Council has determined that Ordinance No. 279-2025 is exempt from environmental review in accordance with Sections 15060(c)(2), 15060(c)(3), and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, and

WHEREAS, the City of Clearlake City Council has duly called, published in the Lake County Record Bee on March 8, 2025, and the public had the opportunity to submit input, on March 20, 2025 and on June 5, 2025, during the Public Hearing required by law concerning the proposed Rental Housing Unit Text Amendments, and;

WHEREAS, the City Council finds that the Rental Housing Unit text amendments are consistent with the City of Clearlake’s General Plan; and

WHEREAS, the amendments to the City of Clearlake Municipal Code set forth herein provide for the “public necessity and convenience and general welfare” and would not be detrimental to the public’s health, safety, and welfare; and

NOW THEREFORE, Clearlake City Council declares as follows:

SECTION 2: The above recitals are true and correct and are hereby incorporated and adopted the findings of the City Council as fully set forth herein.

SECTION 3: The title to Clearlake Municipal Code Section 9-4, is hereby renamed to “Rental Housing Unit Registration, Inspections, and Inventory”.

SECTION 4: Clearlake Municipal Code, Chapter 9, Section 9-4 is hereby amended to read as follows:

9-4 RENTAL HOUSING UNIT REGISTRATION, INSPECTIONS AND INVENTORY.

9-4.1 Purpose and Intent.

a. This Section aims to address substandard rental dwelling and rental housing units, promote compliance with health and safety standards, and enhance the quality of neighborhoods and available housing. It achieves compliance with health, safety, and welfare code violations in rental housing units that pose a threat to occupant safety, structural integrity, and the surrounding neighborhoods, while also enhancing property value, improving landlord-tenant relations, and reducing liability risks for landlords.

b. Provides a system of registration, inspection, and regulation for the maintenance, sanitation, occupancy, and safety of single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units and any associated common areas. It is not the intent of this section to require mandatory retrofit of existing units built, constructed or installed according to such code requirements in effect at the time the building, structure, or units were built and occupied, constructed or installed, if such units have been maintained in a good and safe manner, unless the retrofitting is otherwise required by State or local law.

c. Detect and remedy code violations of all applicable City codes, ordinances, the California Building Code, California Fire Code, State Housing Law (Health and Safety Code Section [17920.3](#)), and other applicable state and local laws and regulations and conditions in single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units

and any common areas that constitute an immediate hazard or present a clear and present threat to human life, limb, health, property, safety, or general welfare of the public or the occupants thereof.

d. Conditions that could result in serious dilapidation or deterioration will be subject to full enforcement proceedings toward the goal of making the units, common areas, and facilities safe for human occupation and use. The goal is to achieve rental housing that meets minimum housing and property maintenance standards as set forth in state and local Law.

e. Furthermore, the registration and inspection of rental units will enable the City to collect, monitor and analyze rental data to inform policy decisions.

9-4.2 Exemptions.

This section shall not apply to any owner-occupied housing unit, jail, hospital, extended-care facility, convalescent home, licensed board and care facility, asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution, or other buildings that are licensed by the State in which human beings are housed and/or detained under legal restraint; nor shall it apply to vacation homes used exclusively by the owner and never offered for rent or lease.

9-4.3 Authority and Enforcement.

a. The provisions of this section shall be administered and enforced by the City of Clearlake Community Development Department, or division thereof.

b. Nothing contained in this section shall prevent an owner, tenant, or permit applicant from voluntarily requesting an inspection at any time for the purpose of determining whether the premises or dwelling units comply with this section. A fee for such inspection shall be fixed pursuant to subsection [9-4.16](#).

c. In the performance of their duties, City officials shall, upon presentation of proper credentials and in compliance with state tenant laws, have the right to enter, at reasonable times, any building, structure, premises, or dwelling unit in the City to perform any duty imposed upon them by this section.

d. Nothing in this section shall prohibit an interior inspection of any dwelling unit where an owner or lawful occupant grants entry to the dwelling unit. Entry into any dwelling unit shall be made by the Building Inspector with permission from either an owner or occupant, or upon the issuance of an inspection warrant pursuant to California Code of Civil Procedure Section [1822.50](#) et seq., except in the event of emergency.

e. It shall be considered a public nuisance and unlawful to construct, alter, convert, maintain, permit occupancy, or otherwise use for human occupation, any multi-unit residential building, structure, apartment and apartment house, motel, hotel, lodging house, rental housing unit or similar facility which fails to comply with State and local laws as they relate to housing standards, property maintenance, building and fire codes or local zoning requirements. The remedies available under California Civil Code Section [3491](#) et seq., may be used, to correct a public nuisance in addition to other remedies available by the Clearlake Municipal Code. The inspection shall be at reasonable times during daylight hours, except in the event of emergency.

9-4.4 Definitions.

Except as otherwise provided in this section, terms and words used in this section are defined as listed in the California Health and Safety Code, Division [13](#), Part [1.5](#), Section 17920 et seq.; and the California Code of Regulations, Title 25 Chapter 1, Article 1 and Article 2, and the applicable articles adopted pursuant thereto, and the following words are defined as follows:

APARTMENT shall mean a rental dwelling unit.

CERTIFICATE OF INSPECTION shall mean a certificate, issued to an owner of a multi-dwelling unit structure, motel, hotel, lodging house, rental housing unit or similar facility, which signifies that at the time of issuance, the residential dwelling structure met the requirements for human occupancy.

CITY shall mean the City of Clearlake, or its authorized agent.

BUILDING INSPECTOR shall mean City official under the control of the City of Clearlake Community Development Department, which is designated by the Community Development Department Director or designee to be responsible for the enforcement of the provisions set forth in this section.

DWELLING UNIT shall mean any building or portion thereof, including a manufactured home or mobile home, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the California Residential Code for not more than one (1) family, including domestic employees of such family.

MOTEL/HOTEL shall mean a building or buildings each containing one (1) or more guest rooms or dwelling units or combination thereof, designed, used and intended wholly, or in part, for the accommodation of transients. This term does not include a jail, hospital, extended-care facility, convalescent home, licensed board and care facility, asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution, or other buildings in which human beings are housed and detained under legal restraint.

OCCUPANT shall mean any person who occupies a dwelling unit, whether as a tenant or subtenant.

OWNER shall mean that person or entity, including the duly appointed agent of the owner, holding a vested interest in a given property and appearing as a legal owner of record on the most current deed recorded in the county recorder's office on the day of the inspection or reinspection.

PERSON shall mean an individual, partnership, limited partnership, corporation, association, or public entity or corporation.

PREMISES shall mean and include all buildings located on continuous parcels of land under common ownership.

REASONABLE TIMES shall mean 8:00 a.m. to 6:00 p.m., Monday through Friday

unless another time is mutually agreed upon.

RENTAL DWELLING UNIT shall mean a dwelling unit in a multi-unit residential building or structure including motels, hotels, rooming and boarding houses and similar living accommodations, which unit is held out for or is rented, leased, subleased, or otherwise permitted to be occupied by other than the owner on a rental basis for one (1) or more days in any given calendar year.

RENTAL HOUSING UNIT shall mean any residential dwelling in a single structure, or in a group of attached or detached structures containing one (1) or more such dwelling units on the same parcel of land under common ownership that (a) contains one (1) or more rooms with a single kitchen designated for living and sleeping purposes as an independent housekeeping unit, and (b) is occupied or intended to be occupied on a rental basis for one (1) or more days in any given calendar year.

9-4.5 Registration Requirements.

a. *Registration Requirement and Time.* The owner of every building or structure containing one (1) or more rental dwelling units or rental housing units shall register and pay an annual registration fee for each parcel containing rental units, with the City of Clearlake Community Development Department pursuant to the following:

1. Within sixty (60) days of the effective date of this section;

Editor’s Note: See subsection [9-4.21](#), for effective date of section.

2. Within thirty (30) days of the date of issuance of a certificate of occupancy for a new construction; or,
3. Prior to the first day that the unit or units are first offered for rent.

b. *Application Form.* Registration shall be accomplished by filing with the Community Development Department a completed application form as provided by the Community Development Department. Some information may be required

to be completed on a secure website , and registration is only complete when all necessary details and applicable fees or penalties are paid.

9-4.6 Initial Phase Implementation

To ensure orderly and effective enforcement of this ordinance, the City shall implement a phased inspection program over a period of approximately three (3) years from the effective date of this section. During this initial phase, all owners of rental dwelling units and rental housing units shall complete registration in accordance with Section 9-4.5 within sixty (60) calendar days of the ordinance’s effective date, regardless of when their unit will be inspected. The City shall prioritize inspections based on factors including but not limited to, health and safety risk factors, such as history of violations, tenant complaints, property age, etc.

Rental units may be legally occupied after registration and prior to inspection, provided they meet the conditions set forth in Section 9-4.9, including the absence of any known or outstanding code violations and certification by the owner that the unit is safe and habitable. The City will notify property owners in advance of scheduled inspections and will work collaboratively with owners and tenants to ensure inspections are conducted with minimal disruption and in compliance with legal access requirements.

9-4.7 Voluntary Self-Certification Program

- a. *Purpose.* To promote compliance, reduce inspection burden on consistently well-maintained properties, and encourage responsible property management, the City establishes a Voluntary Self-Certification Program for qualifying rental housing units. This program provides an alternative to routine City inspections for eligible property owners who demonstrate a sustained record of compliance with health, safety, and property maintenance standards.

- b. *Eligibility.* To qualify for participation in the Self-Certification Program, a property must meet all the following conditions:
 - 1. Shall complete an initial inspection and issued an inspection certificate per Section 9-4.8 Inspections;

2. No founded health or safety code violations within the previous 12 months;
 3. No active code enforcement actions, unresolved tenant complaints, or outstanding reinspection fees;
 4. The owner must complete and submit a Self-Certification Affidavit for each unit to be certified;
 5. The property must not be deemed by the Community Development Department, as properties with recent ownership changes, history of complaints, or units older than 50 years unless substantially rehabilitated.
- c. *Self-Certification Process.* Eligible property owners shall:
1. Submit a Self-Certification Application and Checklist on a form provided by the Community Development Department;
 2. Conduct an exterior, interior and outdoor areas inspection of each rental unit using the City's Self-Certification Checklist, affirming compliance with all applicable State and local health, safety, and building standards;
 3. Provide photo documentation as part of the self-certification. Photos shall clearly show:
 - The interior of the rental unit
 - The exterior of the rental unit
 - Outdoor areas or yards
- These photos should correspond to the items and areas outlined in the Self-Certification Rental Housing Inspection Checklist.
4. Sign a Self-Certification Affidavit declaring, under penalty of perjury, that all units comply with applicable codes;
 5. Proof of California certified Residential Manager or similar

credentials;

6. Pay the annual Self-Certification Program fee established by City Council resolution.

d. *Term and Renewal.*

1. Self-Certification is valid for one (1) year from the date of acceptance by the City.
2. Renewal requires resubmission of a complete Self-Certification packet, demonstration of continued eligibility and self-certification fee.
3. At the City's discretion, participation may be revoked at any time due to code violations, complaints, or failure to submit required documentation.

e. *Audit and Verification.*

1. The City may randomly audit properties enrolled in the Self-Certification Program.
2. Audited units are subject to full City inspection.
3. If the audit reveals inaccuracies or falsified information, the owner will be removed from the program, subject to immediate inspection, and may be subject to penalties under Section 9-4.14.
4. Owners found to have knowingly misrepresented unit conditions may be barred from reapplying for self-certification for three (3) years.

f. *City Oversight and Discretion.* Participation in the Self-Certification Program is a privilege, not a right. The City reserves the authority to deny, suspend, or revoke participation based on evidence of noncompliance or if participation is deemed contrary to the public health, safety, or welfare.

9-4.8 Inspection.

- a. *Initial Inspection.* Following the registration of each rental unit, the Building Inspector shall schedule an inspection and inspect each rental dwelling unit, or in the case of multi-units, inspect a percentage of the units as determined by the Community Development Department. Prior to the initial inspection the owner of every building or structure containing one (1) or more rental dwelling units or rental housing units shall pay the inspection fee. If the Building Inspector determines that the unit is in compliance, the Building Inspector shall issue an inspection certificate.
- b. *Inspection of Converted Units.* Any dwelling unit, converted from owner-occupied to a rental unit, is required to be inspected prior to being occupied by a renter.
- c. *Annual Inspection.* Following the initial inspection, all rental units shall be subject to an annual inspection at the City's discretion. Upon notification by the City or inspector, the owner shall remit an annual inspection fee to the City and shall allow a Building Inspector to inspect each rental dwelling unit to determine whether the units comply with all applicable City codes, ordinances, the California Building Code, the California Fire Code, State Housing Law (Health and Safety Code Section [17920.3](#)), and other applicable State laws and regulations. If the Building Inspector determines that the unit is in compliance, the Building Inspector shall issue an inspection certificate providing all fees have been paid. If any unit is found to be in violation, an order to correct the violation shall be issued pursuant to subsection [9-4.8](#) of the Clearlake Municipal Code. Any newly constructed rental unit/units shall be placed on the inspection list upon issuance of a certificate of occupancy by the Building Inspector. If a verified complaint is received the Building Inspector may require subsequent annual inspections.
- d. *Notice of Inspection.* At least ten (10) calendar days prior to any routine inspection or reinspection, the Community Development Department, or division thereof, shall mail, by first class postage prepaid, a notice setting forth the following:

1. The address or other identification of the property to be inspected;
2. The date of the inspection;
3. A range of time, not to exceed four (4) hours, during which time the inspection will be made;
4. All inspections will be scheduled between 8:00 a.m. and 5:00 p.m., Monday through Friday, inclusive, or at such other times as the owner, agent or occupant may consent.

9-4.9 Inspection Certificate.

a. *Inspection Certificate.* No person or entity shall permit to be occupied a rental dwelling unit, or operate a hotel, motel, rental housing unit, apartment or similar facility, without possessing an unexpired, unrevoked, unsuspended, valid inspection certificate for each rental unit, which has been issued pursuant to this section and paying all applicable fees as adopted pursuant to subsection [9-4.16](#).

b. *Inspection Certificate; Form.* The inspection certificate shall contain the following:

1. The date of issuance;
2. The lawful use of the property;
3. The address of the property;
4. The property owner's name, address and telephone number;
5. The duly authorized owner's agent, if any, and his/her/its name, address and telephone number;
6. The expiration date;
7. The signature of the issuing officer;

8. The amount of the fee paid;
9. Any other pertinent information.

c. *Occupancy Pending Inspection Certificate.* This subsection permits the lawful occupancy of a rental housing unit before an inspection certificate is issued, provided the unit is registered and meets all health and safety standards, in recognition that the scheduling and processing of inspections may not always align with the timing of rental occupancy. A person or entity may allow a rental dwelling unit or rental housing unit to be occupied before an inspection certificate has been issued if all of the following conditions are met:

1. The unit has been registered with the City in compliance with Section 9-4.5;
2. There are no outstanding or uncorrected violations of the California Health and Safety Code, the California Building Code, the California Fire Code, City property maintenance standards, or other applicable local ordinances;
3. The unit has not been subject to a Notice of Correction or code enforcement action within the previous twelve (12) months;
4. The owner or authorized agent certifies in writing, under penalty of perjury, that the unit is in compliance with all applicable codes and safe for human occupancy.

Allowing occupancy before issuance of an inspection certificate does not exempt the owner from complying with any inspection, correction, or fee obligations required under this chapter. If subsequent inspection reveals violations, the owner shall be responsible for all corrective actions and any consequences of enforcement, including potential tenant relocation where required by law.

The City may deny or revoke the right to allow occupancy prior to certification for any owner or property found to have submitted false or misleading compliance information, or for any property with repeated violations, complaints, or safety

concerns.

9-4.11 Change of Ownership

When ownership of a rental dwelling unit or rental housing unit changes, either the prior owner shall notify the Community Development Department prior to the consummation of the sale or recordation of the deed, or the new owner shall notify the Department no later than sixty (60) calendar days after the change of ownership has occurred. If the City is not properly notified of the ownership change within the specified timeframe, the existing inspection certificate for the unit shall automatically terminate and be rendered null and void.

The new owner shall not be required to pay registration or inspection program fees for the remainder of the calendar year in which the transfer occurs, provided that all program fees due at the time of transfer were paid in full by the prior owner. If the property was enrolled in the self-certification program at the time of transfer, the property shall remain eligible for self-certification for a period of one (1) year following the date of ownership change, unless otherwise removed due to violations, complaints, or other disqualifying circumstances as determined by the City.

Failure to comply with the ownership notification requirement may result in reinstatement of full inspection requirements and the loss of any eligibility for self-certification or fee deferral. It is the responsibility of both the selling and purchasing parties to ensure accurate and timely updates to the City’s rental registry database.

9-4.12 Rental Unit Database

A rental inventory database will be created and maintained providing rental information for City internal use and reporting.

9-4.13 Notice of Appeal.

The recipient of a notice of correction may appeal the notice by filing a written notice of appeal as stipulated by Section 1-9 of the Clearlake Municipal Code.

9-4.14 Violation and Penalty.

Any person who violates the provisions of this section is subject to general

penalties as set forth in Section [1-5](#) of the Clearlake Municipal Code and/or administrative penalties as set forth in Section [1-9](#) of the Clearlake Municipal Code.

9-4.15 Enforcement Alternatives.

The City may enforce this section pursuant to the Clearlake Municipal Code, this chapter, Section [1-8](#) (codified as adopted) of the Clearlake Municipal Code.

9-4.16 Fees—Adopted by Resolution.

The City Council may adopt, and amend, from time to time, by resolution, a schedule of fees required under this section.

9-4.17 Business License.

Any person or persons offering a dwelling unit or units for rent must obtain a business license, pursuant to the Municipal Code.

9-4.18 Refuse Disposal.

The owner of each rental unit will provide either a refuse receptacle for each unit or a dumpster provided by a franchised refuse handler to be used for multiple units and weekly trash removal by a franchised refuse handler. A solid gated fence, six (6') feet in height and built to City standards, will enclose dumpsters.

9-4.19 Tenants Rights and Responsibilities: Landlord Liability Limitations

Prior to the commencement of any tenancy of a rental housing unit, the property owner shall provide the tenant or tenants with information regarding tenant rights and responsibilities. This requirement is intended to promote awareness of legal obligations under this Chapter and to support compliance with local and State housing laws.

While tenants have the right to reside in a safe, clean, and habitable rental unit, they are also obligated to maintain the unit in good condition. The rental unit must meet basic health and safety standards, including operable plumbing, heating, electrical systems, and proper weatherproofing (California Civil Code Section 1941.1). Tenants are responsible for keeping the unit clean, using fixtures properly, and avoiding any damage or conduct that may result in unsafe or unsanitary

conditions (California Civil Code Section 1941.2).

Tenants also have the right to privacy and quiet enjoyment of their home, but they are required to allow the property owner or authorized representative lawful access for inspections, repairs, or maintenance. Entry must follow proper notice procedures, including written notice at least twenty-four (24) hours in advance, unless there is an emergency or other legal exception (California Civil Code Section 1954). A tenant’s refusal to allow lawful entry, or actions that prevent the correction of code violations, may relieve the landlord of liability for those violations and may result in enforcement action if the conditions pose health or safety risks.

A property owner, landlord, or certified property manager shall not be held liable for violations of applicable health, safety, or building codes under the following circumstances:

1. *Denial of Access by Tenant:* When a tenant unreasonably refuses to allow lawful entry into the rental unit for the purpose of inspection, maintenance, or correction of violations, despite the landlord having provided proper notice and made reasonable, documented efforts to gain access (California Civil Code Section 1954).
2. *Violations Attributable to Tenant Conduct:* When a code violation or substandard condition is caused solely by the tenant’s actions, negligence, or failure to maintain the unit in a clean, safe, and sanitary condition, including but not limited to unauthorized modifications or damage (California Civil Code Section 1941.2).

In such cases, the property owner must retain and provide documentation of all reasonable efforts to gain access or address the issue. Acceptable documentation includes, but is not limited to, written notices, correspondence with the tenant, photographs, or service records. Nothing in this section shall limit the City’s authority to take enforcement action directly against a tenant when permitted by law or to pursue corrective measures necessary to protect health and safety.

9-4.20 Severability.

If any section, subsection, clause, sentence, word or phrase of this title is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of the title. The City Council declares that it would have passed and adopted this section and each of the provisions thereof irrespective of the fact that any one (1) or more such provisions be declared invalid and/or unconstitutional.

9-4.21 Effective Date.

This section shall take effect on the 19th day of July 2025 and before the expiration of fifteen (15) calendar days after its passage it shall be published at least once in a newspaper of general circulation in the City of Clearlake.

SECTION 5: The City Council declares that, should any provision, section, subsection, sentence, paragraph, clause, phrase, or word of this Ordinance, or the Code section hereby adopted, be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, subsections, sentences, paragraphs, clauses, phrases or words of this Ordinance and Code section hereby adopted shall remain in full force and effect.

SECTION 6: The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause a summary of the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

Introduced and read at a regular meeting of the City Council of the City of Clearlake on the 5th day of June 2025 and adopted at a regular meeting therefore held on the 19th day of June 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

COUNCILMEMBERS:

COUNCILMEMBERS:

COUNCILMEMBERS:

COUNCILMEMBERS:

Russ Cremer

Mayor

ATTEST:

Melissa Swanson

City Clerk

CITY OF CLEARLAKE

ORDINANCE NO. ORD-102-01

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
AMENDING CHAPTER IX, "BUILDING AND HOUSING" ADDING
PROVISIONS FOR RENTAL HOUSING UNIT INSPECTIONS**

**THE CITY COUNCIL OF THE CITY OF CLEARLAKE HEREBY ORDAINS AS
FOLLOWS:**

Sections:

- | | |
|---------------|---|
| 9-4.1 | Purpose and intent. |
| 9-4.2 | Exempt |
| 9-4.3 | Authority and enforcement |
| 9-4.4 | Definitions |
| 9-4.5 | Registration Requirements |
| 9-4.6 | Inspection |
| 9-4.7 | Inspection Certificate |
| 9-4.8 | Order to Correct Violation and Re-inspection |
| 9-4.9 | Notice of Appeal |
| 9-4.10 | Violation - Penalty |
| 9-4.11 | Enforcement alternatives |
| 9-4.12 | Fees - Adopted by Resolution |
| 9-4.13 | Business Licenses |
| 9-4.14 | Refuse Disposal |
| 9-4.15 | Severability |
| 9-4.16 | Effective date |

9-4.1 Purpose and Intent

There are many dilapidated dwelling units throughout the City, many of which are clearly anything but decent, safe, and sanitary. This ordinance will force those landlords that are currently unwilling to improve their own housing stock to do just that. This ordinance covers all dwelling units offered for rent or lease.

This ordinance provides a system of regulation for the maintenance, sanitation, occupancy, and safety of single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units and any common areas associated therewith, in the city for the public health, safety and general welfare. In accordance with the provisions of the Uniform Housing Code, it is not the intent of this ordinance to require mandatory retrofit of existing units built, constructed or installed according to such code requirements in effect at the time the building, structure, or units were built and occupied, constructed or installed, if such units have been

maintained in a good and safe manner, unless the retrofitting is otherwise required by state or local law.

The intent of this ordinance is also to detect, and remedy, code violations of all applicable city codes, ordinances, the Uniform Building Code, the Uniform Fire Code, State Housing Law (Health and Safety Code Section 17920.3), and other applicable state laws and regulations and conditions in single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units and any common areas that constitute an immediate hazard or present a clear and present threat to human life, limb, health, property, safety, or general welfare of the public or the occupants thereof.

Furthermore, conditions that could result in serious dilapidation or deterioration will be subject to full enforcement proceedings. However, a reasonable period of time will be permitted for compliance with code violations toward the goal of making the units, common areas, and facilities safe for human occupation and use. The goal is to achieve rental housing that meets minimum housing and property maintenance standards as set forth in local and State law.

9-4.2 Exempt. This ordinance shall not apply to any owner-occupied housing unit, jail, hospital, extended care facility, convalescent home, licensed board and care facility; asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution or other buildings that are licensed by the State in which human beings are housed and/or detained under legal restraint, nor shall it apply to vacation homes used exclusively by the owner and never offered for rent or lease.

9-4.3 Authority and enforcement. The provisions of this ordinance shall be administered and enforced by the City of Clearlake Community Development Department, or division thereof.

Nothing contained in this ordinance shall prevent an owner, tenant, or permit applicant from voluntarily requesting an inspection at any time for the purpose of determining whether the premises or dwelling units comply with this ordinance. A fee for such inspection shall be fixed pursuant to Section 9-4.12.

In the performance of their duties, officers shall, upon presentation of proper credentials, have the right to enter, at reasonable times, any building, structure, premises, or dwelling unit in the city to perform any duty imposed upon them by this ordinance.

Nothing in this ordinance shall prohibit an interior inspection of any dwelling unit where an owner or lawful occupant grants entry to the dwelling unit. Entry into any dwelling unit shall be made by the enforcement officer with permission from either an owner or

occupant, or upon the issuance of an inspection warrant pursuant to California Code of Civil Procedure Section 1822.50 et. seq., except in the event of emergency.

It shall be considered a public nuisance and unlawful to construct, alter, convert, maintain, permit occupancy, or otherwise use for human occupation, any multi-unit residential building, structure, apartment and apartment house, motel, hotel, lodging house, rental housing unit or similar facility which fails to comply with state and local laws as they relate to housing standards, property maintenance, building and fire codes or local zoning requirements. The remedies available under California Civil Code Section 3491 et seq., may be used, to correct a public nuisance in addition to other remedies available by the Clearlake Municipal Code. The inspection shall be at reasonable times during daylight hours, except in the event of emergency.

9-4.4 Definitions. Except as otherwise provided in this ordinance, terms and words used in this ordinance are defined as listed in the California Health and Safety Code, Division 13, Part 1.5, Section 17920 et seq.; and the California Code of Regulations, Title 25 Chapter 1, Article 1 and Article 2, and the applicable articles adopted pursuant thereto, and the following words are defined as follows:

- a. **"Apartment"** means a rental dwelling unit.
- b. **"Certificate of inspection"** means a certificate, issued to an owner of a multi-dwelling unit structure, motel, hotel, lodging house, rental housing unit or similar facility which signifies that at the time of issuance, the residential dwelling structure met the requirements for human occupancy.
- c. **"City"** means the City of Clearlake, or its authorized agent.
- d. **"Code Enforcement"** means a division operated and under the control of the City of Clearlake Community Development which is designated by the Community Development Department Director to be responsible for the enforcement of the provisions set forth in this ordinance.
- e. **"Dwelling unit"** means any building or portion thereof, including a manufactured home or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Uniform Building Code for not more than one family, including domestic employees of such family.
- f. **"Motel/hotel"** means a building or buildings each containing one or more guest rooms or dwelling units or combination thereof, designed, used and intended wholly, or in part, for the accommodation of transients. This term does not include a jail, hospital, extended care facility, convalescent home, licensed board and care facility; asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution or other buildings in which human beings are housed and detained under legal restraint.

- g. **"Occupant"** means any person who occupies a dwelling unit, whether as a tenant or subtenant.
- h. **"Owner"** means that person or entity, including the duly appointed agent of the owner, holding a vested interest in a given property and appearing as a legal owner of record on the most current deed recorded in the county recorder's office on the day of the inspection or re-inspection.
- i. **"Person"** means an individual, partnership, limited partnership, corporation, association, or public entity or corporation.
- j. **"Premises"** include all buildings located on continuous parcels of land under common ownership.
- k. **"Reasonable times"** means 8:00 A.M. to 6:00 P.M., Monday through Friday unless another time is mutually agreed upon.
- L. **"Rental dwelling unit"** means a dwelling unit in a multi-unit residential building or structure including motels, hotels, rooming and boarding houses and similar living accommodations, which unit is held out for or is rented, leased, subleased, or otherwise permitted to be occupied by other than the owner on a rental basis for one or more days in any given calendar year.
- m. **"Rental housing unit"** means any residential dwelling in a single structure, or in a group of attached or detached structures containing one or more such dwelling units on the same parcel of land under common ownership that (a) contains one or more rooms with a single kitchen designated for living and sleeping purposes as an independent housekeeping unit, and (b) is occupied or intended to be occupied on a rental basis for one or more days in any given calendar year.

9-4.5 Registration of rental units.

- a. **Registration requirement and time.** The owner of every building or structure containing one or more rental dwelling or rental housing unit shall register such building or structure, and each rental dwelling unit therein, with the City of Clearlake Community Development Department pursuant to the following:
 - 1. Within 90 days of the effective date of this ordinance; or
 - 2. Within 30 days of the date of issuance of a certificate of occupancy for a new construction; or;
 - 3. Prior to the first day that the unit or units are first offered for rent
- b. **Application Form.** Registration shall be accomplished by filing with the Community Development Department a completed application form as provided by the Community Development Department.

9-4.6 Inspection

- a. **Initial Inspection.** Following the registration of each rental unit an officer shall inspect each rental dwelling unit or in the case of multi-units inspect a percentage of the units as determined by City enforcement officer. If the officer determines that the unit is in compliance, the officer shall issue an inspection certificate.
- b. **Inspection of converted units.** Any dwelling unit, converted from owner occupied to a rental unit, is required to be inspected prior to being occupied by a renter.
- c. **Annual Inspection.** Following the initial inspection, all rental units shall be subject to an annual inspection at the City's discretion. Prior to the expiration of each inspection certificate, the owner shall remit an inspection fee to the City and shall allow an officer to inspect each rental dwelling unit to determine whether the units comply with all applicable city codes, ordinances, the Uniform Building Code, the Uniform Fire Code, State Housing Law (Health and Safety Code Section 17920.3), and other applicable state laws and regulations. If the officer determines that the unit is in compliance, the officer shall issue an inspection certificate providing all fees have been paid. In addition the property will be removed from the annual inspection list and placed on a triennial inspection list. If during the three year period a founded complaint is received the property will be placed on the annual inspection list. If any unit is found to be in violation an order to correct the violation shall be issued pursuant to section 9-4.8 of the Clearlake Municipal Code. Any newly constructed rental unit/units shall be placed on the triennial inspection list upon issuance of a Certificate of Occupancy by the Building Inspector. If a founded complaint is received during the three (3) year period, the Code Enforcement Officer may require subsequent annual inspections.
- d. **Notice of inspection.** At least ten calendar days prior to any routine inspection or re-inspection, the Community Development Department, or division thereof, shall mail, by first class postage prepaid, a notice setting forth the following:
 - 1. The address or other identification of the property to be inspected;
 - 2. The date of the inspection;
 - 3. A range of time, not to exceed four hours, during which time the inspection will be made;
 - 4. All inspections will be scheduled between eight a.m. and five p.m., Monday through Friday, inclusive, or at such other time as the owner, agent or occupant may consent.

9-4.7 Inspection Certificate.

- a. **Inspection Certificate.** No person or entity shall permit to be occupied a rental dwelling unit, or operate a hotel, motel, rental housing unit, apartment or similar facility, without possessing an unexpired, unrevoked, unsuspended, valid inspection certificate, for each rental unit, which has been issued pursuant to this ordinance and paying all applicable fees as adopted pursuant to Section 9-4.12.
- b. **Inspection Certificate, Form.** The inspection certificate shall contain the following:
 1. The date of issuance;
 2. The lawful use of the property;
 3. The address of the property;
 4. The property owner's name, address and telephone number;
 5. The duly authorized owner's agent, if any, and his/her/its name, address and telephone number;
 6. The expiration date;
 7. The signature of the issuing officer;
 8. The amount of the fee paid;
 9. Any other pertinent information.

9-4.8 Order to Correct Violation and Re-inspection. If inspection reveals a violation of housing standards, property maintenance, building and fire codes or local zoning requirements, the property owner shall be provided with a written notice describing the violation, its location, a demand for its correction and a reasonable time for correcting the violation. Thereafter, the enforcing officer shall re-inspect the building, structure, units or premises to ascertain that the violation has been corrected. No inspection certificate shall be issued until all violations are corrected. A re-inspection fee will be charged as provided for pursuant to Section 9-4.12 of this ordinance.

If an owner fails to correct the violations discovered during any inspection within a reasonable period of time, there may be an imposition of a penalty. The reasonable period of time for purposes of this section shall be the time reasonably necessary to correct the violation as determined by the Enforcement Officer, which time generally shall not exceed thirty days from service of the Notice of Violation. Except in those cases, which constitute an immediate danger to health or safety, the reasonable period of time for the proposed abatement shall be the time reasonably necessary to correct the violation, as determined by the Enforcement Officer. The time generally allowed for abatement shall

not exceed thirty (30) days from service of the Notice of Violation. If the violation is not abated the application filed to obtain an inspection certificate shall lapse, and the owner shall be subject to the administrative penalties ordinance. Further, failure to correct conditions that pose an immediate threat to human limb, life, health and safety, may result in condemnation of the building, structure, premises, or dwelling unit, as provided for by law, or the application of other remedies as provided in the Municipal Code.

The owner shall be notified of the date and time of any re-inspection and shall be responsible for making the unit available for re-inspection by the City. The owner shall be notified of the date and time of the re-inspection and shall be requested to receive the occupant's permission to enter the unit for re-inspection by the City. If the occupant denies access to the unit to the enforcing officer, then a warrant, as provided for by the California Code of Civil Procedure Section 1822.50 et seq., may be obtained by the enforcing officer. If a violation results in the need to obtain a building permit, a re-inspection fee shall not be assessed.

9-4.9-Notice of Appeal. The recipient of a notice to Correct a Violation may appeal the notice by filing a written Notice of Appeal as stipulated by Section 1-9 of the Clearlake Municipal Code.

9-4.10-Violation / Penalty. Any person who violates the provisions of this ordinance is subject to general penalties as set forth in section 1-5 of the Clearlake Municipal Code and/or Administrative Penalties as set forth in section 1-9 of the Clearlake Municipal Code.

9-4.11 Enforcement alternatives. The city may enforce this ordinance pursuant to section 1-8 of the Clearlake Municipal Code.

9-4.12 Fees --- Adopted by Resolution. The City Council may adopt, and amend, from time to time, by resolution, a schedule of fees required under this ordinance.

9-4.13 Business License. Any person or persons offering a dwelling unit or units for rent must obtain a business License, pursuant to the Municipal Code.

9-4.14 Refuse Disposal. The owner of each rental unit will provide either a refuse receptacle for each unit or a dumpster provided by a franchised refuse handler to be used for multiple units and weekly trash removal by a franchised refuse handler. A solid gated fence, six feet in height and built to City standards, will enclose dumpsters.

9-4.15 Severability. If any section, subsection, clause, sentence, work or phrase of this title is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of the title. The City Council declares that it would have passed and adopted this

ordinance and each of the provisions thereof irrespective of the fact that any one or more such provisions be declared invalid and/or unconstitutional.

9-4.16 Effective. This ordinance shall take effect on the 24th day of November, 2001 and before the expiration of fifteen (15) calendar days after its passage it shall be published at least once in a newspaper of general circulation in the City of Clearlake.

INTRODUCED by the City Council of the City of Clearlake, County of Lake, State of California on the 11th day of October, 2001 and **PASSED AND ADOPTED** on this 25th day of October, 2001 by the following vote:

AYES: Mayor Malley, Vice Mayor Sanchez, Council Members Bennett, McMurray and Mingori

NOES: None

ABSENT OR NOT VOTING: None



Robert C. Malley, Mayor

ATTEST:


Sharon L. Goode, City Clerk

9-4 RENTAL HOUSING UNIT REGISTRATION, INSPECTIONS AND INVENTORY,

9-4.1 Purpose and Intent.

- a. This Section aims to address substandard rental dwelling and rental housing units, promote compliance with health and safety standards, and enhance the quality of neighborhoods and available housing. It achieves compliance with health, safety, and welfare code violations in rental housing units that pose a threat to occupant safety, structural integrity, and the surrounding neighborhoods, while also enhancing property value, improving landlord-tenant relations, and reducing liability risks for landlords.
- b. Provides a system of registration, inspection, and regulation for the maintenance, sanitation, occupancy, and safety of single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units and any associated common areas. It is not the intent of this section to require mandatory retrofit of existing units built, constructed or installed according to such code requirements in effect at the time the building, structure, or units were built and occupied, constructed or installed, if such units have been maintained in a good and safe manner, unless the retrofitting is otherwise required by State or local law.
- c. Detect and remedy code violations of all applicable City codes, ordinances, the California Building Code, California Fire Code, State Housing Law (Health and Safety Code Section 17920.3), and other applicable state and local laws and regulations and conditions in single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units and any common areas that constitute an immediate hazard or present a clear and present threat to human life, limb, health, property, safety, or general welfare of the public or the occupants thereof.
- d. Conditions that could result in serious dilapidation or deterioration will be subject to full enforcement proceedings toward the goal of making the units, common areas, and facilities safe for human occupation and use. The goal is to achieve rental housing that meets minimum housing and property maintenance standards as set forth in state and local Law. (Ord. #102-01)

The Clearlake Municipal Code is current through Ordinance 269-2024, passed April 4, 2024.

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e. ~~Furthermore, the registration and inspection of rental units will enable the City to collect, monitor and analyze rental data to inform policy decisions, with registration and inspection fees, pursuant to this section, funding the creation and maintenance of the rental inventory.~~

9-4.2 Exemptions.

This section shall not apply to any owner-occupied housing unit, jail, hospital, extended-care facility, convalescent home, licensed board and care facility, asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution, or other buildings that are licensed by the State in which human beings are housed and/or detained under legal restraint; nor shall it apply to vacation homes used exclusively by the owner and never offered for rent or lease. (Ord. #102-01)

9-4.3 Authority and Enforcement.

a. The provisions of this section shall be administered and enforced by the City of Clearlake Community Development Department, or division thereof.

b. Nothing contained in this section shall prevent an owner, tenant, or permit applicant from voluntarily requesting an inspection at any time for the purpose of determining whether the premises or dwelling units comply with this section. A fee for such inspection shall be fixed pursuant to subsection ~~9-4.16~~.

c. In the performance of their duties, ~~City officials~~ shall, upon presentation of ~~proper~~ credentials ~~and in compliance with tenant rights~~, have the right to enter, at reasonable times, any building, structure, premises, or dwelling unit in the City to perform any duty imposed upon them by this section.

d. Nothing in this section shall prohibit an interior inspection of any dwelling unit where an owner or lawful occupant grants entry to the dwelling unit. Entry into any dwelling unit shall be made by the ~~Building Inspector~~ with permission from either an owner or occupant, or upon the issuance of an inspection warrant pursuant to California Code of Civil Procedure Section ~~1822.50~~ et seq., except in the event of emergency.

e. It shall be considered a public nuisance and unlawful to construct, alter, convert,

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maintain, permit occupancy, or otherwise use for human occupation, any multi-unit residential building, structure, apartment and apartment house, motel, hotel, lodging house, rental housing unit or similar facility which fails to comply with State and local laws as they relate to housing standards, property maintenance, building and fire codes or local zoning requirements. The remedies available under California Civil Code Section 3491 et seq., may be used, to correct a public nuisance in addition to other remedies available by the Clearlake Municipal Code. The inspection shall be at reasonable times during daylight hours, except in the event of emergency. (Ord. #102-01)

9-4.4 Definitions.

Except as otherwise provided in this section, terms and words used in this section are defined as listed in the California Health and Safety Code, Division 13, Part 1.5, Section 17920 et seq.; and the California Code of Regulations, Title 25 Chapter 1, Article 1 and Article 2, and the applicable articles adopted pursuant thereto, and the following words are defined as follows:

APARTMENT shall mean a rental dwelling unit.

CERTIFICATE OF INSPECTION shall mean a certificate, issued to an owner of a multi-dwelling unit structure, motel, hotel, lodging house, rental housing unit or similar facility, which signifies that at the time of issuance, the residential dwelling structure met the requirements for human occupancy.

CITY shall mean the City of Clearlake, or its authorized agent.

BUILDING INSPECTOR shall mean City official under the control of the City of Clearlake Community Development Department, which is designated by the Community Development Department Director or designee to be responsible for the enforcement of the provisions set forth in this section.

DWELLING UNIT shall mean any building or portion thereof, including a manufactured home or mobile home, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the California Residential Code for not more than one (1) family, including domestic employees of such family.

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MOTEL/HOTEL shall mean a building or buildings each containing one (1) or more guest rooms or dwelling units or combination thereof, designed, used and intended wholly, or in part, for the accommodation of transients. This term does not include a jail, hospital, extended-care facility, convalescent home, licensed board and care facility, asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution, or other buildings in which human beings are housed and detained under legal restraint.

OCCUPANT shall mean any person who occupies a dwelling unit, whether as a tenant or subtenant.

OWNER shall mean that person or entity, including the duly appointed agent of the owner, holding a vested interest in a given property and appearing as a legal owner of record on the most current deed recorded in the county recorder's office on the day of the inspection or reinspection.

PERSON shall mean an individual, partnership, limited partnership, corporation, association, or public entity or corporation.

PREMISES shall mean and include all buildings located on continuous parcels of land under common ownership.

REASONABLE TIMES shall mean 8:00 a.m. to 6:00 p.m., Monday through Friday unless another time is mutually agreed upon.

RENTAL DWELLING UNIT shall mean a dwelling unit in a multi-unit residential building or structure including motels, hotels, rooming and boarding houses and similar living accommodations, which unit is held out for or is rented, leased, subleased, or otherwise permitted to be occupied by other than the owner on a rental basis for one (1) or more days in any given calendar year.

RENTAL HOUSING UNIT shall mean any residential dwelling in a single structure, or in a group of attached or detached structures containing one (1) or more such dwelling units on the same parcel of land under common ownership that (a) contains one (1) or more rooms with a single kitchen designated for living and sleeping purposes as an independent housekeeping unit, and (b) is occupied or intended to be occupied on a rental basis for one (1) or more days in any given calendar year. (Ord. #102-01)9-4.5

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Registration Requirements.

a. *Registration Requirement and Time.* The owner of every building or structure containing one (1) or more rental dwelling ~~units~~ or rental housing units shall register ~~and pay an annual registration fee for each parcel containing rental units~~, with the City of Clearlake Community Development Department pursuant to the following:

1. Within ~~sixty (60)~~ days of the effective date of this section;

Editor's Note: See subsection ~~9-4.21~~, for effective date of section.

2. Within thirty (30) days of the date of issuance of a certificate of occupancy for a new construction; or,
3. Prior to the first day that the unit or units are first offered for rent.

b. *Application Form.* Registration shall be accomplished by filing with the Community Development Department a completed application form as provided by the Community Development Department. ~~Some information may be required to be completed on a secure website, and registration is only complete when all necessary details and applicable fees or penalties are paid.~~ (Ord. #102-01)

9-4.6 Initial Phase Implementation

~~To ensure orderly and effective enforcement of this ordinance, the City shall implement a phased inspection program over a period of approximately three (3) years from the effective date of this section. During this initial phase, all owners of rental dwelling units and rental housing units shall complete registration in accordance with Section 9-4.5 within sixty (60) calendar days of the ordinance's effective date, regardless of when their unit will be inspected. The City shall prioritize inspections based on factors including but not limited to, health and safety risk factors, such as history of violations, tenant complaints, property age, etc.~~

~~Rental units may be legally occupied after registration and prior to inspection, provided they meet the conditions set forth in Section 9-4.9, including the absence of any known or outstanding code violations and certification by the owner that the unit is safe and habitable.~~

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The City will notify property owners in advance of scheduled inspections and will work collaboratively with owners and tenants to ensure inspections are conducted with minimal disruption and in compliance with legal access requirements.

9-4.7 Voluntary Self-Certification Program

a. Purpose. To promote compliance, reduce inspection burden on consistently well-maintained properties, and encourage responsible property management, the City establishes a Voluntary Self-Certification Program for qualifying rental housing units. This program provides an alternative to routine City inspections for eligible property owners who demonstrate a sustained record of compliance with health, safety, and property maintenance standards.

b. Eligibility. To qualify for participation in the Self-Certification Program, a property must meet all the following conditions:

1. Shall complete an initial inspection and issued an inspection certificate per Section 9-4.8 Inspections;
2. No founded health or safety code violations within the previous 12 months;
3. No active code enforcement actions, unresolved tenant complaints, or outstanding reinspection fees;
4. The owner must complete and submit a Self-Certification Affidavit for each unit to be certified;
5. The property must not be deemed by the Community Development Department, as properties with recent ownership changes, history of complaints, or units older than 50 years unless substantially rehabilitated.

c. Self-Certification Process. Eligible property owners shall:

1. Submit a Self-Certification Application and Checklist on a form provided by the Community Development Department;

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2. Conduct an exterior, interior and outdoor areas inspection of each rental unit using the City's Self-Certification Checklist, affirming compliance with all applicable State and local health, safety, and building standards;

3. Provide photo documentation as part of the self-certification. Photos shall clearly show:

- The interior of the rental unit
- The exterior of the rental unit
- Outdoor areas or yards

These photos should correspond to the items and areas outlined in the Self-Certification Rental Housing Inspection Checklist.

4. Sign a Self-Certification Affidavit declaring, under penalty of perjury, that all units comply with applicable codes;

5. Proof of California certified Residential Manager or similar credentials.

6. Pay the annual Self-Certification Program fee established by City Council resolution.

d. Term and Renewal.

1. Self-Certification is valid for one (1) year from the date of acceptance by the City.

2. Renewal requires resubmission of a complete Self-Certification packet, demonstration of continued eligibility and self-certification fee.

3. At the City's discretion, participation may be revoked at any time due to code violations, complaints, or failure to submit required documentation.

e. Audit and Verification.

1. The City may randomly audit properties enrolled in the Self-Certification Program.

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2. Audited units are subject to full City inspection.

3. If the audit reveals inaccuracies or falsified information, the owner will be removed from the program, subject to immediate inspection, and may be subject to penalties under Section 9-4.14.

4. Owners found to have knowingly misrepresented unit conditions may be barred from reapplying for self-certification for three (3) years.

f. City Oversight and Discretion. Participation in the Self-Certification Program is a privilege, not a right. The City reserves the authority to deny, suspend, or revoke participation based on evidence of noncompliance or if participation is deemed contrary to the public health, safety, or welfare.

9-4.8 Inspection.

a. Initial Inspection. Following the registration of each rental unit, the Building Inspector shall schedule an inspection and inspect each rental dwelling unit, or in the case of multi-units, inspect a percentage of the units as determined by the Community Development Department. Prior to the initial inspection the owner of every building or structure containing one (1) or more rental dwelling units or rental housing units shall pay the inspection fee. If the Building Inspector determines that the unit is in compliance, the Building Inspector shall issue an inspection certificate.

b. Inspection of Converted Units. Any dwelling unit, converted from owner-occupied to a rental unit, is required to be inspected prior to being occupied by a renter.

c. Annual Inspection. Following the initial inspection, all rental units shall be subject to an annual inspection at the City's discretion. Upon notification by the City or inspector, the owner shall remit an annual inspection fee to the City and shall allow a Building Inspector to inspect each rental dwelling unit to determine whether the units comply with all applicable City codes, ordinances, the California Building Code, the California Fire Code, State Housing Law (Health and Safety Code Section 17920.3), and other applicable State laws and regulations. If the Building Inspector determines that the unit is in compliance, the Building Inspector shall issue an inspection certificate providing all fees have been paid. If any unit is

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found to be in violation, an order to correct the violation shall be issued pursuant to subsection 9-4.8 of the Clearlake Municipal Code. Any newly constructed rental unit/units shall be placed on the inspection list upon issuance of a certificate of occupancy by the Building Inspector. If a verified complaint is received, the Building Inspector may require subsequent annual inspections.

d. Notice of Inspection. At least ten (10) calendar days prior to any routine inspection or reinspection, the Community Development Department, or division thereof, shall mail, by first class postage prepaid, a notice setting forth the following:

1. The address or other identification of the property to be inspected;
2. The date of the inspection;
3. A range of time, not to exceed four (4) hours, during which time the inspection will be made;
4. All inspections will be scheduled between 8:00 a.m. and 5:00 p.m., Monday through Friday, inclusive, or at such other times as the owner, agent or occupant may consent. (Ord. #102-01)

9-4.9 **Inspection Certificate.**

a. Inspection Certificate. No person or entity shall permit to be occupied a rental dwelling unit, or operate a hotel, motel, rental housing unit, apartment or similar facility, without possessing an unexpired, unrevoked, unsuspended, valid inspection certificate for each rental unit, which has been issued pursuant to this section and paying all applicable fees as adopted pursuant to subsection 9-4.16.

b. Inspection Certificate; Form. The inspection certificate shall contain the following:

1. The date of issuance;
2. The lawful use of the property;
3. The address of the property;

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- 4. The property owner's name, address and telephone number;
- 5. The duly authorized owner's agent, if any, and his/her/its name, address and telephone number;
- 6. The expiration date;
- 7. The signature of the issuing officer;
- 8. The amount of the fee paid;

9. Any other pertinent information. (Ord. #102-01)

c. Occupancy Pending Inspection Certificate. This subsection permits the lawful occupancy of a rental housing unit before an inspection certificate is issued, provided the unit is registered and meets all health and safety standards, in recognition that the scheduling and processing of inspections may not always align with the timing of rental occupancy. A person or entity may allow a rental dwelling unit or rental housing unit to be occupied before an inspection certificate has been issued if all of the following conditions are met:

- 1. The unit has been registered with the City in compliance with Section 9-4.5;
- 2. There are no outstanding or uncorrected violations of the California Health and Safety Code, the California Building Code, the California Fire Code, City property maintenance standards, or other applicable local ordinances;
- 3. The unit has not been subject to a Notice of Correction or code enforcement action within the previous twelve (12) months;
- 4. The owner or authorized agent certifies in writing, under penalty of perjury, that the unit is in compliance with all applicable codes and safe for human occupancy.

Allowing occupancy before issuance of an inspection certificate does not exempt the owner from complying with any inspection, correction, or fee obligations required under this chapter. If subsequent inspection reveals violations, the owner shall be responsible for all corrective actions and any consequences of enforcement, including potential tenant

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relocation where required by law.

The City may deny or revoke the right to allow occupancy prior to certification for any owner or property found to have submitted false or misleading compliance information, or for any property with repeated violations, complaints, or safety concerns.

9-4.10. Notice of Correction and Reinspection.

If inspection reveals a violation of housing standards, property maintenance, building and fire codes or local zoning requirements, the property owner shall be provided with a written notice describing the violation, its location, the correction needed and a date due for correcting the violation. Thereafter, the Building Inspector shall reinspect the building, structure, units or premises to ascertain that the violation has been corrected. No inspection certificate shall be issued until all violations are corrected. A reinspection fee will be charged as provided for pursuant to subsection 9-4.16 of this section.

If an owner fails to correct the violations discovered during any inspection, there may be an imposition of a penalty. The time to correct the violation shall not exceed thirty (30) days from service of the notice of correction and those cases which constitute an immediate danger to health or safety, the time allowed for correction shall not exceed fourteen (14) days from notice of correction. If the violation is not corrected the application filed to obtain an inspection certificate shall lapse, and the owner shall be subject to the administrative penalty's ordinance. Further, failure to correct conditions that pose an immediate threat to human limb, life, health and safety may result in condemnation of the building, structure, premises, or dwelling unit, as provided by law, or the application of other remedies as provided in the Municipal Code.

Editor's Note: For administrative penalties, see Section 1-9.

The owner shall be notified of the date and time of any reinspection and shall be responsible for making the unit available for reinspection by the City. The owner shall be notified of the date and time of the reinspection and shall be requested to receive the occupant's permission to enter the unit for reinspection by the City. If the occupant denies access to the unit to the Building Inspector, then a warrant, as provided for by the California Code of Civil Procedure Section 1822.50 et seq., may be obtained by the Building Inspector. If a violation results in the

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need to obtain a building permit, a reinspection fee shall not be assessed. (Ord. #102-01)

9-4.11 Change of Ownership

When ownership of a rental dwelling unit or rental housing unit changes, either the prior owner shall notify the Community Development Department prior to the consummation of the sale or recordation of the deed, or the new owner shall notify the Department no later than sixty (60) calendar days after the change of ownership has occurred. If the City is not properly notified of the ownership change within the specified timeframe, the existing inspection certificate for the unit shall automatically terminate and be rendered null and void.

The new owner shall not be required to pay registration or inspection program fees for the remainder of the calendar year in which the transfer occurs, provided that all program fees due at the time of transfer were paid in full by the prior owner. If the property was enrolled in the self-certification program at the time of transfer, the property shall remain eligible for self-certification for a period of one (1) year following the date of ownership change, unless otherwise removed due to violations, complaints, or other disqualifying circumstances as determined by the City.

Failure to comply with the ownership notification requirement may result in reinstatement of full inspection requirements and the loss of any eligibility for self-certification or fee deferral. It is the responsibility of both the selling and purchasing parties to ensure accurate and timely updates to the City's rental registry database.

9-4.12 Rental Unit Database

A rental inventory database will be created and maintained providing rental information for City internal use and reporting.

9-4.13 Notice of Appeal.

The recipient of a notice of correction may appeal the notice by filing a written notice of appeal as stipulated by Section 1-9 of the Clearlake Municipal Code. (Ord. #102-01)

9-4.14 Violation and Penalty.

Any person who violates the provisions of this section is subject to general penalties as set forth in Section 1-5 of the Clearlake Municipal Code and/or administrative penalties as set forth in Section 1-9 of the Clearlake Municipal Code. (Ord. #102-01)

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9-4.15 Enforcement Alternatives.

The City may enforce this section pursuant to the Clearlake Municipal Code, this chapter, Section 1-8 (codified as adopted) of the Clearlake Municipal Code. (Ord. #102-01)

9-4.16 Fees—Adopted by Resolution.

The City Council may adopt, and amend, from time to time, by resolution, a schedule of fees required under this section. (Ord. #102-01)

9-4.17 Business License.

Any person or persons offering a dwelling unit or units for rent must obtain a business license, pursuant to the Municipal Code. (Ord. #102-01)

9-4.18 Refuse Disposal.

The owner of each rental unit will provide either a refuse receptacle for each unit or a dumpster provided by a franchised refuse handler to be used for multiple units and weekly trash removal by a franchised refuse handler. A solid gated fence, six (6') feet in height and built to City standards, will enclose dumpsters. (Ord. #102-01)

9-4.19 Tenants Rights and Responsibilities: Landlord Liability Limitations

Prior to the commencement of any tenancy of a rental housing unit, the property owner shall provide the tenant or tenants with information regarding tenant rights and responsibilities. This requirement is intended to promote awareness of legal obligations under this Chapter and to support compliance with local and State housing laws.

While tenants have the right to reside in a safe, clean, and habitable rental unit, they are also obligated to maintain the unit in good condition. The rental unit must meet basic health and safety standards, including operable plumbing, heating, electrical systems, and proper weatherproofing (California Civil Code Section 1941.1). Tenants are responsible for keeping the unit clean, using fixtures properly, and avoiding any damage or conduct that may result in unsafe or unsanitary conditions (California Civil Code Section 1941.2).

Tenants also have the right to privacy and quiet enjoyment of their home, but they are required to allow the property owner or authorized representative lawful access for

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inspections, repairs, or maintenance. Entry must follow proper notice procedures, including written notice at least twenty-four (24) hours in advance, unless there is an emergency or other legal exception (California Civil Code Section 1954). A tenant's refusal to allow lawful entry, or actions that prevent the correction of code violations, may relieve the landlord of liability for those violations and may result in enforcement action if the conditions pose health or safety risks.

A property owner, landlord, or certified property manager shall not be held liable for violations of applicable health, safety, or building codes under the following circumstances:

1. *Denial of Access by Tenant*: When a tenant unreasonably refuses to allow lawful entry into the rental unit for the purpose of inspection, maintenance, or correction of violations, despite the landlord having provided proper notice and made reasonable, documented efforts to gain access (California Civil Code Section 1954).
2. *Violations Attributable to Tenant Conduct*: When a code violation or substandard condition is caused solely by the tenant's actions, negligence, or failure to maintain the unit in a clean, safe, and sanitary condition, including but not limited to unauthorized modifications or damage (California Civil Code Section 1941.2).

In such cases, the property owner must retain and provide documentation of all reasonable efforts to gain access or address the issue. Acceptable documentation includes, but is not limited to, written notices, correspondence with the tenant, photographs, or service records. Nothing in this section shall limit the City's authority to take enforcement action directly against a tenant when permitted by law or to pursue corrective measures necessary to protect health and safety.

9-4.20 Severability.

If any section, subsection, clause, sentence, word or phrase of this title is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of the title. The City Council declares that it would have passed and adopted this section and each of the provisions thereof irrespective of the fact that any one (1) or more such provisions be declared invalid and/or

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9-4 Rental Housing Unit Registration, ~~Inspections and Inventory,~~

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unconstitutional. (Ord. #102-01)

9-4.21 Effective Date.

This section shall take effect on the 24th day of November, 2001 and before the expiration of fifteen (15) calendar days after its passage it shall be published at least once in a newspaper of general circulation in the City of Clearlake. (Ord. #102-01)

The Clearlake Municipal Code is current through Ordinance 269-2024, passed April 4, 2024.

Disclaimer: The City Clerk's Office has the official version of the Clearlake Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.clearlake.ca.us](http://www.clearlake.ca.us)

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CITY OF CLEARLAKE

RESOLUTION NO. 01-84

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
AMENDING THE CLEARLAKE SCHEDULE OF FEE TO REVISE APPEAL
FEES ESTABLISHING FEES FOR THE RENTAL PROPERTY INSPECTION
PROGRAM

WHEREAS, the City Council adopted by Resolution, the Clearlake Schedule of Fees;
and

WHEREAS, from time to time it is necessary and appropriate for the City Council to
consider revisions to said schedule of fees to reflect current operations of the City including
current costs, new regulations, and new policies and programs; and

WHEREAS, on October 25, 2001, the City Council adopted Ordinance No. 102-01
establishing a Rental Property Inspection Program; and

WHEREAS, said Ordinance provides for fees to be established by Resolution of the City
Council.

NOW, THEREFORE, BE IT RESOLVED that by the City Council of the City of
Clearlake as follows:

Section 1. The Schedule of Fees for the City of Clearlake is hereby amended to add the
following Rental property Inspection Program fees:

Annual Inspection	\$40.00 per site including the 1st unit, plus \$15.00 for each additional unit on the site
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Non compliance re-inspection	\$30.00 per site including the 1 st unit, plus \$10.00 for each additional unit on site.
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PASSED AND ADOPTED by the City Council of the City of Clearlake, County of
Lake, State of California on this 8th day of November, 2001 by the following vote:

AYES: Vice Mayor Sanchez, Council Members Bennett, McMurray and Mingori

NOES: None

ABSENTOR NOT VOTING: Mayor Malley (Absent)

ATTEST:


Sharon L. Goode, City Clerk

Arsenio P. Sanchez, Jr., Vice Mayor

Response of the Lake County Association of Realtors Regarding the City of Clearlake Rental Ordinance 279-2025, An Amendment to Section 9-4 of the Clearlake Municipal Code Regarding Residential Rental Registration and Inspection

Note: since responses are in blue text, please print in color.

General Discussion Items and Questions:

This program as it is written appears to be an overreach by the City of Clearlake, creating bureaucracy and fees where neither appears to be necessary. While we appreciate the city’s desire to improve housing conditions, this ordinance is legally questionable, financially burdensome, and likely to have unintended negative consequences for both landlords and tenants.

Many landlords are small and rely on rental revenues for their own survival. Most take pride in providing quality housing and doing so ensures they can successfully rent. The City’s apparent assumption that landlords have deep pockets or are slumlords doesn’t fit with the City’s own data as discussed below.

To quote from the City’s own newsletter published on April 3, 2025:

“In Clearlake, our efforts to clean up neighborhoods, reduce fire hazards, and improve quality of life had year over year improvements again. While we saw a similar number of complaints from the previous year (911 vs 978), there were fewer violations in 2024 across nearly every category compared to 2023—proof that outreach, education, and consistent follow-through are paying off. This improvement in community buy-in and voluntary compliance is allowing our officers to focus on more difficult and long-term violators, which require more time.

Summary of 2024 improvements:

- **Property violations dropped by 21%**, which includes substandard structures or accumulated junk
- **Vegetation violations fell by 18%**, which cleaned up Clearlake and helped improve fire risk
- **Cannabis-related violations decreased by over 30%**, reflecting better compliance with regulations

- **Administrative citations issued increased by 12%**, showing the City takes enforcement actions when voluntary compliance isn't achieved

"This is what progress looks like," said Clearlake City Manager Alan Flora.

"Fewer violations means our residents and property owners are stepping up—and that's a win for everyone."

With this kind of progress, why is this new program even needed? Why cause friction between landlords and the city? Wouldn't education, outreach, and goodwill be a better solution?

There are several flaws in the currently proposed Ordinance. What about properties where family members are living in the home and no one is paying rent? If no payment is being made, then it is not a rental—does the City agree? In a similar vein, owner-occupied homes can have conditions that do not meet habitable standards, but these homes would not be captured through this program. What is the city's plan to mitigate these places? Why is the rental market being targeted and singled out?

The program "will not mandate retrofitting of units built to earlier standards unless required by State or local laws. . ." and to "ensure alignment with current standards"-- Specifically which State and local laws require retrofitting? Which current standards are being referred to here? So the program will not mandate retrofitting of units. . . until it does. This ambiguity is a red flag signalling more City overreach in the future.

Why not use the ordinance that is in place and was used from 2000 - 2005? The City's materials from the 3/20/25 City Council meeting state that the program was stopped in 2008, "probably due to the Great Recession". But the City staff at the 3/20/25 meeting stated that the last entry in the log of more than 1,600 entries was in 2005. It appears that the program was halted in 2005, long before the Great Recession. Blaming the halt on the Great Recession appears to be mere speculation that is belied by the City's own data, Why was the program stopped? Was it not successful? What factors caused it to not be a success? Does the current iteration of the program address those factors?

What criteria will the inspector use for the inspection? Do you have a checklist that will be followed on every inspection? If implemented, how will success be measured? Beyond showing the \$800,000 estimated gross revenues for the program, the proposed ordinance provides no information on how to objectively measure success. If the only success measurement is the amount of money generated for the City, this program is nothing more than a power-grab and a money-grab.

The City's materials state that program will contribute to "better living conditions for all residents" – but let us be clear that this program can only contribute to better living conditions for renters, so potentially only half of all Clearlake residents could be affected by the program. This assumes the city's prediction of 3600 of 6500 residences are rental properties.

The City's materials state that the program will allow the City to "Update references to state building fire and residential codes, along with corresponding definitions. These updates ensure our codes are consistent with state regulations." The City does not need to collect fees and go into homes to ensure this alignment and code updates.

Further, the City's materials state that data collected can "inform future policy decisions and contribute to better housing standards." What policy decisions could be informed by this program? This is not a clear justification for these fees and inspections. How will this program contribute to better housing standards? Housing standards are already established by the state and local building codes. Most other jurisdictions set housing standards without collecting fees and going into homes. Will this rental database be viewable by members of the public? Will private information of land owners and tenants be made public? This has the potential for violating privacy.

Why aren't tenants rights and leasehold considered or respected? Tenants, by law due to fact they have a leasehold, are entitled to private and peaceful enjoyment of the property they rent. Because of their leasehold they enjoy similar property rights to property owners.

Why is there police call tracking in the software database that was demonstrated on 3/20/25? If the intent is to focus on those properties with significant police activity, why not just target those properties using data available from the CLPD without collecting these fees and doing these inspection? Is police call tracking monitored on owner occupied properties?

This program smacks of unnecessary bureaucracy.

This will lead to a loss of rentals over time as property owners decide this is too onerous, leading initially to lower sale prices in the City of Clearlake as properties are dumped on the market, and higher rents long term when fewer rental units are available. Rather than comply, local property managers are already hearing that landlords would rather sell, causing a glut of houses in the market and decreasing available rentals. This ultimately decreases all property values, not just rental properties.

City Council members who own rental properties will benefit from this in the long term. We were informed that the City's attorney told the Council members that since they have no "direct benefit" from this Ordinance, they do not have to recuse themselves from voting on this Ordinance. Certainly, Council members with residential rental property will receive a benefit in the long run in the form of increased rents from a lower housing supply, and this has the appearance of impropriety. Will City Council members receive preferential treatment if this ordinance is enforced?

This Ordinance creates the potential for increased lawsuits. Will the city be named in any lawsuits by the renters for a property defect not identified on the inspection or improper behavior by an inspector? Is the city prepared to fund increased litigation or defend itself?

Even without the sale of rental homes, this program will inevitably result in less housing available because of inspection and repair delays.

Where do displaced renters go? Who compensates them for the cost to move when it is being forced by the City's actions? Will the \$800,000 yearly income be utilized to assist tenants or landlords?

The proposed Ordinance states that property owners *cannot* rent a property without the City's rental inspection certificate in hand. Yet there is no provision for phasing in the program over a period of years. How can the City inspect 3,400 units in 60 days? Do property owners have to lock renters out because no certificate is in hand? Are property owners going to have to keep their property vacant until the City can get to them to inspect? It seems that a phasing in over a few years would prevent this bottleneck of inspections from interfering with rental activity. The City discussed a hydrant flow ordinance at the same 3/20/25 meeting and openly acknowledged that although the ordinance required all hydrants to be inspected within a certain number of days, the pilot program being discussed could not comply with this deadline and yet there was no provision for modifying the deadline for inspections. Does the City plan to use this same type of ambiguity in deadlines for the rental inspection program? How are property owners to know when the deadline applies and when it does not?

After the Valley Fire, the county ran out of inspectors due to all of the building activity. What if we have a property building boom or another wild fire with a lot of homes lost and suddenly there is an expanded need for inspectors? What will happen to this program then? Will property owners be unable to rent their homes because no inspectors are available for this rental ordinance program?

The City staff indicated at the 3/20 meeting that Code Enforcement had 195 pending code enforcement complaints. Why not focus on those properties instead of creating an even longer list for City staff, whether in the Code Enforcement or the Building Department? How many of those 195 pending complaints on properties that are rentals? The pending complaints comprise approximately 5% of homes in the City, so 95% of property owners are compliant but being penalized through this program. The city manager indicated he knew “who the bad players were.” Why not focus on those properties with Code Enforcement instead of this sweeping program?

Please explain why Code Enforcement is not being used to address the issue at hand. The vague language of “streamlining processes” is not sufficient, but it leads one to think that retrofitting requiring building permits is the main intent of the program.

Is the cost of this vast and expensive ordinance justified by the benefit?

Is the City going to condemn all of the noncompliant properties?

Does a renter have the legal right to refuse the inspection, and if so, then the proposed Ordinance allows for the imposition fines, a misdemeanor record, and potential jail time for their property owner.

Could Code Enforcement be more proactive with the extra staff the City acknowledges have been added to the Building Department? Why not assign those staff to Code Enforcement and Issue citations Instead of waiting for inspections of the apparently 95% of compliant properties?

The burden to register and order inspections is on the property owner. Yet, the city is who benefits from increased revenue and data collection. If the City fixes the roads, the quality of rentals will go up. It doesn't matter how pristine a home is if 4 wheel drive is the only mode of access.

What about fire safety? Is there a way to make that inspection certificate a benefit to property owners to receive an insurance break?

Los Angeles started this program in September 2024 under their health department. Has the City been in touch with LA health department officials to determine how well their program is working and what features they would change?

We suggest having all materials for this program in at least English and Spanish, given the high number of Spanish speaking people living in the City. The education component is more important than making a statement about English being the official language.

Legal Concerns: Constitutional & State Law Violations

This ordinance appears to violate multiple legal protections under the U.S. Constitution, California state law, and federal housing regulations. If implemented as proposed, it may be subject to legal challenges on several grounds:

a. Fourth Amendment – Unreasonable Searches & Privacy Rights

- The Fourth Amendment of the U.S. Constitution protects against unreasonable government searches.
- Warrantless inspections of private rental properties without landlord or tenant consent may violate constitutional privacy rights.
- In *City of Los Angeles v. Patel* (2015), the U.S. Supreme Court ruled that government-mandated inspections of private property without a warrant or consent are unconstitutional.

b. Fifth & Fourteenth Amendments – Due Process & Takings Clause

- The Fifth Amendment prohibits government actions that impose excessive financial burdens on property owners without just compensation.
- The Fourteenth Amendment ensures due process before depriving landlords of property rights. If this ordinance does not provide a fair and transparent appeal process, it could violate due process protections.

c. Equal Protection Clause – Unfair Targeting of Rental Properties

- This ordinance unfairly targets rental property owners while exempting owner-occupied properties from inspection.
- Under the Equal Protection Clause of the Fourteenth Amendment, the government cannot treat similar property owners differently without a valid legal justification.
- If the city truly believes habitability standards need to be improved, why aren't all residential properties subject to the same inspections?

d. Conflict with California State Law

- California Civil Code § 1954 governs landlord access to rental units, requiring 24-hour written notice and tenant consent for non-emergency inspections.

- If the city mandates inspections without accommodating state-mandated tenant protections, the ordinance may conflict with state law and be unenforceable.

Increased Financial Burden on Rental Housing Providers

This ordinance places an unnecessary and excessive financial burden on owners of rental property, which will:

- Increase operational costs for property owners.
- Result in higher rents, making housing less affordable.
- Drive small landlords out of the market, reducing the overall supply of rental housing.

Key Financial Concerns:

Registration, inspection, and business license fees: The ordinance functions as a hidden tax on rental property owners, increasing costs without clear benefits.

Penalties & Reinspection Fees: Landlords will be subject to additional fees for compliance failures—even for minor violations.

Disproportionate Impact on small landlords: Many landlords in Clearlake own one or two rental properties and may not be able to absorb these new costs.

Has the city conducted an economic impact study to determine how this will affect rental affordability and housing supply? If not, the council should pause implementation until such a study is completed.

Tenant Rights & Compliance Challenges

The ordinance fails to account for real-world tenant access and compliance issues, creating unnecessary legal conflicts between landlords, tenants, and the city.

Key Tenant-Landlord Conflicts:

What happens if a tenant refuses entry for an inspection? Landlords cannot force access without violating California Civil Code § 1954. Will landlords be penalized for tenant non-compliance? The proposed ordinance seems to indicate this. Conversely, since both renters and property owners are subject to the fines and potential jail time, what happens to the renters when the property owner refuses to cooperate with the program? Do the renters get penalized?

Lack of Transparency & Insufficient Public Notice

This ordinance was only published in the Record Bee, which is insufficient public notice for a policy with such broad financial and legal implications.

Transparency Issues:

How were property owners notified? Direct notification should have been sent to all rental property owners in Clearlake, not just a small notice in a local newspaper. As acknowledged by City staff during the 3/20/25 City Council meeting, many landlords reside out of the area.

How will this program be funded long-term? The city abandoned this program in 2005 due to lack of funding. What has changed to ensure this program will be sustainable without excessive costs to owners of rental properties? If the program simply needed higher fees, why wasn't that done in 2005 instead of abandoning the program?

Alternative Solutions & Recommendations

Rather than imposing a costly, intrusive, and legally questionable registration program, the city could explore more effective and less burdensome solutions to address substandard housing conditions.

Proposed Alternatives:

Targeted Code Enforcement: Instead of blanket inspections, focus on problem properties based on complaints and existing violations.

Exempt Federally Regulated Housing: Section 8, LIHTC, and other subsidized housing already undergo rigorous habitability inspections. Exempt vacation rentals because they are, by their status of being a vacation rental, already in a habitable condition. Also, professionally managed properties are inspected annually for habitability and should be exempt.

Fair Appeal & Compliance Process: Any inspection program should include clear appeal procedures, reasonable deadlines for corrections, and exemptions for minor infractions. A 30-day deadline for compliance is not reasonable; we would propose a 60-day period for compliance, and a 30-day deadline for followup compliance issues.

Economic Impact Study: Before implementing the ordinance, the city should study its effects on rental affordability, supply, and property values.

Conclusion of Discussion Section: Oppose or Amend This Ordinance

Until these legal, financial, and practical concerns are properly addressed, we strongly oppose this ordinance in its current form. We request that the council:

- Delay adoption and conduct a full legal review to ensure compliance with constitutional protections and state law.
- Hold public hearings with rental property owners, tenants and stakeholders before proceeding further.
- Amend the ordinance to include reasonable exemptions, transparency measures, costs, reasonable appeal process and a more balanced enforcement approach.

Discussion Regarding Specific Aspects of Proposed Ordinance 279-2025

The text in black are taken from the proposed Ordinance, and the text in blue are our comments.

Section 9-4.1 Purpose and Intent

- a. Purpose is to force property owners to improve their housing stock to achieve compliance with health, safety and welfare code violations that are a threat to safety, structural integrity, and neighborhoods.

We already have a program to achieve compliance with health, safety and welfare code violations: Code Enforcement. This program should remain with Code Enforcement. This program is overstepping and giving unlimited power to the City.

The Council said there were “several homes that should not be rentals”. How many? How was the determination made? They provided no evidence of specific houses. Simply showing photos of a code enforcement home is not sufficient data.

- b. Provides a system of registration, inspection and regulation. It is not the intent to require retrofitting unless the retrofitting is otherwise required by State or local law.

The Ordinance has no mandate to retrofit units built to earlier standards “unless required by State or local laws”, provided the units are maintained safely; but proposed code changes are to . . . ensure alignment with current standards”.

Which current local laws are currently being violated and would require retrofitting following an inspection under this program?

Are there future laws being contemplated that would require retrofitting under this program?

All homes are already in the tax data. Why does the City need a duplicate set of data?

What if someone has a deck or an add-on that is observed by the inspector while they are in the building? The home could end up red tagged, and worst case, condemned.

HUD and Section 8 have different checklists that look at habitability issues. Habitability can subject to interpretation. For example, are space heaters acceptable if both parties are fine with that?

Where is the inspection checklist that inspectors will use? Including this in the materials for the 3/20/25 City Council meeting would have been extremely helpful.

c. **Detect** and remedy code violations.

Isn't this already the job of Code Enforcement?

d. Conditions that could result in serious dilapidation or deterioration would be subject to full enforcement proceedings. . .to achieve rental housing that meets minimum housing and property maintenance standards as set forth in local and State law.

The City stated that renters are afraid to report problems for fear of eviction.

Renters have full protection for reporting. Here is an excellent Nolo Press link regarding property owner Retaliation and related Calif Civil Code § 1942.5
[https://www.nolo.com/legal-encyclopedia/california-state-laws-prohibiting-property-owner-retaliation.html#:~:text=Types%20of%20Acts%20That%20Might%20Be%20prop%20erty%20Retaliation,-California%20law%20specifically&text=starting%20an%20eviction%20lawsuit%20against,to%20the%20laundry%20room\)%2C%20or](https://www.nolo.com/legal-encyclopedia/california-state-laws-prohibiting-property-owner-retaliation.html#:~:text=Types%20of%20Acts%20That%20Might%20Be%20prop%20erty%20Retaliation,-California%20law%20specifically&text=starting%20an%20eviction%20lawsuit%20against,to%20the%20laundry%20room)%2C%20or)

If the basic premise, unsupported by any evidence, is that some renters are afraid to report problem properties to Code Enforcement and therefore need the “protection” of this grossly overreaching ordinance, it seems that a dramatically more efficient and cost-effective program, and without potentially violating people’s privacy rights and reducing the housing supply, would be to provide education to all renters through

mailing and otherwise informing all residents as to what constitutes a safe, warm and healthy home. How are complaints received and processed now? Do complainers have to give their name?

There could be a checklist provided with specific items, such as building on FHA requirements: no broken windows, leaking roofs or plumbing, permanent heat, missing handrails on stairways, unsafe decks, exposed subflooring, mold, vermin, exposed wiring and so on. Property management companies will not manage properties that do not already meet such requirements. They already inspect properties annually to ensure the property's habitability. Property managers work together to ensure homes are compliant. Property owners are already being charged for this inspection.

Code Enforcement or some other city official could provide specific information and even inspect properties at the request of renters. Renters are not children. They know if their rental property is substandard or not.

These goals could be achieved with more renter and neighbor outreach, and fewer fees and administrative burden.

The Ordinance will allow the City to make updates to building code references.

The City can do this without the program.

If renters are nervous about the government, like the city manager said in the 3/20/25 City Council meeting, then how do you think they are going to feel with a city official knocking and wanting to come in?

Are there really renters who won't turn in their owners? The City provided no evidence of that.

Shouldn't these inspections be renter-originated? This program violates the renters' rights to quiet enjoyment of their property? A rental agreement is a leasehold: property owners are restricted from interfering with renters' quiet enjoyment of their leased property. How can an owner force a renter to do certain things?

Lease agreements will need to be modified to provide notice to renters of these annual inspections.

Section 9-4.2 Exemptions

“ . . . nor shall it apply to vacation homes used exclusively by the owner and never offered for rent or lease.”

What about a property that was previously offered for rent or lease through the same or a different owner? Would that disqualify the current owner from claiming exemption from the program?

Short term rentals are, by definition, habitable or no one would rent them. These properties should be exempt. The AirBnB/VRBO/Nurse Finders reviews would show if there is an issue.

Section 8 and professionally managed properties are already inspected annually or biannually, and these properties should be exempted from the program.

All property owners will have to have move-in/move-out repair photos as of 4/1/25 under AB 2801. Would this be sufficient in lieu of an inspection?

This is From the CAA website regarding [AB 2801](#):

“This law provides that a landlord who collects a security deposit must take photographs of the unit:

- Immediately before the tenancy.
- Within a reasonable time after the unit is returned to the landlord, but prior to any repairs or cleaning for which the landlord will make a deduction from the security deposit.
- Within a reasonable time after repairs or cleaning are completed.

The landlord must provide these photographs to the departing tenant. Beginning April 1, 2025, the landlord must take photographs of the unit within a reasonable time after the possession of the unit is returned to the landlord. For tenancies that begin on or after July 1, 2025, the landlord must take photographs of the unit immediately before, or at the start of, the tenancy. This law was enacted through AB 2801” This new law might be used as an excellent trigger mechanism for owner accountability and tenant protection in lieu of costly physical inspections.

How will a privately held vacation rental be deemed to be only used for personal use and not rented?

Why not inspect all residences, owner-occupied or otherwise?

There should be a trigger like a Formal Complaint or Declaration with probable cause and a court order to back it up before any kind of inspection can be undertaken. Otherwise this could be interpreted as targeting an area, discrimination, stigmatizing and violating a myriad of property rights laws.

By not inspecting all residences in Clearlake, does this violate Fair Housing laws?

Clear Lake Municipal Code 10-1.6 Declaration of Public Nuisance Conditions already defines what constitutes a public nuisance and remedies available to the City.

If the City of Clearlake is going to enact this program, then they (City, County, State) should also offer generous grants and low cost improvement loans.

9.4-3 Authority and Enforcement

The Ordinance states that “upon presentation of proper credentials, [officers shall] have the right to enter, at reasonable times. . .any . . .dwelling unit in the city to perform any duty imposed upon them by this ordinance.”

The proposed Ordinance has no requirement that the renter be given 24-hours notice, which is a direct violation of tenants’ rights.

Refusal by owner or lawful occupant could lead to a fine, jail, or both, and both owner and renter are subject to these penalties. A refusal could lead to an inspection warrant under Code of Civil Procedure Section 1822.5, which states:

Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this title is guilty of a misdemeanor. This program will create criminals out of ordinary citizens.

Section 9-4.5 Registration Requirements

The City can get the non-owner-occupied property info from County Preliminary Change of Ownership forms filed upon transfer of ownership, so this info is already available to the City.

Mandatory web-only process for registration—many older property owners do not use the internet; this creates the potential for scam websites to collect registration info and fees that older users may fall victim to, and undue hardship on elderly property owners.

What is the plan to notify owners of their responsibility to register and request the annual inspection? Publishing the legal notice in the Record-Bee will not be sufficient notice. When and how will property owners be notified?

New owners will have how many days to register after they purchase their property?

Where is the application form and may we see it/have input to it?

Section 9-4.6 Inspection

Code Enforcement can improve habitability; we see no need to move it to the Building Department.

A 4-hour window for inspector's arrival is not reasonable; home occupants need to take at least a half day off to meet the inspector.

The City's data reflects 3,400 suspected rentals in the city of 6,000 residences; so the City would have to perform 12-13 inspections/day to get through the estimated 3,400 inspections/year. This does not seem practical, and implementing a program that, from its inception, cannot meet its own guidelines seems foolish. It seems that a phasing in of the program, tackling different sections of the City over a period of a few years, may be more reasonable.

Owners cannot rent their property without the certificate, but if there is a several month delay in getting the certificate, this means further losses to the property owner through no fault of their own. Will the City reimburse property owners for lost rents due to the City's insufficient staffing or overly optimistic estimates of their ability to inspect these homes in a timely manner?

Can virtual inspection be possible at a lower fee?

What is the criteria to be used for the inspection? Section 8 has a checklist, other cities have a checklist. What criteria will the City use? Providing the checklist in advance will allow property owners to properly prepare for the inspection without incurring a potentially unnecessary re-inspection.

What if the inspector sees evidence of illegal activity in the home? Will there be a subsequent search warrant issued? Will Child Protective Services be called? Is this just a way to get rid of a certain group of people renting homes in Clearlake? Is this program simply an expansion of the police state?

What qualifications will the inspectors have? Will inspectors be subject to LiveScan? What if personal property is missing after the inspection? What about single mothers with a male Code Enforcement Officer? Will a body-cam be used?

We recommend the Council consult with a real estate attorney prior to any implementation of a program like this.

The Ordinance proposes changing this program over to the building department to “streamline processes and improve efficiency in code enforcement”

Why? What is streamlined? What efficiencies will be realized? These are Code Enforcement violations that should stay within the Code Enforcement division.

Either permission by owner or occupant or an inspection warrant is required except for emergencies.

Who designates the emergencies and how is it declared?

If the city is doing annual or biannual inspections, does that then make the City liable for maintaining the condition of the rental properties in the city, so that if they miss inspecting and calling out a maintenance issue, can a renter sue the City along with the property owner for the renter’s pain and suffering as a result?

How will the “grandfather law” on additions and current building conditions like ceiling heights, floor plans be applied? How is the City going to handle these items? The Ordinance reads as if it’s an open checkbook on the items they have the “right” to call out as sub-standard.

What happens when renters are displaced and they have pets? There are currently no hotels or motels that will allow more than 1 animal. Will the inspectors be looking for code violations like too many dogs, cats, chickens, roosters, or farm animals on the property? Our shelters are already full.

Rather than saying “annual inspections for everyone, but once a suitable inspection happens, biannual inspections” why not set it up with biannual inspections unless there is a violation, then it goes to inspections on an annual basis?

Section 9-4.7 Inspection Certificate

Is there a requirement that the certificate be displayed anywhere? Will this be public information?

And until the city can inspect all 3,400 units what is the work around for not having one? Without one, a property owner can't rent (section 9-4.7a).

Is the property owner supposed to keep the certificate? Will the City maintain these certificates?

Section 9-4.8 Notice of Correction and Reinspection

Notice of correction if inspection reveals a violation of housing standards, property maintenance, building and fire codes or local zoning requirements.

It is not reasonable to have 30 days to correct, re-inspection and then 14 days to correct any further deficiencies. Getting a loan to remedy the violation could easily take 30 days. We suggest 60 days to correct and re-inspect, and 30 days if further deficiencies need to be addressed.

Section 9-4.9 Rental Unit Database

Data collected “can inform future policy decisions and contribute to better housing standards”

Data collected benefits the City, not property owners or renters or members of the public. Will this database be only for internal use by the City? What kind of policy decisions do you need to make that will need this information?

Section 9-4.11 Violation - Penalty

What are the consequences when renters refuse access, or property owners refuse to register? “Any person who violates the provisions of this section is subject to general penalties as set forth in Section 1-5 of the Clearlake Municipal code **and/or** administrative penalties as set forth in Section 1-9 of the Clearlake Municipal Code.[emphasis added for “**and/or**”]

Link to Administrative penalty 1-9: this refers to different levels of fines

<https://clearlake.municipal.codes/CMC/1-9>

Link to general penalties 1-5, This refers to different levels of fines and/or up to 6 months in county jail

<https://clearlake.municipal.codes/CMC/1-5>

Section 1-5 of the Clearlake Municipal Code specifies a fine of \$500/day and up to 6 months in jail.

Section 1-9 of the Clearlake Municipal Code specifies a fine of \$100 for the first violation, \$200 for the 2nd, \$500 for the 3rd and any subsequent violations if they are deemed to be an infraction, but building violations are \$130 for the first violation, \$700 on the second violation within one year, and \$1,300 for 3rd and subsequent violations.

Which set of fines is the City considering? When are the penalties levied under the “and” and when are they levied under the “or”? How do the infractions come about, and who determines if it is a “building violation”?

Jail time? Seriously? We are creating a situation where people are guilty of a misdemeanor if they refuse entry with an inspection warrant, and can be jailed for refusing entry to the inspector. This seems like overreach.

Section 9-4.14 Business Licenses

Business license requirement: this adds to the costs of the program to property owners. Currently, rentals are excluded from business licenses. Either take a registration fee or require a business license, but not both.

Link to City Licenses: <https://clearlake.municipal.codes/CMC/ChVI>

Section on Business licenses exemption: <https://clearlake.municipal.codes/CMC/6-2.4>

Specifically EXCLUDES 1-5 rentals or less

Section 6.3-10 is license fees, most are based on the number of full-time employees. Real estate brokers must be licensed sect 6.3-10 b.4, \$70 per broker plus \$5 per licensed salesperson. It is not clear if the broker’s office is located outside of the city if they are subject to having a license, or if the property being rented is within the city limits, then it applies.

Section 9-4.15 Refuse Disposal

Refuse container requirement: section 9-4.15 owner must provide a “refuse container.”

The City of Clearlake already requires all property to have garbage service, so why is this duplicated here?

Section 9-4.16 Severability

On page 45 of the March 20 packet, Paragraph 9-4.16 on severability seems to be a duplicate of Section 5 further on the page which also deals with severability.

Section 9-4.17 Effective Date

How about never? Would that work? Failing that, then a phased-in program would allow for property owners to continue to rent their homes despite not having a certificate because they are waiting in a very long line for one.

Final suggested fees: \$105/year registration, \$135/inspection of 1-4 units (is that per unit or for all 4 units?); \$300 for 4+ units

We suggest cutting these fees in half.

References:

Sacramento's program:

<https://code-enforcement.saccounty.net/Programs/Pages/RHIP.aspx>

Note: properties regularly inspected by government authorities are exempt. Owners and managers can be certified to perform inspections. The fee to register a unit is \$16

Los Angeles' program:

<https://lacounty.gov/2024/09/30/public-health-announces-new-rental-housing-inspection-program/>

This requires inspections every 4 years by the health department, there is property owner and renter notice, and annual fees to register are \$86 and half can be charged to the renter. This program started in September, 2024.

Submitted by:

David Hughes, Broker, Century 21 Epic

Jessica Spencer, Agent, Century 21 E[oc

Dolores Parker, NorthBay Property Management & Sales

Gayla Erckenbrack, GEM Property Management

Katy Evans, Broker, Evans Realty and Property Management and Clearlake Property Owner

Gregory Evans, Broker, Evans Realty and Property Management and Clearlake Property Owner

August Schmitt, Broker, August Schmitt Realty Solutions

Alan Barbic, Barbic Real Estate Group

Timothy Toye, Broker, Timothy Toye & Associates (property management)

Mary Benson, Broker, Realty 360 Wine Country

Robert Fishcher, Landlord

Veronica Baylor, Broker, NextHome Yvette Sloan and President, Lake County Association of Realtors

Kathryn Davis, Escrow Officer

Phil Smoley, Broker, Country Air Properties

Yvette Sloan, Broker, NextHome Yvette Sloan

Rental Housing Unit Inspection Checklist					
Inspection No.:		Inspection Date:		Unit Number:	
Property Address:				APN:	
Property Name (if applicable):				Total No. of Units:	
Check Box Only If Inspection Complete and Found to Be in Compliance:					
<input type="checkbox"/> 1.	Premises: no abandoned or inoperable vehicles, overgrown vegetation, infestation of insects or vermin, discarded household items, trash, debris or any graffiti.	<input type="checkbox"/> 10.	Exterior Sidewalks and Driveways: must always remain clear and in a safe and sanitary condition.	<input type="checkbox"/> 19.	Floor Coverings: coverings do not create tripping hazards or unsanitary conditions.
<input type="checkbox"/> 2.	Address Numbers: plainly visible from the street or road fronting the property.	<input type="checkbox"/> 11.	Swimming Pools and Hot Tubs: shall be safe and maintained in good repair.	<input type="checkbox"/> 20.	Plumbing Fixtures/Piping: properly installed and in good condition without any leaks or clogs, no missing handles or spouts.
<input type="checkbox"/> 3.	Exterior Walls: in good condition, no peeling paint, holes, missing sections or deterioration.	<input type="checkbox"/> 12.	Accessory Structures: shall be maintained structurally sound and in good repair.	<input type="checkbox"/> 21.	Water Heaters: installed in an approved location, and have seismic strapping, operable temperature relief valve and drain line, venting, and a minimum of 110 degrees water temperature.
<input type="checkbox"/> 4.	Vent Screens: no missing or damaged crawl space, attic or foundation vent screens.	<input type="checkbox"/> 13.	Common Areas: in a safe and sanitary condition.	<input type="checkbox"/> 22.	Bathroom Ventilation: bathrooms have an operable window or exhaust fan.
<input type="checkbox"/> 5.	Extension Cords: shall not be used as permanent wiring.	<input type="checkbox"/> 14.	Entry Doors: all doors and door jambs have a strike plate that are secure, not loose; entry doors have a standard deadbolt with thumb latch at interior, a viewer, and are weather sealed.	<input type="checkbox"/> 23.	Smoke Detectors: smoke detectors are working and are in hallways leading to rooms used for sleeping purposes or are installed and maintained in compliance with the Code in effect at the time of their original installation.
<input type="checkbox"/> 6.	Stairway/Landing/Treads/Risers/Guardrails/Handrails: in good condition, well secured, not loose or deteriorated.	<input type="checkbox"/> 15.	Windows and Window Locks: windows can be opened and closed easily and have no missing or broken glazing. Bedroom egress windows are not blocked by furniture or air conditioners, and any security bars can be released from the interior.	<input type="checkbox"/> 24.	Electrical: general outlets, lights, switches and cover plates are installed properly and in good condition, no exposed wiring.
<input type="checkbox"/> 7.	Roof and Ceilings: in good condition without any leaks	<input type="checkbox"/> 16.	Heaters: are permanently installed and properly functioning.	<input type="checkbox"/> 25.	GFCI Required Locations: properly function and have been installed where outlets have been replaced in the bathrooms, on kitchen counters, on the exterior and in garages.
<input type="checkbox"/> 8.	Exterior Lighting: all lights function and have proper covers, no exposed wiring.	<input type="checkbox"/> 17.	Heating Facilities: capable of maintaining a minimum temperature of 65° F in all habitable rooms.	<input type="checkbox"/> 26.	Carbon Monoxide Detectors: located outside each sleeping area and on each level of a dwelling (including basements). Installation must be per manufacturer's instructions and per California Building Code.
<input type="checkbox"/> 9.	Electrical Panel: all electrical panels are identified, all breakers/fuses are labeled and there is no exposed wiring.	<input type="checkbox"/> 18.	Kitchen Counters and Sink Surfaces: surfaces are in good condition, no significant cracked, chipped or missing pieces.		

No change in any portion of a building, structure, common area or any other work regulated by the Code shall be required when such work was installed and is maintained in accordance with the Code in effect at the time of installation. A completed Rental Housing Inspection Checklist does not certify that any work done in the building or structure was in compliance with any permit requirements.

I certify that I have inspected the unit, and that the information is true and correct to the best of my knowledge.

Name of Inspector: _____ Date: _____

Please correct the following violations prior to the next 30-day reinspection.	Reinspection Date:
<input type="checkbox"/> Check if Building Permit(s) required.	

(Signature of Owner or Representative)

(Date)

I, the undersigned, have lawful access or control of the rental housing unit described above. I freely and voluntarily give my consent to have the inspectors of the City of Clearlake’s Rental Housing Unit Inspection Program enter and inspect the unit.

Name: _____ Phone: _____

Signature: _____ Date: _____

☐ Inspection conducted in the absence of occupant, with written consent.

PART A – EXTERIOR INSPECTION				SELF CERTIFICATION	
Property Address:				APN:	
Property Name (if applicable):				Total Units:	
<input type="checkbox"/> Single Family	<input type="checkbox"/> ADU	<input type="checkbox"/> Condominium/Townhome	<input type="checkbox"/> Apartments	<input type="checkbox"/> Hotel/Motel	<input type="checkbox"/> Other
Check Box <u>Only</u> if Inspection Complete and Found in Compliance. Photos Must be Provided.					
Exterior Condition				Comments	
<input type="checkbox"/> Storage of Junk, Rubbish, and Overgrown Vegetation Household trash, tires, scrap wood, scrap metal, other items not intended for outdoor use – Property must be clear from any overgrown vegetation and/or weeds.					
<input type="checkbox"/> Dumpsters & Trash cans Must be properly enclosed, free from trash overflow, and properly covered.					
<input type="checkbox"/> Inoperable/Unregistered Vehicles DMV Nonoperation permits do not qualify as current registration. Inoperable vehicles must be stored within a fully enclosed structure.					
<input type="checkbox"/> Foundation Vent Screens/Crawl Space Covers Spaces must be properly covered. Screens must be in good working condition.					
<input type="checkbox"/> Roof/Ceiling Must be free from any holes, leaks, etc.					
<input type="checkbox"/> Stairways – Landings/treads/risers/balusters/railings Must not be rotting, deteriorating, loose, etc. and the balusters must not exceed 4” apart or in accordance with code at the time of construction.					
<input type="checkbox"/> Fire Extinguishers (Multi-Family, Lodging Facilities Only) Must be properly serviced, labeled, and stored.					
<input type="checkbox"/> Exterior Lighting Must function properly and must have cover and be free from any exposed wiring.					
<input type="checkbox"/> Infestation of vectors or rodents Property must be clear of all vector or rodent infestations.					
<input type="checkbox"/> Electrical/Gas Meters (Multi-Family Only) Must have proper labeling, be properly protected, and must not be tampered with.					
<input type="checkbox"/> Electrical Panel Must have a panel cover, all breakers and fuses are labeled with appropriate identification, have dead front cover, and free from any exposed wiring.					
<input type="checkbox"/> Exterior Walkways Must remain clear at all times and free from any trip hazards.					
<input type="checkbox"/> Water Heaters Water heaters are installed in an approved location, and have seismic strapping, operable temperature relief valve and drain line, venting, and a minimum 110 degrees water temperature.					

I certify that I have inspected the unit and that the information above is true and correct to the best of my knowledge. Provide a copy of this form to the tenant and keep a copy for your files.

Name (Please Print): _____ Phone Number: _____

Relationship to the Property: _____

Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

PART B - INTERIOR INSPECTION				SELF CERTIFICATION	
Property Address:				Unit Number:	
Tenant Name:				Phone Number:	
<input type="checkbox"/> Single Family	<input type="checkbox"/> ADU	<input type="checkbox"/> Condominium/Townhome	<input type="checkbox"/> Apartments	<input type="checkbox"/> Hotel/Motel	<input type="checkbox"/> Other
Check Box <u>Only</u> if Inspection Complete and Found in Compliance. Photos Must be Provided.					
Interior Condition				Comments	
<input type="checkbox"/> Hot/Cold Running Water Unit must have hot and cold running water.					
<input type="checkbox"/> Electrical Power Unit must have electrical power.					
<input type="checkbox"/> Heat Unit be permanently installed and property functioning.					
<input type="checkbox"/> Sewage Disposal Systems Unit must have a proper sewer system and must be clear of any surfacing sewage indoors or outdoors					
<input type="checkbox"/> Entry Doors All doors and door jambs have strike plates that are secure, not loose; entry doors have a standard deadbolt with thumb latch at interior, locking mechanisms do not exceed 48" in height, a peephole, and are weather sealed.)					
<input type="checkbox"/> Vector Infestation or Rodent Harborage Unit must be clear of any infestations.					
<input type="checkbox"/> Mechanical All mechanical equipment in the unit must properly function including; appliances, venting systems, thermostats, smoke detectors, carbon monoxide detector, air conditioning unit – if provided, etc.*Bathrooms must have operable window or exhaust vent.					
<input type="checkbox"/> Electrical All wiring must be in good working condition – no spliced wiring, no exposed wiring, and all outlets and switch plates must have appropriate coverings. Electrical panel(s) must be labeled. GFCI outlets must function and be installed in bathrooms, kitchen, exterior, and garage.					
<input type="checkbox"/> Plumbing Unit must have proper plumbing throughout unit – no leaks, must have Ptraps, must have proper caulking, toilets must be secured to ground, and sinks must be secured to walls. Water heaters are installed in an approved location, and have seismic strapping, operable temperature relief valve and drain line, venting, and a minimum 110 degrees water temperature.					
<input type="checkbox"/> Counters and Sink Surfaces Surfaces are in good condition, not significantly cracked, chipped or missing pieces, and not constructed with porous material.					
<input type="checkbox"/> Windows All windows must have proper weather protection and can be opened and closed easily, and have no missing or broken glazing. Bedroom egress windows are not blocked by furniture or air conditioners, and any security bars can be released from the interior.)					
<input type="checkbox"/> Flooring Floors must be in good condition, free from holes/missing pieces and do not create a trip hazard or unsanitary conditions)					
<input type="checkbox"/> Water Heaters Water heaters are installed in an approved location, and have seismic strapping, operable temperature relief valve and drain line, venting, and a minimum 110 degrees water temperature.					
<input type="checkbox"/> Foundation/Subflooring Must be in good condition, must not be buckling or sagging.					
<input type="checkbox"/> Walls/Ceiling Walls must be clear of holes, missing sections, must not be collapsing, buckling or sagging.					
<input type="checkbox"/> Smoke Detectors/Carbon Monoxide Detectors Smoke detectors are working and are located in hallways leading to rooms used for sleeping purposes or are installed and maintained in compliance with the Code in effect at the time of their original installation. Carbon Monoxide detectors are located outside each sleeping area and on each level of a dwelling including basements. Installation must be per manufacturer's instruction and per the California Building Code.					

I certify that I have inspected the unit and that the information above is true and correct to the best of my knowledge. Provide a copy of this form to the tenant and keep a copy for your files.

Name (Please Print): _____ Phone Number: _____

Relationship to the Property: _____

Signature: _____ Date: _____

Tenant Signature: _____ Date: _____



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Approval of Resolution 2025-23, endorsing the Lakeshore Drive Safety Enhancement Project, Committing to Vision Zero Principles, and Authorizing the Application and the Commitment of Matching Funds to the U.S. Department of Transportation's Safe Streets and Roads for All Grant

MEETING DATE: June 5, 2025

SUBMITTED BY: Adeline Leyba, Director of Public Works

PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve Resolution 2025-23, endorsing the Lakeshore Drive Safety Enhancement Project, and Authorizing the Application to the U.S. Department of Transportation's Safe Streets and Roads for All Grant and approve the commitment of matching funds to support the Lakeshore Drive Safety Enhancement Project as required by the U.S. Department of Transportation.

BACKGROUND/DISCUSSION:

The U.S. Department of Transportation's Safe Streets and Roads for All (SS4A) Grant Program is a government initiative aimed at enhancing public safety and accessibility in urban areas. It provides funding for projects focused on improving infrastructure, implementing traffic management measures, enhancing pedestrian and cyclist safety, and promoting community engagement to create safer streets for all residents. The grant aims to reduce accidents, encourage active transportation, and foster inclusive and vibrant communities.

Through the SS4A Grant Program, the city is proposing the Lakeshore Drive Safety Enhancement Project to significantly improve road safety along approximately 1.03 miles of Lakeshore Drive from 300 feet north of Olympic Drive to Highway 53, enhancing accessibility and safety for all road users, including pedestrians, cyclists, motorists, and the disabled.

As part of the application requirements, the program mandates a matching contribution from the applicant. The application seeks to secure federal funding through the SS4A Grant Program in the amount of approximately \$16.9 million, committing to provide a non-federal match of approximately \$3.38 million. Committing these funds demonstrates the organization's support and increases the competitiveness of the application.

FISCAL IMPACT:

☐ None ☒ Amount \$3.98 million Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Section H, Item 14.

Comments:

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☒ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

☒ **Attachments:**

1. Resolution No. 2025-23 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE ENDORSING THE LAKESHORE DRIVE SAFETY ENHANCEMENT PROJECT, COMMITTING TO VISION ZERO PRINCIPLES, AND AUTHORIZING THE APPLICATION AND COMMITMENT OF MATCHING FUNDS TO THE U.S. DEPARTMENT OF TRANSPORTATION'S SAFE STREETS AND ROADS FOR ALL (SS4A) GRANT

CITY COUNCIL OF THE CITY OF CLEARLAKE
RESOLUTION NO. 2025-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE, CALIFORNIA,
AUTHORIZING SUBMITTAL OF AN APPLICATION FOR THE U.S. DEPARTMENT OF TRANSPORTATION
SAFE STREETS AND ROADS FOR ALL (SS4A) IMPLEMENTATION GRANT PROGRAM
AND IDENTIFYING LOCAL NON-FEDERAL MATCH FUNDING SOURCES

WHEREAS, the Public Law 117-58 establishes the US Department of Transportation’s Safe Streets and Roads for All (SS4A) Implementation Grant Program to support local, regional, and Tribal initiatives that implement Safe System infrastructure projects and strategies to prevent roadway deaths and serious injuries;

WHEREAS, the FY 2025 SS4A Notice of Funding Opportunity requires a non-federal match of at least twenty percent (20 percent) of total eligible project costs;

WHEREAS, the Lakeshore Drive Safety Enhancement Project aims to significantly improve road safety along approximately 1.03 miles of Lakeshore Drive from 300 feet north of Olympic Drive to Highway 53, enhancing accessibility and safety for all road users, including pedestrians, cyclists, motorists, and the disabled;

WHEREAS, the City of Clearlake is committed to the Vision Zero goal of eliminating all traffic fatalities and serious injuries, recognizing that these are preventable and that road safety must be the most critical factor in transportation planning;

WHEREAS, this project aligns with long-term safety objectives, including continuous improvement of road safety through regular evaluations, updates to safety measures, and ongoing community engagement to address emerging safety challenges;

WHEREAS, the Lakeshore Drive Safety Enhancement Project is strategically aligned with the broader goals of the Clearlake Local Road Safety Plan and the objectives of the California Department of Transportation, forming part of a coordinated effort to enhance transportation safety comprehensively;

WHEREAS, public engagement has played a pivotal role in shaping the project, reflecting the City’s commitment to inclusive and participatory planning processes;

WHEREAS, the updated itemized budget for the Lakeshore Drive Streetscape Project reflects a total eligible cost of **\$19,934,000**, comprising an SS4A federal request of **\$16,325,000** (80 percent) and a required local non-federal match of **\$3,986,800** (20 percent);

WHEREAS, to ensure full compliance, the City Council hereby commits funding from the Pavement Management Program and the Transportation Development Act Article 3 Funds for the required local non-federal match in the aggregate amount of **\$3,986,800**:

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

- 1. **Application Authorization.**
The City Manager is authorized to apply for up to **\$16,325,000** in SS4A Implementation Grant funding for the Lakeshore Drive Streetscape Project.

2. **Match Commitment.**

The City commits a total non-federal match of **\$3,986,800** from the sources identified above and directs the Finance Director to allocate these funds upon SS4A award.

3. **Execution of Grant Documents.**

The City Manager, or designee, is authorized to execute all grant-related documents, including applications, certifications, assurances, and match-commitment letters.

4. **Project Delivery Oversight.**

The City Manager shall ensure that CEQA/NEPA clearances, permit approvals, and project schedule milestones remain on track to meet SS4A requirements.

5. **Recordkeeping.**

The Finance Director shall maintain documentation of all match funding expenditures and in-kind contributions for reporting and audit purposes.

BE IT FURTHER RESOLVED, the City Council directs that this project be integrated into the City’s long-term transportation planning and safety strategies, with regular updates and community consultations to ensure its success and alignment with evolving community needs and safety technologies.

THIS RESOLUTION WAS PASSED AND ADOPTED by the City Council of the City of Clearlake, State of California, at a regular meeting thereof held on June 5, 2025 by the following vote:

AYES:
NOES:
ABSENT OR NOT VOTING:

CITY OF CLEARLAKE

Greg Folsom, Mayor

ATTEST: Ruthie Somers
City Clerk

By: _____



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Discussion and Consideration of a Letter to State Officials Regarding Adoption of Local Responsibility Area Fire Hazard Severity Zone Maps

MEETING DATE: June 5, 2025

SUBMITTED BY: Alan D. Flora, City Manager

PURPOSE OF REPORT: ☐ Information only ☒ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL:

City Council to consider sending a letter to state officials regarding the mandate to adopt fire hazard severity zone maps.

BACKGROUND/ DISCUSSION:

On May 15th the Council held the first reading of Local Responsibility Area Fire Hazard Severity Zone Maps within the City jurisdiction. This process is mandated by state law.

At the meeting, the Council took action to adopt the maps as required, however, expressed frustration about the process and directed that a letter be sent to state officials. A draft letter is attached for discussion and consideration.

OPTIONS:

1. Approve Letter and Authorize the Mayor to Sign.
2. Direction to Staff.

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☒ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☒ Other:

Comments:

STRATEGIC PLAN IMPACT

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☒ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities

- ☐ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☒ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

☒ **Attachments:**

1. Draft Letter



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653
www.clearlake.ca.us

June 5, 2025

Governor Gavin Newsom
1021 O Street, Suite 900
Sacramento, CA 95814

RE: Local Responsibility Area Fire Hazard Severity Zone Maps

Dear Governor Newsom,

The City is writing to express our deep concern and dissatisfaction with the state's requirements and process that jurisdictions adopt the Local Responsibility Area (LRA) Fire Hazard Severity Zone maps. While I recognize the importance of fire safety and responsible land management, I believe that mandating these maps without sufficient local input places an undue burden on municipalities and property owners. Clearlake has suffered from three significant wildfires since 2017, all of which were state and/or federally declared disasters, so we understand the need for an impactful response.

However, the blanket adoption of these maps fails to consider the unique characteristics and existing mitigation efforts of individual communities. Many cities, including Clearlake, have already implemented fire prevention strategies that differ from the state's prescribed zoning and yet have proven effective. Additionally, the designation of properties within these zones can have significant financial consequences, including higher insurance costs and restrictions on development, which may not be justified based on actual risk assessments. Our community suffers from a high level of poverty and many will not be able to meet the standards of the ordinance on their own. We expect significant numbers of insurance non-renewals that are likely to devastate a large percentage of our population.

We urge you to respect more local input into similar mandates and instead allow for a more collaborative process that respects local decision-making. Providing cities with flexibility in determining fire hazard zones based on their own expertise and conditions will lead to more effective and equitable outcomes.

We appreciate your attention to this matter, and do not hesitate to contact our City Manager (aflora@clearlake.ca.us) with a response on how our input can be incorporated into this process.

Sincerely,

Russ Cremer
Mayor



CITY OF CLEARLAKE

City Council

STAFF REPORT	
SUBJECT: Discussion and Consideration of Amending Fees for the Rental Housing Unit Inspections and Registration Program.	MEETING DATE: June 5, 2025 6:00 p.m.
SUBMITTED BY: Michael Taylor, Associate Planner	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to review and consider adopting by resolution a fee amendment for the Rental Housing Unit Inspection and Registration Program.

BACKGROUND/DISCUSSION:

Resolution No. 01-84

Resolution No.01-84 was adopted on November 8, 2001, to amend, at the time, the Clearlake Schedule of Fees establishing Program fees (Attachment 1).

Current Program Fees:

Annual Inspection	\$40.00 (site and 1st unit) \$15.00 (each additional unit)
Noncompliance re-inspection	\$30.00 (site and 1st unit) \$10.00 (each additional unit)

Staff has determined that the adopted program fees are outdated and may no longer cover the costs necessary to effectively implement and administer the program. The costs associated with the program, such as tracking software, staff time, and legal assistance, should align with current economic conditions. Since the existing fees have not been updated to reflect these changes, an adjustment is necessary.

Through analysis, staff revealed that the current per-unit fees cover only approximately 18% of the projected costs, assuming current operating expenses. This was determined by comparing the number of suspected rental units to the current fee per unit and subtracting the total costs required to implement and administer the program (Attachment 2).

Proposed Program Fees:

Annual Registration	\$105 (per site/parcel)
Annual Inspection	\$135 (1-4 units) \$300 (over 4 units)
Re-inspection	\$135 (minimum) Up to actual time @ \$50/hour
Self-Assessment Registration	\$59 (per site/parcel)

Municipal Code Section 9-4 allows the City Council to periodically amend these fees by resolution to reflect current program costs.

FISCAL IMPACT:

☐ None ☒ \$500,000 (approx.) Budgeted Item? ☐ Yes ☒ No
 Budget Adjustment Needed? ☐ Yes ☒ No
 Affected fund(s): ☒ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: The approximate fiscal impact is estimated based on registration of all units in the City and inspection of 1/3 of units per year.

STRATEGIC PLAN IMPACT:

- ☒ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Housing
- ☒ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☒ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to adopt Resolution No. 2025-11 amending the City of Clearlake Rental Housing Unit Inspections and Registration schedule of fees.

- ☒ **Attachments:**
- 1) Resolution No. 01-84
 - 2) Resolution No. 2025-11

CITY OF CLEARLAKE

RESOLUTION NO. 2025-11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
AMENDING FEES FOR THE RENTAL HOUSING UNIT
INSPECTIONS AND REGISTRATION PROGRAM

WHEREAS, on October 25, 2001, the City Council adopted Ordinance No. 102-01, codifying a Rental Housing Unit Inspection and Registration Program; and

WHEREAS, on November 8, 2001, the City Council adopted Resolution No. 01-84, establishing a schedule of fees for the Rental Housing Unit Inspection and Registration Program; and

WHEREAS, on June 5, 2025 the City Council adopted an ordinance amending the Rental Housing Unit Inspection and Registration Program; and

WHEREAS, the City Council may adopt, and amend, from time to time, by resolution, a schedule of fees required under the Rental Property Inspection Program ordinance; and

WHEREAS, the City conducted a fee study and determined that the current schedule of fees will only cover approximately 18-percent of the operating cost and that the implementation and administration of the program and the fee and cost recovery level is necessary and in the public interest to encourage inspections and registration; and

WHEREAS, the City will evaluate costs of the program over the course of Fiscal Year 2024-25 and FY 2025-26 and propose modifications to the fee as necessary; and

NOW, THEREFORE, BE IT RESOLVED that by the City Council of the City of Clearlake as follows:

Section 1. The Rental Housing Unit Inspections and Registration Program fees for the City of Clearlake ar hereby amended as follows:

Registration	\$105.00 per property/parcel
Annual Inspection	\$135.00 (1-4 units)
	\$300.00 (over 4 units)
Notice of Correction/Reinspection	\$135.00 minimum/Up to Actual time @
	\$50/hr.
Self-Assessment Program	\$59.00 per property/parcel

PASSED AND ADOPTED by the City Council of the City of Clearlake, County of Lake, State of California on this 5th day of June 2025 by the following vote:

AYES:
NOES:
ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk

Mayor



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Public Hearing in Compliance with Assembly Bill 2561/Government Code Section 3502.3 Regarding Vacancies, Recruitment, and Retention Efforts

MEETING DATE:
June 5, 2025

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: ☒ Information only ☐ Discussion ☐ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to hear the presentation and receive public comment. No further action is necessary.

BACKGROUND/DISCUSSION:

AB 2561 requires public agencies, including the City, to hold at least one (1) public hearing per fiscal year to discuss vacancies, recruitment and retention efforts. This communication along with the public presentation discusses the City's legal obligations under the new law, which took effect January 1, 2025. This presentation is for informational purposes only regarding the status of the City's vacancies, recruitment and retention efforts.

AB 2561 was introduced to address the issue of job vacancies in local government, which adversely affects the delivery of public services and employee workload. Among other requirements, the bill mandates that public agencies conduct a public hearing to present the status of vacancies, recruitment, and retention efforts during a public hearing before the agency's governing body at least once per fiscal year prior to the adoption of the next fiscal year's budget and identify any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process. The bill was enacted into law and is codified as Government Code section 3502.3, effective January 1, 2025.

In compliance with the new legal obligations, the City is required to do the following:

1. Public Hearing – Report on Vacancies: For the current fiscal year, the City's annual average percentage of vacancies (i.e., regular, full-time equivalent) was 7%. The adopted 2024/25 workforce budget allotted 71 positions, and, as of the date of this report, there are five vacant positions.
2. Employee Organization Participation: Allow the recognized employee organization for each bargaining unit at the City to make presentations during the public hearing concerning vacancies and recruitment and retention efforts. The Administrative Services Department

notified the three (3) represented bargaining units at the City of the opportunity (Gov. Code § 3502.3(b).)

3. **Additional Reporting for High Vacancy Rates:** If vacancies within a single bargaining unit meet or exceed 20% of authorized full-time positions in that bargaining unit, upon request of the recognized employee organization for that bargaining unit, the City must provide additional information during the public hearing, including the following: (1) the total number of vacancies within the bargaining unit; (2) the number of applicants; (3) the average number of days to fill positions; and (4) opportunities to improve compensation and working conditions for employees in the bargaining unit. (Gov. Code § 3502.3(c).) For the fiscal year 2024/25, all were under the 20% vacancy rate.

OPTIONS:

1. Receive report. No further action is necessary.
2. Other direction

FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☒ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

No action necessary.

☐ **Attachments:**