



## **CITY COUNCIL REGULAR MEETING**

**Monday, October 03, 2022 at 5:00 PM**

94 N. Washington Street, Sonora, CA 95370

(209) 532-4541

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### **AGENDA**

**NOTICE IS HEREBY GIVEN** that the Sonora City Council will have their regular meeting on Monday, October 3, 2022 at 5:00 PM in the City of Sonora Council Chambers located at 94 N. Washington Street Sonora, CA 95370.

**NOTICE:** THIS MEETING WILL BE HELD IN ACCORDANCE WITH GOVERNMENT CODE SECTION 52953(E) AND THE CITY OF SONORA CITY COUNCIL RESOLUTION NO. 09-19-2022-A.

THIS MEETING IS PHYSICALLY OPEN TO THE PUBLIC OR MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA VIDEO CONFERENCING AT:

**Zoom Meeting Link:**

<https://us06web.zoom.us/j/87460555933?pwd=UFBFZ0EyR3pjXNXZWtXVIZLQTJoQT09>

**Dial: (669) 900-6833**

**Meeting ID: 874 6055 5933**

**Passcode: 7dY809**

MEMBERS OF THE PUBLIC WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

THIS MEETING WILL BE OPEN TO THE PUBLIC AND WILL BE AVAILABLE VIA ZOOM. IT WILL ALSO BE LIVE STREAMED ON THE CITY'S WEBSITE AT [www.sonoraca.com](http://www.sonoraca.com).

Written comments can be submitted to be included as part of the administrative record; they will not be read during the meeting. All comments must be received by 3:00 pm on the day of the noticed meeting and can be submitted to the City Clerk at 94 N. Washington Street Sonora, CA 95370 or via email to [tskelly@sonoraca.com](mailto:tskelly@sonoraca.com).

**CLOSED SESSION - 4:00 PM**

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENTS**

## **ADJOURN INTO CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation - Significant exposure to litigation pursuant to Gov. Code § 54956.9(d)(2): One (1) Potential Case; Doug White, City Attorney

## **RECONVENE INTO OPEN SESSION [City Council Chambers]**

**OPEN SESSION - 5:00 PM**

## **REPORT OUT OF CLOSED SESSION**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **CITY CLERK'S REPORT ON AGENDA POSTING**

## **APPROVAL OF THE AGENDA**

## **PRESENTATIONS**

2. Receive an update from Tuolumne County District 1 Supervisor David Goldemberg.
3. Receive a presentation from Trinity Abila with Habitat for Humanity on the Home Repair Program.

## **PUBLIC COMMENT (NON-AGENDA ITEMS)**

*The public may address the Council on any item of public interest not otherwise on the agenda that is within the jurisdiction of the City. No action may be taken. Matters to be addressed may be referred to City Staff or placed on a subsequent meeting Agenda. Speakers are limited to a three (3) minute presentation. If participating via Zoom, please raise your hand using the Raise Your Hand feature or dial \*9 (\*6 to unmute).*

## **CONSENT CALENDAR**

*Items on the Consent Calendar are considered routine and will be voted on in one motion unless a Council member or member of the public has a question or wishes to discuss an item. In that case, the item will be removed from the Consent Calendar and considered separately.*

4. Consider waiving the second reading and adopt Ordinance No. 897, Amending Chapter 17.55, Second Dwelling Units on Residential Parcels, of Title 17, Zoning, of the Sonora Municipal Code by repealing it in its entirety and replacing it with a new Chapter 17.55, Accessory Dwelling Units.; Rachelle Kellogg, Community Development Director.
5. Consider acceptance of the 2021 Assistance to Firefighter Grant (AFG) Award – EMW-2021-FG-05567 in the amount of \$23,785.56; and authorize the Fire Chief to approve and sign the contract to accept the award; Aimee New, Fire Chief.
6. Consider approval of disbursements in the amount of \$194,130.63 for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions, miscellaneous voluntary employee deductions, holiday pay and other adjustments, including retro-pay; Tracy Skelly, Administrative Services Officer.

7. Consider adoption of Resolution No.10-03-2022-B accepting the Finding of an Industrial Disability Retirement Pursuant to Government Code Section 21156; Christopher Gorsky, Administrative Services Director.

8. Consider adoption of Resolution 10-03-22-C approving Amendment No.1 to the Sonora Police Officers' Association (SPOA) Memorandum of Understanding (MOU) dated 06/30/2021 – 06/30/2025.

Consider adoption of Resolution 10-03-22-D approving the employee salary schedule for the Sonora Police Officers' Association (SPOA) as per Amendment No.1 of the Memorandum of Understanding (MOU); Christopher Gorsky, Administrative Services Director.

9. Consider approval Resolution No. 10-03-2022-E, A Resolution of the City Council of the City of Sonora, confirming that no changes are necessary to the City of Sonora's Conflict of Interest Code; Doug White, City Attorney.

## **NEW BUSINESS**

10. Consider adoption of Resolution 10-03-2022-A accepting the 2022 Rural Fire Capacity Grant in the amount of \$13,980.00 with a City funds match of \$13,380.00; Aimee New, Fire Chief.

11. Discuss rescinding Resolution 09-19-2022-A authorizing remote teleconferencing meetings of the City Council and its committees and commissions for 30 days pursuant to Government Code Section 52953(e) Brown Act provisions; Doug White, City Attorney

## **COMMUNICATIONS**

## **COUNCIL MEMBER/DEPARTMENT HEAD REPORTS**

## **ADJOURNMENT**

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator at City Hall (209) 532-4541, [meads@sonoraca.com](mailto:meads@sonoraca.com). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).*

*Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Administrator's Office at 94 N. Washington Street, Sonora, CA 95370 during normal business hours (8:00 am - 4:00 pm, Monday through Friday, excluding holidays). The agenda and supporting public documents are also available on our City website [www.sonoraca.com](http://www.sonoraca.com) listed under the agenda/minutes link on the Government page.*



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 3, 2022  
**TO:** City Council Members  
**FROM:** Melissa Eads, Interim City Administrator  
**SUBJECT:** Supervisor David Goldemberg County Update

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### RECOMMENDATION

Receive an update from Tuolumne County District 1 Supervisor David Goldemberg.

### DISCUSSION

District 1 Supervisor Goldemberg will present an update on County-wide issues to the City Council the first meeting of each month.

### FISCAL IMPACT

No fiscal impact to the General Fund.



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 3, 2022

**TO:** City Council Members

**FROM:** Melissa Eads, Interim City Administrator

**SUBJECT:** Presentation from Habitat for Humanity

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### RECOMMENDATION

Receive a presentation from Trinity Abila with Habitat for Humanity on the Home Repair Program.

### DISCUSSION

The Habitat for Humanity Home Repair program is an outreach initiative that seeks to provide home repairs for low to moderate income homeowners, including veterans and the elderly, who are struggling to maintain their homes due to age, disability, or family circumstances.

### FISCAL IMPACT

No fiscal impact to the General Fund.



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 3, 2022

**TO:** City Council Members

**FROM:** Rachelle Kellogg, Community Development Director

**SUBJECT:** Ordinance No. 897

### RECOMMENDATION

Waive the second reading and adopt Ordinance No. 897.

### BACKGROUND

In 2019 and 2020, the State legislature signed into law several bills changing how local agencies regulate accessory dwelling units (ADU) and junior accessory dwelling units (JADU). These bills are currently effective and are codified in California Government Code (GC) Section 65852.2 and 65852.22. In 2021 and 2022 the State Department of Housing and Community Development prepared guidelines to assist local agencies with implementation of these new regulations. These changes build upon original State Law adopted in 2016 and 2017 and further reduces the restrictions on construction of ADU/JADUs to address the statewide shortage of housing. There is an increasing demand for construction of these types of residential units as they are an affordable means to providing additional housing on existing residential properties. These State Laws have been more directive towards agencies in respects to what an agency must accept regarding ADUs and JADUs.

Staff has prepared a comprehensive draft ordinance for the City Council's consideration that addresses all specific requirements for compliance with current State ADU Law, specifically GC 65852.2 and 65852.22. The City's existing Chapter 17.55, Second Dwelling Units on Residential Parcels, will be repealed in its entirety and replaced with the new ADU ordinance that complies with State Law and allows for specific variables to be considered for ADUs within the City limits.

The current Chapter 17.55, allows for the establishment of second units (attached or detached) on residential lots with an existing single-family or multi-family home in either a single-family or multi-family zone. Further, the existing ordinance requires the second units to be ministerially approved by staff provided that all the criteria is met, regulates the allowable density for the lot upon which it is located, and requires it to be a residential use which is consistent with the existing general plan and zoning designations for the lot.

With new State Laws relaxing the requirements for AUD and JADUS, staff is proposing an update to Chapter 17.55, to better align and comply with the State's goals. The proposed update will relax the restrictions for ADU/JADU constructions per State Law and develops alternative standards for constructions in areas with potential health and safety concerns ((Gov. Code, § 65852.2, Subdivision. (e)). Below is a summary of the proposed changes:

#### Definitions

Current State Law further refine the definitions of an ADU and JADU. The proposed changes will update the definitions for the types of ADUs allowed and the parcels in which ADUs are allowed.

Exemptions

Per State Law, subdivision (e) requirements have been included in the text (Chapter 17.55.50 A-D).

Size and Location Standards

The proposed changes will further define the size, location, and standards. The changes will relax current standards to better align with State Law (Chapter 17.55.60).

Parking

The proposed changes will better define parking and driveway standards. The City of Sonora finds that due to Sonora's high fire risk, and the necessity to provide adequate maneuverability to accommodate emergency response vehicles, all ADUs and JADUs shall require onsite parking. All required parking for new ADUs and JADUs and any required replacement parking for the main dwelling on parcels located within a State designated Very High or High Fire Severity Zone shall meet the criteria outlined in Chapter 17.55.60(C)(5).

Design Features, Illegal Dwelling units, Permit Requirements, and Code Enforcement

The proposed changes will include description and guidance on these requirements per State Law and local provisions.

JADUs

Existing ordinance does not define or provide guidance on JADUs. The proposed ordinance will include definitions and guidance on the requirements for JADUs per State Law and local provisions.

The proposed ordinance has been drafted using existing local policies, provisions, and planning procedures with considerations relating to the new State Law. Additional measures have been included to mitigate potential health and safety concerns.

At their August 8, 2022 Planning Commission Meeting, Commissioners reviewed the Title 17 text amendment related to Accessory Dwelling Units and approved Resolution No. 08-9-2022-A recommending to the Sonora City Council approval of an ordinance as described within the attached Resolution and included within the draft Ordinance No. 897.

**DISCUSSION**

Council introduced and waived the first reading on September 19, 2022. This is the second reading of Ordinance No. 897, an ordinance which amends the Sonora Municipal Code as follows:

Amending Chapter 17.55, Second Dwelling Units on Residential Parcels, of Title 17, Zoning, of the Sonora Municipal Code by repealing it in its entirety and replacing it with a new Chapter 17.55, Accessory Dwelling Units.

**FISCAL IMPACT**

None

## ORDINANCE NO. 897

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA AMENDING CHAPTER 17.55, SECOND DWELLING UNITS ON RESIDENTIAL PARCELS, OF TITLE 17, ZONING, OF THE SONORA MUNICIPAL CODE BY REPEALING IT IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 17.55, ACCESSORY DWELLING UNITS

**WHEREAS**, like many California cities and counties, the City of Sonora (the “City”) is experiencing general housing and housing affordability shortages; and

**WHEREAS**, the general housing and housing affordability shortage is causing many working families and residents to seek housing outside the City; and

**WHEREAS**, the State of California passed a series of laws in 2019 and 2020 changing how local agencies regulate accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

**WHEREAS**, on February 22, 2021, the City Council approved the 2021 Goals and Objectives which included exploring all opportunities to provide best practices and dignified solutions to the City’s growing population and low-income and affordable housing needs; and

**WHEREAS**, the rising popularity of ADU and JADU provides for affordable opportunities to create additional housing to meet the needs of the community.

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

**SECTION 1. AMENDMENT.** Chapter 17.55, Second Dwelling Units on Residential Parcels, of Title 17, Zoning, of the Sonora Municipal Code shall be repealed in its entirety and replaced with a new chapter 17.55, which shall read as follows:

#### ~~Chapter 17.55~~ ~~Second Dwelling Units on Residential Parcels~~

**Sections:**

~~17.55.010 Purpose.~~

~~17.55.020 Applicability.~~

~~17.55.030 Definitions.~~

~~17.55.040 Provisions.~~

~~17.55.050 Application procedure.~~

~~17.55.060 Findings of fact.~~

~~17.55.010 Purpose~~

~~—The purpose of this chapter shall be to provide for the creation of second dwelling units on lots zoned for single family and multifamily dwellings, pursuant to the provisions of the California Government Code. [Ord. 757 § 2, (part), 2003.]~~

#### **~~17.55.020 Applicability.~~**

~~—This chapter is applicable to all areas within the City of Sonora which are zoned for single family use as well as areas zoned for multi-family use where there is insufficient lot size by normal density standards to permit a second dwelling.  
[Ord. 757 § 2, (part), 2003.]~~

#### **~~17.55.030 Definitions.~~**

~~—A "second dwelling unit" or "second unit" means a detached or attached dwelling unit which provides complete, independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcels as the primary unit is situated. A second unit also includes an efficiency unit or a manufactured home as defined in the California Health and Safety Code. [Ord. 757 § 2, (part), 2003.]~~

#### **~~17.55.040 Provisions.~~**

~~Unless otherwise permitted by right, a second dwelling unit shall be ministerially issued by staff provided that all of the following criteria are met:~~

- ~~A. The unit is not intended for sale and may be rented.~~
- ~~B. The lot is zoned for single family or multi-family use.~~
- ~~C. The lot contains an existing single family residence.~~
- ~~D. The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~
- ~~E. The increased floor area of an attached second unit shall not exceed thirty percent of the existing living area.~~
- ~~F. The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet.~~
- ~~G. Any new construction shall conform to height, setback, lot coverage, parking, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~
- ~~H. Parking requirements for second units shall not exceed one parking space per unit, or two spaces per unit if it has more than one bedroom. Additional parking maybe required provided that a finding of fact is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off street parking shall be permitted in yard setback areas, but tandem parking is not feasible because it is not permitted anywhere else within the City.~~
- ~~I. Architectural design review shall be conducted where required by zoning.~~
- ~~J. Local building code requirements which apply to detached dwellings, as appropriate.~~
- ~~K. Standards may be imposed that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.~~

~~[Ord. 757 § 2, (part), 2003.]~~

#### **~~17.55.050 Application procedure.~~**

~~Application shall be made on a form provided by, and submitted to, the City Community Development Department, and shall be accompanied by a fee as adopted by resolution of the City Council.  
Accompanying the application shall be the following documentation:~~

- A. ~~An accurately drawn site plan showing the location of the existing residence, second unit, size of second unit, setbacks, utility connections, and parking.~~
- B. ~~Letters from the respective water, sewer and power utilities indicating the availability and terms of such additional utility service.~~
- ~~{Ord. 757 § 2, (part), 2003.}~~

#### **~~17.55.060 Findings of fact.~~**

~~The City Community Development Department, after consideration of the application and consultation with advisory agencies, shall issue a permit to authorize construction of a second dwelling unit on a lot zoned for single family or multi-family use under this chapter, if it finds that the application conforms to all of the criteria of this chapter. Pursuant to the California Government Code, second units shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot.~~

~~{Ord. 757 § 2, (part), 2003.}~~

## **Chapter 17.55 Accessory Dwelling Units**

### **Sections:**

|                         |                                                                    |
|-------------------------|--------------------------------------------------------------------|
| <b><u>17.55.010</u></b> | <b><u>Purpose</u></b>                                              |
| <b><u>17.55.020</u></b> | <b><u>Applicability</u></b>                                        |
| <b><u>17.55.030</u></b> | <b><u>Types of ADUs</u></b>                                        |
| <b><u>17.55.040</u></b> | <b><u>Number of units allowed</u></b>                              |
| <b><u>17.55.050</u></b> | <b><u>State Exempt ADUs under Subdivision (e) Requirements</u></b> |
| <b><u>17.55.060</u></b> | <b><u>Size and location standards</u></b>                          |
| <b><u>17.55.070</u></b> | <b><u>ADU design features</u></b>                                  |
| <b><u>17.55.080</u></b> | <b><u>Occupancy and rental requirements</u></b>                    |
| <b><u>17.55.090</u></b> | <b><u>Illegal accessory dwelling units</u></b>                     |
| <b><u>17.55.100</u></b> | <b><u>Junior Accessory Dwelling Units (JADUs)</u></b>              |
| <b><u>17.55.110</u></b> | <b><u>Impact and connection fees</u></b>                           |
| <b><u>17.55.120</u></b> | <b><u>Permit Requirements – Accessory Dwelling Units</u></b>       |
| <b><u>17.55.130</u></b> | <b><u>Code Enforcement</u></b>                                     |

#### **17.55.010**

**Purpose.** The purpose of this chapter is to provide regulations and criteria for the establishment and location of accessory dwelling units in compliance with Government Code Sections 65852.2 and 65852.22. This Section establishes standards for the development and operation of accessory dwelling units, previously known as secondary residential units and hereafter referred to as “ADUs.” All accessory dwelling units (ADU) and junior accessory dwelling units (JADU) approved by this Section are deemed to not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and accessory and junior accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designations for the lot.

#### **17.55.020**

**Applicability.** Accessory dwelling units (ADUs) are allowed in all zoning districts that allow single-family and multifamily dwelling residential subject to compliance with the development standards of the underlying zoning district for the primary dwelling and the requirements of this Section. If a conflict arises between the general development standards of the property's zone district and the development standards applicable to ADUs, the development standards of this Section shall supersede any conflicting development standard.

#### **17.55.030**

##### **Types of ADUs.**

- A. Attached ADU.** An attached ADU is within or directly connected to an existing or proposed primary dwelling or its attached garage, having a wall and/or other conditioned space in common. This can include remodeling an existing permitted living space into an ADU, converting existing non-living space into an ADU, adding square footage or an additional floor to the primary dwelling or its attached garage to create an ADU.
- B. Detached ADU.** A detached ADU is physically separated from an existing or proposed primary dwelling and its attached garage, not sharing a common wall or other conditioned space. This includes converting an existing detached legally constructed structure into an ADU, adding square footage or an additional floor to an existing detached structure to create an ADU, or constructing a new detached structure to create an ADU.
- C. Junior ADU (JADU).** A JADUs is a smaller type of attached dwelling unit that is no more than 500 square feet in size. Standards for JADUs are described in Subsection 17.55.100 below.

#### **17.55.040**

**Number of units allowed.** An ADU that conforms to the development standards in this Section is deemed to be an accessory use and/or an accessory structure and will not be considered to exceed the allowable density for the lot upon which it is located.

- A. Single-family parcels.** One accessory dwelling unit (attached or detached) and one junior accessory dwelling unit (JADU) shall be permitted on a legal parcel developed with one single-family dwelling. An ADU and/or JADU may be developed concurrently with a new single-family dwelling; however, final occupancy of the ADU/JADU shall not be issued prior to final occupancy of the new main dwelling.
- B. Multifamily parcels.** JADUs are prohibited on multifamily lots. On a lot with existing multifamily dwellings, the property owner of the underlying parcel may choose one of the following methods to create ADUs:
  - 1. Detached ADUs.** Up to two detached ADUs shall be permitted with 16-foot height limits and 4-foot rear and side yard setbacks.
  - 2. Converted ADUs.** Converted ADUs within portions of existing multifamily dwelling structures that are not used as livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, attached garages) shall be permitted; the

number of converted ADUs permitted shall be one unit per existing multifamily development or up to 25 percent of the existing unit count in the building, whichever is greater.

#### **17.55.050**

**State Exempt ADUs under Subdivision (e) Requirements.** The following four categories of ADUs shall not be subject to lot coverage, setbacks, and structure height zoning and development standards. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e) are:

- A.** Single-family parcels. One ADU and one JADU are permitted per lot within the existing or proposed space of a single-family dwelling, or an ADU within an existing legally constructed accessory structure, that meets specified requirements such as exterior access and setbacks for fire and safety, or
- B.** Single-family parcels. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and have a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.
- C.** Multifamily parcels. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs, or up to 25 percent of the existing multifamily dwelling units within a structure, or
- D.** Multifamily parcels. Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.

The four categories above cannot be combined on one parcel.

- E.** **Deviations for state exempt ADUs.** A detached, new construction ADU that has both a maximum gross floor area of 800 square feet and a maximum height of 16 feet from natural grade shall be permitted with the deviations to general development standards below.

- 1. **Setback reductions.** This category of smaller ADU, including eaves, is permitted to be constructed with reduced side and rear yard setbacks, no closer than 4 feet to the side and/or rear property lines. ADUs within the reduced side and/or rear yard setbacks shall comply with (b) and (c) below.
- 2. **Roof design and materials.** The pitch of any portion of the roof within the reduced setback shall not be directed toward the side or rear property line, or the structure shall have a non-shedding roof material and/or snow retention mechanism for the life of the structure. This shall apply to roofs within setback areas to address snow-related issues associated with life safety, structural integrity, and property damage prevention.
- 3. **Deviations to development standards.** This category of smaller ADU is

permitted to deviate from the site coverage and other development standards applicable to the property. Any deviation(s) shall be the minimum necessary to accommodate the floor area of the ADU living space, not to exceed an 800-square-foot ADU.

#### **17.55.060**

##### **Size and location standards.**

- A. Development envelopes and easements.** For ADUs constructed on lots where the recorded subdivision map established development/building envelopes and/or where there are recorded easements on the property, the building envelope and easement restrictions shall take precedence over any setback reductions provided within Subsection D.3 (Size limits, setbacks, and standards) below.
- B. Proximity.** A new construction, detached ADU shall be located within 100 feet of the main dwelling, unless a greater distance is determined to be necessary by the Director to avoid on-site septic systems, water supply systems, geographic constraints, and/or environmentally sensitive areas.
- C. Size limits, setbacks, and standards.** ADU size (i.e., floor area and height), setbacks, and development standards are directly correlated, therefore they are combined in this Subsection (Size limits, setbacks, and standards). Where side yard setback reductions are allowed in this Subsection, these reductions do not apply to street-side setbacks on corner lots. Additionally, on a corner lot, both lot lines facing streets are front lot lines and subject to setback requirements under Section 17.40.015.

##### **1. Standard ADUs.**

###### **a. Standard maximum floor area.**

Multifamily Parcels. the gross floor area of a standard attached or detached ADU shall not exceed 1,000 square feet.

Single-family parcels. the gross floor area for a new detached Standard ADU shall not exceed 1,200 square feet. The maximum square footage for attached accessory dwelling units shall be no larger than 50 percent of the floor area of the existing primary dwelling or a maximum of 1,000 square feet.

- b. ADU garage size.** If a garage for an ADU is proposed, it shall not exceed 500 square feet, shall comply with all general development standards applicable to garages, including site coverage.
- c. Setbacks and height.** All standard ADU structures shall comply with the side, rear, and front setbacks, and height limits applicable to the property's zone district.
- d. Other development standards.** Standard ADUs shall comply with all other general development standards applicable to the main dwelling, including site coverage, unless an exception is provided elsewhere in this

Subsection C (Size limits, setbacks, and standards).

2. **Conversion ADUs.** An existing legally constructed portion of a single-family dwelling or residential accessory structure that is converted to or replaced with an ADU shall not be required to meet additional setbacks beyond those that were required at the time the original structure was built. For replacements, if the structure is partially or completely demolished and replaced with a structure for a new ADU, the replacement structure shall be in the same location and shall not exceed the dimensions of the original structure, including footprint, floor area, and height, except as permitted below. The maximum gross floor area of the ADU portion of a converted or replaced structure shall not exceed the size limitations of Paragraph C.1.a (Standard maximum floor area) and the remainder may be used for other residential accessory uses.
  - a. **Roof modifications.** If the converted or replaced structure is within the standard setbacks applicable to the main dwelling, and if substantial modifications are proposed to the existing roof design or surface/material as a part of the ADU creation, the modifications shall comply with Subparagraph C.2.b (Roof design and material).
  - b. **Expansions of conversion ADUs.** If a conversion ADU is less than the maximum allowable floor area for an ADU, an expansion/addition may be approved; however, any expansions shall be subject to the standard unit size, height limit, setbacks, site coverage, floor area ratio, open space, and other development standards that would be applicable to a new standard ADU.
  - c. **Ingress/Egress for conversions.** In addition to any expansion allowed under Subparagraph C.3.b (Expansions of conversion ADUs), a conversion ADU may include an expansion of the existing structure up to 150 square feet for the purpose of accommodating ingress and egress to/from the ADU. This is permitted only for space that is unconditioned and not fully enclosed (e.g., front porch, covered stairway, breezeway, wheelchair ramp). This space is allowed to deviate from site coverage, floor area ratio, and open space standards applicable to the property up to 150 square feet, and, if relevant, may be used in addition to the deviations permitted for smaller ADUs in Subparagraph C.2 (Deviations to development standards).
    - i. **Setbacks for ingress/egress.** A new ingress/egress feature for a conversion ADU shall meet applicable setbacks for fire safety and the property's zone district and shall not extend further into standard front, rear, or side yard setbacks than the walls of the conversion ADU.
3. **Minimum floor area.** A minimum floor area of 150 square feet is required for all ADUs.
4. **Solar panels.** All newly (new construction) constructed detached ADU's will

require solar panels.

**5. Parking and driveways.**

- a. **Parking standard.** One on-site parking space shall be provided for each ADU, in addition to any parking required for the main dwelling unit, unless an exemption is provided below:
- b. **Parking location.** The City of Sonora finds that due to Sonora's high fire risk, and the necessity to provide adequate maneuverability to accommodate emergency response vehicles, required parking for all new ADUs and JADUs and any required replacement parking for the main dwelling on parcels located within a State designated Very High or High Fire Severity Zone shall meet the following criteria:
  - i. All required parking shall be provided for on the parcel and not on a public right-of- way; and
  - ii. No required parking shall be located within five feet of any property line; and
  - iii. Unless otherwise restricted by the above requirements, tandem parking and/or parking within setback areas is permitted.
- c. **Parking exemptions.** The one on-site parking space for ADUs, located outside of a State designated Very High or High Fire Severity Zone, shall not be required if any of the following situations apply:
  - i. The ADU is located within a half mile walking distance of a public transit stop;
  - ii. The ADU is located within an architecturally and historically significant historic district;
  - iii. The ADU is part of an existing or proposed primary residence or an existing accessory structure; or
  - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
  - v. A car share vehicle station is located within one block of the ADU.
- d. **Replacement parking exemption.** When a legally constructed garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted to an ADU, replacement parking for the main dwelling is not required if the parcel is located outside of a State designated Very High or High Severity Zone. This exemption does not apply to multifamily parcels.

- e. **On-street parking restriction.** Nothing within Subsection E (Parking and driveways), including the exemptions, shall be deemed to permit on-street parking during any time when such parking is prohibited.
- f. **Shared driveway.** An ADU shall be served by the same driveway encroachment as the main dwelling unit. A second driveway for an ADU will be permitted only if all of the following standards are met: 1) The ADU is located on a corner lot or through lot where the ADU will be accessed from a street other than the street providing access to the primary residence, or the ADU is on a lot with road frontage exceeding 150 lineal feet; 2) the proposal shall demonstrate compliance with the maximum allowable site coverage applicable to the property; and 3) the proposal shall comply with all other applicable Development Code standards and Public Improvement and Engineering Standards for single-family driveways and required off-street parking locations, except as modified within Subsection E (Parking and driveways).

#### **17.55.070**

##### **ADU design features.**

- A. ADU entrance.** The ADU shall have an exterior entrance separate from the main entrance to the proposed or existing main dwelling; this egress/entrance shall include a continuous and unobstructed path of travel to/from the public way. Additionally, the ADU may share with the main dwelling and/or JADU a single interior entryway (e.g., airlock, mudroom) not to exceed 80 square feet that provides direct, private access to each unit; however, in no case shall the primary entrance to the ADU be through the main dwelling living area, JADU, garage, or other interior space. A shared entryway is considered part of the main dwelling and is subject to general development standards applicable to the main dwelling, including setbacks, height limit, site coverage, floor area ratio, and open space.
- B. Interior access.** Interior access between the ADU and the main dwelling, attached or detached garage for the main dwelling, and/or other residential accessory structures shall be allowed, in compliance with all applicable California Building Standards Code requirements, as adopted by the City of Sonora. If interior access is proposed, the tenant of the ADU shall be able to lock the shared door from the interior of the ADU for privacy.
- C. Kitchen or cooking facilities.** An ADU shall include a permanent kitchen or cooking facility, consistent with the Development Code definition of a kitchen (Section 18.220.020.K, Kitchen or Cooking Facilities, Residential). At a minimum, an ADU kitchen shall include the following equipment:
  - 1. Cooking facilities** (i.e., a standalone cooking appliance with at least two burners that is connected to a gas stub or 220 electric volt outlet; does not include portable cooking accessories such as hot plates and other temporary heat sources);
  - 2. A refrigerator** (no minimum size); and
  - 3. A sink for dishwashing and sanitation purposes.**

- D. **ADU historic design standards.** Exterior changes/additions to the building shall not affect the building's historic integrity and shall be compatible with its historic design features.
- E. **Design Review.** ADUs are not subject to design review as required under Sonora Municipal Code Chapter 17.32, however, a staff level design review will be conducted for compatibility with existing structures on the parcel.

#### **17.55.080**

**Occupancy and rental requirements.** Owner occupancy is not required for the creation of an ADU. Short term rentals of ADUs are subject to the requirements under Chapter 17.64 (Transient Use Permit).

- A. **Sale of unit prohibited.** No ADU shall be subdivided from the main dwelling through a condominium plan, community apartment plan, housing cooperative, or other subdivision. The sale or conveyance of an ADU independent and/or separate from the main dwelling shall be prohibited.
- B. **Building code requirements.** Except as otherwise provided in this chapter, ADUs and JADUs shall comply with all uniform building codes adopted, and all other applicable laws, rules, and regulations. An accessory dwelling unit may consist of manufactured housing if such housing is permitted in the district in which it is proposed to be located and meets the standards for such housing. Each ADU and JADU shall obtain a building permit from the City of Sonora and shall be constructed in compliance with all applicable California Building Standards Code requirements, as adopted by the City of Sonora.
- C. **Fire sprinklers.** ADUs and JADUs are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.
- D. **Fire Safety Setbacks.** The minimum distance between detached buildings on the same parcel is ten feet. However, when the minimum distance cannot be provided due to size, shape, or slope of the parcel, the building official may allow for a reduction of the minimum distance to one consistent with the provisions of the currently adopted edition of the California-Building Code. In no event shall the minimum distance be reduced to less than six feet without approval of a conditional use permit as provided in Section 17.40.080 or a variance.
- E. **Fire Safety Clearances.** All properties must follow the City of Sonora Defensible Space Program. All dead or dying trees, branches, shrubs, or other plants must be cleared a minimum of fifty feet adjacent to, or overhanging, the structure.
- F. **Manufactured home, tiny homes, etc.** A manufactured home (a.k.a. mobile home), modular home (a.k.a. factory-built or prefabricated home), tiny home, park model home, or similar unit may be used as an ADU if it is permanently attached to a foundation and complies with the California Building Standards Code, as adopted by the City of Sonora. A tiny home on a chassis or park model home on a chassis is not permitted for use as an ADU unless it is modified to meet the aforementioned standards.
- G. **Movable units.** A recreational vehicle (e.g., motorhome, campervan, truck camper,

travel trailer, pop-up trailer, fifth wheel trailer, toy hauler), travel van, or other movable habitable space generally cannot be approved as an ADU; however, it may be approved if it is permanently attached to a foundation and complies with the California Building Standards Code, as adopted by the City of Sonora.

#### **17.55.090**

**Illegal accessory dwelling units.** This Section shall not validate any existing illegal ADU. To convert an unpermitted ADU to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed ADU, including the rental restrictions described in Subsection I (Occupancy and rental requirements) above.

**A. ADU reversions.** If an ADU or JADU is legally permitted and constructed with deviations to the development standards that would otherwise be applicable to the property, as permitted by the Subsections D (Size and location standards) and/or F (Parking and driveways) above, and the ADU is subsequently reverted or converted to another use other than an ADU/JADU, any deviations from development standards (e.g., setbacks, site coverage, floor area ratio, open space, parking) shall be brought into compliance with the standards in effect at the time a complete application for a reversion or conversion of the space is submitted to the Community Development Department.

#### **17.55.100**

##### **Junior Accessory Dwelling Units (JADUs).**

**A. Applicability.** JADUs are allowed in all zoning districts that allow single-family residential uses, subject to compliance with the requirements of this Section.

**B. Number of units allowed.** A maximum of one junior accessory dwelling unit (JADU), in addition to one attached or detached ADU, shall be allowed on a parcel with an existing or proposed single-family dwelling.

**C. Location on site.** A JADU may be created by converting existing space within the walls of an existing or proposed single-family residence, including attached garages. If a JADU is created concurrent with a new residence, the JADU shall comply with all development standards applicable to the main dwelling, including setbacks, height limits, site coverage, floor area ratio, open space.

**D. Floor area limitation.** The gross floor area of the JADU shall not exceed 500 square feet and shall not be less than 150 square feet.

**E. JADU separate entrance.** A JADU shall have an exterior entrance separate from the main entrance to the existing or proposed single-family residence; this egress/entrance shall include a continuous and unobstructed path of travel to/from the public way. Additionally, the JADU may share with the main dwelling and/or ADU a single interior entryway (e.g., airlock, mudroom) that provides direct, private access to each unit; however, in no case shall the primary entrance to the JADU be through the main dwelling living area, ADU, garage, or other interior space. A shared entryway is considered part of the main dwelling and is subject to general development standards applicable to the main dwelling, including setbacks, height limit, site coverage, floor area ratio, and open space.

- F. Interior access.** Interior access from the JADU to the main dwelling may be maintained; however, if the sanitation facilities are shared with the main dwelling, as allowed in Subsection H below (Sanitation Facilities), unrestricted interior access to the sanitation facilities is required at all times. If interior access is proposed, the tenant of the JADU shall be able to lock the shared door from the interior of the JADU for privacy.
- G. Cooking facilities.** The JADU shall include an efficiency kitchen, which shall include the following:
- 1. A cooking facility with appliances.** (Note: Government Code Section 65852.22(a)(6) does not permit local jurisdictions to specify exactly what “a cooking facility with appliances” must include for JADUs. This standard can be met with basic plug-in kitchen appliances (e.g., microwave, hot plate, mini-fridge) or with a full, high-end kitchen (e.g., gas range, double oven, large sink with disposal, commercial refrigerator). Therefore, a JADU is not required to comply with the Development Code definition of a “Kitchen or Cooking Facility,” which specifies several types of appliances required in residential kitchens.)
  - 2. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.**
- H. Sanitation facilities.** A JADU may include separate sanitation facilities or may share sanitation facilities with the primary residence.
- I. Parking.** No additional parking shall be required for a JADU for parcels located outside of a State designate Very High or High Fire Severity Zone.
- J. Occupancy and rental requirements.**
- 1. Short-term rental restriction.** The short-term rental of a JADU for a term of less than 31 consecutive days is subject to the requirements under Chapter 17.64 (Transient Use Permit).
  - 2. Owner occupancy.** On a parcel with a primary dwelling unit and a JADU, only one of the units may be rented; the owner must reside in either the remaining portion of the main dwelling or in the JADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.
  - 3. Illegal junior accessory dwelling units.** This Section shall not validate any existing illegal JADUs. To convert an unpermitted JADU to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed JADU, including the rental restrictions described in Subsection 14 above (Occupancy and rental requirements)

#### 17.55.110

**Impact and connection fees.** Fees will be charged for the construction of accessory dwelling units in accordance with the City of Sonora Municipal Code of Ordinances and state law. The City shall not impose any impact fee upon the development of an accessory

dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

- A. Water supply and sewage disposal.** All water supply and sewage disposal shall be provided by an established community system. An ADU shall not be allowed on a parcel that is served by an on-site septic system unless approval is obtained from the Tuolumne County Environmental Health Department and the City of Sonora.
- B. Impact fees for JADU's.** The City will not impose impact fees if previous impact fees under the existing residential footprint were already applied. If impact fees are required, the City may apply those impact fees at the time of application approval or prior to occupancy.

#### 17.55.120

**Permit Requirements – Accessory Dwelling Units.** The City of Sonora (City) shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or JADU, the correction of nonconforming zoning conditions unless those conditions are of health and safety concern to the occupants.

- A.** The City shall act on the application to create an ADU or JADU within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the City does not act within 60 days, the application shall be deemed approved.
- B.** If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the City acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.
- C.** If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- D.** The City shall not issue a certificate of occupancy for an ADU or JADU before the certificate of occupancy is issued for the primary residence.
- E.** No subdivision of this City Code of Ordinances shall be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if a ADU or JADU complies with applicable development standards.
- F.** Prior to the issuance of a building permit for a JADU, the owner of the lot or parcel on which it is to be constructed shall record a deed restriction in a form satisfactory to the City attorney that includes the following:

1. A prohibition of the sale of the JADU separately from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers; and
2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with Section 65852.2 of the Government Code that regulates accessory dwelling unit.

#### 17.55.130

**Code Enforcement.** The code enforcement officer may conduct a review of ADUs and JADUs within the city. The code enforcement officer or designee may enforce all provisions of this code and provisions of state law pertaining to the development, occupation, and maintenance of residential properties and accessory dwelling units, pursuant to the following provisions. A code enforcement officer may issue to an owner of an ADU or JADU a notice to correct a violation of any provision of any building standard or any failure to comply with this section.

- A. The code enforcement officer shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to the following findings:
  1. The accessory dwelling unit was built before January 1, 2020.
  2. The accessory dwelling unit was built on or after January 1, 2020; however, at the time the unit was built, the City had a noncompliant accessory dwelling unit ordinance, but the unit is compliant at the time the request is made.
- B. The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in Section 17.36.070, may submit an application to the City requesting that enforcement of the violation be delayed for up to five years on the basis that correcting the violation is not necessary to protect health and safety.
- C. The City shall grant an application described in Section 17.36.070.C if it is determined that correcting the violation is not necessary to protect health and safety. In making this determination, the zoning administrator shall consult with the code enforcement officer, building official, and/or the City of Sonora Fire Chief or designee pursuant to Section 13146 of the Health and Safety Code.

**SECTION 2. SEVERABILITY.** If any section, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 3. PUBLICATION AND EFFECTIVE DATE.** This ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least within fifteen (15) days after its passage or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least within fifteen (15) days after its passage.

**SECTION 4. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL.** This Ordinance was introduced at a regular meeting of the City Council held on the 19th of September, 2022, and passed and adopted as Ordinance No. 897 at a regular meeting of the City Council held on the 3<sup>rd</sup> of October, 2022 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT OR ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Mark Plummer, Mayor

ATTEST: \_\_\_\_\_  
Tracy Skelly, Deputy City Clerk

Approved as to Form:

\_\_\_\_\_  
Douglas L. White, City Attorney

Publish:      The Union Democrat, Sonora  
\_\_\_\_\_, 2022



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 3, 2022

**TO:** City Council Members

**FROM:** Aimee R. New, Fire Chief

**SUBJECT:** Assistance to Firefighter Grant (AFG) Award – EMW-2021-FG-05567

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### RECOMMENDATION

Staff recommends acceptance of the Assistance to Firefighter Grant (AFG) Award – EMW-2021-FG-05567; and authorize the Fire Chief to approve and sign the contract to accept the award.

### BACKGROUND

The Fire Department applied and was awarded \$23,785.56 towards the purchase of an Extractor and drying cabinet for PPE (Personal Protective Equipment) through the Assistance to Firefighter Grants Program (AFG).

### DISCUSSION

The City of Sonora Fire Department requested funding for one (1) high funding priority project. Our request was for the purchase of a PPE Washer/Extractor/Dryer (Turnout). The purchase directly affects first responder safety and will strategically advance our mission of providing and ensuring a safe working environment for our fire personnel. The PPE Washer/Extractor/Dryer will also allow harmful carcinogens to be removed from our personnel's personal protective equipment.

The AFG grant is broken down by funds from the Federal Government of \$23,785.56 and the 5% match portion \$1,189.28 coming from the Fire Department 730 account.

### FISCAL IMPACT

The Fire Department has Fund 730 with approximately \$124,000. The department uses this fund for grant matching requirements. No effect to the General Fund.



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 3, 2022

**TO:** City Council Members

**FROM:** Tracy Skelly, Administrative Analyst

**SUBJECT:** Disbursements in the amount of \$194,130.63 for payroll

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### RECOMMENDATION

Approval of disbursements in the amount of \$194,130.63 for payroll, inclusive of employee salaries, employer and employee taxes and retirement contributions, miscellaneous voluntary employee deductions, holiday pay and other adjustments, including retro-pay.

### DISCUSSION

This payroll was the 1<sup>st</sup> payroll of the month and was higher due to a leave payout for the retirement of an employee.

This payroll is the 7th payroll of 26 for FY22-23, we would have expected to expend 26.92% of the budgeted amount. In total, we have expended 23.20% of the Salaries and Wages for the FY 22/23 budget.

### FISCAL IMPACT

Disbursements are part of the approved FY22-23 Budget. Payouts are budgeted and are expended from the Compensated Absences Fund.



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 3, 2022

**TO:** City Council Members

**FROM:** Melissa Eads, City Administrator  
Chris Gorsky, Administrative Services Administrator

**SUBJECT:** Adopt Resolution 10-03-2022-B Accepting the Finding of an Industrial Disability Retirement Pursuant to Government Code Section 21156.

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### RECOMMENDATION

Consider Adoption of Resolution No.10-03-2022-B Accepting the Finding of an Industrial Disability Retirement Pursuant to Government Code Section 21156.

### DISCUSSION

The City of Sonora is a contracting agency with the California Public Employees Retirement System ("CalPERS"). In the event CalPERS notifies a contracting agency that an application for industrial disability retirement has been filed, CalPERS requires that the contracting agency determine whether an employee of such agency is incapacitated or "disabled" from performing his/her job duties and, if so, whether his/her disability is an "industrial" disability. In making this determination, the contracting agency is required by CalPERS to make certain specified findings, determinations and statements. The contracting agency must then certify its determination to the CalPERS Board, which will approve or disapprove the application for disability retirement based on the contracting agency's determination.

### FISCAL IMPACT

The cost of an industrial disability retirement will be included in the annual employer contribution rates determined by the PERS Actuarial Division for each such application for disability. The fiscal impact, if any, cannot be ascertained until those contribution rates are determined.

### ATTACHMENTS

- Resolution 10-03-2022-B

## RESOLUTION 10-03-2022-B

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONORA APPROVING THE CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR POLICE OFFICER JOHN BOWLY

**WHEREAS**, the City of Sonora (the “City”) is a contracting agency of the California Public Employees’ Retirement System (“CalPERS”); and

**WHEREAS**, the California Public Employees’ Retirement Law (Government Code Section § 20000 et seq.) (“California law”) requires that the City determine whether an employee classified as a local safety member is disabled for purpose of the California law and whether such disability is “industrial” within the meaning of such law; and

**WHEREAS**, John Bowly (“Employee”) filed an application with CalPERS, for an Industrial Disability Retirement due to an injury; and

**WHEREAS**, the Employee, is employed by the City in the position of Police Officer; and

**WHEREAS**, the City Council of the City of Sonora has reviewed the medical and other evidence relevant to this industrial disability,

**THEREFORE, BE IT RESOLVED**, by the City Council of the City of Sonora, California:

1. That the above recitations are true.
2. The City Council does hereby find and determine that the employee is incapacitated within the meaning of the California Public Employees’ Retirement Law for performance of his duties in the position of Police Officer.
3. That the City Council certifies Resolution 08-01-22-A in accordance with Government Code Section § 21156, that this determination was made on the basis of competent medical opinion, and was not used as a substitute for the disciplinary process.
4. That the Employee had filed a Workers’ Compensation claim for his disabling condition. The City accepted the Employee’s Workers’ Compensation claim.
5. That neither Employee nor the City of Sonora has applied to the Workers’ Compensation appeals board for a determination pursuant to Government Code Section § 21166 whether such disability is industrial.
6. That the Employee’s has last day on payroll was September 17, 2022.
7. That there is not a possibility of third-party liability.
8. The primary disabling condition is a back injury and a right wrist injury and arose out of and in the course of employment.
9. That there is competent medical opinion certifying the disabling condition to be permanent.
10. That based on information and belief, and on the information provided by City staff, the City Council certifies under penalty of perjury that all statements in this Resolution are true and correct.

The foregoing Resolution of the City Council of the City of Sonora was PASSED AND ADOPTED by the City Council, State of California, at a public hearing held on this 3<sup>rd</sup> day of October, 2022, by \_\_\_\_\_, who moved its adoption, which motion was duly seconded by \_\_\_\_\_, and the Resolution adopted by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
EXCUSED: \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Mark Plummer,  
Mayor of the City of Sonora

ATTEST:

\_\_\_\_\_  
City Clerk  
City of Sonora



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 03, 2022

**TO:** City Council Members

**FROM:** Chris Gorsky, Administrative Services Director

**SUBJECT:** Sonora Police Officers' Association (SPOA) Amendment No.1 to the Memorandum of Understanding

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### RECOMMENDATION

- Adopt Resolution 10-03-22-C approving Amendment No.1 to the Sonora Police Officers' Association (SPOA) Memorandum of Understanding (MOU) dated 06/30/2021 – 06/30/2025.
- Adopt Resolution 10-03-22-D approving the employee salary schedule for the Sonora Police Officers' Association (SPOA) as per Amendment No.1 of the Memorandum of Understanding (MOU).

### DISCUSSION

Law enforcement agencies across the United States are struggling to recruit and hire police officers. Multiple social, political, and economic forces are all simultaneously at play in shaping the current state of recruitment and retention. For the City to maintain an effective Police Department and overcome these impediments there is a need for the City to offer competitive salaries.

The Sonora Police Officers' Association did not ask for these increases. This request comes from City Administration and concerned department heads. We are facing emergency staffing levels and are at a point where action is needed to ensure an effective police department for the community. In 1975 the City had thirteen (13) sworn officers, today there are six (6) and calls for law enforcement have increased 44%. Due to the non-competitive salaries the City currently offers, the department has only been able to hire officers directly from the Police Academy, who lack the benefits of learning from and being trained by officers with a wealth of experience. This increases the liability exposure for the city.

The SPOA MOU was approved by the City Council on November 15, 2021. Since that time the City of Sonora has seen turnover in several sworn officer positions, including officers leaving for higher wages to other local agencies. As the City began recruiting for these openings, it was faced with a diminishing pool of well qualified candidates and in some cases, no applicants. An advertisement for the Sergeant position had nearly 4,000 online views without a call, email or any interest. As staff researched the cause of the absence of interest in City positions it was soon realized that the City's pay rates for almost every position is under market and well below other competing agencies. In fact, the Sonora Police Department compensation was between 18%-38% lower than other comparable agencies.

As an example of how the City's lower than market pay can impact recruitment; A Police Officer coming from another local agency would need to take a reduction in pay to become a Police Sergeant with the City of Sonora.

### **FISCAL IMPACT**

The City is operating with a structural deficit. To continue operating at the current service levels new funding is necessary. Exactly the reason the City Council placed Measure Y, a one-cent sales tax, on the November ballot for approval. Without additional revenues the City will be forced to reduce critical services.

This change will increase General Fund salaries and benefits in the Sonora Police Department budget for FY22/23 by \$168,000. An annual budgetary increase is approximately \$218,000.

### **ATTACHED**

Amendment #1 to the SPOA MOU

Resolution 10-03-22-C

Resolution 10-03-22-D

SPOA PayScale

**AMENDMENT No.1 TO THE  
MEMORANDUM OF UNDERSTANDING  
DATED 07/01/2021 – 06/30/2025  
BETWEEN THE CITY OF SONORA (CITY)  
AND**

**THE SONORA POLICE OFFICERS' ASSOCIATION (SPOA)**

An agreement regarding Competitive Pay rates for the Full Time Sonora Police Officer Positions and the Full Time Sergeant Positions as defined in the Sonora Police Officers Association Memorandum of Understanding.

Effective October 15, 2022, the City agrees to a one-time Pay rate increase to assure competitive, market wages for the following positions:

| <b>POSITION</b> | <b>% INCREASE</b> |
|-----------------|-------------------|
| Police Officer  | 16%               |
| Police Corporal | 16%               |
| Police Sergeant | 23%               |

**For the SONORA POLICE OFFICERS' ASSOCIATION (SPOA)**

\_\_\_\_\_  
Thomas Brickley, SPOA President

\_\_\_\_\_  
Lina Balciunas Cockrell, SPOA Representative

**For the CITY OF SONORA**

\_\_\_\_\_  
Mark Plummer, Mayor

\_\_\_\_\_  
Melissa Eads, City Administrator

**ATTEST:**

\_\_\_\_\_  
Tracy Skelly, City Clerk

**RESOLUTION No. 10-03-2022-C**  
**A RESOLUTION OF THE SONORA CITY COUNCIL APPROVING ADMENDMENT**  
**No.1 TO THE MEMORANDUM OF UNDERSTANDING**  
**DATED JULY 1, 2021 – JUNE 30, 2025**  
**OF THE SONORA POLICE OFFICERS' ASSOCIATION**  
**EFFECTIVE OCTOBER 15, 2022**

**WHEREAS**, Section 570.5 of the California Code of Regulations, Title 2 requires formal City Council approval and adoption of employee salary and compensation plans, and:

**WHEREAS**, representatives of the City of Sonora and the Sonora Police Officers' Association (SPOA) have met and conferred in good faith and have reached agreement on wage, hours and other terms and conditions of employment for all employees in the SPOA; and

**WHEREAS**, the only change to the agreed Memorandum of Understanding is outlined in Amendment #1 and all other terms and conditions are unchanged; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Sonora does hereby approve Amendment #1 to the Memorandum of Understanding of the Sonora Police Officers' Association:

**PASSED, APPROVED AND ADOPTED** as a Resolution by the Sonora City Council at a meeting held by the City Council on the 3<sup>rd</sup> day of October 2022, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Mark Plummer, Mayor

ATTEST: \_\_\_\_\_  
Tracy Skelly, City Clerk, City of Sonora

**RESOLUTION No. 10-03-2022-D**  
**A RESOLUTION OF THE SONORA CITY COUNCIL APPROVING THE SALARY**  
**SCHEDULE FOR THE SONORA POLICE OFFICERS ASSOCIATION**  
**EFFECTIVE OCTOBER 15, 2022**

**WHEREAS**, Section 570.5 of the California Code of Regulations, Title 2 requires formal City Council approval and adoption of employee salary and compensation plans, and:

**WHEREAS**, the authority to establish Pay Ranges for each Classification in appropriate bargaining units by resolution is the purview of the City Council; and

**WHEREAS**, the City Council had previously approved the 2021 Sonora Police Officers' Associations Memorandum of Understanding; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Sonora does hereby approve the salary schedule for the Sonora Police Officers' Association effective October 15, 2022:

**PASSED, APPROVED AND ADOPTED as a Resolution by the Sonora City Council at a meeting held by the City Council on the 3<sup>rd</sup> day of October 2022, by the following vote:**

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Mark Plummer, Mayor

ATTEST: \_\_\_\_\_  
Tracy Skelly, City Clerk, City of Sonora

# SONORA POLICE OFFICERS' ASSOCIATION SALARY RANGE TABLE

## EFFECTIVE 10/15/2022

Item 8.

**2.5% Longevity Pay After 10 Years Of City Service, And Every Five Years Thereafter. Educational Degree Incentive: 2.5% for Associates /2.5% for Bachelors/2.5% for Masters (As Amended By Letter of Understanding from July 1, 2014 through June 30, 2015). Certificate Pay: 2.5% for Basic Cert (only if employment date is prior to July 1, 2013)/2.5% for Intermediate Cert/2.5% for Supervisory Cert (if in a supervisory position)/5.0% for Advanced Cert Assignments: 5.0% for Investigator/Computer Network Manager/Field Training Officer/Dispatch Field Training Officer/Traffic Officer**

Percentage to apply to all salaries 0.00%  
 Percentage between steps 5.00%  
 Percentage between grades 2.50%  
 Hours worked bi-weekly 80

**Classification**  
 Police Officer Recruit \$24.00  
 Police Officer \$32.64  
 Police Corporal \$35.66  
 Police Sergeant \$41.01

|                        | Range |         | Step A      |          | Step B     |         | Step C     |         | Step D     |         | Step E     |         | Step F     |         |
|------------------------|-------|---------|-------------|----------|------------|---------|------------|---------|------------|---------|------------|---------|------------|---------|
|                        |       |         | 0%          |          | 5%         |         | 10%        |         | 15%        |         | 20%        |         | 25%        |         |
|                        |       | % Adder | Bi-Weekly   | Hourly   | Bi-Weekly  | Hourly  | Bi-Weekly  | Hourly  | Bi-Weekly  | Hourly  | Bi-Weekly  | Hourly  | Bi-Weekly  | Hourly  |
| Police Officer Recruit | 1600  | 0.0%    | \$ 1,920.00 | \$ 24.00 |            |         |            |         |            |         |            |         |            |         |
| Police Officer         | 3264  | 0.0%    | \$2,611.20  | \$ 32.64 | \$2,741.60 | \$34.27 | \$2,878.40 | \$35.98 | \$3,022.40 | \$37.78 | \$3,173.60 | \$39.67 | \$3,332.00 | \$41.65 |
|                        | 3346  | 2.5%    | \$2,676.80  | \$ 33.46 | \$2,810.40 | \$35.13 | \$2,951.20 | \$36.89 | \$3,098.40 | \$38.73 | \$3,253.60 | \$40.67 | \$3,416.00 | \$42.70 |
|                        | 3430  | 5.0%    | \$2,744.00  | \$ 34.30 | \$2,881.60 | \$36.02 | \$3,025.60 | \$37.82 | \$3,176.80 | \$39.71 | \$3,336.00 | \$41.70 | \$3,503.20 | \$43.79 |
|                        | 3516  | 7.5%    | \$2,812.80  | \$ 35.16 | \$2,953.60 | \$36.92 | \$3,101.60 | \$38.77 | \$3,256.80 | \$40.71 | \$3,420.00 | \$42.75 | \$3,591.20 | \$44.89 |
|                        | 3604  | 10.0%   | \$2,883.20  | \$ 36.04 | \$3,027.20 | \$37.84 | \$3,178.40 | \$39.73 | \$3,337.60 | \$41.72 | \$3,504.80 | \$43.81 | \$3,680.00 | \$46.00 |
|                        | 3694  | 12.5%   | \$2,955.20  | \$ 36.94 | \$3,103.20 | \$38.79 | \$3,258.40 | \$40.73 | \$3,421.60 | \$42.77 | \$3,592.80 | \$44.91 | \$3,772.80 | \$47.16 |
|                        | 3786  | 15.0%   | \$3,028.80  | \$ 37.86 | \$3,180.00 | \$39.75 | \$3,339.20 | \$41.74 | \$3,506.40 | \$43.83 | \$3,681.60 | \$46.02 | \$3,865.60 | \$48.32 |
|                        | 3881  | 17.5%   | \$3,104.80  | \$ 38.81 | \$3,260.00 | \$40.75 | \$3,423.20 | \$42.79 | \$3,594.40 | \$44.93 | \$3,774.40 | \$47.18 | \$3,963.20 | \$49.54 |
|                        | 3978  | 20.0%   | \$3,182.40  | \$ 39.78 | \$3,341.60 | \$41.77 | \$3,508.80 | \$43.86 | \$3,684.00 | \$46.05 | \$3,868.00 | \$48.35 | \$4,061.60 | \$50.77 |
| Police Corporal        | 3566  | 0.0%    | \$2,852.80  | \$ 35.66 | \$2,995.20 | \$37.44 | \$3,144.80 | \$39.31 | \$3,302.40 | \$41.28 | \$3,467.20 | \$43.34 | \$3,640.80 | \$45.51 |
|                        | 3655  | 2.5%    | \$2,924.00  | \$ 36.55 | \$3,070.40 | \$38.38 | \$3,224.00 | \$40.30 | \$3,385.60 | \$42.32 | \$3,555.20 | \$44.44 | \$3,732.80 | \$46.66 |
|                        | 3746  | 5.0%    | \$2,996.80  | \$ 37.46 | \$3,146.40 | \$39.33 | \$3,304.00 | \$41.30 | \$3,469.60 | \$43.37 | \$3,643.20 | \$45.54 | \$3,825.60 | \$47.82 |
|                        | 3840  | 7.5%    | \$3,072.00  | \$ 38.40 | \$3,225.60 | \$40.32 | \$3,387.20 | \$42.34 | \$3,556.80 | \$44.46 | \$3,734.40 | \$46.68 | \$3,920.80 | \$49.01 |
|                        | 3936  | 10.0%   | \$3,148.80  | \$ 39.36 | \$3,306.40 | \$41.33 | \$3,472.00 | \$43.40 | \$3,645.60 | \$45.57 | \$3,828.00 | \$47.85 | \$4,019.20 | \$50.24 |
|                        | 4034  | 12.5%   | \$3,227.20  | \$ 40.34 | \$3,388.80 | \$42.36 | \$3,558.40 | \$44.48 | \$3,736.00 | \$46.70 | \$3,923.20 | \$49.04 | \$4,119.20 | \$51.49 |
|                        | 4135  | 15.0%   | \$3,308.00  | \$ 41.35 | \$3,473.60 | \$43.42 | \$3,647.20 | \$45.59 | \$3,829.60 | \$47.87 | \$4,020.80 | \$50.26 | \$4,221.60 | \$52.77 |
|                        | 4238  | 17.5%   | \$3,390.40  | \$ 42.38 | \$3,560.00 | \$44.50 | \$3,738.40 | \$46.73 | \$3,925.60 | \$49.07 | \$4,121.60 | \$51.52 | \$4,328.00 | \$54.10 |
|                        | 4344  | 20.0%   | \$3,475.20  | \$ 43.44 | \$3,648.80 | \$45.61 | \$3,831.20 | \$47.89 | \$4,022.40 | \$50.28 | \$4,223.20 | \$52.79 | \$4,434.40 | \$55.43 |
| Police Sergeant        | 4101  | 0.0%    | \$3,280.80  | \$41.01  | \$3,444.80 | \$43.06 | \$3,616.80 | \$45.21 | \$3,797.60 | \$47.47 | \$3,987.20 | \$49.84 | \$4,186.40 | \$52.33 |
|                        | 4204  | 2.5%    | \$3,363.20  | \$42.04  | \$3,531.20 | \$44.14 | \$3,708.00 | \$46.35 | \$3,893.60 | \$48.67 | \$4,088.00 | \$51.10 | \$4,292.80 | \$53.66 |
|                        | 4309  | 5.0%    | \$3,447.20  | \$43.09  | \$3,619.20 | \$45.24 | \$3,800.00 | \$47.50 | \$3,990.40 | \$49.88 | \$4,189.60 | \$52.37 | \$4,399.20 | \$54.99 |
|                        | 4417  | 7.5%    | \$3,533.60  | \$44.17  | \$3,710.40 | \$46.38 | \$3,896.00 | \$48.70 | \$4,091.20 | \$51.14 | \$4,296.00 | \$53.70 | \$4,511.20 | \$56.39 |
|                        | 4527  | 10.0%   | \$3,621.60  | \$45.27  | \$3,802.40 | \$47.53 | \$3,992.80 | \$49.91 | \$4,192.80 | \$52.41 | \$4,402.40 | \$55.03 | \$4,622.40 | \$57.78 |
|                        | 4640  | 12.5%   | \$3,712.00  | \$46.40  | \$3,897.60 | \$48.72 | \$4,092.80 | \$51.16 | \$4,297.60 | \$53.72 | \$4,512.80 | \$56.41 | \$4,738.40 | \$59.23 |
|                        | 4756  | 15.0%   | \$3,804.80  | \$47.56  | \$3,995.20 | \$49.94 | \$4,195.20 | \$52.44 | \$4,404.80 | \$55.06 | \$4,624.80 | \$57.81 | \$4,856.00 | \$60.70 |
|                        | 4875  | 17.5%   | \$3,900.00  | \$48.75  | \$4,095.20 | \$51.19 | \$4,300.00 | \$53.75 | \$4,515.20 | \$56.44 | \$4,740.80 | \$59.26 | \$4,977.60 | \$62.22 |
|                        | 4997  | 20.0%   | \$3,997.60  | \$49.97  | \$4,197.60 | \$52.47 | \$4,407.20 | \$55.09 | \$4,627.20 | \$57.84 | \$4,858.40 | \$60.73 | \$5,101.60 |         |



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 3, 2022

**TO:** City Council Members

**FROM:** Melissa Eads, City Administrator  
Douglas L. White, City Attorney

**SUBJECT:** Approve Resolution No. 10-03-2022-E, A Resolution of the City Council of the City of Sonora, confirming that no changes are necessary to the City of Sonora's Conflict of Interest Code

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### RECOMMENDATION

Motion to approve Resolution No. 10-03-2022-E, A Resolution of the City Council of the City of Sonora, confirming that no changes are necessary to the City of Sonora's Conflict of Interest Code.

### DISCUSSION

The Political Reform Act of 1974 requires that cities and other local agencies adopt local conflict of interest codes. The City of Sonora's ("City") conflict of interest code ("Code") requires disclosure of financial interests of certain employees, consultants, and members of Commissions if these persons are likely to be involved in decision-making that could affect their own financial interests. All public employees must comply with the State's general conflict of interest laws by abstaining from influencing or making decisions that would affect their own financial interests. Additionally, each employee who holds a position designated in the City's Code must disclose specified types of financial interests in a Statement of Economic Interest - Form 700, that is filed annually with the City Clerk.

State law requires every local governmental agency to periodically review its Code to determine whether it is accurate and up to date. City staff has determined upon review of the City's Code that there are no necessary changes with respect to designated positions based on the City's current job classifications and duties.

### FISCAL IMPACT

None

### ATTACHMENTS

Resolution

Conflict of Interest Code

**EXHIBIT A**

**CONFLICT OF INTEREST CODE FOR THE**

**CITY OF SONORA**

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the CITY OF SONORA.

Designated employees shall file statements of economic interests with the agency who will make the statements available for public inspection and reproduction (Government Code Section 81008). Those city officials required to file Form 700 shall submit their statements to the City Administrator or their designee, who shall be and shall perform the duties of the filing officer for the City. Statements for all other designated employees will be retained by the agency.

## **APPENDIX**

*(Designated Employees and Categories Listed by Number and  
Required to File a Form 700 with the City Clerk)*

### **1. Consultants**

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in this Conflict of Interest Code, subject to the following limitation:

The City Administrator may determine in writing that a particular consultant, although a “designated position”, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

### **2. Other Designated Positions and Disclosure Categories**

|                                                           |    |    |    |
|-----------------------------------------------------------|----|----|----|
| Community Development Director:                           | #1 | #2 | #3 |
| City Engineer:                                            | #1 | #2 | #3 |
| Chief of Police:                                          | #1 | #2 | #3 |
| Fire Chief:                                               | #1 | #2 | #3 |
| Parking & Traffic Commission Members                      | #1 | #2 | #3 |
| Consultant(s) to the Community<br>Development Department: | #1 | #2 | #3 |
| City Clerk                                                | #1 | #2 | #3 |

## **DISCLOSURE CATEGORIES**

- #1 Investments, business positions, and income from sources located in or doing business in the City.  
Interests in real property located in the City, including property within a 2-mile radius of any property owned or used by the City.
- #2 Investments, business positions, and sources of income of the type which: provide services, supplies, materials, machinery, or equipment of the type utilized by the City.
- #3 Investments, business positions, and sources of income of the type which: engage in land development, construction, or purchase or sales of real property; and interests in real property located in the City, including property located within a 2-mile radius of property owned or used by the City.

### **3. Public Officials**

The positions below are subject to Government Code section 87200 and will file a Form 700 Statement of Economic Interests:

Administrative Services Director

City Council (Mayor and Council Members)

Planning Commission (Commissioners)

Successor Agency to the City of Sonora Redevelopment Agency (Board Members)

City Administrator

City Attorney

City Treasurer

## RESOLUTION 10-03-2022-E

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### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONORA CALIFORNIA, CONFIRMING THAT NO CHANGES ARE NECESSARY TO THE CITY OF SONORA'S CONFLICT OF INTEREST CODE

**WHEREAS**, the state of California requires the City of Sonora ("City") to adopt, promulgate, and amend a Conflict of Interest Code pursuant to the Political Reform Act, Government Code section 87300 *et seq.* (the "Act"); and

**WHEREAS**, the Act requires each local agency conduct a review of its Conflict of Interest Code every two (2) years; and

**WHEREAS**, the City has conducted its biennial review required by the Act and determined that no revisions to the City's Conflict of Interest Code are necessary to remain in compliance with said Act.

**NOW, THEREFORE, BE IT RESOLVED** that the City confirms that no changes are necessary to its Conflict of Interest Code as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

**PASSED AND ADOPTED** as a Resolution of the City Council of the City of Sonora at a regular meeting held on the 3rd day of October 2022, by the following vote:

**AYES:** \_\_\_\_\_

\_\_\_\_\_

**NOES:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**Signed and Dated:**

\_\_\_\_\_  
Mark Plummer  
Mayor of the City of Sonora

**ATTEST:**

\_\_\_\_\_  
Tracy Skelly  
Sonora City Clerk



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 3, 2022

**TO:** City Council Members

**FROM:** Aimee R. New, Fire Chief

**SUBJECT:** 2022 Rural Fire Capacity Grant

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### RECOMMENDATION

Staff recommends acceptance of the 2022 Rural Fire Capacity Grant Resolution 10-03-2022-A and designate the Fire Chief as the City's representative to sign the agreements on behalf of the City of Sonora Fire Department.

### BACKGROUND

Accepting the Rural Fire Capacity grant will allow the Fire Department to purchase Wildland Safety Equipment, Structural personal safety equipment, and radio equipment at a 50/50 match with the Department of Forestry and Fire Protection.

### DISCUSSION

Request that the City Council by motion accept the 2022 Rural Fire Capacity Grant Resolution 10-03-2022-A in the amount of \$27,960.00 and that the City Council designate the Fire Chief as the City's representative to sign the agreements on behalf of the City of Sonora Fire Department. Funding will be from the fund 710-6000-51140 for the City's' matching funds of \$13,980.00.

### FISCAL IMPACT

The Fire Department has Fund 730 with approximately \$124,000. The department uses this fund for grant matching requirements. No effect to the General Fund.

**RESOLUTION NO. 10-03-2022A**

A RESOLUTION OF THE CITY OF SONORA APPROVING THE DEPARTMENT OF FORESTRY AND FIRE PROTECTION AGREEMENT #7GF22017 FOR SERVICES FROM THE DATE OF LAST SIGNATORY ON PAGE 1 OF THE AGREEMENT TO JUNE 30, 2023 UNDER THE VOLUNTEER FIRE CAPACITY GRANT PROGRAM OF THE COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.

BE IT RESOLVED by the City Council of the City of Sonora that said council does hereby approve the Agreement with the California Department of Forestry and Fire Protection dated as of the last signatory date on page 1 of the Agreement, and any amendments thereto. This Agreement provides for an award, during the term of this Agreement, under the Volunteer Fire Capacity Grant Program of the Cooperative Fire Assistance Act of 1978 during the State Fiscal Year 2022-23 up to and no more than the amount of \$13,980.00.

BE IT FURTHER RESOLVED that the Fire Chief, Aimee New, of the City of Sonora Fire Department be and hereby is authorized to sign and execute said Agreement and any amendments of behalf of the City of Sonora.

The foregoing resolution was duly passed and adopted by the City Council of the City of Sonora, at a regular meeting thereof, held on the 3rd day of October 2022 by the following vote:

Ayes:

\_\_\_\_\_  
Signature, Sonora City Mayor

Nays:

\_\_\_\_\_  
Printed Name and Title

Absent:

**CERTIFICATION OF RESOLUTION**

Attest:

I, Tracy Skelly, City Clerk of the City of Sonora, County of Tuolumne California do hereby certify that this is a true and correct copy of the original Resolution Number 10-03-2022A.

Witness my hand and the seal of the City of Sonora on this 3rd day of October 2022.

\_\_\_\_\_  
City Clerk  
City of Sonora

OFFICIAL SEAL

State of California  
Department of Forestry and Fire Protection (CAL FIRE)  
Cooperative Fire Protection  
GRANT AGREEMENT

APPLICANT: City of Sonora Fire Department

PROJECT TITLE: Volunteer Fire Capacity

GRANT AGREEMENT: 7GF22017

PROJECT PERFORMANCE PERIOD is from date upon approval through June 30, 2023.

Under the terms and conditions of this Grant Agreement, the applicant agrees to complete the project as described in the project description, and the State of California, acting through the Department of Forestry & Fire Protection, agrees to fund the project up to the total state grant amount indicated.

**PROJECT DESCRIPTION:** Cost-share funds awarded to provide assistance to rural areas in upgrading their capability to organize, train, and equip local forces for fire protection.

Total State Grant not to exceed \$ \$13,980.00 (or project costs, whichever is less).

*\*The Special and General Provisions attached are made a part of and incorporated into this Grant Agreement.*

City of Sonora Fire Dept.  
Applicant

STATE OF CALIFORNIA  
DEPARTMENT OF FORESTRY  
AND FIRE PROTECTION

By Aimee R. New  
Signature of Authorized Representative

By \_\_\_\_\_

Title Fire Chief

Title: **Matthew Sully**  
**Staff Chief, Cooperative Fire Programs**

Date October 4, 2022

Date \_\_\_\_\_

**CERTIFICATION OF FUNDING**

|                                 |                                  |                                                     |
|---------------------------------|----------------------------------|-----------------------------------------------------|
| GRANT AGREEMENT NUMBER          | PO ID                            | SUPPLIER ID                                         |
| FUND<br><b>0001</b>             | FUND NAME<br>General Fund        |                                                     |
| PROJECT ID<br>354022DG2012142   | ACTIVITY ID<br>SUBGNT            | AMOUNT OF ESTIMATE FUNDING<br><b>\$ \$13,980.00</b> |
| GL UNIT<br>3540                 | BUD REF<br>001                   | ADJ. INCREASING ENCUMBRANCE<br><b>\$ 0.00</b>       |
| PROGRAM NUMBER<br>9999000FED    | CHAPTER<br>43                    | ADJ. DECREASING ENCUMBRANCE<br><b>\$ 0.00</b>       |
| ACCOUNT<br>5340580              | ENY<br><b>2022</b>               | UNENCUMBERED BALANCE<br><b>\$ \$13,980.00</b>       |
| REPORTING STRUCTURE<br>35409206 | ALT ACCOUNT<br><b>5340580002</b> |                                                     |
|                                 | SERVICE LOCATION<br><b>92734</b> |                                                     |

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.

Signature of CAL FIRE Accounting Officer \_\_\_\_\_

Date \_\_\_\_\_

**VOLUNTEER FIRE CAPACITY PROGRAM  
TERMS AND CONDITIONS**

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

STATE OF CALIFORNIA  
Natural Resources Agency

Agreement for the Volunteer Fire Capacity Program of the  
Cooperative Forestry Assistance Act of 1978

THIS AGREEMENT, made and entered between the STATE of California, acting through the Director of the Department of Forestry and Fire Protection hereinafter called "STATE", and City of Sonora Fire Department hereinafter called "LOCAL AGENCY", covenants as follows:

RECITALS:

1. STATE has been approved as a passthrough agent of the United States Department of Agriculture, (USDA), Forest Service for the purpose of administering the Volunteer Fire Capacity program in California, hereinafter referred to as VFC, authorized by the Cooperative Forestry Assistance Act (CFAA) of 1978 (PL 95-313, 92 Stat 365, 16 U.S.C. 2101-2114), as amended.
2. This is a subaward under the 2022 Volunteer Fire Capacity Grant #22-DG-11052012-142 awarded to STATE by the Forest Service on August 26, 2022. The Federal Assistance Listing for the award is 10.664, Cooperative Forestry Program. This subaward is funded solely with Federal funds and is subject to the Office of Management and Budget (OMB) guidance in subparts A through F of 2 CFR Part 200, as adopted and supplemented by the USDA in 2 CFR Part 400, and under certain terms and conditions to LOCAL AGENCY to assist LOCAL AGENCY to upgrade its fire protection capability.
3. LOCAL AGENCY desires to participate in said VFC and agrees to the terms and conditions specified in the Procedural Guide for Volunteer Fire Capacity Program 2022.

NOW THEREFORE, it is mutually agreed between the parties as follows:

4. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. LOCAL AGENCY may not commence performance until such approval has been obtained.
5. **INCORPORATION:** The Procedural Guide for Volunteer Fire Capacity Program 2022, submitted Application for Funding and associated Grant Assurances are hereby incorporated by reference as part of the Grant Agreement.
6. **TIMELINESS:** Time is of the essence in this Agreement.
7. **FORFEITURE OF AWARD:** LOCAL AGENCY must return this Agreement and required resolution properly signed and executed to STATE at the email address specified in paragraph 12, with a timestamp no later than December 1, 2022 or LOCAL AGENCY will forfeit the funds.

8. GRANT AND BUDGET CONTINGENCY CLAUSE: It is mutually understood between the parties that this **Agreement** may have been written for the mutual benefit of both parties before ascertaining the availability of congressional appropriation of funds, to avoid program and fiscal delays that would occur if the **Agreement** were executed after that determination was made.

This **Agreement** is valid and enforceable only if sufficient funds are made available to the STATE by the United States Government for the **State Fiscal Year 2022** for the purpose of this program. In addition, this **Agreement** is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress that may affect the provisions, terms, or funding of this **Agreement** in any manner.

The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this **Agreement** shall be amended to reflect any reduction in funds.

The STATE has the option to invalidate the **Agreement** under the 30-day cancellation clause or to amend the **Agreement** to reflect any reduction in funds.

9. REIMBURSEMENT: STATE will reimburse LOCAL AGENCY, from funds made available to STATE by the Federal Government, an amount not to exceed **\$13,980.00** on a 50/50 matching funds basis, for the performance of specific projects and/or purchase of specific items identified in Proposed Project, Application for Funding, attached hereto. **Reimbursement will be only for those projects accomplished and/or items purchased between THE LAST SIGNATORY DATE ON PAGE 1 and JUNE 30, 2023.** This sum is the sole and maximum payment that STATE will make pursuant to this Agreement. **LOCAL AGENCY must bill STATE at the e-mail address specified in paragraph 12, with a timestamp no later than September 1, 2023 in order to receive the funds.** The bill submitted by LOCAL AGENCY must clearly delineate the projects performed and/or items purchased. A vendor's invoice and proof of payment to vendor(s) must be included for items purchased.
10. LIMITATIONS: Expenditure of the funds distributed by STATE herein is subject to the same limitations as placed by the VFC, upon expenditure of United States Government Funds. Pursuant to 2CFR200.313 Equipment, subject to the obligations and conditions set forth in that section; title to any equipment and supplies acquired under this **Agreement** vests with the LOCAL AGENCY. For any equipment items over \$5,000, the federal government may retain a vested interest in accordance with paragraph 17 below.
11. MATCHING FUNDS: Any and all funds paid to LOCAL AGENCY under the terms of this **Agreement**, hereinafter referred to as "VFC Funds", shall be matched by LOCAL AGENCY on a dollar-for-dollar basis, for each project listed on attachment(s) hereto identified as "Proposed Project". No amount of unpaid "contributed" or "volunteer" labor or services shall be used or consigned in calculating the matching amount "actually spent" by LOCAL AGENCY.

LOCAL AGENCY shall not use VFC Funds as matching funds for other federal grants, including Department of Interior (USDI) Rural Fire Assistance grants, nor use funds from other federal grants, including USDI Rural Fire Assistance grants, as matching funds for VFC Funds.

12. ADDRESSES: The mailing addresses of the parties hereto under the terms of the Agreement are:

LOCAL AGENCY:

City of Sonora Fire Department  
201 S. Shepherd Street  
Sonora, Ca. 95370  
 Attention: Aimee New  
 Telephone Number(s): 209-532-7432  
 E-mail: firechief@sonora.ca.com

STATE:

**Department of Forestry and Fire Protection**  
**Grants Management Unit, Attn: Megan Esfandiary**  
**P. O. Box 944246**  
**Sacramento, California 94244-2460**  
**PHONE: (916) 894-9845**  
**E-MAIL: [Megan.Esfandiary@fire.ca.gov](mailto:Megan.Esfandiary@fire.ca.gov)**

13. PURPOSE: Any project to be funded hereunder must be intended to specifically assist LOCAL AGENCY to organize, train, and/or equip local firefighting forces in the aforementioned rural area and community to prevent or suppress fires which threaten life, resources, and/or improvements within the area of operation of LOCAL AGENCY. Project funds are not to be used for research and development.
14. COMBINING: In the event funds are paid for two or more separate, but closely related projects, the 50/50 cost-sharing formula will be applied to the total cost of such combined projects.
15. OVERRUNS: In the event that the total cost of a funded project exceeds the estimate of costs upon which this Agreement is made, LOCAL AGENCY may request additional funds to cover the **Agreement** share of the amount exceeded. However, there is no assurance that any such funds are, or may be, available for reimbursement. Any increase in funding will require an amendment.
16. UNDERRUNS: In the event that the total cost of a funded project is less than the estimate of costs upon which this **Agreement** is made, LOCAL AGENCY may request that additional eligible projects/items be approved by STATE for **Agreement** funding. However, there is no assurance that any such approval will be funded. Approval of additional projects/items, not listed on the Proposed Project application, made by STATE, will be in writing and will require an amendment.
17. FEDERAL INTEREST IN EQUIPMENT: The Federal Government has a vested interest in any item purchased with VFC funding in excess of \$5,000 regardless of the length of this **Agreement**, until such time as the fair market value is less than \$5,000. The VFC percentage used to purchase the equipment will be applied to the sale price and recovered for the Government during the sale. This percentage will remain the same even following depreciation. The Federal Government may not have to be reimbursed if the disposal sale amounts to a fair market value of less than \$5,000. LOCAL AGENCY will notify STATE of the disposal of such items.

18. EQUIPMENT INVENTORY: Any single item purchased in excess of \$5,000 will be assigned an VFC Property Number by the STATE. LOCAL AGENCY shall forward a copy of the purchase documents listing the item, brand, model, serial number, any LOCAL AGENCY property number assigned, and a LOCAL AGENCY contact and return address to STATE at the address specified in paragraph 12. The STATE will advise the LOCAL AGENCY Contact of the VFC Property Number assigned.
19. AUDIT: LOCAL AGENCY agrees that the STATE, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this **Agreement**. LOCAL AGENCY agrees to maintain such records for possible audit for a minimum of five (5) years after final payment, unless a longer period of records retention is stipulated. LOCAL AGENCY agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, LOCAL AGENCY agrees to include a similar right of the State of California to audit records and interview staff in any subcontract related to performance of this **Agreement**. (GC 8546.7, PCC 10115 et seq., CCR Title 2, Section 1896).
20. DISPUTES: In the event of any dispute over qualifying matching expenditures of LOCAL AGENCY or audit findings, the dispute will be decided by STATE and its decision shall be final and binding.
21. MONITORING: LOCAL AGENCY agrees to the monitoring of activities as necessary by STATE to ensure that the award is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the agreement; and that performance goals are achieved.
22. INDEMNIFICATION: LOCAL AGENCY agrees to indemnify, defend, and save harmless, the STATE, its officers, agents, and employees, from any and all claims and losses, accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this **Agreement**, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by LOCAL AGENCY in the performance of this **Agreement**.
23. CIVIL RIGHTS: LOCAL AGENCY agrees to comply with civil rights requirements as detailed in the Complying With Civil Rights Requirements brochure (FS-850) and the And Justice For All poster (AD-475A). The poster is to be placed at all public point of contact/reception areas.
24. DRUG-FREE WORKPLACE REQUIREMENTS: LOCAL AGENCY will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:
  - a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
  - b. Establish a Drug-Free Awareness Program to inform employees about:

- 1) the dangers of drug abuse in the workplace;
- 2) the person's or organization's policy of maintaining a drug-free workplace;
- 3) any available counseling, rehabilitation and employee assistance programs; and,
- 4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed **Agreement** will:

- 1) receive a copy of the company's drug-free workplace policy statement; and,
- 2) agree to abide by the terms of the company's statement as a condition of employment on the **Agreement**.

Failure to comply with these requirements may result in suspension of payments under the **Agreement** or termination of the **Agreement** or both and LOCAL AGENCY may be ineligible for funding of any future State **Agreement** if the department determines that any of the following has occurred: (1) the LOCAL AGENCY has made false certification, or violated the certification by failing to carry out the requirements as noted above. (GC 8350 et seq.)

25. **TERM:** The term of the Agreement SHALL COMMENCE ON THE LAST SIGNATORY DATE ON PAGE 1 and continue through June 30, 2023.
26. **TERMINATION:** This **Agreement** may be terminated by either party giving 30 days written notice to the other party or provisions herein amended upon mutual consent of the parties hereto.
27. **AMENDMENTS:** No amendment or variation of the terms of this **Agreement** shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or **Agreement** not incorporated in the **Agreement** is binding on any of the parties.
28. **INDEPENDENT CONTRACTOR:** LOCAL AGENCY, and the agents and employees of LOCAL AGENCY, in the performance of this **Agreement**, shall act in an independent capacity and not as officers or employees or agents of the STATE or the Federal Government.
29. **INDIRECT RATE:** LOCAL AGENCY may not assess an indirect rate in excess of their Federally approved Negotiated Indirect Cost Rate Agreement (NICRA), a de minimis rate if LOCAL AGENCY does not have an approved NICRA, or the VFC program cap rate of 10%, whichever is lesser. LOCAL AGENCY may also elect not to assess an indirect rate. The approved indirect cost rate at the time of execution is 0%.

30. MEDIA: LOCAL AGENCY shall acknowledge STATE and USDA Forest Service support in any publications, audiovisuals and electronic media developed as a result of this award.

It is encouraged to give public notice of the receipt of this award and announce progress and accomplishments, acknowledging STATE and USDA Forest Service support. Follow direction in USDA Supplemental 2 CFR 415.2.

31. ASSIGNMENT: This Agreement is not assignable by LOCAL AGENCY either in whole or in part.



## CITY COUNCIL AGENDA REPORT

**MEETING DATE:** October 3, 2022

**TO:** City Council Members

**FROM:** Doug White, City Attorney

**SUBJECT:** Government Code Section 52953(e): Modified Brown Act Procedures  
During a Declared Emergency

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### RECOMMENDATION

Discuss rescinding Resolution 09-19-2022-A authorizing remote teleconferencing meetings of the City Council and its committees and commissions for 30 days pursuant to Government Code Section 52953(e) Brown Act provisions.

### DISCUSSION

The City Council has requested more information from Counsel regarding rescinding the Resolution authorizing remote teleconferencing meetings of the City Council and its committees and commissions.