



City Council Meeting Agenda

Monday, March 02, 2026 at 6:00 PM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: www.cityofsuttercreek.org

The City of Sutter Creek City Council Meeting will be available in person and LIVE on YouTube at

<https://www.youtube.com/@CityofSutterCreek>.

You can also watch the meeting on Zoom (please note Zoom participation is only available for viewing.

<https://us02web.zoom.us/j/81391466458?pwd=4jXmBm1AP5bEbiID3iDwuxk4GpreRY.1>

Or Dial by phone: 301 715 8592 Webinar ID: 816 8589 0182 Passcode: 186036

Unless stated otherwise on the agenda, every item on the agenda is exempt from review under the California Environmental Quality Act ("CEQA") per CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

- 1. Call to Order and Establish a Quorum for Regular Meeting**
- 2. Pledge of Allegiance to the Flag**
- 3. Public Forum**

At this time, the public is permitted to address the City Council on items not appearing on the agenda. Comments may not exceed 5 minutes. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The City Council may respond to statements made or questions asked or may request Staff to report back at a future meeting on the matter. The exceptions under which the City Council may discuss and/or take action on items not appearing on the agenda are contained in Government Code §54954.2. Public comment on any item listed below shall be limited to five minutes, unless additional time is permitted by the Mayor/Council.

- 4. City Manager's Report**

This section is an opportunity to provide Council members with a brief status update on staff activities. No action is expected to be taken by the Council.

- 5. Presentations**

None.

6. Approval of Minutes

A. City Council Minutes of Feb 2, 2026

Recommendation: By motion approve minutes as presented.

7. Consent Agenda

Items listed on the consent agenda are considered routine and shall be enacted in one motion. Any item may be removed for discussion at the request of Council or the Public.

A. Amador County Recreational Agency (ACRA) Dissolution

Recommendation: Motion to approve the Termination and Dissolution Agreement for the Amador County Recreation Agency (ACRA) Joint Powers Authority (JPA).

8. Ordinances and Public Hearing

A. Short-Term Rental (STR) Moratorium Extension

Recommendation: Consider extending, for 10 months and 15 days, a moratorium on the review, processing, or approval of new short-term rentals (STRs) to give the City sufficient time to formulate a permanent ordinance regulating such rentals.

B. Uniform Building Code Adoption

Recommendation: Waive the first reading by substitution of the title and introduce **Ordinance No. xxx**, thereby adopting by reference the 2025 Edition of the California Building Standards Code and other Uniform Codes with local amendments and thus amending Sections 15.04.010 and 15.04.030 of the Sutter Creek Municipal Code.

9. Administrative Agenda

A. Continuation from February 2, 2026 City Council Discussion on Parameters of a Short Term Rental Ordinance

Recommendation: Resume review, discussion, and consideration regarding the parameters of a Short-Term Rental (STR) Ordinance; and provide direction regarding said Ordinance. Supplement provided as well as the original materials from February 2, 2026 regular meeting of the City Council.

B. Discussion regarding the Elected Office of the City Treasurer

Staff recommend that the City Council:

1. Discuss and provide direction regarding a November 3, 2026 ballot measure to make the office of the City Treasurer appointive; and

2. Direct staff to prepare the necessary resolution(s) to, upon voter approval, assign the statutory duties and title of "City Treasurer" to the Finance Supervisor.

C. Bryson Park Improvements

Recommendation: Review, consider, and provide direction regarding proposed improvements to Bryson Park; and if supportive, approve applications for grant funding.

D. Surveillance Technology Policy

Recommendation: Discuss and Consider an Ordinance on surveillance technology

10. Mayor and Council Member Reports

This section is to provide Council members an opportunity to present updates on their activities and to request items be placed on future agendas.

11. City Attorney's Report

This section provides an opportunity for the City Attorney to report on any activities or upcoming legislation of importance to the City. No action is expected to be taken by the Council.

12. Information and Correspondence

A. Council Correspondence

13. Closed Session

None.

14. Report from Closed Session

None.

15. Adjournment

The next regularly scheduled meeting is March 16, 2026.



City Council Meeting Minutes **(DRAFT)**

Tuesday, February 17, 2026 at 6:00 PM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: www.cityofsuttercreek.org

1. Call to Order and Establish a Quorum for Regular Meeting

Present: Mayor Claire Gunselman, Vice Mayor Sierk, Council Members Dan Riordan and James Swift.

Council Member Susan Feist was also present via teleconferencing due to illness from the beginning of the City Council meeting until 8:08 PM.

Absent: none

City Treasurer: Victoria Runquist (absent)

Staff: Tom DuBois - City Manager, Stephen Zelezny (for Derek Cole_ - City Attorney, and Pam Caronongan - City Clerk, Mason Peter, Finance Supervisor

2. Pledge of Allegiance to the Flag

Mayor Gunselman led the Pledge of Allegiance.

3. Public Forum

Zero (0) public comments were received.

4. City Manager's Report

City Manager DuBois provided activity updates (see presentation) and responded to inquiries and requests for clarification from the City Council.

1. Wastewater (Council Priority)

- Staff working with the consultant on a detailed financial model for fundraising.
- Staff monitoring meters ordered for branches of the collection system.
- Early design results propose to raise the plant up to the level where the Wastewater Office is to avoid FEMA issues.
- Amador Regional Sanitation Authority (ARSA) meeting on February 19, 2026 at 2:30 PM.

2. Economic Development (Council Priority)
 - City Manager DuBois and Council Member Riordan met with the County Airport Advisory Committee to explore promotion of Sutter Creek to visiting pilots. Staff will follow up with the Tourism Board.
 - City Council discussion tonight on marijuana dispensary in Sutter Creek.
3. Code Enforcement (Council Priority)
 - Current Code Enforcement contract consultant preparing for retirement, staff identifying new resources.
 - Staff intends to allocate more funds in the upcoming fiscal year budget for Code Enforcement efforts.
4. High Performing Teams (Council Priority)
 - City Manager DuBois continuing discussions with Team.
 - City Manager DuBois discussed and identified some free resources that he learned from the City Managers conference he attended (League of California Cities - February 11 to February 13, 2026).
5. Day-to-Day / Other
 - Capital Projects
 - i. The Bryson bathroom project is on track, with ribbon cutting expected to be during the first week of March 2026.
 - ii. Engineering - Sutter Hill Road
 - iii. Amador Water Agency (AWA) working on many City streets
 - Other Items
 - i. Water lead at Miner's Bend - continuing investigation
 - ii. Clean up of fallen tree at City Cemetery
 - iii. Proposal to Amador City on police services.
 - iv. City Manager DuBois provided highlights from the League of California Cities City Manager Conference. Highlighted discussions were impact of artificial intelligence (AI) on government services, AI policies, sessions on rural cities, short-term rental (STR) discussions, team performance and metrics.
 - Upcoming - City Manager DuBois would be attending the Rural California Infrastructure workshop in Modesto, California on February 18, 2026.
6. Community Events
City Manager DuBois reminded everyone of the following upcoming community events:
 - February 20 - Albert Cummings: Blues at Sutter Creek Theater
 - February 27 - Ronnie Baker Brooks: Blues at Sutter Creek Theater
 - April 17 - Spring Fling
 - April 25 - Duck Race
 - Artist Receptions - 1st Saturday of the month
 - Knight Foundry - 2nd and 4th Saturday of the month
 - Wine on 49 - 2nd Sunday of the month
 - Flea Market - 3rd Sunday of the month

7. Upcoming Agenda Items in March 2026

City Manager DuBois mentioned the following topics of discussion tentatively scheduled for the City Council meetings in March 2026:

- Extension of STR Moratorium
- Continuation of STR discussion from February 2, 2026 regular meeting
- Surveillance Policy
- ACTC Annual Report
- Mid-Year Budget (Part 2 - Expenses)
- Tree Ordinance discussion
- ACRA Dissolution
- HCD Annual Report
- Elected City Treasurer discussion
- Adoption of Impact Fees
- Adoption of Master Fee Schedule

City Manager DuBois' "City Manager's Report" is available for review and posted at the City's website: <https://www.cityofsuttercreek.org/media/10176>.

5. Presentations

There are no Presentation items.

6. Approval of Minutes

A. City Council Minutes of February 2, 2026

Recommendation: By motion, approve minutes as presented.

Vice Mayor Sierk requested to expand **Item No. 10 - Mayor and Council Member Reports** to reflect her and Council Member Swift's respective comments.

Mayor Gunselman commented that she voted an abstention since she was not present during the February 2, 2026 regular meeting.

Motion made by Vice Mayor Sierk, seconded by Council Member Feist to approve the Meeting Minutes from February 2, 2026 with the modifications noted above.

AYES: Vice Mayor Sierk, and Council Members Feist, Riordan, and Swift

ABSENT: none

ABSTAIN: Mayor Gunselman

NOES: None

MOTION CARRIED 4-0-1

7. Consent Agenda

There are no Consent Agenda items.

8. Ordinances and Public Hearing

There are no Ordinances and Public Hearing items.

9. Administrative Agenda

A. Direction to Consider a Development Agreement for One Cannabis Dispensary at Set Location

Recommendation: Motion on whether to entertain a Pilot Development Agreement for a single commercial cannabis retail location with a one-year renewable term.

City Manager DuBois and Embarc's Government Affairs Manager Josh Lewis provided their respective presentations before the City Council as well as responses to inquiries and requests for clarification from the City Council.

In his presentation, City Manager DuBois explained that Embarc approached the City regarding the potential for a development agreement to pilot a dispensary within the City. This project has potential for significant general fund revenue, and staff brought the matter before the Council as "pre-screening" as well as seeking direction from the City Council.

City Manager DuBois highlighted the following regarding the Development Agreement Pilot Project:

1. It is a negotiated agreement between the City and an applicant.
2. It allows the City to manage the project closely - one-year agreement with requirements.
3. The City can specify a single store, known location, known opening parameters, local hires, security, and other provisions.
4. There is a negotiated community benefit fee (not a tax).
5. There would be narrow changes to City's current ordinances.

Government Affairs Manager Lewis from Embarc explained the following in his presentation:

1. Embarc's mission statement, executive team, community-oriented business model, and operations.
2. Security infrastructure in Embarc's retail stores.
3. Community benefits and investments.
4. Development Agreement Pilot Project, and Embarc's standards of upholding compliance, accountability, and transparency in all cities the company conducts business in.

The rest of the City Council approved Mayor Gunselman's request to allow more leniency with public comment. Mayor Gunselman commented that she was informed beforehand that some members of the public wish to exceed the five-minute allocated time for public comment, and she would allow other members to "donate" their time for another speaker to have a longer speaking time if the rest of the Council would permit it.

Eight (8) public comments were received from the following:

1. Christy Melton - Opposed to having a cannabis dispensary in Sutter Creek. Two members of the public contributed their respective time to allow Ms. Melton to finish her comment.
2. Sandy Anderson - Opposed to opening a cannabis dispensary in Sutter Creek.
3. Alan Bierce - Letter read by Sandy Anderson, with letter stating his opposition to opening a cannabis dispensary at Sutter Creek.
4. Pastor Mark Smith - Letter read by Sandy Anderson, with letter stating his opposition to having a cannabis dispensary at Sutter Creek.
5. Brian Comnes - Opposed to having a cannabis dispensary in Sutter Creek.
6. Martin Ryan (former Sheriff of Amador County) - Letter read by Teresa Ryan, with letter stating his opposition to having a cannabis dispensary in Sutter Creek.

- 7. Mike Kirkley - Spoke in favor of having a cannabis dispensary in Sutter Creek.
- 8. Barbara Combes - Stated that people do not have to leave home to get marijuana.

The members of City Council shared their respective viewpoints regarding the agenda item. Per consensus, City Council made two separate motions:

Continuation of Cannabis Dispensary Discussion

Motion made by Council Member Riordan, seconded by Mayor Gunselman to continue discussions regarding cannabis dispensary in the City of Sutter Creek.

- AYES:** Mayor Gunselman, and Council Members Feist and Riordan
- ABSENT:** none
- ABSTAIN:** none
- NOES:** Vice Mayor Sierk and Council Member Swift
- MOTION CARRIED 3-2**

To bring back Cannabis Dispensary Discussion directly to City Council

Motion made by Council Member Riordan, seconded by Council Member Feist to have discussions regarding cannabis dispensary in the City of Sutter Creek be decided before the City Council.

- AYES:** Mayor Gunselman, Vice Mayor Sierk, and Council Members Feist, Riordan, and Swift
- ABSENT:** none
- ABSTAIN:** none
- NOES:** Vice Mayor Sierk and Council Member Swift
- MOTION CARRIED 5-0**

B. Mid-Year Budget (Revenue) - Fiscal Year (FY) 2025-2026
Recommendation: Review and Comment on the City's Mid-Year Variable Revenue Performance

Finance Supervisor Mason Peters provided the presentation of this agenda item before the City Council. City Manager DuBois and Finance Supervisor Peters responded to the inquiries and requests for clarification from the City Council.

After discussion, the City Council complimented staff for their work on this agenda item and via consensus accepted the information and reports provided by staff..

No motion made on this agenda item.

C. Discussion regarding Draft 2026 Citywide Master Fee Schedule
Recommendation: Review and provide staff direction on Citywide Master Fee Schedule which would take effect starting Fiscal Year (FY) 2026-2027.

City Clerk Caronongan provided the presentation of this agenda item before the City Council. City Manager DuBois and City Clerk Caronongan responded to the inquiries and requests for clarification from the City Council.

City Manager DuBois recapitulated the three “takeaways” that staff would continue to look into as the Master Fee Schedule agenda item is brought back to City Council for adoption:

1. Verbiage should be added regarding Cribbs Fields in regards to availability at low cost for those who would need the subsidy.
2. Administrative fines and whether it should be added in the Master Fee Schedule.
3. Insurance requirements for facility rentals.

The City Council confirmed, via consensus, agreed with City Manager DuBois' recapitulation.

After discussion, the City Council via consensus accepted the information, proposed fees, and reports provided by staff.

No motion made on this agenda item.

10. Mayor and Council Member Reports

There were no reports from the City Council.

11. City Attorney's Report

City Attorney Zelezny said that he had nothing to report.

12. Information and Correspondence

- A. January 2026 Monthly Report - Public Works
- B. January 2026 Monthly Report - Engineering
- C. January 2026 Monthly Report - Planning
- D. January 2026 Monthly Report - City Clerk
- E. January 2026 Monthly Report - Marketing / Social Media
- F. January 2026 Monthly Report - Finance Department
- G. January 2026 Monthly Report - Police Department
- H. January 2026 Monthly Report - City Treasurer - AT PLACES

The City Council stated that they had no questions or comments regarding this agenda item.

13. Closed Session

None.

14. Report from Closed Session

None.

15. Adjournment

The next regularly scheduled meeting is March 2, 2026.

Mayor Gunselman adjourned the meeting at 9:20 PM.



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
MEETING DATE: MARCH 2, 2026
FROM: CITY MANAGER TOM DUBOIS
SUBJECT: ADOPTION OF AGREEMENT TO DISSOLVE ACRA

RECOMMENDATION:

Staff recommends that Council make a motion to approve the dissolution of ACRA and authorize signing the dissolution agreement.

BACKGROUND:

The Amador County Recreation Association (ACRA), a JPA that ran parks and recreation activities throughout the county, is dissolving due to management challenges and insufficient finances. It has already effectively disbanded, this is the final step to dissolve the legal structure and account for remaining funds.

DISCUSSION:

Since about October 2025, ACRA has been working on winding down its affairs. Barring any unforeseen circumstances, the ACRA Board held its final meeting on Monday, February 2, 2026.

At that meeting, the ACRA Board took several final steps and gave necessary direction and authorization regarding the final activities of the agency. Those actions include the following:

- Established Friday February 6, 2026 as ACRA's last formal operational day, with its last remaining employee working and being paid through that date.
- Designated Tacy Oneto Rouen, the Amador County Auditor Controller as a signatory on ACRA's bank accounts. Despite 2/2/26 being ACRA's last formal day of operations, there nevertheless will be additional actions that must be taken on ACRA's behalf. The County Auditor has offered and agreed to take on those obligations for ACRA, which include the paying of ACRA's final bills, distribution of the remaining assets to members, closing the accounts, and ensuring financial reporting requirements are met, including issuing W-2s for employees in January or February of 2027.
- Approved the formula for distribution of any funds remaining in ACRA's account after all outstanding bills have been paid. As required by the JPA Agreement, those funds are returned to members in proportion to the funds furnished by the members. The attached Excel document depicts the amount and proportion of the membership fees paid by each agency for

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the most recent fiscal year. Those percentages will be used to determine the distribution of the remaining cash assets. However, the ACRA Board also made it clear that the value of personal property assets received by the County must be accounted for as part of the return of the remaining cash assets. As such, the total value of the personal property (anything individually valued at over \$200) received by the County will count against the County's share of the assets. When the time comes to make the distributions, we will provide a draft proposal to this group for review and comment. The County does not know exactly when the final funds will be ready for distribution. The Auditor has indicated that we must wait a reasonable time to ensure all bills have been received and that payroll taxes have been paid.

- Authorized the Amador County Community Fund to distribute from time to time in the form of community grants the approximately \$21,335 in bingo revenue that the Community Foundation already managed for ACRA. The bingo funds are separate and not part of ACRA's general operating funds and may only be used for limited purposes. The Board's Resolution is attached.

Since ACRA's last operational day, the Auditor has continued with the activities of winding down ACRA; however, additional unanticipated issues have arisen that the Auditor has had to address. Last week, a letter from the Social Security Administration (attached) was received stating that there is a large discrepancy (\$45,164.18) between IRS records and Social Security Records for Tax Year 2024 regarding both Social Security Wages and Medicare Wages/Tips (see attached letter) which requires an "Immediate Reply." It is likely that the Auditor, or her staff, will have to investigate why and hopefully correct the discrepancy, assuming all the necessary records can be located. Also, the Auditor has discovered that ACRA was unable to timely submit its required 2024-2025 Annual Financial Transactions Report to the State Controller. The Auditor will now have to prepare and submit that report to the best of her ability. It is also potentially possible that ACRA may be fined for the late Report.

BUDGET IMPACT:

The City of Sutter Creek has already received a refund of recent impact fees (approximately \$20,000). A portion of the "per capita" activity fee may be refunded if any funds remain after ACRA liabilities are paid off.

ATTACHMENT:

1. ACRA dissolution Agreement
2. ACRA 2018 JPA Amendment
3. Member fee percentage calculation
4. ACF Bingo resolution
5. Executed Bank Resolution
6. Letter to ACRA from Social Security

**TERMINATION AND
DISSOLUTION AGREEMENT
REGARDING THE
AMADOR COUNTY RECREATION AGENCY**

This Termination and Dissolution Agreement (the “Agreement”) is entered into effective as of the last date signed (the “Effective Date”), by and between the County of Amador, the cities of Amador City, Jackson, Plymouth and Sutter Creek, and the Amador County Unified School District, who are collectively referred to herein as the “Member Agencies” of Amador County Recreation Agency, a California Joint Powers Authority (“Authority”).

RECITALS

- A. The Authority was formed by the Member Agencies pursuant to the authority granted under that certain Agreement Creating a Joint Exercise of Powers Authority for the Purpose of Planning and Operating a County-Wide Recreation Agency dated October 28, 2003, as amended over the years, and last amended by that certain Third Amended and Restated Joint Powers Agreement dated February 14, 2018 (“JPA Agreement”); and
- B. The purpose in creating the Authority was to establish an entity that would have at its specific purpose the planning, financing, and operation of recreation programs and facilities in Amador County benefitting the Members and all areas of Amador County. The goal is to maximize recreation opportunities for all the people in all the areas of Amador County.
- C. On September 23, 2025, in light of staff resignations and the difficulties of keeping the Authority financially viable, both presently and into the future, the Authority Board voted to recommend that the Member Agencies consider termination of the JPA Agreement and dissolution of the Authority.
- D. The JPA Agreement, in Sections 8.1 and 10.2, provides that the JPA Agreement would remain in effect and the Authority would continue exist, until a majority of the Member Agencies have either agreed to terminate the JPA Agreement or have terminated their participation in the Authority; and
- E. The City of Ione formally terminated its participation in the Authority in late 2023.
- F. Based on direction from the Member Agencies, the Authority has been winding down its affairs for the past several months and effectively ceased all substantive operations as of February 2, 2026; and
- G. Except as described in this Agreement, all known debts, liabilities, or obligations incurred by the Authority have been discharged; and
- H. Except as described in this Agreement, all known personal property has been distributed to Member Agencies or community non-profit agencies as approved by the Authority Board; and
- I. The Member Agencies desire to formally terminate the JPA Agreement and dissolve the Authority pursuant to the terms and conditions set forth herein.

NOW, THEREFORE, the Member Agencies hereby agree as follows:

1. Incorporation of Recitals. The Member Agencies hereby affirm the facts set forth in the Recitals above. Said Recitals are incorporated into this Agreement by this reference.

2. Termination of JPA Agreement. Pursuant to Section 8.1 of the JPA Agreement, the Member Agencies agree that the JPA Agreement is terminated and the Authority is hereby dissolved.

3. Ongoing Obligations. Despite termination of the JPA Agreement and dissolution of the Authority, it is anticipated that the Authority will be responsible for certain final financial obligations, including but not limited paying final bills, receipt of any refunds, distributing remaining cash assets to members, and financial reporting obligations that will continue through early 2027. The County of Amador, through its Auditor Controller, hereby agrees, and is authorized to perform these final tasks on behalf of the Authority after its formal dissolution, and to eventually close the Authority's accounts.

4. Book and Records. The books and records of the Authority will be archived and stored by County for a period of five (5) years following the Termination Date or such longer period as may be required by applicable law. County has agreed to serve as a depository only and the Member Agencies agree that County will have no ongoing obligations with respect to the maintenance of such books and records following dissolution.

5. Reporting of Dissolution of the Authority. Authority Counsel is authorized to make any filings as are necessary with the California Secretary of State and the State Controller to formalize the dissolution of the Authority.

6. Assets. Once ACRA's final bills have been fully paid and any anticipated refunds received, the Auditor Controller shall distribute the remaining cash assets to the Member Agencies in accordance with paragraphs 8.2 of the JPA and the percentages approved by the Authority on February 2, 2026. The value of any personal property items valued at \$200 or more received by Member Agencies shall be accounted for as part of the cash asset distribution to ensure that Member Agencies receive their fair share of ACRA's total assets. Any remaining unclaimed ACRA personal property may be sold or disposed of by the County as surplus property, with the County retaining any such proceeds, which are not anticipated to exceed the costs of the sale.

7. No Additional Funding; No Liability. In no event will any Member Agency be obligated to provide any additional funding for the operation or termination of the Authority other than those committed to in this Agreement. The Member Agencies agree that the terms of Section 9.1 of the JPA Agreement remain in full force and effect and will survive the termination of the JPA Agreement.

8. Future Claims. In the event that any third party makes a claim against the Authority or the Member Agencies following the termination and dissolution, the Member Agencies agree to meet and confer with respect to any such claim and mutually agree on the appropriate action to be taken to protect the Member Agencies.

9. Notices, Demands and Communications Between the Parties. Any notice to be

given or to be served upon any of the Member Agencies hereto in connection with this Agreement must be in writing and shall be deemed to have been given and received: (i) when personally delivered; (ii) two (2) days after it is sent by Federal Express or similar overnight courier, postage prepaid and addressed to the Party for whom it is intended, at that Party's address specified below; (iii) three (3) days after it is sent by certified or registered United States mail, return receipt requested, postage prepaid and addressed to the Party for whom it is intended, at that Party's address specified below; or (iv) as of the date of electronic mail transmission addressed to the Party for whom it is intended, at that Party's electronic mail address specified below subject to written verification of receipt by the receiving party, and provided that an original of such notice is also sent to the intended addressee by means described in clauses (i), (ii), or (iii) within two (2) business days after such transmission. Either Party may change the place for the giving of notice to it at any time by written notice to the other Party as provided herein.

County of Amador
County Administrative Officer
810 Court Street, Jackson, CA 95642

City of Amador City
City Clerk
P.O. Box 200
Amador City, CA 95601

City of Jackson
City Manager
33 Broadway
Jackson, CA 95642

City of Sutter Creek
City Manager
18 Main Street
Sutter Creek, CA 95685

City of Plymouth
City Manager
P.O. Box 429
Plymouth, CA 95669

Amador County Unified School District
District Superintendent
217 Rex Ave.
Jackson, CA 95642

10. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same instrument. Signatures may be delivered electronically and shall be binding upon the Member Agencies as if they were originals.

11. Mutual Cooperation; Further Actions and Instruments. Each of the Member Agencies shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Each Member Agency agrees to perform any further acts and to execute and deliver any documents which may be reasonably necessary to carry

out the provisions of this Agreement.

12. Waiver. No delay or omission in the exercise of any right or remedy of a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver. Either Parties' consent or approval of any act by the other Party requiring its consent or approval shall not be deemed to waive or render unnecessary its consent to or approval of any subsequent act of the other Party. Any waiver by either Party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Termination Agreement.

13. Binding Effect. The terms of this Agreement shall inure to the benefit of, and shall be binding upon, each of the Member Agencies and their respective successors and assigns.

14. Authorized Representatives. The person or persons executing this Agreement on behalf the County, City, and District warrant and represent that they have the authority to execute this Agreement on behalf of that Member Agency and that they have the authority to bind that Member Agency to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties have executed this Agreement.

COUNTY OF AMADOR

By: _____
Chairman, Board of Supervisors

Dated: _____

ATTEST:

By: _____
Heather Peak, Clerk of the Board

APPROVED AS TO FORM:

By: _____
County Counsel

AMADOR COUNTY UNIFIED SCHOOL DISTRICT

By: _____
District Superintendent

Dated: _____

ATTEST:

By: _____
Clerk

APPROVED AS TO FORM:

By: _____
District Counsel

CITY OF JACKSON

By: _____

Dated: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF SUTTER CREEK

By: _____

Dated: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF AMADOR CITY

By: _____

Dated: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

CITY OF PLYMOUTH

By: _____

Dated: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

AN AGREEMENT AMENDING THE AGREEMENT CREATING A JOINT EXERCISE OF POWERS
AUTHORITY FOR THE PURPOSE OF PLANNING AND OPERATING A
COUNTY-WIDE RECREATION AGENCY

THIS THIRD AMENDED AND RESTATED AGREEMENT (“Agreement”) is entered into this 14th day of February, 2018, by and among the County of Amador, and the cities of Amador City, Jackson, Ione, Plymouth, and Sutter Creek, and the Amador County Unified School District.

WHEREAS, the parties hereto are public entities located in Amador County (“Members”). The Members individually and jointly have the power to enter into this Agreement, participate in the Joint Powers Authority created hereby, and through such Joint Powers Authority plan and operate a County-wide recreation agency as set forth herein; and

WHEREAS, the Members have the need to plan and operate a County-wide recreation agency so as to coordinate, finance, acquire property for, and operate such an agency and intend to do so through the Joint Powers Authority; and

ARTICLE I - AUTHORITY

Section 1.1 Creation of Authority. Pursuant to Articles I and II (commencing with Section 6500) of Chapter 5, Division 7, of Title I of the California Government Code (hereinafter referred to as the Act), there was created by a prior Joint Powers Agreement a public entity known as the “Amador County Recreation Agency” (“ACRA”). ACRA is a public entity separate and apart from the Members and shall administer this Agreement.

ARTICLE II - PURPOSE

Section 2.1 Purpose. The purpose of this Agreement shall be to amend the existing Joint Powers Agreement establishing ACRA. ACRA shall have as a specific purpose the planning, financing, and operation of recreation programs and facilities in Amador County benefiting the Members and all areas of Amador County. The goal is to maximize recreation opportunities for all the people in all the areas of Amador County. This Agreement amends and supersedes the prior Agreement, which created ACRA and, as amended hereby, continues the existence, work, and operations of ACRA.

ARTICLE III - GOVERNING BOARD

Section 3.1 Governing Board. The Authority shall be governed by a Governing Board which shall consist of eight (8) directors. Two (2) directors shall be members of and appointed by the Board of Supervisors to represent Amador County. Five (5) directors shall be members of and appointed by each of the Member cities city councils. One (1) director shall be a member of and appointed by the Board of Trustees of the Amador County Unified School District. All voting power of ACRA shall reside in the Governing Board.

Section 3.2 Directors Terms. Each director shall serve at the pleasure of the appointing body. Vacancies on the Governing Board shall be filled by the appointing body.

Section 3.3 Compensation. The directors of the Governing Board shall not receive compensation from ACRA but may receive reimbursement for actual expenses for travel and other incidental expenses as may be authorized from time to time by said Governing Board.

Section 3.4 Regular Meetings. The Governing Board shall provide for the time and place of its regular meetings; provided, however, that one regular meeting shall be held each month, unless cancellation is noticed. The date, hour, and place of the holding of regular meetings shall be fixed by resolution of the Governing Board and a copy of such resolution shall be filed with each Member.

Section 3.5 Minutes. Minutes shall be kept of the meetings of the Governing Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each director and to each Member.

Section 3.6 Quorum. A majority of five (5) directors of the Governing Board shall constitute a quorum for the transaction of business. The affirmative vote of a majority of all directors shall be necessary for the approval of any action of the Governing Board.

Section 3.7 Rules. The Governing Board may adopt from time to time such rules and regulations for the conduct of its meetings and affairs as are necessary for the purposes thereof.

Section 3.8 Governing Board and Authority Expansion. Subject to Section 8.3, the Governing Board shall review and recommend to the Members expansion of the Governing Board and/or the Authority's membership once annually, at its March meeting.

ARTICLE IV - OFFICERS, EMPLOYEES, AND ADVISORY BODIES

Section 4.1 Chair, Vice-Chair, and Secretary. At the beginning of each calendar year, the Governing Board shall elect a Chair and Vice Chair and shall appoint a Secretary who may, but need not be a director. The Chair and Vice Chair shall be from different jurisdictions. The officers shall perform the duties normal to said offices; and

- (a) The Chair shall sign all contracts on behalf of ACRA and perform such other duties as may be imposed by the Governing Board; and
- (b) The Vice Chair shall act, sign contracts and perform all the Chair's duties in the absence of the Chair; and
- (c) The Secretary shall countersign all contracts on behalf of ACRA, perform such other duties as may be imposed by the Governing Board, and cause a copy of this Agreement to be filed with the Secretary of State pursuant to the provisions of California Government Code Section 6503.5.

Section 4.2 Finances and Fiscal Policy. In enacting this section, ACRA intends to ensure fiscal responsibility and the long-term sustainability of the JPA.

ACRA will annually prepare balanced budgets and sustain a balanced budget. Accounting procedures for the safe guarding of cash and related receipts and disbursements, accounts receivable, accounts payable and

payroll functions will be established in accordance with governmental accounting principles and standards. Internal control policies will reflect ACRA's commitment to providing high quality economical responsive services in furtherance of its mission statement. ACRA staff shall have the duties and obligations set forth in Government Code Sections 6505 and 6505.5. The Governing Board shall be provided with reports on the financial statements and budgets on a regular basis.

An audit will be performed in fiscal year 2017/2018, and a minimum of every other year thereafter. The Governing Board may authorize a financial review for the special district, in accordance with state law.

Section 4.3 Legal Advisor. The County Counsel of Amador County is hereby designated as the legal advisor to ACRA.

Section 4.4 Executive Director. The Governing Board shall appoint an Executive Director to administer ACRA. The Executive Director shall serve at the pleasure of the Governing Board. The Executive Director shall perform such administration and related duties as may be imposed on him/her by the Governing Board. In the absence of any counter-direction from the Governing Board, the Executive Director shall be responsible for the management and control of ACRA and the direction of ACRA employees.

Section 4.5 Technical Advisory Committee. The Governing Board may establish a Technical Advisory Committee (TAC). TAC members shall be appointed by the Cities and County. The City Manager and CAO or designee from each jurisdiction will serve on TAC. TAC shall provide recommendations to the Executive Director for the Governing Board on administration and implementation of the Regional Park Impact Mitigation Fees Program (RPIMF Program) in accordance with California Government Code 66000 et seq, and the adopted RPIMF Program MOU, fee schedule, capital improvement program, nexus plan, and the adopted Policies and Procedures thereof. TAC will provide recommendations to the Governing Board regarding sites, programs, staffing, and other elements of providing and using recreation facilities and programs.

Section 4.6. The Governing Board may establish other advisory committees, as needed.

Section 4.7 Ralph M. Brown Act. All meetings of the Governing Board, Advisory Team, and any other advisory or standing committees shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code).

Section 4.8 Charges For Services. The Board of Supervisors of Amador County shall determine charges to be made against ACRA for the services of County Counsel and other County costs of administering ACRA, such charges not to exceed the actual costs to the County incurred in providing for such services. The charges shall be subject to approval by the Governing Board.

Section 4.9 Bonding Persons Having Access To Property. From time to time, the Governing Board shall designate the public officers or persons, having charge of handling or having access to any property of ACRA and the respective amounts of the official bonds of the Treasurer and Auditor-Controller and such other persons pursuant to Section 6505.1 of the Act. California Government Code 1481, however, allows for a crime insurance policy to be purchased in lieu of individual bonds for public officers.

Section 4.10 Changing Officers and Team Members. The Governing Board may change the Treasurer,

Auditor-Controller, legal advisor, and Advisory Team at any time.

Section 4.11 Other Employees. The Governing Board shall have the power to appoint and employ such other officers, employees, consultants, advisors, and independent contractors as may be necessary for ACRA's purposes.

Section 4.12 Contract Employees. ACRA may contract with any Member, entity, or person to provide employees or services necessary to operate ACRA.

ARTICLE V - POWERS

Section 5.1 General Powers. ACRA, as created by this Agreement, shall exercise in the manner hereafter provided the powers, and only the powers, of providing public recreation common to all of the Members and necessary to the accomplishment of the purposes of the Agreement. ACRA shall have the power to plan, finance, acquire, construct, manage, and operate recreation programs and facilities in Amador County.

Section 5.2 Specific Powers. ACRA is hereby authorized in its own name to do all the acts necessary for the exercise of the foregoing general powers to further the purposes of this Agreement, including, but not limited to, any or all of the following:

- (a) to make and enter into contracts;
- (b) to employ agents or employees;
- (c) to acquire, dispose of, construct, manage, maintain or operate any real or personal property, or improvements;
- (d) to sue and be sued in its own name;
- (e) to incur debts, liabilities or obligations;
- (f) to apply for, accept, receive, and disburse grants, loans and other aid from any agency of the United States of America or the State of California;
- (g) to invest any money in the treasury pursuant to Government Code Section 6505.5 that is not required for the immediate necessities of ACRA as the Governing Board determines is advisable in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code;
- (h) to make rules and regulations appropriate to ACRA's operation; and
- (i) to carry out and enforce all of the provisions of this Agreement.

Section 5.3 Limitation. Except as otherwise authorized or permitted by law and for purposes of, and to the extent required by Section 6509 of the California Government Code, ACRA is subject to the restrictions upon the manner of exercising the powers applicable to Amador County.

ARTICLE VI - MEMBERSHIP FEES

Section 6.1. Payment of Membership Fees. Each Member jurisdiction, in signing this Amendment, agrees to pay Membership Fees determined by the current population within that jurisdiction. Each Member jurisdiction will pay a minimum of \$5.00 per person per year, with the exception of the Amador County School District, whose fees are waived in lieu of the use of school facilities. Membership Fees will be reviewed annually and may

be changed by Resolution of the ACRA Board and implemented upon the approval of each Member jurisdiction.

Section 6.2. Annual Inflationary Adjustment of Fees. The ACRA Board shall review and make recommendations for annual adjustments to increase or decrease the Membership Fees based upon inflation and budgetary considerations.

Section 6.3. Non-payment. Should non-payment of Membership Fees occur, the Governing Board shall convene a hearing to determine the reason for non-payment by the non-paying member. The non-payment of Membership Fees may result in the termination of Membership sixty (60) days after invoicing.

ARTICLE VII - COSTS

Section 7.1 Annual Budget. The Governing Board shall annually adopt a budget for ACRA prior to July 1 of each fiscal year, which shall begin on July 1.

Section 7.2 Records of Accounts. ACRA shall cause to be kept accurate and correct books of account, showing in detail the costs of administration, maintaining capital reserves, operation and maintenance, and all financial transactions of ACRA. Said books of account shall be open to inspection at all times by any representative of any of the Members, or by any accountant or other person authorized by any Member to inspect said books of account.

ARTICLE VIII - TERMINATION

Section 8.1 Term. This Agreement shall be effective on the date of its execution by the last of the Members and shall be effective on said date and shall continue until terminated by a majority of the Members.

Section 8.2 Disposition of Assets. Upon the termination of this Agreement, and after payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement, all surplus money of ACRA shall be returned in proportion to the funds furnished by the respective Members. Distribution of personal property assets of ACRA may be made in kind, or the assets may be distributed to Members in the same manner as any cash. To the extent feasible, any real property owned by ACRA shall be distributed to Members in a manner that will best ensure that the recreational activities associated with these properties remain available to the residents of Amador County. Prior to, or upon termination of this Agreement, Members shall meet and confer in good faith regarding the proper disposition of any real property owned by ACRA consistent with the provisions of this Section.

ARTICLE IX-- LIABILITY, INDEMNIFICATION AND INSURANCE

Section 9.1 ACRA Liability and Indemnification. The debts, liabilities, contracts, and obligations of ACRA shall be the debts, liabilities, contracts, and obligations of ACRA only and not of any Member Agency or Entity. Each Member is independent of every other Member and of ACRA and not the agent of any Member or of ACRA. ACRA shall indemnify, defend, and hold harmless each of the Members and their authorized officers, employees, agents, and volunteers from any and all claims, demands, suits, causes of action, liability, judgments,

damages, costs, and expenses (including reasonable attorneys' fees and court costs) arising from ACRA's acts, errors, or omissions and for any costs or expenses incurred by any Member on account of any claim therefor, except where such indemnification is prohibited by law.

Section 9.2 Member Indemnification. Pursuant to the provisions of California Government Code section 895 et seq., and except as required in Section 8.1, herein, each Member agrees to indemnify, defend, and hold harmless Members, including without limitation, its officers, agents, directors, employees and representatives from and against any and all from any liability, claim, or judgment for injury or damages caused by any negligent or wrongful omission of any agent, officer, and/or employee of the indemnifying Member which occurs or arises out of the performance of this Agreement.

Section 9.3 Insurance. ACRA shall provide for insurance covering liability exposure in an amount as the Governing Board determines necessary to cover risks of activities of ACRA.

Section 9.4 Third Party Beneficiaries. This Agreement and the obligations hereto are not intended to benefit any other party other than its Members, except as expressly provided herein. Only the signatories to this Agreement shall have any rights or causes of action against any party to this Agreement as a result of that Member's performance or non-performance under this Agreement, except as expressly stated in this Agreement.

ARTICLE X - MISCELLANEOUS PROVISIONS

Section 10.1 Notices. Notices hereunder shall be deemed sufficient if delivered to:

County of Amador
County Administrative Officer
810 Court Street
Jackson, CA 95642

City of Amador City
City Clerk
P.O. Box 200
Amador City, CA 95601

City of Jackson
City Manager
33 Broadway
Jackson, CA 95642

City of Sutter Creek
City Manager
P.O. Box 366
Sutter Creek, CA 95685

City of Ione
City Manager
P.O. Box 398
Ione, CA 95640

City of Plymouth
City Manager
P.O. Box 429
Plymouth, CA 95669

Amador County Unified School District
District Superintendent
217 Rex Ave.
Jackson, CA 95642

Section 10.2 Termination of Participation by Members. At any time during the term hereof, any Member or Members may terminate their participation in ACRA by giving 60 days' written notice thereof to ACRA and to the other Members. ACRA shall continue unless a majority of the Members forming ACRA have terminated their participation.

Section 10.3 Addition of Members. Additional public entities within Amador County may be added by amendment to this Agreement approved by a majority of the Members hereof acting through their legislative bodies; provided, however, that any new Member shall have the power to provide public recreation services; and provided further that the number of directors shall not change unless also approved by a majority of the Members.

Section 10.4 Term of this Agreement. The term of this Agreement is set for three years after approval by all members, or upon such time as the Governing Board determines that modifications to this agreement be made. During the third year of this agreement, or sooner, the governing board will review this agreement for possible additional amendments. Absent any action by the Governing Board, this Agreement will remain and continue.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.

COUNTY OF AMADOR

By: *Lynell Morgan*
Chairman, Board of Supervisors

Dated: 5/17/18

ATTEST:

By: *Jennifer Burns*
Jennifer Burns
County Clerk of the Board
Amador County

Dated: 5/17/18

APPROVED AS TO FORM:

By: *[Signature]*
County Counsel

Dated: 5/17/18

CITY OF JACKSON

By: *Craig Asafus*
Mayor

Dated: 8/7/18

By: *[Signature]*
City Clerk

Dated: 8/7/18

APPROVED AS TO FORM:

By: *[Signature]*
City Attorney

Dated: 8/13/18

CITY OF SUTTER CREEK

By: [Signature]
Mayor

Dated: 5/21/18

By: [Signature]
City Clerk

Dated: 5/22/18

APPROVED AS TO FORM:

By: [Signature]
City Attorney

Dated: 5/22/18

CITY OF IONE

By: [Signature]
Mayor

Dated: 5-15-18

By: [Signature]
City Clerk

Dated: 5-15-18

APPROVED AS TO FORM:

By: [Signature]
City Attorney

Dated: 5/15/18

CITY OF AMADOR CITY

By: [Signature]
Mayor
Ulu Mayor

Dated: 9/6/18

By: Joyce Donahoe
City Clerk

Dated: 9/6/18

APPROVED AS TO FORM:

By: [Signature]
City Attorney

Dated: 5-20-2018

CITY OF PLYMOUTH

By: [Signature]
Mayor

Dated: 5/25/18

By: Alonia Stoddard
City Clerk

Dated: 5/25/18

APPROVED AS TO FORM:

By: Katherine Cook
City Attorney

Dated: 5/31/18

AMADOR COUNTY UNIFIED SCHOOL DISTRICT

By: A. Slavensky
Superintendent of Schools

Dated: 6/27/18

ATTEST:

By: Kate Thompson
Clerk

Dated: 8/14/18

APPROVED AS TO FORM:

By: [Signature]
District Counsel

Dated: 8/6/18

ACRA Member	Member Fees Paid	% of total paid
Amador County	152782.5	72
City of Jackson	33013.5	15.5
City of Sutter Creek	17608.5	8
Plymouth	7390.5	3.5
Amador City	1332.5	1
Total fees paid	212127.5	100

**BEFORE THE BOARD OF DIRECTORS
AMADOR COUNTY RECREATION AGENCY**

**RESOLUTION AUTHORIZING)
THE AMADOR COMMUNITY)
FOUNDATION TO USE ACRA'S)
BINGO COOPERATIVE ACCOUNT)
FUNDS TO SUPPORT PARKS AND)
RECREATION IN AMADOR COUNTY)**

RESOLUTION NO. 26-2

WHEREAS, Amador County Recreation Agency (“ACRA”), is a Joint Powers Authority duly organized and existing under and by virtue of the laws of the State of California; and

WHEREAS, the purpose in creating ACRA was to establish an entity that would have at its specific purpose the planning, financing, and operation of recreation programs and facilities in Amador County benefitting all areas of Amador County. The goal is to maximize recreation opportunities for all the people in all the areas of Amador County; and

WHEREAS, on September 23, 2025, in light of staff resignations and the difficulties of keeping the ACRA financially viable, both presently and into the future, ACRA voted to recommend that its member agencies consider termination of the JPA Agreement and dissolution of ACRA; and

WHEREAS, based on direction provided by its member agencies, ACRA is currently in the process of winding up its business affairs and closing accounts; and

WHEREAS, the Amador Community Foundation (“ACF”) maintains an account with ACRA’s bingo game proceeds of approximately \$21,335 that may be distributed from time to time to support parks and recreation in Amador County; and

WHEREAS, ACRA desires that those funds continue to be used to support parks and recreation in Amador County through the issuance of one or more grants by ACF.

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NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Amador County Recreation Agency as follows:

1. Authorization for Use of Funds. ACF is hereby authorized to use the funds in ACRA's Bingo Cooperative account to support parks and recreation in Amador County through the award of one or more grants, as ACF determines appropriate.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador County Recreation Agency at a regular meeting thereof, held on the 2nd day of February 2026, by the following vote:

AYES: Jeff Brown, Chair; Logan Carnell, vice chair
 Sandy Staples, Julia Sierk, James Marzano, Chad Simmons
 NOES: None

ABSENT: Wendy Cranford



 Chair, Board of Directors

ATTEST: 

Clerk of the
 Board of Directors, Amador County,
 Recreation Agency

**BEFORE THE BOARD OF DIRECTORS
AMADOR COUNTY RECREATION AGENCY**

**RESOLUTION TO ESTABLISH)
SIGNATORY AUTHORITY)
)**

RESOLUTION NO. 26-1

WHEREAS, Amador County Recreation Agency (“ACRA”), is a Joint Powers Authority duly organized and existing under and by virtue of the laws of the State of California; and

WHEREAS, ACRA maintains bank accounts at various banking institutions in Amador County (the “Accounts”); and

WHEREAS, ACRA is in the process of winding up its business, with some necessary activities extending beyond the date ACRA will have ceased substantive operations; and

WHEREAS, ACRA desires to make changes to the individuals having signing authority for ACRA’s Accounts.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Amador County Recreation Agency as follows:

1. Removal of Former Signatory. Effective as of February 6, 2026, Margaret Friedman shall not be an authorized signatory on any ACRA accounts.
2. Authorized Signatories. Effective as of February 2, 2026, the following individuals (“Authorized Persons”) shall have signing authority on all Accounts currently established by ACRA and such other Accounts as may be established from time to time.

<u>NAME</u>	<u>POSITION</u>
Tacy Oneto Rouen	Amador County Auditor-Controller
Jeff Brown	Chair, ACRA Board of Directors

3. Authority. Each Authorized Person is hereby authorized to sign signature cards and such other forms and records as may be required by any bank at which an ACRA Account is maintained or established in the future.

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4. Reliance on Authorization. This authorization may be relied on by any banking institution and shall continue in full force and effect until the banking institution shall receive official notice in writing from ACRA of the revocation or modification of this resolution or the authority of any of the Authorized Persons.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador County Recreation Agency at a regular meeting thereof, held on the 2nd day of February 2026, by the following vote:

AYES: Jeff Brown, Chair; Logan Carnell, Vice Chair
Sandy Staples, Julia Sierk, Chad Simmons, James Marzano

NOES: None

ABSENT: Wendy Cranford



Chair, Board of Directors

ATTEST: 

Clerk of the
Board of Directors, Amador County,
Recreation Agency

Social Security Administration Retirement, Survivors and Disability Insurance

Date: January 30, 2026
EIN: 30-0462772
Tax Year: 2024



0040024 4 2 AB 0.641 0130M2E152PB T222 P5
AMADOR COUNTY RECREATION AGENCY
10877 CONDUCTOR BLVD
STE 100
SUTTER CREEK CA 95685-9688



Important Information, Immediate Reply Required

Each year we check our wage totals for the Forms W-2 you send us against the Forms 941, 943, 944 or Schedule H (Household Employment Taxes) employment tax returns you filed with the Internal Revenue Service (IRS). These totals must equal. We recently found that wage reports you submitted for your employees may not be correct. We need your help to correct them.

What You Should Do

Please check your records and make sure you have correctly reported your employees' wages.

- Check your report for wages below the household limit, if you are a household employer.
- Check your report for third party sick pay.
- Check for corrected reports and see if there is any reason for the different wage totals.
- Fill out the enclosed questionnaire and return it within 45 days.

Note: We encourage you to file your original and corrected wage reports electronically, using Business Services Online (BSO). You can find more information on wage report filing by going to our employer reporting website at: <http://www.socialsecurity.gov/employer>.

Enclosure(s):
Pub 16-002
Return Envelope

See Next Page

SSA-L-93-SM (03-17)



300462772-24-013026

004019M1V8A06799*
0040024
1100000000



About the Questionnaire

If the questionnaire shows only the IRS wage totals, it means we do not have copies of any Form W-2 wage reports for your employees for that tax year. Or, it may show that the Form W-2 wage totals we have in our records are less than those that are on the Forms 941, 943, 944 or Schedule H (Household Employment Taxes) returns you filed with the IRS.

We have enclosed a pamphlet entitled "Don't Let Your Employees Down" with information to help you complete the questionnaire. Or, you can go to <http://www.socialsecurity.gov/employer> and click on "Reconciliation" for more information.

For your convenience, we have also enclosed a self-addressed envelope. If you cannot use the envelope, please mail the completed questionnaire and requested information to:

Social Security Administration
P.O. Box 33021
Baltimore, Maryland 21290 -3021



If We Do Not Receive This Information

We cannot correct your employees' wage records unless you give us the information that we requested. This information is important. It could affect your employees' rights to future Social Security benefits and the amount of those benefits. Please make sure that the information you provide to us will resolve the problem. Always keep your wage records for four (4) years to back up your wage and tax reports, in case SSA or the IRS have questions about them later. If you do not send the information we need, we will refer this matter to the IRS. If the IRS finds that you made a reporting error, or fail to respond to our request, **they may charge you a penalty.**

Suspect Social Security Fraud?

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

SSA-L-93-SM (03-17)



300462772-24-013026

If You Have Questions

If you have any questions, please write to us at the above address or call us at 1-800-772-6270 Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Time.

Social Security Administration

•04029MVB/A064799•
0040024



SSA-L-93-SM (03-17)



300462772-24-013026

Date: January 30, 2026

Form Approved
OMB No. 0960-0432

**EMPLOYER QUESTIONNAIRE
DISCREPANCY BETWEEN IRS AND SSA RECORDS**

The IRS records show that, for the year below, you paid Social Security and/or Medicare taxes on more employee wages than SSA processed. We base our wage amount on your Forms W-2 and W-3 reports. The total wages on your Forms W-2 and W-3 for a year should equal the sum of the amounts that you report quarterly or annually to the IRS on your Forms 941, 943, 944 or on Schedule H (Household Employment Taxes).

IRS/SSA Data For Tax Year: 2024

EIN: 30-0462772

Employer Name: AMADOR COUNTY RECREATION AGENCY



	Soc. Security Wages	Medicare Wages/Tips
Amount Reported on W-3:	\$377,247.69	\$377,247.69
Amount Processed by IRS:	\$422,411.87	\$422,411.87
Amount Processed by SSA (from Forms W-2):	\$377,247.69	\$377,247.69
Difference Between IRS and SSA Processed Amounts:	\$45,164.18	\$45,164.18

	Soc. Security Tip Totals
Amount Reported on W-3:	\$0.00
Amount Processed by IRS:	\$0.00
Amount Processed by SSA (from Forms W-2):	\$0.00
Difference Between IRS and SSA Processed Amounts:	\$0.00

CHECK AND COMPLETE

Check and complete any items that apply to your wage report for the tax year shown above.

1. I did not file Forms W-2 with SSA. I am now taking the following action (check one):

Enclosed is the original Copy A of paper Forms W-2 and W-3, or SSA-97-SM (03-17)



300462772-24-013026

- () Sending SSA an electronic file.

Caution: If you are filing electronically, be sure to check the box indicating the submission is in response to a reconciliation notice. When you return this questionnaire, include a copy of the Business Services Online (BSO) receipt showing the wage file identifier (WFID) as proof of filing.

2. () I filed Forms W-2 under the EIN for the TY shown above. I am now taking the following action for the wages I previously reported (check one):
- () Enclosed are legible copies of paper Forms W-2 and W-3, or
- () Enclosed is a copy of the Business Services Online (BSO) receipt showing the wage file identifier (WFID) as proof of filing.
3. () The Form W-2 amounts I reported earlier are incorrect. (Enclose Copy A of paper Forms W-2c and W-3c and attach legible paper copies of the corrected tax report if filed with the IRS.)

Note: Do not send **original** corrected tax reports (941, 943, 944 or Schedule H to SSA. Submit a **copy** of the corrected tax report to resolve this issue. It is your responsibility to send any tax reports directly to the IRS.

4. () The Form W-2 amounts I reported earlier are correct. I incorrectly reported wage totals to the IRS. (Attach legible paper copies of the corrected tax report filed with the IRS.)

See "Note" under Item #3 above.

5. () The difference is due to sick pay from a third party. (Attach an explanation that shows the name and EIN of the third party and the dollar amounts involved.)
6. () I cannot explain the difference between SSA and the IRS records. (Attach legible copies of paper Forms W-2 and W-3 and the tax reports filed with the IRS.)

Note: Do not send **original** tax reports (941, 943, 944 or Schedule H to SSA. Submit a **copy** of the corrected tax report to resolve this issue. It is your responsibility to send any tax reports directly to the IRS.

7. () I reported the same correct wage amounts to the IRS that I reported to SSA. However, the IRS amounts shown above are incorrect. (Attach legible paper copies of the tax reports filed with the IRS.)

SSA-97-SM (03-17)



300462772-24-013026

See "Note" under Item #6 above.

8. () Other _____

() _____

Your Name and Title

Daytime Phone, with area code

INFORMATION ABOUT THE DATA YOU SEND SSA

The name, Social Security number, and wage amounts on the Forms W-2 must be readable and complete. If we cannot read all information on the documents you submit, or if any of these items are missing, we cannot add the wages to the employee's wage record. If you need blank copies of the Forms W-2 or W-3, call the IRS at 1-800-829-3676. If your copies of the Forms W-2 are illegible, please prepare duplicates on blank copies of the Forms W-2. Make sure the Forms W-2 show the correct year for the wages you report.



Note: If you send 250 or more wage items to us, you must file your wage reports electronically in accordance with Publication 42-007: Specifications for Filing Forms W-2 Electronically (EFW2). For more information, please go to our website at <http://www.socialsecurity.gov/employer> or call SSA's Employer Reporting Branch at 1-800-772-6270 Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Time.

RETURN THIS QUESTIONNAIRE

Please send all requested information to:

**Social Security Administration
P.O. Box 33021
Baltimore, Maryland 21290 -3021**

Important: Do not send cash, checks or money orders to SSA. Send your tax payments directly to the Internal Revenue Service.

**PRIVACY/PAPERWORK ACT NOTICE
Collection and Use of Personal Information**

Section 205(c)(2)(A) and 232 of the Social Security Act, as amended, allows us to collect this information. Furnishing us this information is voluntary. However, failing to provide all or part of the information may result in incorrect payments to beneficiaries due to missing and discrepant earnings information and referral of your case to the Internal Revenue Service for penalty assessment purposes.

SSA-97-SM (03-17)



300462772-24-013026

We will use the information to properly post employee wages and maintain accurate earnings records. We may also share your information for the following purposes, called routine uses:

- To State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations; and
- To Federal, State, or local agencies (or agents on their behalf) for the purpose of validating Social Security numbers used in administering cash or non-cash income maintenance programs or health maintenance programs (including programs under the Social Security Act).

In addition, we may share this information in accordance with the Privacy Act and other Federal laws. For example, where authorized, we may use and disclose this information in computer matching programs, in which our records are compared with other records to establish or verify a person's eligibility for Federal benefit programs and for repayment of incorrect or delinquent debts under these programs.

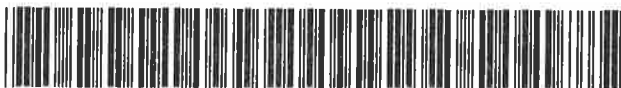
A list of additional routine uses is available in our Privacy Act System of Records Notice(SORN)60-0059, entitled Earnings Recording and Self-Employment Income System, as published in the Federal Register (FR) on January 11, 2006, at 71 FR 1819. Additional information, and a full listing of all of our SORNs, is available on our website at <http://www.ssa.gov/privacy>.

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The employer has an obligation to provide the information in this information collection request to the Social Security Administration. While respondents are not required to use this particular information collection tool to provide the information, if they do not, they must use other means. For example, employers may use our Business Services Online (OMB Control #0960-0626) to submit W-2(c)/W-3(c) information. We estimate that it will take about 30 minutes to read the instructions, gather the facts, and answer the questions. **Send only comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden to: SSA, 6401 Security Blvd, Baltimore, MD 21235-6401.**

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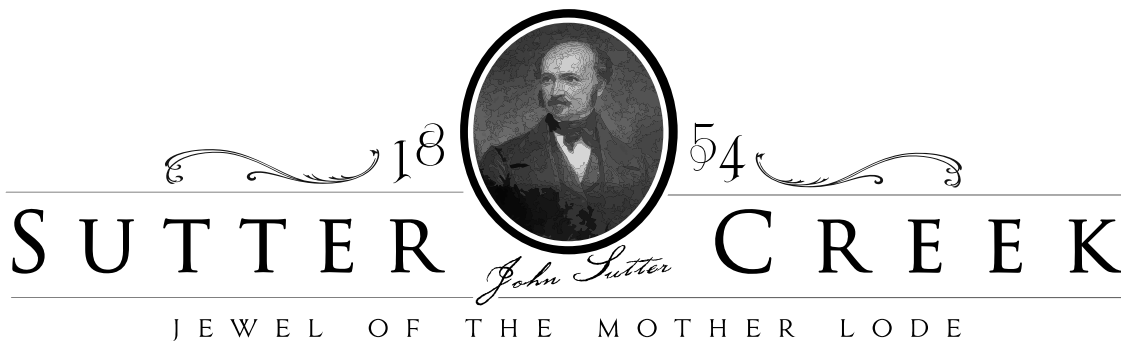


SSA-97-SM (03-17)



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STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

MEETING DATE: MARCH 2, 2026

FROM: DEREK COLE, CITY ATTORNEY

SUBJECT: EXTENDED MORATORIUM ON REVIEW, PROCESSING, OR APPROVAL OF NEW SHORT TERM-RENTAL APPLICATIONS PENDING THE CITY COUNCIL'S ADOPTION OF A PERMANT ORDINANCE

Background and Analysis

The City has for several years considered how to regulate short-term rentals within City limits. In past years, the City Council considered various iterations of an ordinance regulating such rentals. Ultimately, the City Council chose to use its existing conditional use permit ("CUP") process to address the issue. The Council previously determined it would allow up to 20 CUPs to be issued, and at or around the issuance of this number, the Council would consider the adoption of permanent regulations.

The City has issued 19 CUPs for short-term rentals. As the City approached the 20-CUP threshold, the City Council, at its January 20, 2026 meeting, approved a 45-day moratorium on the issuance of new CUPs for short-term rentals. The purpose of the moratorium was to create space to allow the City Council to formulate regulations that would be enacted in a permanent short-term rental ordinance.

With the 45-day deadline approaching, the City desires more time to both fully evaluate the impact of short-term rentals on the residential quality of neighborhoods and to consider the adoption of a permanent ordinance regulating such rentals. Under the California Government Code, the City is permitted to extend the moratorium two additional times, as follows: (1) for an extension of 10 months and 15 days, and (2) for an extension of an additional year. The ordinance may remain in effect for no longer than two years. A *four-fifths* vote of the Council is required to approve an extended moratorium.

Fiscal Impact

There is no material financial impact associated with the adoption of the extended moratorium.

Recommendation

The City Council should consider extending, for 10 months and 15 days, a moratorium on the review, processing, or approval of new short-term rentals to give the City sufficient time to formulate a permanent ordinance regulating such rentals.

ATTACHMENTS:

1. Urgency Ordinance Extending a Moratorium on the Permitting of Short-Term Rentals within City Limits.

ORDINANCE NO. 25-26-XX

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK EXTENDING A MORATORIUM ON THE PERMITTING OF SHORT-TERM RENTALS WITHIN CITY LIMITS PENDING THE DEVELOPMENT OF A PERMANENT ORDINANCE REGULATING SUCH RENTALS

WHEREAS, the City Council has previously considered the adoption of a Short-Term Rental (“STR”) Ordinance to establish permanent regulations for the use of privately-owned, single-family residential dwellings as STRs that minimize the negative secondary effects on the residential quality of surrounding neighborhoods.

WHEREAS, to date, in lieu of adopting a STR Ordinance, the City has issued conditional use permits (“CUPs”) with conditions for STRs, such as: (1) maintaining the exterior appearance of the vacation rental unit compatible with the single-family residence; (2) maintaining an adequate number of off-street parking spaces; (3) maintaining a valid City business license (4) paying the monthly transient occupancy tax (“TOT”) to the City; (5) providing the City with proof of insurance; (6) providing the City with a Site Plan and Floor Plan for the STR; (7) providing a completed checklist for fire safety; (8) ensuring the maximum number of overnight guests for an STR does not exceed two persons per bedroom; (9) complying with all standards and regulations stated in Chapter 10.50 of the City of Sutter Creek Municipal Code concerning noise; and (10) ensuring trash is not left in public view, except in proper containers.

WHEREAS, at its October 6, 2025 City Council meeting, City Staff reported to the Council that the City had approved 19 CUPs for STRs; and

WHEREAS, previously, the City Council determined that the City Council should revisit the adoption of a permanent STR Ordinance when it reaches 20 approved CUPs for STRs; and

WHEREAS, pursuant to the City of Sutter Creek’s police power, the City Council of the City of Sutter Creek has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the City and its residents; and

WHEREAS, California Government Code Section 65858 provides that, without following the procedures otherwise required prior to the adoption of a zoning ordinance and for the purpose of protecting the public safety, health and welfare, the City Council may adopt, as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with “a contemplated general plan, specific plan, or zoning proposal that the City Council, planning commission or the planning department is considering or studying or intends to study within a reasonable time”; and

WHEREAS, consistent with the above authority, and in response to conditions and evidence of which it has become aware through the workshops and meetings described above, the City Council, at its January 20, 2026 meeting, adopted a 45-day moratorium on the permitting of STUs within city limits to allow for evaluation of their impact on the residential quality of neighborhoods and for consideration of adoption of a permanent ordinance establishing STR regulations.

WHEREAS, California Government Code Section 65858 further provides that the City Council, after providing notice pursuant to Government Code Section 65090, may extend the moratorium for 10 months and 15 days and subsequently extend the moratorium for one year; and that any extension shall also require a four-fifths (4/5) vote for adoption.

WHEREAS, for the reasons more fully described within, the City Council determines, by at least a four-fifths (4/5) vote, that extending this urgency ordinance for 10 months and 15 days is a matter of City-wide importance, is a reasonable and necessary measure designed for the immediate preservation and protection of the public health, safety, or welfare of the community; and is in accordance with the public purposes and provisions of applicable State and local laws and requirements.

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

SECTION 1. EXTENDED MORATORIUM FINDINGS.

A. Currently, the City issues CUPs with conditions for STRs and the City has nearly reached its limit of 20 STRs within city limits imposed by the City Council.

B. Without the extension of a temporary moratorium on STRs, the City may be required to process applications for STRs even though its existing conditions require updates, based on study and analysis, that result in recommendations of new standards and best practices for such uses.

C. There is a current and immediate threat to the public health, safety, and welfare of the City and its residents, thereby necessitating the immediate extension of this urgency moratorium, in that the approval of any additional CUPs for STRs in the City would be required to be processed under the City's existing conditions, without taking into consideration the potential negative impacts of STRs on the residential quality of neighborhoods.

D. The extension of this urgency moratorium is necessary to protect the City and its residents from the overgrowth of STRs, which can be contentious in certain neighborhoods and also infringe on the rights of neighbors.

E. Extension of this urgency moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of STRs moving forward. While the extended moratorium is in effect, the City seeks to consider a permanent ordinance that will balance the needs and rights of property owners and neighbors, ensure the health and safety of guests and residents, support tourism in a balanced way, and be economically beneficial to the City.

SECTION 2. EXTENSION OF MORATORIUM.

For so long as this extended ordinance is in effect, the City shall not receive, accept, process, or approve any application for any conditional use permit or other City-issued authorization concerning any STR.

SECTION 3. NOTICE.

Pursuant to California Government Code Section 65090, notice of the extended ordinance was published in a newspaper of general circulation within the City at least 10 days prior to the hearing.

SECTION 4. CEQA FINDING.

The City Council determines that the provisions of this extended ordinance are exempt from the California Environmental Quality Act (“CEQA”) because the instant ordinance involves continuing administrative activities and thus is not a project, as CEQA defines, pursuant to Section 15378(b)(2) of the CEQA Guidelines. To the extent the adoption of this ordinance constitutes a project, the City Council finds pursuant to CEQA Guideline Section 15061(b)(3) that the project is exempt from environmental review because it can be seen with certainty that the extension of this urgency ordinance would not have any significant impact on the environment.

SECTION 5. REPORT.

The City Manager, or designee, is authorized and directed to prepare the report required by paragraph (d) of California Government Code Section 65858 describing the measures taken to alleviate the condition which led to the extension of this ordinance for presentation to the City Council no later than ten days prior to the expiration of this ordinance.

SECTION 6. EFFECTIVE DATE; FOUR-FIFTHS VOTE REQUIRED.

This extended ordinance shall become effective immediately upon adoption if adopted by at least a four-fifths (4/5) vote of the total members of the City Council and shall be in effect for 10 months and 15 days, unless extended for a second time by the City Council, as provided in California Government Code Section 65858.

SECTION 7. PUBLICATION.

The City Clerk shall certify to the passage of this extended ordinance and shall cause this ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in a newspaper of general circulation, published and circulated in the City of Sutter Creek.

PASSED, APPROVED, AND ADOPTED this 2nd day of March 2026 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Claire Gunselman, Mayor

ATTEST:

Pam Caronongan, City Clerk

Date



TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
MEETING DATE: MARCH 2, 2026
FROM: LARRY WHITE, BUILDING INSPECTOR
DEREK COLE, CITY ATTORNEY
SUBJECT: INTRODUCE AND WAIVE THE FIRST READING OF ORDINANCE TO
ADOPT BY REFERENCE THE 2025 EDITION OF THE CALIFORNIA
BUILDING STANDARDS CODE WITH LOCAL AMENDMENTS ADDED

RECOMMENDATION

It is recommended that the City Council waive the first reading by substitution of the title and introduce **Ordinance No. xxx**, thereby adopting by reference the 2025 Edition of the California Building Standards Code and other Uniform Codes with local amendments and thus amending Sections 15.04.010 and 15.04.030 of the Sutter Creek Municipal Code.

If adopted, the temporary **Ordinance No. xxx** reflected above will be assigned a permanent ordinance number.

BACKGROUND AND DISCUSSION

The City last amended Chapter 15.04 to reflect the 2022 California Building Standards Code and Other Uniform Codes in 2023.

The State of California Building Standards Commission adopted new State Building Codes (known as Title 24), including the California Fire Code, referenced as the 2025 California Building Codes which became effective on January 1, 2026. The Commission typically prepares code updates every three years with mid-cycle adjustments. These Codes apply minimum construction standards for all construction throughout the State.

The 2025 California Building Codes consist of 13 parts as follows:

Part 1	Administrative Code	Part 7	California Wildland-Urban Interface Code (WUI was adopted as a new standalone code in February 2025, with an official effective date of January 1, 2026)
Part 2	California Building Code (CBC) - Volumes 1 and 2	Part 8	California Historical Building Code
Part 2.5	California Residential Code (CRC)	Part 9	California Fire Code (CFC)
Part 3	California Electrical Code (CEC)	Part 10	California Existing Building Code
Part 4	California Mechanical Code (CMC)	Part 11	California Green Building Standards (CALGreen)
Part 5	California Plumbing Code (CPC)	Part 12	California Referenced Standards Code
Part 6	California Energy Code		

Key Amendments in Title 24 (from 2022 to 2025)

Amendments to the 2022 California Title 24, now reflected in the 2025 California Title 24 Building Standards Code focus heavily on decarbonization, electric vehicle (EV) infrastructure, and fire safety. Key changes include mandatory electric heat pump incentives, stricter EV charging requirements, enhanced Wildland-Urban Interface (WUI) standards, and updated energy efficiency metrics for new and renovated buildings.

Below is a summary of the key amendments:

- Energy Efficiency & Decarbonization (Part 6): Increased focus on electric-ready infrastructure, specifically encouraging heat pumps for space and water heating over natural gas.
- CALGreen (Part 11): Updated definitions for "electric vehicle charging stations" and added "electric-ready" requirements for parking lots.
- Wildland-Urban Interface (WUI) Code (Part 7): A major update for 2025 is the creation of a separate, strict WUI code for buildings in high-risk fire zones.
- Battery Storage & Fire Safety: Updated standards for lithium-ion battery storage systems (BESS) and improved fire alarm/sprinkler requirements in new and existing buildings.
- Structural & Seismic Safety: Updated structural sealant glazing (SSG) standards and revised testing requirements for risk category buildings.
- Adaptive Reuse (2024 Changes): Amendments to the California Existing Building Code (CEBC) added new compliance paths (Work Area path) to make it easier to convert older buildings

These changes, which apply to various parts of the Title 24 code, are designed to align with California's goals for cleaner, safer, and more resilient infrastructure.

Local Amendments to the 2025 California Building Standards Code (CBC)

As of January 1, 2026, the City (and all California municipalities) is required by State law to enforce the California Building Standards Codes (CBC). Therefore, they are by law applicable to all projects in the City of Sutter Creek that obtain building permits. Local jurisdictions may amend the new California Building Codes to address unique local climatic, geographical, and topographical conditions. Local amendments to the State Codes become effective after copies of the adopting ordinance(s) and adopted finding of need resolution (if there was one adopted along with the ordinance) are filed with the California Buildings Standards Commission (CBSC).

To be more specific in regards to local amendments to the State Codes, local jurisdictions are permitted to establish more restrictive building standards than those contained in the Code that are reasonably necessary because of conditions unique to that local jurisdiction.

The City, therefore, has more restrictive requirements for snow load, Class “A” roofing and fire sprinklers for buildings exceeding 5,000 square feet. The City is located within a less restrictive seismic area than the other counties and cities. Most projects located within the City limits are governed more by wind than seismic regulations. These local amendments are consistent with those adopted by the City Council during the 2023 adoption cycle and include the amendments included in the 2023 code adoption cycle not adopted by the City.

In addition to the California Building Standards Code, **Ordinance 25-26-XX** adopts a number of other “building codes.” With the exception of the Uniform Housing Code, the City is not required to adopt these codes; however, their adoption assists staff’s enforcement of the California Building Standards Code and imposes additional beneficial regulations. It also maintains consistency with Amador County and the other cities in the County.

These codes are the Uniform Housing Code, the Uniform Building Security Code, Uniform Swimming Pool, Spa and Hot Tub Code, the Uniform Code for the Abatement of Dangerous Buildings and the International Property Maintenance Code.

Procedurally, the City must take the following special steps whenever it adopts a code by reference:

1. Introduce the ordinance and conduct (or waive) a first reading,
2. Schedule a public hearing that may coincide with the second reading,
3. Publish notice of the hearing for fourteen days, and
4. Conduct the public hearing and adopt the ordinance.

The scheduled action for the City Council meeting is the first of these four actions.

BUDGET IMPACT

None.

ATTACHMENT

- 1) Draft Ordinance No. XXX

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK AMENDING SECTIONS 15.04.010 AND 15.04.030 OF THE SUTTER CREEK MUNICIPAL CODE REGARDING ADOPTION OF THE 2025 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE, 2025 CALIFORNIA BUILDING CODE, 2025 CALIFORNIA RESIDENTIAL BUILDING CODE, 2025 CALIFORNIA ELECTRICAL CODE, 2025 CALIFORNIA MECHANICAL CODE, 2025 CALIFORNIA PLUMBING CODE, 2025 CALIFORNIA ENERGY CODE, CALIFORNIA WILDLAND-URBAN INTERFACE CODE, 2025 CALIFORNIA HISTORICAL BUILDING CODE, 2025 CALIFORNIA FIRE CODE, 2025 CALIFORNIA EXISTING BUILDING CODE, 2025 INTERNATIONAL PROPERTY MAINTENANCE CODE, 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 UNIFORM HOUSING CODE, 2024 UNIFORM BUILDING SECURITY CODE, AND 2024 UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE

The City Council of the City of Sutter Creek, California does ordain as follows:

Section 1

Section 15.04.010 of the Sutter Creek Municipal Code is amended as follows:

15.04.010 - Adoption of codes and related appendices.

- A. The 2025 California Building Standards Administrative Code contained in Part 1 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Building Standards Administrative Code of the City of Sutter Creek.
- B. The 2025 California Building Code contained in Part 2 of Title 24 of the California Code of Regulations, including Appendix C (Group U—Agricultural Building), Appendix H (Signs), Appendix I (Patio Covers) and Appendix J (Grading) is hereby adopted by reference as the Building Code of the City of Sutter Creek.
- C. The 2025 California Residential Building Code contained in Part 2.5 of Title 24 of the California Code of Regulations, is hereby adopted by reference as the Residential Building Code of the City of Sutter Creek.
- D. The 2025 California Electrical Code contained in Part 3 of Title 24 of the California Code of Regulations, including Article 89, is hereby adopted by reference as the Electrical Code of the City of Sutter Creek.
- E. The 2025 California Mechanical Code contained in Part 4 of Title 24 of the California Code of Regulations, is hereby adopted by reference as the Mechanical Code of the City of Sutter Creek.
- F. The 2025 California Plumbing Code contained in Part 5 of Title 24 of the California Code of Regulations, is hereby adopted as the Plumbing Code of the City of Sutter Creek.

- G. The 2025 California Energy Code contained in Part 6 of Title 24 of the California Code of Regulations, including Appendix 1-A is hereby adopted by reference as the Energy Code of the City of Sutter Creek.
- H. The 2025 California Wildland-Urban Interface Code contained in Part 7 of Title 24 of the California Code of Regulations, including Appendix 1-A is hereby adopted by reference as the Wildland-Urban Interface Code of the City of Sutter Creek.
- I. The 2025 California Historical Building Code contained in Part 8 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Historical Building Code of the City of Sutter Creek.
- J. The 2025 California Fire Code contained in Part 9 of Title 24 of the California Code of Regulations, is hereby adopted as the Fire Code of the City of Sutter Creek.
- K. The 2025 California Existing Building Code contained in Part 10 of Title 24 of the California Code of Regulations, is hereby adopted by reference as the Existing Building Code of the City of Sutter Creek.
- L. The 2025 California Green Building Standards Code contained in Part 11 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Green Building Standards Code of the City of Sutter Creek.
- M. The 2025 California Referenced Standards Code contained in Part 12 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Referenced Standards Code of the City of Sutter Creek.
- N. The 2025 International Property Maintenance Code as published by the International Code Council and referenced in Title 24, Part 2, of the California Building Code is hereby adopted by reference as the Property Maintenance Code of the City of Sutter Creek.
- O. The 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials, is hereby adopted by reference as the Dangerous Buildings Code of the City of Sutter Creek.
- P. The 1997 Uniform Housing Code (UHC) by the International Conference of Building Officials, is hereby adopted by reference as the Uniform Housing Code (UHC) of the City of Sutter Creek.
- Q. The 2024 Uniform Building Security Code by the International Code Council (ICC), is hereby adopted by reference as the Uniform Building Security Code of the City of Sutter Creek.
- R. The 2024 Uniform Swimming Pool, Spa and Hot Tub Code (USPSHTC) by the International Association of Plumbing and Mechanical Officials (IAPMO), is hereby adopted by reference as the Uniform Swimming Pool, Spa and Hot Tub Code of the City of Sutter Creek.

S. The above-identified codes in this section 15.04.010 (hereinafter collectively referred to as the "Building Codes") are adopted for the purpose of prescribing regulations for the erection, construction, modification, repair, maintenance, demolition, use and occupancy of buildings and structures. One copy of each of the Building Codes shall be maintained for use and examination of the public in the office of the building official.

Section 2

The City Council finds as follows:

A. California Health and Safety Code, Section 13869.7, 17958.7, and 18941.5, allow for amendments reasonably necessary because of local climatic, geographical or topographical conditions.

B. The topography of the City of Sutter Creek presents several factors which impede response times: steep and narrow roadways, the city divided by a major waterway, Sutter Creek, and areas with insufficient water supplies.

C. The City of Sutter Creek is surrounded by State Resource Area (SRA) high hazard areas which gives potential for wildland fires moving into the city. With terrain and steep canyons creating challenging access, changes in the code allow for more self-sustaining defensible fire protection.

D. The City of Sutter Creek presents problems for a timely response due to climatic conditions, from fog to occasional snow.

E. Based on the afore-cited topographical and climatic findings the City of Sutter Creek finds it necessary to amend the Code to provide additional fire safety measures in an attempt to reduce the severity of fire and potential loss of life and property.

F. In addition, the City of Sutter Creek is at elevation 1,188 feet, and therefore receives snow at such intervals as require that the roof of structures be constructed to accommodate snow loads of a minimum of 20 pounds per square feet. Due to this topographical and climactic condition, the adoption of a local snow-load requirement is necessary to protect the potential loss of life and property.

Section 3

In light of the findings in the preceding section, Section 15.04.030 of the Sutter Creek Municipal Code is amended as follows:

15.04.030 - Amendments to California Building Code.

The provisions of this section 15.04.030 shall constitute local amendments to the cross-referenced provisions of the 2022 California Building Code, Title 24, Part 2 and shall be deemed to amend the cross-referenced section in said Code with the respective provisions set forth in this section 15.04.030.

A. Section 903.2 of the California Building Code is amended by adding, at the end of the text of that section, a new subsection to read as follows:

22. **NEW STRUCTURES.** An automatic fire sprinkler system shall be installed in occupancies 5,000 square feet and larger exclusive of area separations as defined in the California Building Code.

This requirement may be waived by the Building Official if the building is divided into areas of less than 5,000 square feet. Such division shall be made by the construction of fire wall(s) which meet the requirement of Chapter 3 and Chapter 7 of the California Building Code.

The integrity of the said fire wall shall be maintained as defined in the California Building Code. In the event such integrity is not maintained, the building shall be equipped with an approved automatic sprinkler system.

B. Section 903.2 of the California Building Code is amended by adding, at the end of the text of that section, a new subsection to read as follows: 23. **EXISTING STRUCTURES.** An automatic fire sprinkler system shall be provided in existing structures when there is a change of character of the occupancy or use of any building which may, in the opinion of the Building Official, increase or may cause to increase the hazard of fire or threat to life and safety.

C. Section 1608A.1 of the California Building Code is amended to add the following sentence at the end of the subsection as follows: (1) The snow load for the City of Sutter Creek shall be 20 pounds per square foot.

Section 4

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5

The City Council determines that the provisions of this Ordinance are exempt from the California Environmental Quality Act because the instant ordinance involves continuing administrative activities and thus is not a project, as the Act defines, pursuant to Section 15378(b)(2) of the California Environmental Quality Act Guidelines. To the extent the adoption of this Ordinance constitutes a project, the City Council finds pursuant to CEQA Guideline Section 15061(b)(3) that the project is exempt from environmental review because it can be seen with certainty that the adoption of the ordinance would not have any significant impact on the environment.

This ordinance shall be published and posted in the manner required by law by the City Clerk.

Introduced at a meeting of the City Council of Sutter Creek on (date of introduction) and enacted by the City Council of the City of Sutter Creek at a regular meeting held on (date of adoption).

PASSED, APPROVED AND ADOPTED at a regular meeting of the Sutter Creek City Council, held on this ___ day of _____ 2026, by the following vote, to wit:

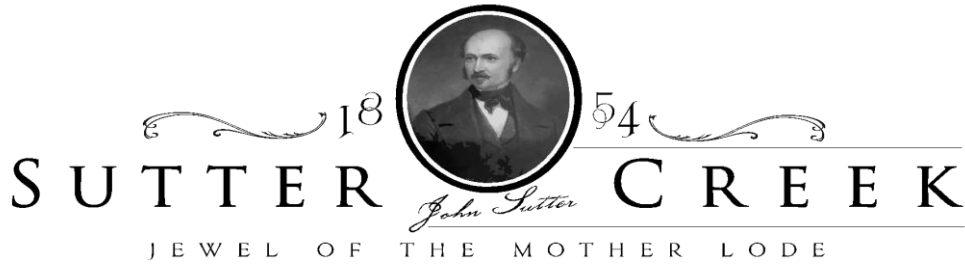
- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

CITY OF SUTTER CREEK

Claire Gunselman, Mayor

ATTEST:

Pam Caronongan, MMC, City Clerk



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

MEETING DATE: MARCH 2, 2026

FROM: ERIN VENTURA, CONTRACT PLANNER

SUBJECT: SHORT TERM RENTALS

DISCUSSION CONTINUATION:

The 6 areas of discussion have been updated based on the comments and decisions made at the February 2, 2026 City Council meeting. It’s recommended that any council member absent from the Feb 2 meeting watch the video of the discussion prior to the March 2 meeting.

1) Location/Density

No consensus was established at the February 2, 2026 meeting.

The City Council should consider whether to establish density limits for short-term rentals in specific areas of the City. Currently, 15 of the City’s 21 short-term rentals are located within the Historic District. See attachments for Historical District boundaries and existing short term rental locations.

There are both benefits and drawbacks to this concentration. Advantages include the Historic District’s walkability to downtown businesses, which reduces demand for limited downtown parking, and the existing mix of residential and commercial uses, which may lessen the perceived impact of short-term rentals. Additionally, short-term rentals provide visitors with the opportunity to stay in homes that reflect the historic character of Sutter Creek.

Potential drawbacks include the close proximity of homes, which may increase impacts on neighboring residents, a reduction in available long-term rental housing within the Historic District, and the risk of damage to historic structures due to frequent tenant turnover.

Staff recommend that the City Council discuss whether a density restriction should be established. One option would be to allow a certain percentage of units within the Historic District to operate as short-term rentals, with a separate percentage permitted outside of the Historic District.

Staff further recommend using a percentage of total housing units rather than a fixed numerical cap, as this approach would adjust over time with changes in the City’s housing stock.

Decision Points / Options:

- 1. Whether to establish different density limits for short-term rentals within the Historic District versus areas outside the Historic District
- 2. Whether to establish density limits in 4 - 5 areas of town (instead of just 2 in #1 above)
- 3. How to handle a waitlist if and when density limits are reached

2) Owner Occupied vs. No onsite owner

At the February 2, 2026 meeting direction was provided on the following decision points:

Decision Point:

- Whether to differentiate regulations for owner-occupied short-term rentals versus non-owner-occupied short-term rentals-

Yes

- Whether to establish a cap on non-owner-occupied short-term rentals-

Yes, a cap should be established and it should be a percentage of total units within the City.

- What *percent* of total residential units* within the City should be allowed?
 - **2.5%= 35 units**
 - **5% = 70 units**

*Based on 1,404 residential units from Table II-25. Housing Units by Type within in the Amador Countywide 2021-2029 Housing Element

- Whether to allow unlimited owner-occupied short-term rentals-

Yes, unlimited owner occupied STRs will be allowed.

- If there is a cap, use a percentage-based limit or a fixed numerical cap-

Use a percentage based limit.

3) Permit Duration and Activity Requirements

No consensus was established at the February 2, 2026 meeting.

The City Council may also wish to consider establishing time limits and activity requirements for short-term rental permits. One option is to issue permits for a defined term, such as three years, with annual renewals to confirm continued compliance with City regulations.

To ensure permits are held by active operators, the City may require ongoing evidence of activity, such as regular submission of Transient Occupancy Tax (TOT). If a permit holder does not demonstrate activity by submitting required TOT filings for a specified period, the permit could be deemed inactive and automatically voided.

These provisions would help prevent permits from being held indefinitely without use, allow the City to better track active short-term rentals, and ensure that permits are available to operators who are actively contributing to the local economy and complying with City requirements.

Decision Points:

- Length of the short-term rental permit term- 1 year, 3 years
- Annual renewal requirements
- Criteria for determining inactivity and voiding permits

4) Permit Process

The City Council feels that the Short Term Rental application process should be handled at the staff level through an Administrative Short Term Rental Use Permit.

Decision Points:

- Whether short-term rental permits should continue to require Planning Commission approval.

No, it should be an administrative permit.

- If so, is there direction to the Planning Commission on what aspects to evaluate an application on to make it more objective?

N/A administrative permit

- Whether public hearings should be required for all residential short-term rentals or limited to specific circumstances.

No, administrative permit.

- Whether staff-level approval is appropriate for some or all short-term rental permits-

Yes

- Whether permit requirements should differ between residential and commercial zoning districts, or by area of the City such as the historic district vs non-historic district.
To be discussed

5) Operating Rules and Conditions of Approval

No consensus was established at the February 2, 2026 meeting.

The City Council may also wish to review the existing operating rules and conditions associated with short-term rental permits to determine whether any modifications are warranted. Currently, short-term rentals are subject to comprehensive conditions of approval intended to ensure neighborhood compatibility, public safety, and regulatory compliance.

These conditions address exterior property maintenance, off-street parking requirements, business licensing, payment of Transient Occupancy Tax (TOT), insurance coverage, and submission of site and floor plans. They also require compliance with fire, building, health, and safety codes, including installation and maintenance of required life-safety equipment. Operational standards limit the number of overnight and daytime occupants, require compliance with the City's noise regulations, and mandate clear communication of rules to guests.

Property owners or operators must provide 24-hour contact information, respond to complaints within 60 minutes, and take immediate action to address noise, disturbances, or other violations. Additional requirements address trash management, guest accountability, reporting of violations, and enforcement procedures, including permit modification, suspension, or revocation. Permits are non-transferable and subject to City enforcement authority.

The City Council may consider whether these rules remain appropriate as written, whether certain conditions should be clarified, strengthened, or streamlined, or whether different standards should apply based on factors such as location, permit type, or owner occupancy.

Council may want to consider what conditions a property owner, a long term renter, or a hotel guest can be subjected to when evaluating some of these standards for reasonableness as well as how difficult / easy some standards are to enforce, using the EASE framework. .

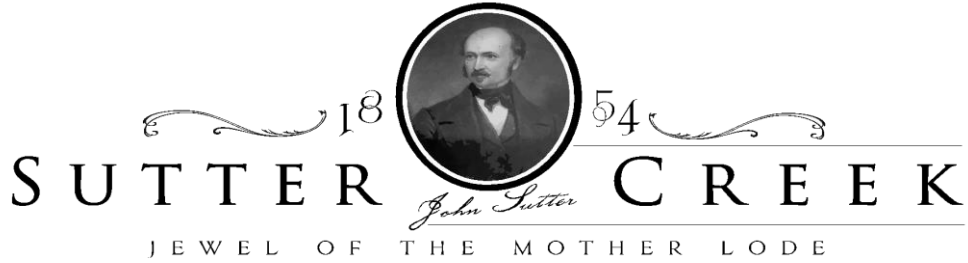
Decision Points:

- Whether to amend existing operating standards or conditions of approval
- Whether certain requirements should be adjusted based on owner-occupied versus non-owner-occupied rentals
- Whether enforcement, response time, or penalty provisions should be modified
- Whether additional or fewer operational standards are necessary to address neighborhood impacts and compliance
- Whether a physical inspection should be required (adds cost)

6) City TOT Accounting

At the February 2, 2026 meeting, City Council directed staff to move forward with the TOT

Accounting programs/policies.



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

MEETING DATE: FEBRUARY 2, 2026

FROM: ERIN VENTURA, CONTRACT PLANNER

SUBJECT: SHORT-TERM RENTAL ORDINANCE UPDATE

RECOMMENDATION

This item is for discussion and direction only.

BACKGROUND

In November 2019, the City began updating its Short-Term Rental (STR) Ordinance. At that time, the Ordinance was not adopted. Since then the staff has been tracking permits and keeping the City Council up to date on short term rental activity. In October 2025, staff presented an update to the City Council. To date the City has 21 active short term rentals:

- **16 active short-term rentals, 5 lapsed:**
290 Gopher Flat; 70 Broad; 90 Boston Alley; 44 Badger Street; 85 Broad Street; 70 Gopher Flat Rd.; 31 Badger; ~~70 Greenstone Terrace~~; 225 Patricia Ln; 193 Badger; 60 Randolph; 86 Barney Lane; 64 Eureka Street; 171 China Gulch Rd; 335 Sutter Crest E; ~~80 Greenstone Terrace~~; 40 Mountain View Dr.; ~~39 Elm Street~~; ~~44 Opal Street~~; ~~70 Hayden Alley~~; 30 Bryson Drive

In addition to STR permits, the City also had six hotel/inn establishments.

- **8 hotel/inn establishments:** Hotel Sutter; Inn at 161; Hanford House Inn; Sutter Creek Inn; Old Hotel Antiques; Brinnwood Bed & Breakfast; Kiota Inn; Eureka Street Inn.

After the October 2025 council discussion, a 45 day moratorium was adopted on Jan 20, 2026. This moratorium can be extended for up to two years with further action by the Council. The purpose of this is to allow the City Council time to review, revise and adopt an updated ordinance.

DISCUSSION

In evaluating a new ordinance, we encourage the council to be clear about the problem they are trying to solve. Sutter Creek has had short term rentals for a number of years with very few problems - a lot of concerns have so far been unfounded. We have not had a lot of complaints

from the existing short term rentals in town.

Staff proposes that during discussion, we use the EASE framework to evaluate options. EASE consists of four pillars used to evaluate the viability and impact of a proposed ordinance:

- E - Equity: Evaluation of fairness in a proposed process, balancing home owner property rights with impacts to surrounding properties. Equity would also include fairness in getting and maintaining a permit, if the total number is capped.
- A - Administrability: Analysis of the complexity of implementing, collecting, and enforcing the ordinance, including compliance costs and the capability to manage the system.
- S - Stability: Assessment of the reliability and consistency of the process year-to-year, specifically looking for low volatility.
- E - Economic Benefits: Evaluation of the impact on City, including TOT revenue, preservation of historic resources, and support of local businesses.

Staff has identified six (6) areas for discussion.

1) Location/Density

The City Council should consider whether to establish density limits for short-term rentals in specific areas of the City. Currently, 15 of the City's 21 short-term rentals are located within the Historic District. See attachments for Historical District boundaries and existing short term rental locations.

There are both benefits and drawbacks to this concentration. Advantages include the Historic District's walkability to downtown businesses, which reduces demand for limited downtown parking, and the existing mix of residential and commercial uses, which may lessen the perceived impact of short-term rentals. Additionally, short-term rentals provide visitors with the opportunity to stay in homes that reflect the historic character of Sutter Creek.

Potential drawbacks include the close proximity of homes, which may increase impacts on neighboring residents, a reduction in available long-term rental housing within the Historic District, and the risk of damage to historic structures due to frequent tenant turnover.

Staff recommend that the City Council discuss whether a density restriction should be established. One option would be to allow a certain percentage of units within the Historic District to operate as short-term rentals, with a separate percentage permitted outside of the Historic District.

Staff further recommend using a percentage of total housing units rather than a fixed numerical cap, as this approach would adjust over time with changes in the City's housing stock.

Decision Points / Options:

1. Whether to establish different density limits for short-term rentals within the Historic District versus areas outside the Historic District

2. Whether to establish density limits in 4 - 5 areas of town (instead of just 2 in #1 above)
3. How to handle a waitlist if and when density limits are reached

2) Owner Occupied vs. No onsite owner

The City Council may also wish to consider whether to distinguish between owner-occupied and non-owner-occupied short-term rentals. Owner-occupied short-term rentals include situations where the property owner resides on-site, either within the primary dwelling or an accessory dwelling unit (ADU), or rents out individual rooms within their home. In these cases, the owner's presence may help mitigate potential impacts related to noise, parking, and property maintenance, as the owner has a direct interest in preserving neighborhood compatibility. It may also enable residents on a fixed income to enjoy a higher quality of life and have some companionship.

In contrast, short-term rentals where no owner resides on-site may have greater potential to impact surrounding residents. These properties often function more like commercial lodging, with higher guest turnover and less day-to-day oversight, which may increase concerns related to noise, parking, and neighborhood character.

The City Council may consider whether different regulations, performance standards, or allowance thresholds should apply to owner-occupied versus non-owner-occupied short-term rentals, including whether one category should be more limited or prioritized over the other. Currently, owner-occupied STR is a very small part of the existing STR units.

Decision Point:

- Whether to differentiate regulations for owner-occupied short-term rentals versus non-owner-occupied short-term rentals
- Whether to establish a cap on non-owner-occupied short-term rentals
- Whether to allow unlimited owner-occupied short-term rentals
- If there is a cap, use a percentage-based limit or a fixed numerical cap

3) Permit Duration and Activity Requirements

The City Council may also wish to consider establishing time limits and activity requirements for short-term rental permits. One option is to issue permits for a defined term, such as three years, with annual renewals to confirm continued compliance with City regulations.

To ensure permits are held by active operators, the City may require ongoing evidence of activity, such as regular submission of Transient Occupancy Tax (TOT). If a permit holder does not demonstrate activity by submitting required TOT filings for a specified period, the permit could be deemed inactive and automatically voided.

These provisions would help prevent permits from being held indefinitely without use, allow the City to better track active short-term rentals, and ensure that permits are available to operators who are actively contributing to the local economy and complying with City requirements.

Decision Points:

- Length of the short-term rental permit term- 1 year, 3 years
- Annual renewal requirements
- Criteria for determining inactivity and voiding permits

4) Permit Process

The City Council may wish to review the current short-term rental permit process to determine whether it remains appropriate and efficient. At present, all short-term rental applications must obtain a City permit. Applications are reviewed by the Planning Commission at a public hearing when the short-term rental is located within a residential zoning district. In commercial zoning districts, short-term rentals are an allowed use and do not require Planning Commission approval.

The City Council may consider whether public hearings are still necessary for all residential short-term rental permits or whether permits could instead be reviewed and approved at the staff level, subject to objective standards and conditions of approval. A staff-level review process could reduce processing time and administrative burden while maintaining compliance and enforcement through clearly defined operational requirements.

Alternatively, the City Council may determine that public hearings continue to be appropriate in certain circumstances, such as for non-owner-occupied units or locations with a higher potential for neighborhood impacts.

Decision Points:

- Whether short-term rental permits should continue to require Planning Commission approval.
- If so, is there direction to the Planning Commission on what aspects to evaluate an application on to make it more objective?
- Whether public hearings should be required for all residential short-term rentals or limited to specific circumstances
- Whether staff-level approval is appropriate for some or all short-term rental permits
- Whether permit requirements should differ between residential and commercial zoning districts, or by area of the City such as the historic district vs non-historic district

5) Operating Rules and Conditions of Approval

The City Council may also wish to review the existing operating rules and conditions associated with short-term rental permits to determine whether any modifications are warranted. Currently, short-term rentals are subject to comprehensive conditions of approval intended to ensure neighborhood compatibility, public safety, and regulatory compliance.

These conditions address exterior property maintenance, off-street parking requirements, business licensing, payment of Transient Occupancy Tax (TOT), insurance coverage, and submission of site and floor plans. They also require compliance with fire, building, health, and safety codes, including installation and maintenance of required life-safety equipment.

Operational standards limit the number of overnight and daytime occupants, require compliance with the City's noise regulations, and mandate clear communication of rules to guests.

Property owners or operators must provide 24-hour contact information, respond to complaints within 60 minutes, and take immediate action to address noise, disturbances, or other violations. Additional requirements address trash management, guest accountability, reporting of violations, and enforcement procedures, including permit modification, suspension, or revocation. Permits are non-transferable and subject to City enforcement authority.

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Decision Points:

- Whether to amend existing operating standards or conditions of approval
- Whether certain requirements should be adjusted based on owner-occupied versus non-owner-occupied rentals
- Whether enforcement, response time, or penalty provisions should be modified
- Whether additional or fewer operational standards are necessary to address neighborhood impacts and compliance
- Whether a physical inspection should be required (adds cost)

6) City TOT Accounting

We currently use the “Hotel model with STRs - the hosts self-remmit, exactly like a hotelier. They must register for a business license and a TOT certificate. They collect the tax personally from the guest (or separate it from their payout) and send the city payment monthly. This relies entirely on the host's honesty regarding occupancy and nightly rates.

A new ordinance should include clauses that help staff identify possible underpayment and enable City staff to conduct audits.

Identify Underpayment

- **Registration Number in Listings:** The single most effective tool for a city under the host remittance model is an ordinance that requires a city-issued license/registration number to be displayed in the headline or description of every online listing. This forces the "hidden" inventory into the light. If a host lists on Airbnb without a number, they are immediately flagging themselves as non-compliant. The City can use software (or an intern) to scan listings. Any listing missing a "City License #12345" gets an automatic "Notice of Violation" or "Cease and Desist" letter.
- **Platform Cooperation:** Even without a tax collection agreement, many platforms will honor a city's request to remove listings that violate local zoning or registration laws if you can point to a specific ordinance violation.
- **Nuisance Hotlines:** Cities set up complaint hotlines. A noise complaint from a neighbor on a Tuesday night is essentially proof of occupancy that can be cross-referenced against TOT payments.

Tools to Support Audits

- **The "Calendar Evidence" Audit:**
 - Checking online platform occupancy (requires scraping software or staff monitoring)
 - If a host claims "0 occupancy" for January, but the software shows the calendar was "blocked" (booked) for 15 days in January, you have probable cause for an audit.
 - *Note:* Hosts often claim blocked dates were for "friends and family" (non-taxable). You can require them to sign an affidavit under penalty of perjury for those dates.
- **Water/Utility Usage Analysis:**
 - For suspicious properties (e.g., a host claiming vacancy for months while the listing has recent reviews), some cities cross-reference water usage data. A spike in water usage during "vacant" periods is strong evidence of unreported occupancy. This would require an agreement with AWA, may not be possible.
- **Require specific Reports if Audited** - The ordinance should grant the City the right to request specific reports.
 - **Platform "Gross Earnings" Reports (CSV or PDF format):**
 - **For Airbnb:** Provide the *Gross Earnings Report* (found under Insights > Reports > Reporting > Gross Earnings). This report must show the confirmation code, start date, nights booked, and gross amount paid by the guest.
 - **For Vrbo/HomeAway:** Provide the *Payout Summary* and the downloadable *Reservation Manager* export.
 - **For Other Platforms:** Equivalent reports showing gross booking revenue before platform fees are deducted.
 - **Federal Tax Returns (Redacted):**
 - Copy of **IRS Schedule E** (Supplemental Income and Loss) or **Schedule C** (Profit or Loss from Business) for the tax years in question. *Note: You may redact unrelated income, but rental revenue lines must be visible.*
 - **Bank Statements:**
 - Monthly bank statements for the account(s) where rental payouts are deposited for the audit period. Highlight or flag all deposits related to rental activity.
- **Proof of Exemptions (Long-Term Stays):**
 - For any stay claimed as exempt (over 30 days), provide a copy of the signed lease agreement or written contract with the tenant showing check-in and check-out dates.

In looking at other city ordinances, there were several other clauses to help close loopholes for hosts to avoid payment.

Clause A: The "Gross vs. Net" Clarification

Hosts often calculate tax based on what hit their bank account (Net Payout), not what the guest paid (Gross Rent). The guest pays the tax on the total receipt, not the host's take-home pay.

Definition of Taxable Rent: "Please note that Transient Occupancy Tax (TOT) is calculated on the **Gross Rent** charged to the guest, not the Net Payout received by the host. Gross Rent includes the nightly rate, cleaning fees, pet fees, and any other non-refundable charges mandated by the host. Please ensure your provided records reflect the total amount paid by the guest."

Clause B: The "Platform Liability" Disclaimer

This prevents the host from simply saying, "I thought Airbnb paid it."

Host Responsibility: "While some platforms may offer voluntary collection services, the legal burden of remitting TOT to the City of [City Name] remains with the operator/host. It is the host's responsibility to verify if the platform has remitted taxes on their behalf. If the platform did not remit the specific [City Name] TOT, the host is liable for all back taxes, penalties, and interest."

Clause C: The "Blocked Dates" Challenge

When your software sees a blocked calendar but the host claims "no guests," use this clause to force them to go on the record.

Verification of Personal Use: "If specific dates on your availability calendar were blocked for personal use, maintenance, or non-revenue generating family stays, you must submit a signed **Affidavit of Non-Rental Use** listing specific dates and reasons. Unexplained blocked dates on the calendar may be treated as taxable occupancy based on the average daily rate of the property."

Clause D: The "Burden of Proof" Warning

Finally, you need a clause that empowers you to make an estimate if they refuse to cooperate.

Failure to Provide Records: "In the absence of complete and verifiable records, the City Finance Department is authorized under Municipal Code [Section X] to estimate the tax due based on comparable properties, available calendar data, and external occupancy estimates. This estimate will be considered final and binding unless refuted by verifiable evidence."

CONCLUSION AND NEXT STEPS

The City Council's discussion of short-term rental policies will help guide potential updates to the City's ordinance to ensure it continues to balance neighborhood compatibility, housing availability, historic preservation, and economic benefits. Based on the direction provided, staff will proceed with drafting potential ordinance amendments that reflect the City Council's policy priorities.

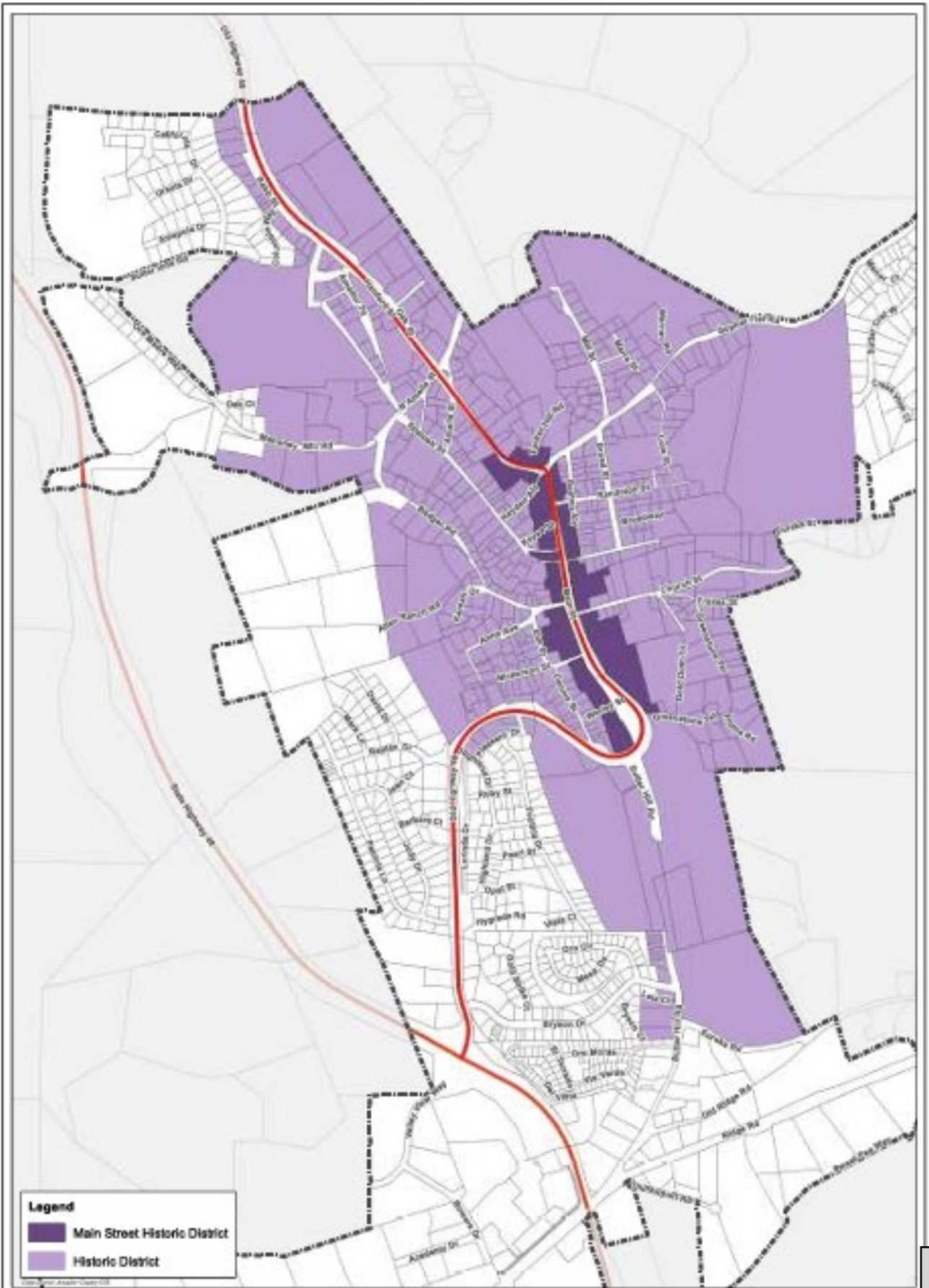
As next steps, the City Council may consider forming an ad hoc City Council committee to further evaluate policy options and provide focused guidance to staff. Draft revisions may then be presented to the Planning Commission for review and recommendation through a public

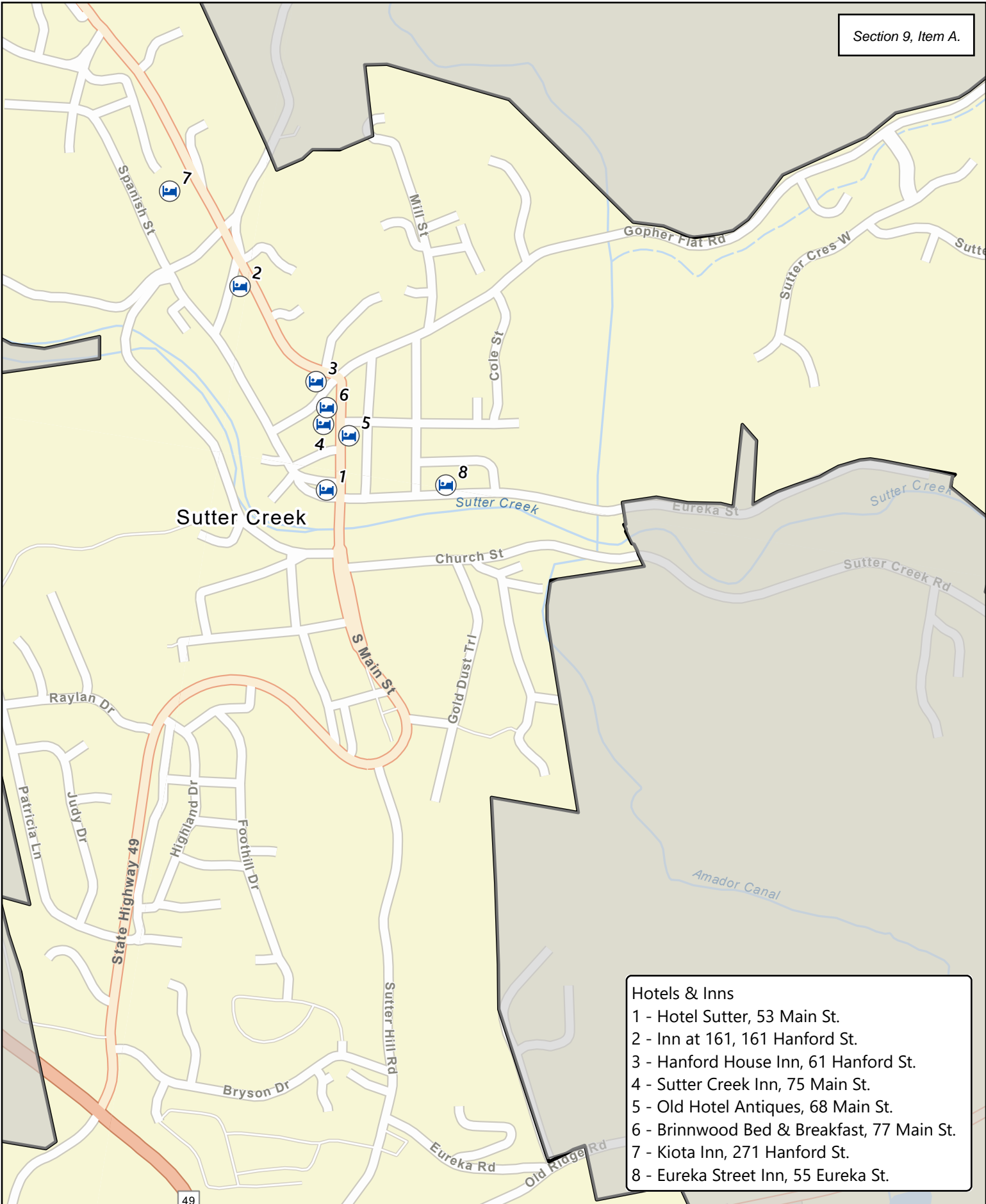
hearing process. Following Planning Commission input, the revised ordinance will be brought forward to the City Council for final consideration and adoption.

Attachments:

1. Historic Districts Map
2. Sutter Creek Short Term Rentals Map
3. Sutter Creek Hotels & Inns Map
4. Sutter Creek Hotels and Short Term Rentals Map
5. Short Term Rental Conditional Use Permit Application
6. Example Short Term Rental Conditional Use Permit Resolution with conditions of approval

HISTORIC DISTRICTS





- Hotels & Inns**
- 1 - Hotel Sutter, 53 Main St.
 - 2 - Inn at 161, 161 Hanford St.
 - 3 - Hanford House Inn, 61 Hanford St.
 - 4 - Sutter Creek Inn, 75 Main St.
 - 5 - Old Hotel Antiques, 68 Main St.
 - 6 - Brinnwood Bed & Breakfast, 77 Main St.
 - 7 - Kiota Inn, 271 Hanford St.
 - 8 - Eureka Street Inn, 55 Eureka St.

Sutter Creek City Limits

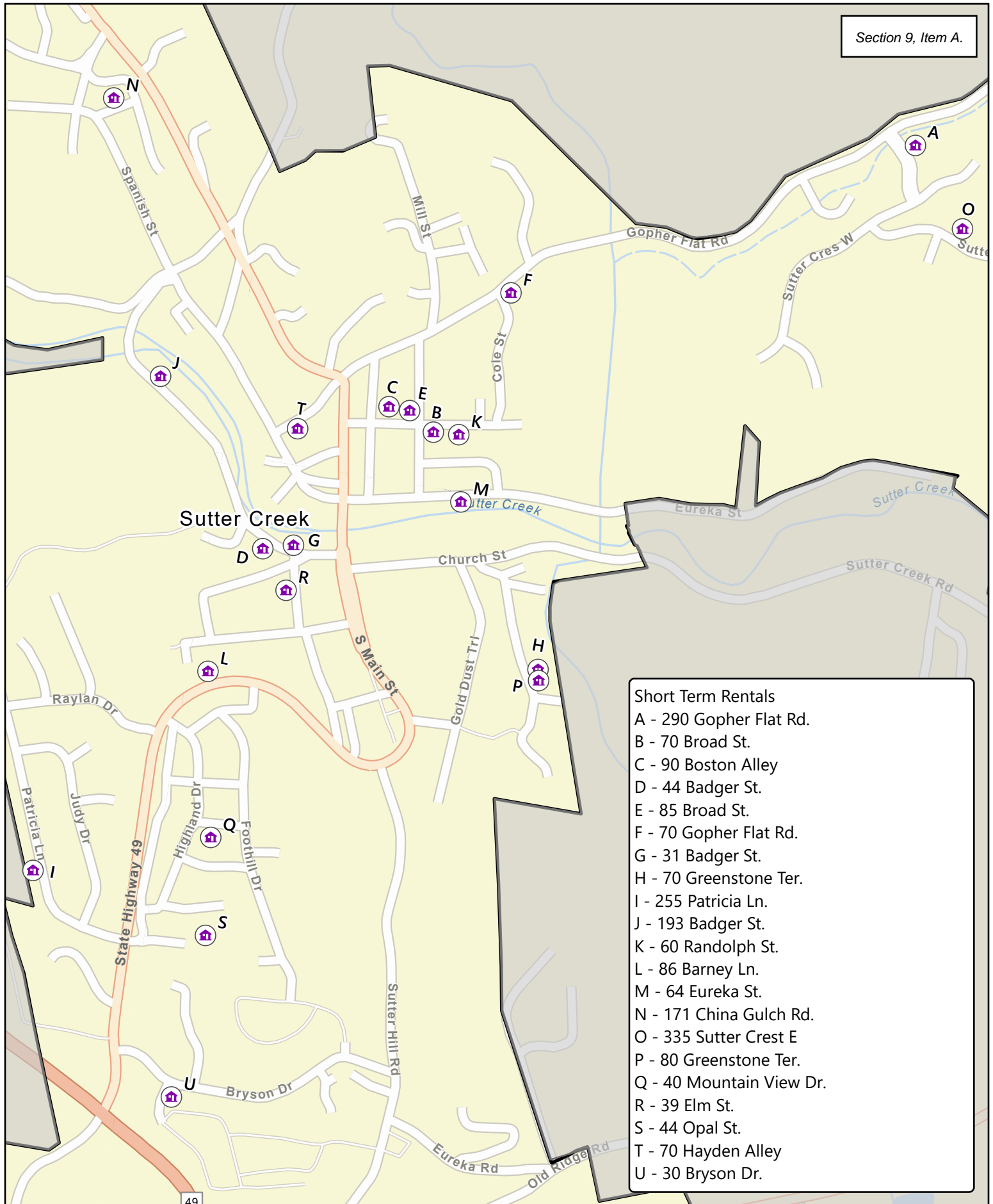
 Hotels & Inns
 Short Term Rentals

N

Feet

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74



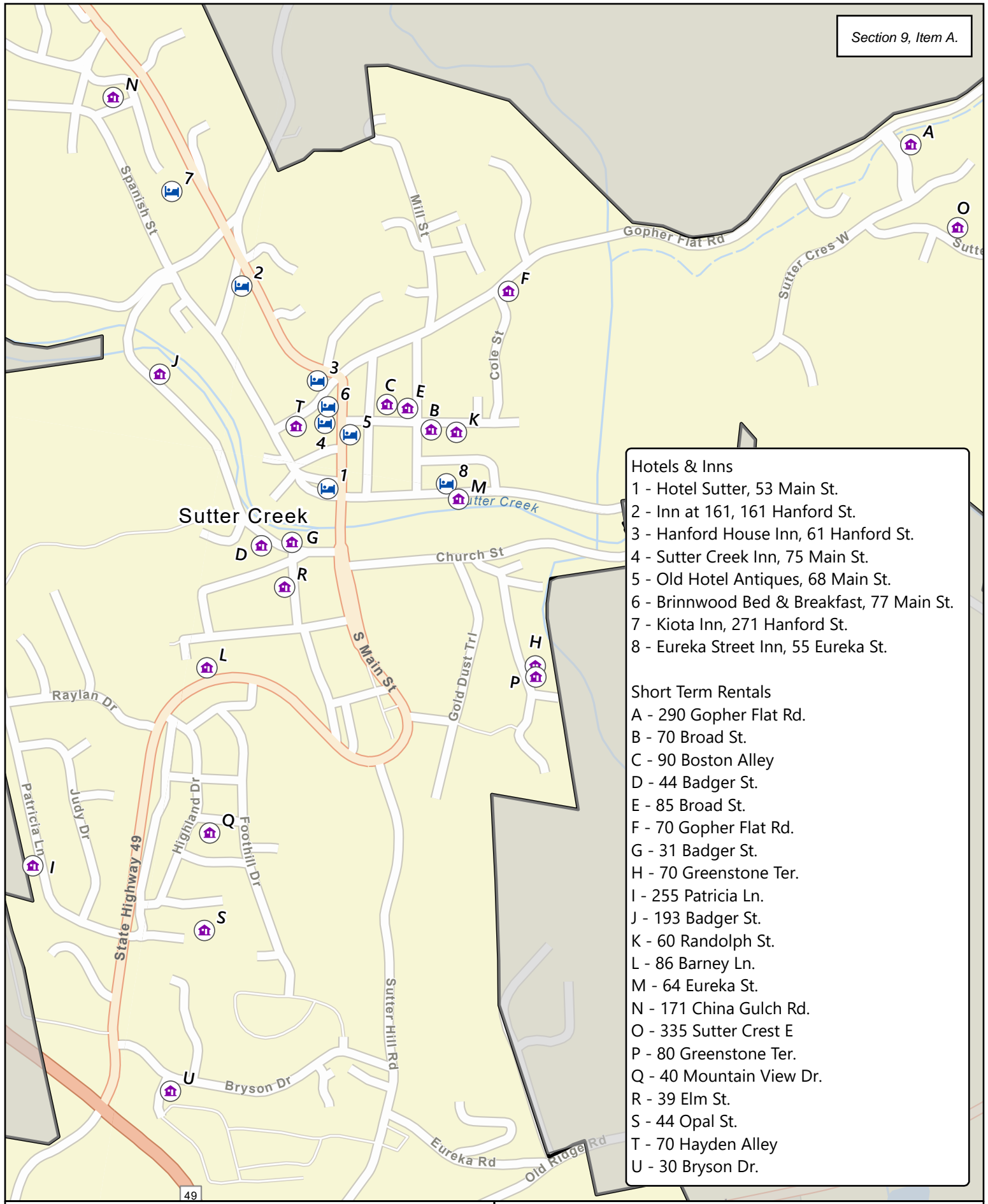
- Short Term Rentals**
- A - 290 Gopher Flat Rd.
 - B - 70 Broad St.
 - C - 90 Boston Alley
 - D - 44 Badger St.
 - E - 85 Broad St.
 - F - 70 Gopher Flat Rd.
 - G - 31 Badger St.
 - H - 70 Greenstone Ter.
 - I - 255 Patricia Ln.
 - J - 193 Badger St.
 - K - 60 Randolph St.
 - L - 86 Barney Ln.
 - M - 64 Eureka St.
 - N - 171 China Gulch Rd.
 - O - 335 Sutter Crest E
 - P - 80 Greenstone Ter.
 - Q - 40 Mountain View Dr.
 - R - 39 Elm St.
 - S - 44 Opal St.
 - T - 70 Hayden Alley
 - U - 30 Bryson Dr.

Sutter Creek City Limits

 Hotels & Inns
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0 375 750 1,500 Feet
 75



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Sutter Creek City Limits

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N

Feet

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76



STAFF REPORT

TO: THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS

MEETING DATE: MARCH 2, 2026

FROM: TOM DUBOIS, CITY MANAGER

**SUBJECT: CONSIDER BALLOT MEASURE TO CONVERT CITY
TREASURER POSITION FROM AN ELECTED OFFICE TO AN
APPOINTED POSITION**

RECOMMENDATION

It is recommended that the City Council:

1. Discuss and provide direction to staff regarding the placement of a measure on the November 2026 General Election ballot to make the office of City Treasurer appointive.
2. Direct staff to prepare the necessary resolutions to, upon voter approval, assign the statutory duties and title of "City Treasurer" to the Finance Supervisor.

BACKGROUND

The City of Sutter Creek currently elects a City Treasurer. While State law requires every city to have a City Treasurer to hold legal liability for city funds, it does not require this person to be a separately elected politician. This report outlines a proposal to ask voters to make the position appointed, allowing the Council to consolidate the Treasurer's statutory duties into the existing Finance Supervisor role. This change would professionalize the position, reduce election costs, and eliminate redundancy.

Under California Government Code Section 36501, a general law city must have a City Treasurer. This office cannot be abolished. However, Government Code Section 36508 authorizes the City Council to submit a measure to the voters to change the office from elected to appointed.

Approximately 36% of California cities currently have an elected City Treasurer, while 64% have an appointed treasurer. In these cities, the Council typically appoints a qualified staff member (such as a Finance Director or Supervisor) to hold the title, ensuring the duties are performed by a trained professional rather than a political candidate.

In 1989, roughly 42% of cities had elected treasurers. Over the last three decades, dozens of cities have successfully passed measures to convert the office to an appointed position to modernize financial oversight

DISCUSSION

1. Legal Requirement: The "Two-Hat" Solution

It is a common misconception that the City can simply "remove" the City Treasurer position. State law mandates that a specific individual must hold the title of City Treasurer to sign warrants (checks) and maintain liability for the safety of public funds.

If the voters approve making the office appointed, the City Council can legally assign the title of "City Treasurer" to the Finance Supervisor.

- **How it works:** The Finance Supervisor would wear "two hats." They would remain the Finance Supervisor for day-to-day operations, but for legal purposes, they would also be the City Treasurer.
- **Result:** The "elected politician" layer is removed, and the duties become part of the Finance Supervisor's job description.

2. Operational Efficiency

Currently, the Finance Supervisor likely performs the majority of the actual work associated with the treasury (reconciling accounts, preparing investment reports, managing cash flow). The elected City Treasurer's role is often limited to reviewing this work and providing a signature.

- **Duplication:** Having two people (one elected, one staff) responsible for the same tasks can create administrative bottlenecks.
- **Consolidation:** Assigning the Treasurer duties to the Finance Supervisor aligns legal responsibility with actual operational control. The Finance Supervisor already possesses the technical access and knowledge required to manage the portfolio.

3. Comparison: Elected vs. Consolidated Staff Role

Feature	Current: Elected Treasurer	Proposed: Finance Supervisor (Appointed)
Qualifications	None. Any registered voter can run, regardless of financial literacy.	Professional. The Finance Supervisor is hired based on education, accounting experience, and technical skills.
Accountability	Accountable only to voters every 4 years. Cannot be disciplined by the City Manager.	Accountable to the City Manager. Subject to performance reviews and professional standards.
Cost	<p>Election cost is a weighted factor contingent on statewide and countywide offices. Elections with candidates only (no ballot measures) range from \$1,000 to \$1,500, depending on the number that run for local office.</p> <p>A ballot measure is approximately \$1500.</p> <p>City Treasurer currently receives a \$187.50 monthly stipend.</p>	Duties are absorbed into the existing salary of the Finance Supervisor.
Continuity	Turnover every election cycle risks losing institutional knowledge.	Career staff provide long-term stability and consistent financial management.
Requirement during Term of Office / Appointment	Elected position is a “mandated” filer required to file a Statement of Economic Interest (Form 700)	The City Manager and City Attorney would continue to be the two mandated filers (already existing)

CONSIDERATIONS “FOR” & “AGAINST “

Pros:

- Guaranteed Competence: Ensures the person managing the City’s millions in investments has verified accounting and treasury experience.
- Streamlined Operations: Eliminates the need for staff to wait on an off-site elected official to sign documents or approve transfers.
- Modernization: Aligns with the operational structure of the majority of California cities.

Cons:

- Loss of "Direct" Voter Oversight: Voters lose the ability to specifically select the individual monitoring city funds, though the Council (whom they elect) retains ultimate oversight.
- Check and Balance: Removes the theoretical "separate set of eyes" that an elected City Treasurer provides, though in practice, independent annual audits and Council reviews serve this function more effectively.

NEXT STEPS

If the Council wishes to proceed, the timeline for the November 3, 2026 Municipal Election is as follows:

1. Council adopts a Resolution calling for the election and requesting consolidation with the County.
2. Submit arguments for/against the measure by the deadline to the Amador County Registrar of Voters (ROV).
3. Submit impartial analysis from City Attorney to Amador County Registrar of Voters by the deadline (TBD).
4. Election Day
5. If approved by voters, Council adopts an ordinance formally assigning the City Treasurer duties to the Finance Supervisor (effective upon the expiration of the current City Treasurer's term or earlier vacancy).

BUDGET IMPACT

- Election Savings: Consolidating the role eliminates the recurring cost of conducting an election for the Treasurer seat every four years, especially on instances wherein the only item on the ballot is the election of the City Treasurer (for example if only Council incumbents were running, we could cancel the municipal election).
- Stipend Savings: If the current elected City Treasurer receives a stipend or benefits, these costs would be eliminated as the Finance Supervisor would perform the duties as part of their existing employment.
- Staff time, equipment: With an elected City Treasurer, staff must prepare information and support the City Treasurer, who does not spend a lot of time working with the City and must be brought up to speed.

ATTACHMENT

1. Draft Ballot Measure Resolution

RESOLUTION NO. 25-26-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK
CALLING FOR THE PLACEMENT OF A MEASURE ON THE BALLOT FOR THE
NOVEMBER 3, 2026 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO
THE VOTERS OF A QUESTION WHETHER THE OFFICE OF CITY TREASURER
SHALL BE APPOINTIVE**

WHEREAS, the City of Sutter Creek is a general law city and, pursuant to California Government Code Section 36501, the officers of the City include a City Treasurer; and

WHEREAS, the office of City Treasurer is currently an elective office; and

WHEREAS, California Government Code Section 36508 authorizes the City Council to submit to the registered voters of the City the question of whether the office of City Treasurer shall be appointive rather than elective; and

WHEREAS, the duties of the City Treasurer have become increasingly complex, requiring technical expertise in public finance, accounting, and investment management to ensure the safety and liquidity of the City's funds; and

WHEREAS, converting the position to an appointive office would allow the City to establish minimum professional qualifications for the role and ensure that the duties are performed by a trained professional, such as the City's Finance Supervisor; and

WHEREAS, a General Municipal Election is scheduled to be held in the City of Sutter Creek on Tuesday, November 3, 2026.

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

SECTION 1. Call for Election. The City Council hereby orders that a measure be submitted to the voters at the General Municipal Election scheduled for November 3, 2026, to determine whether the office of City Treasurer shall be appointive.

SECTION 2. Ballot Measure. The question to be submitted to the voters shall appear on the ballot as follows:

<p>Sutter Creek Transition from an Elective to an Appointive Office - City Treasurer Tax Measure (fill letter assigned by County ROV / State here)</p>	YES	
<p>To continue the City’s efforts to streamline and modernize operations, and ensure constant presence of fiscal expertise in overseeing the City’s finances, shall the office of the City Treasurer undergo a permanent transition from an elective to an appointive office?</p>	NO	

SECTION 3. Request for Consolidation. The City Council requests that the Board of Supervisors of Amador County consolidate this election with the statewide general election to be held on the same date. The City acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418 of the Elections Code.

SECTION 4. Arguments.

- **Submission:** The City Council authorizes the City Council (or any member(s) of the Council authorized by the Council) to file a written argument in favor of the measure, not to exceed 300 words, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code.
- **Rebuttal Arguments:** The City Council [DOES / DOES NOT] authorize the filing of rebuttal arguments. (Note: Allowing rebuttals increases the cost of the voter guide slightly but provides more information).

SECTION 5. Impartial Analysis. The City Council directs the City Attorney to prepare an impartial analysis of the measure, not to exceed 500 words, showing the effect of the measure on the existing law and the operation of the measure.

SECTION 6. Transmission. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Registrar of Voters of Amador County together with the attached ballot measure.

SECTION 7. Authority Given to the City Clerk and the Amador County Registrar of Voters (ROV). The City Clerk is authorized, instructed, and directed to work with the Amador County Registrar of Voters, as needed, in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in the form and content as required by law. The Amador County Registrar of Voters is authorized to canvass the returns of the General Municipal Election. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. Jurisdictional Boundaries. The jurisdictional boundaries of the City of Sutter Creek have not changed since the last General Municipal Election.

SECTION 9. Effective Date. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Sutter Creek at a regular meeting held on this [Date] day of [Month], 2026, by the following vote:

AYES:

NOES:

ABSENT:

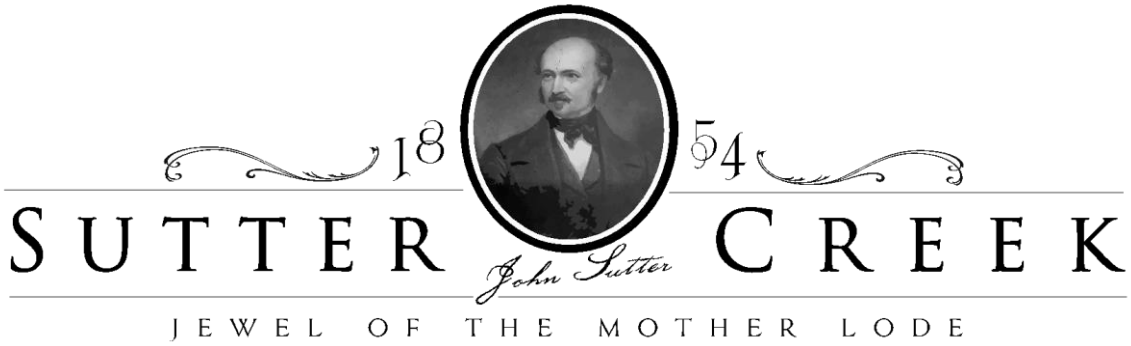
ABSTAIN:

CITY OF SUTTER CREEK

Claire Gunselman, Mayor

ATTEST:

Pam Caronongan, MMC, City Clerk



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
MEETING DATE: MARCH 2, 2026
FROM: DAN LAFONTAINE, PUBLIC WORKS DIRECTOR
SUBJECT: PROPOSED PUMP TRACK AT BRYSON PARK

RECOMMENDATION

The City Council should review proposed improvements to Bryson park, provide feedback, and if supportive, approve applications for grant funding.

BACKGROUND AND ANALYSIS

Bryson Park has typically been an underutilized park, especially the back half of the park toward the drainage ditch. Currently, only one trail for bikes exists in Amador county. In an effort to fully utilize Bryson Park, staff, in collaboration with Amador Trail Stewardship (ATS) and the Amador Community Fund (ACF) the City is seeking council approval to apply for an ACF grant.

PROJECT: The proposed project would be located in the back corner of Bryson Park, an underutilized area of the park behind the walking trail. The project would encompass a Pump track (yellow) and a Strider Track (blue) as shown below:



The Pump track (0.1 miles or approximately 700 feet of trail) will include berms and rollers and flow features made of soil surface with Soil Tac/lime amendments to harden. The Strider track (about 200 to 300 feet) is a smaller trail with small features for balance bikes and new riders.

The City will send out communications with homes within 300 feet of the park to solicit feedback. The project may include up to six (6) solar lights on timers to allow for extended use of the tracks while ensuring that houses nearby are not disrupted. We would like feedback from the council on hours of operation and use of lights.

No trees will be removed with this construction and will add to the natural design of the trail tracks. The design will be accomplished by ATS. Materials will be either purchased by the grant or donated by Campbell Construction. Manpower will be supplied by Campbell construction, ATS, and the City of Sutter Creek Public works department.

FISCAL IMPACT

The Amador County Foundation’s Community Fund for 2026 is available to apply for by March 20, 2026. Grant funding has a maximum of 10K and will cover the materials for the pump track project. Minimal staff time will be required from the Public Works team. A draft budget for the project has been developed by ATS in their presentation materials. Total Cost of the project (after donations) is approximately 10K.

ENVIRONMENTAL CONSIDERATION

The action of adopting this particular ordinance by reference for the City of Sutter Creek is “not a project,” can be seen with certainty that there is no possibility that this activity has a significant effect on the environment, and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (also known as the CEQA General Rule).

ATTACHMENTS

- 1) Presentation from ATS

2/1/2026

Bryson Park Pump Track Proposal

Establishing new recreational amenities in Sutter Creek

Presented to
City of Sutter Creek

Presented by
Amador Trail Stewardship

ATS Mission Statement

To provide and enhance equitable public access to outdoor recreation while fostering an inclusive community in and around Amador County.

Vision

We want to see recreational opportunities for Amador County residents in and around their neighborhoods.

Our objective is to create a pump track for cycling at Bryson Park. The site amenity would include pump track, strider track, and bicycle optimized features to enhance Bryson Park.

Bryson Park Pump Track

Establishment of Trails

Using a mix of machine and hand-cut trails, with hand finished tread, we will create a solid path for general public use. Trail types will vary on this project, but most trails will be a solid, mineral soil surface with soil hardening amendments to most common routes or features. Wooden features can be used to extend amenity life if procurement is available. In a final form, and as funding is available, a paved pump track would be the end goal for the site. Examples of these new tracks being installed are abundant in our nearby counties.

Water management features such as checks, water bars, grade reversals, out-sloping or other common practices will be used to mitigate erosion and trail damage.

Maintenance of Trails

ATS will volunteer to maintain these features with the establishment of an MOU with The City of Sutter Creek. This includes maintenance on trail and near trail surfaces. This does not cover property wide management, mowing, erosion control outside of amenity areas, or other landowner duties.

Improvement of Trails or Site

ATS will seek to find funding for improvements to the site. ATS will operate within an approved master plan for the site, if the scope allows continued improvements. We will request a letter of support for grant submissions. Additional phases can be approved as the site is established.

Trail Map



Map portrays proposed trail(s) baseline routes. Routes may be modified within 50' of original alignment to improve the user experience or protect natural resources.

Trail 1 - Yellow

.10 Mile, (~700 Ft)

Pump track. Berms, rollers and flow features

Soil surface with Soil Tac/lime amendments to harden



Trail 2 - Blue

(~2-300ft)

Strider Track. Smaller trail with smaller features for balance bikes and new riders.

Soil surface with Soil Tac/lime amendments to harden



Proposed Budget

Item	Qty	Cost	Total	Notes
Layout/Design	1	\$1,000.00	0	In Kind, Amador Trail Stewardship
Soil Import (35Yds)	1	\$1,500.00	0	In kind, Campbell's Construction
Equipment Rental	1	\$2,000.00	0	In Kind, Campbell's
Soil Amendment, 5gal	30	\$150.00	\$4,500.00	
Landscaping	1	\$500.00	\$500.00	
Solar Lighting, installed	6	\$600.00	\$3,600.00	
Signage	1	\$500.00	\$500.00	
Admin ~10%			\$900.00	
		Total	\$10,000.00	

Items in grey have been sourced by in kind local donations. ACF is currently accepting proposals for up to 10k for park projects, submissions are due in March. ATS will prepare and submit this application or apply on behalf of the partnership.

Other Improvements

(not pictured)

Signage to promote the skills park and ATS partnership

Solar lights to extend amenity use

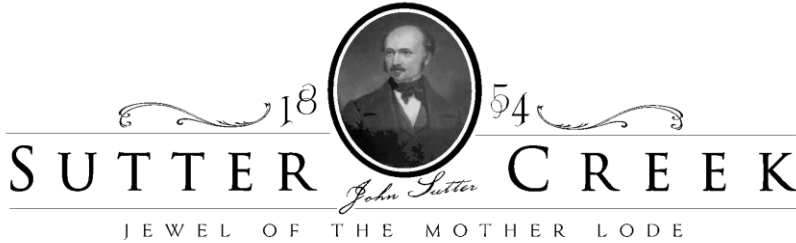
PROPOSED TIMELINE

Trails can be built so that the site can be used quickly and offers continual improvements to the trails over time. Seasonal severe weather may interfere with projected timeline, but extended delays are not expected.

<p>Phase 01</p> <p>0-1 month</p>	<ul style="list-style-type: none"> • Submit Plans to Planning Department
<p>Phase 02</p> <p>Months 2-3</p>	<ul style="list-style-type: none"> • Finalize routes • Clear/Prep the site
<p>Phase 03</p> <p>Months 3-5</p>	<ul style="list-style-type: none"> • Machine build core trail(s) • Hand finish trail tread surfaces, amendments • Install Sign/Map design
<p>Phase 04</p> <p>Months 6+</p>	<ul style="list-style-type: none"> • Maintenance and improvements

www.amadortrailstewardship.org
 info@amadortrailstewardship.org
 209.245.8857





STAFF REPORT

TO: THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS

MEETING DATE: MARCH 2, 2026

FROM: TOM DUBOIS, CITY MANAGER

SUBJECT: CONSIDER SURVEILLANCE TECHNOLOGY POLICY

RECOMMENDATION

It is recommended that the City Council:

1. Receive this report regarding the implementation of "intelligent" surveillance cameras and Automated License Plate Readers (ALPR).
2. Consider adoption of a Surveillance and Privacy Protection Ordinance similar to the attached example, establishing a transparent framework for the approval and oversight of surveillance technologies. This item will be brought back before the City Council for introduction at a later regular meeting date.
3. Direct staff to prepare a specific "Surveillance Impact Report" and "Surveillance Use Policy" for ALPR technology prior to the final execution of any vendor contracts.

BACKGROUND

The City of Sutter Creek is currently exploring the modernization of its public safety infrastructure. Specifically, the Police Department has identified "intelligent" cameras and Automated License Plate Readers (ALPRs) as critical tools for deterring crime and solving investigations.

However, the deployment of such technology raises valid community concerns regarding privacy, data security, and civil liberties. To address these concerns proactively, staff has reviewed surveillance policies from several California jurisdictions.

Recent Developments and Lessons Learned

In drafting this policy, staff closely monitored recent developments in other California municipalities regarding ALPR vendors, specifically Flock Safety. Several cities have recently moved to cancel or suspend their contracts due to privacy violations, highlighting the absolute necessity of the strict guardrails proposed in this report.

- **Santa Cruz (Jan 2026)**: The City Council voted 6-1 to terminate its contract with Flock Safety after discovering that license plate data collected locally had been accessed by out-of-state agencies and federal entities (including ICE), in violation of the California Values Act (SB 54).
- **Mountain View (Feb 2026)**: The Police Chief suspended the use of all 30 ALPR cameras after an internal audit revealed that a "nationwide sharing" setting had been enabled without the department's knowledge. This allowed federal agencies, including the ATF, to access local resident data for over a year.
- **Mountlake Terrace, WA**: The City Council unanimously canceled their contract citing "community division" and the discovery that federal agencies like U.S. Border Patrol had gained access to data without local consent.

While the above municipalities are important and noteworthy, to date, over 4,800 agencies currently utilize FLOCK as public safety partners.

Implication for Sutter Creek

These incidents underscore that relying on vendor promises is insufficient. The City can adopt a binding municipal ordinance that mandates strict, independent auditing and prohibits the "default on" data-sharing settings that led to these breaches elsewhere.

SURVEILLANCE TECHNOLOGIES

1. What are Intelligent Cameras and ALPRs?

- **Intelligent Cameras**: Video cameras equipped with software that can classify objects (e.g., distinguishing a person from a car) and allow for rapid searching of footage.
- **ALPR (Automated License Plate Readers)**: High-speed computer-controlled camera systems that capture license plate numbers and compare them against "hotlists" (stolen vehicles, Amber Alerts, felony warrants).

2. Benefits vs. Risks

Pros (Public Safety Benefits)	Cons (Privacy & Risk Factors)
<p>Objective Evidence: Provides unbiased investigative leads for crimes like hit-and-runs or burglaries where no eyewitnesses are present.</p>	<p>"Dragnet" Surveillance: Continuous monitoring creates a database of movements for law-abiding citizens, not just criminals.</p>
<p>Patrol Enhancement : Acts as a "virtual officer," monitoring key entry/exit points 24/7 without the recurring salary costs of patrol units.</p>	<p>Unauthorized Data Sharing: As seen in Mountain View and Santa Cruz, vendors may inadvertently grant access to federal agencies without local consent.</p>
<p>Real-Time Alerts: Officers receive immediate notifications for stolen vehicles or Amber Alerts and other critical alerts, allowing for rapid interception.</p>	<p>False Positives: ALPR systems can misread plates, leading to potential unwarranted stops if officers do not visually verify the plate first.</p>

3. Other Technologies

As technology continues to evolve, other tools beyond cameras could be used for surveillance. Surveillance technology is any device or system primarily designed and actually used or intended to be used to collect and retain audio, electronic, visual, location, or similar information constituting personally identifiable information associated with any specific individual or group of specific individuals, for the purpose of tracking, monitoring or analysis associated with that individual or group of individuals.

Examples of surveillance technology include drones with cameras or monitoring capabilities, automated license plate readers, closed-circuit cameras/televisions, cell-site simulators, biometrics-identification technology and facial- recognition technology.

If Council adopts a surveillance ordinance, it should be written to be broad enough to apply to all surveillance technologies.

Reference Model: City of Palo Alto Ordinance

Staff recommends adopting an ordinance based on **Palo Alto Municipal Code Chapter 2.30**. This ordinance shifts the power of approval from administrative staff to the City Council and ensures ongoing public oversight. See the Attachment.

Detailed Policy Requirements

Under this proposed framework, the following steps must be taken *before* the City acquires any new surveillance technology:

1. Pre-Acquisition Reports

The Police Department must submit two documents to the City Council for a public vote:

- **Surveillance Impact Report (SIR)**: A public risk assessment detailing capabilities, fiscal impact, and potential impacts on civil liberties.
- **Surveillance Use Policy**: A legally binding rulebook specifying authorized use, data retention, access rights, and third-party sharing limits.

2. Council Approval Findings

The City Council may only approve the technology if they vote to find that:

1. The technology is effective for the stated purpose.
2. The benefits to the community **outweigh** the costs (financial and civil liberties).
3. There are no feasible alternatives with fewer privacy impacts.

3. Ongoing Oversight (Annual Report)

The Police Department must present an **Annual Surveillance Report** to the Council detailing:

- **Usage Stats**: How often the technology was used (e.g., number of scans vs. hits).
- **Audit Results**: Verification that data retention schedules were followed and a summary of all data shared with outside agencies.
- **Complaints**: Summary of any community complaints received.

Proposed Policy Guardrails for the City of Sutter Creek

In light of the recent cancellations in other cities, staff recommends the following **specific and non-negotiable rules** be written into the Sutter Creek Surveillance Use Policy:

A. Strict Prohibition on Federal & Out-of-State Sharing

- **Policy**: The system shall be configured to **block** all data sharing with federal agencies (ICE, CBP, ATF) and out-of-state agencies by default.
- **Verification**: The Police Department must physically verify these settings are disabled on a quarterly basis and report this in the Annual Surveillance Report.

B. Data Retention Limit: 60 Days

- **Policy**: Non-evidentiary ALPR data (scans of innocent vehicles) shall be automatically deleted after **60 days**.
- **Reasoning**: This balances the need for investigation with the privacy right to not have one's movements permanently cataloged.

C. "Verify Before You Stop" Rule

- **Policy:** An ALPR alert is an *investigative lead*, not probable cause for a stop. Officers must visually verify the plate matches the alert before initiating a detention to prevent errors caused by machine misreading.

BUDGET IMPACT

The adoption of the oversight ordinance itself has no direct fiscal cost. Future costs will be associated with the acquisition of hardware and software subscriptions. By adopting this policy *first*, the Council ensures that any future vendor contracts are negotiated with these privacy requirements as binding terms, protecting the City from the legal liabilities and contract cancellations seen in Santa Cruz and Mountain View.

CONCLUSION

The implementation of intelligent cameras and ALPRs represents a significant step forward for public safety in Sutter Creek. However, as recent news confirms, technology providers cannot always be trusted to self-regulate. By adopting the strict oversight, transparency, and retention requirements, Sutter Creek can effectively utilize modern policing tools while maintaining the highest standards of constitutional protection for its residents.

ATTACHMENT

1. Sample Surveillance Technology Ordinance

Palo Alto Municipal Code Chapter 2.30

PART 6A — SURVEILLANCE AND PRIVACY PROTECTIONS

2.30.620 Title.

This Part 6A shall be known as the Surveillance and Privacy Protection Ordinance.

(Ord. 5450 § 2 (part), 2018)

2.30.630 Council approval required for contracts, agreements, grant applications and donations involving surveillance technology.

The Council shall approve each of the following:

- (a) Applications for grants, acceptance of state or federal funds, or acceptance of in-kind or other donations of surveillance technology;
- (b) Notwithstanding any delegation of authority to award contracts in this chapter, contracts of any type and any amount that include acquisition of new surveillance technology;
- (c) Use of Council-approved surveillance technology for a purpose, in a manner, or in a location outside the scope of prior Council approval; or
- (d) Agreements with a non-city entity to acquire, share, or otherwise use surveillance technology or the information it provides.

(Ord. 5494 § 31, 2020: Ord. 5450 § 2 (part), 2018)

2.30.640 Council approval of surveillance use policy.

The Council shall approve a surveillance use policy addressing each activity that it approves that is listed in Section [2.30.630](#). If no current surveillance use policy covers an approved activity, Council shall adopt a new policy or amend an existing policy to address the new activity.

(Ord. 5494 § 32, 2020: Ord. 5450 § 2 (part), 2018)

2.30.650 Information required.

Unless it is not reasonably possible or feasible to do so, before Council approves a new activity listed in Section [2.30.630](#), the city should make available to the public a surveillance evaluation and a proposed surveillance use policy for the proposed activity.

(Ord. 5494 § 33, 2020: Ord. 5450 § 2 (part), 2018)

2.30.660 Determination by Council that benefits outweigh costs and concerns.

Before approving any new activity listed in Section [2.30.630](#), the Council shall assess whether the benefits of the surveillance technology outweigh its costs. The Council should consider all relevant factors, including financial and operational impacts, enhancements to services and programs, and impacts on privacy, civil liberties, and civil rights.

(Ord. 5494 § 34, 2020: Ord. 5450 § 2 (part), 2018)

2.30.670 Oversight following Council approval.

Beginning after the close of fiscal year 2019 and annually thereafter, the city shall produce and make available to the public an annual surveillance report. The annual surveillance report should be noticed as an informational report to the Council. The Council may calendar the annual surveillance report or any specific technology included in the report for further discussion or action, and may direct that (a) use of the surveillance technology be modified or ended; (b) the surveillance use policy be modified; or (c) other steps be taken to address Council and community concerns.

(Ord. 5494 § 35, 2020: Ord. 5450 § 2 (part), 2018)

2.30.680 Definitions.

The following definitions apply to this section:

(a) "Annual surveillance report" means a written report, submitted after the close of the fiscal year and that includes the following information with respect to the prior fiscal year:

(1) A description of how each Council-approved surveillance technology was used, including whether it captured images, sound, or information regarding members of the public who are not suspected of engaging in unlawful conduct;

(2) Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the types of data disclosed, and the reason for the disclosure;

(3) A summary of any community complaints or concerns about the surveillance technology;

(4) Non-privileged and non- confidential information regarding the results of any internal audits, information about violations of the surveillance use policy, and any actions taken in response;

(5) Whether the surveillance technology has been effective at achieving its identified purpose;

(6) The number and nature of Public Records Act requests relating to the surveillance technology;

(7) Annual costs for the surveillance technology and for compliance with this surveillance and privacy protection ordinance, including personnel and other ongoing costs, and sources of funding; and

(8) Other relevant information as determined by the City Manager.

The annual surveillance report will not include information that may compromise the integrity or limit the effectiveness of a law enforcement investigation.

(b) "Surveillance evaluation" means written information, including as part of a staff report, including:

(1) A description of the surveillance technology, including how it works and what information it captures;

(2) Information on the proposed purpose, use and benefits of the surveillance technology;

(3) The location or locations where the surveillance technology may be used;

(4) Existing federal, state and local laws and regulations applicable to the surveillance technology and the information it captures; the potential impacts on civil liberties and privacy; and proposals to mitigate and manage any impacts;

(5) The costs for the surveillance technology, including acquisition, maintenance, personnel and other costs, and current or potential sources of funding.

(c) "Surveillance technology" means any device or system primarily designed and actually used or intended to be used to collect and retain audio, electronic, visual, location, or similar information constituting personally identifiable information associated with any specific individual or group of specific individuals, for the purpose of tracking, monitoring or analysis associated with that individual or group of individuals. Examples of surveillance technology include drones with cameras or monitoring capabilities, automated license plate readers, closed-circuit cameras/televisions, cell-site simulators, biometrics-identification technology and facial- recognition technology. For the purposes of this chapter, "surveillance technology" does not include:

- (1) Any technology that collects information exclusively on or regarding city employees or contractors;
- (2) Standard word-processing software; publicly available databases; and standard message tools and equipment, such as voicemail, email, and text message tools;
- (3) Information security tools such as web filtering, virus detection software;
- (4) Audio and visual recording equipment used exclusively at open and public events, or with the consent of members of the public;
- (5) Medical devices and equipment used to diagnose, treat, or prevent disease or injury;
- (6) Any technology used as part of the Foothills Fire Early Warning System to detect fires within the following area:

West Side: Skyline Blvd (Hwy 35) from Route 84 (Woodside Rd/La Honda Rd.) to Hwy 9

North Side: Route 84 from Skyline to Alameda de las Pulgas

East Side: Alameda de las Pulgas to Santa Cruz Ave to Junipero Serra Rd. to Foothill Expwy.

South Side: Draw a line from the intersection of Hwy 9 at Hwy 35 to the intersection of Foothill Expwy at Magdalena.

(d) "Surveillance use policy" means a stand-alone policy or a section in a comprehensive policy that is approved by Council and contains:

- (1) The intended purpose of the surveillance technology.
- (2) Uses that are authorized, any conditions on uses, and uses that are prohibited.
- (3) The information that can be collected by the surveillance technology.
- (4) The safeguards that protect information from unauthorized access, including, but not limited to, encryption, access-control, and access oversight mechanisms.
- (5) The time period for which information collected by the surveillance technology will be routinely retained; the process by which the information is regularly deleted after that period lapses; and conditions and procedures for retaining information beyond that period.
- (6) If and how non-city entities can access or use the information, including conditions and rationales for sharing information, and any obligations imposed on the recipient of the information.

(7) A description of compliance procedures, including functions and roles of city officials, internal recordkeeping, measures to monitor for errors or misuse, and corrective procedures that may apply.

(Ord. 5555 § 2, 2022; Ord. 5494 § 36, 2020; Ord. 5450 § 2 (part), 2018)

2.30.690 No private right of action.

This surveillance and privacy protection ordinance is not intended and shall not be interpreted to create a private right of action for damages or equitable relief on behalf of any person or entity against the city or any of its officers or employees.

(Ord. 5450 § 2 (part), 2018)

From: **Brian Comnes** (email address redacted)

Date: Fri, Feb 20, 2026 at 9:53 AM

Subject: Follow up to the City Council 2-17-26 meeting

To: Tom DuBois <tdubois@cityofsuttercreek.org>

Cc: cgunselman@cityofsuttercreek.org <cgunselman@cityofsuttercreek.org>, jsierk@cityofsuttercreek.org <jsierk@cityofsuttercreek.org>, sfeist@cityofsuttercreek.org <sfeist@cityofsuttercreek.org>, driordan@cityofsuttercreek.org <driordan@cityofsuttercreek.org>, jswift@cityofsuttercreek.org <jswift@cityofsuttercreek.org>

Dear Mr. DuBois:

I read the Agenda packet and attended the Council meeting this week. Can you please shed some light for me on the derivation of some assertions in that report.

In your report you stated :

*"Cannabis dispensaries in **similar** markets create jobs for 25 - 30 employees and generate up to \$10M in revenue per year, after reaching operational maturity in a year or two".* (emphasis added)

- What sources did you use to assert those numbers?
- What was your basis for determining the similarity of markets to Sutter Creek.

"For Sutter Creek, this could represent hundreds of thousands of dollars annually in new general fund benefit fees, sales tax payments, and philanthropic giving."

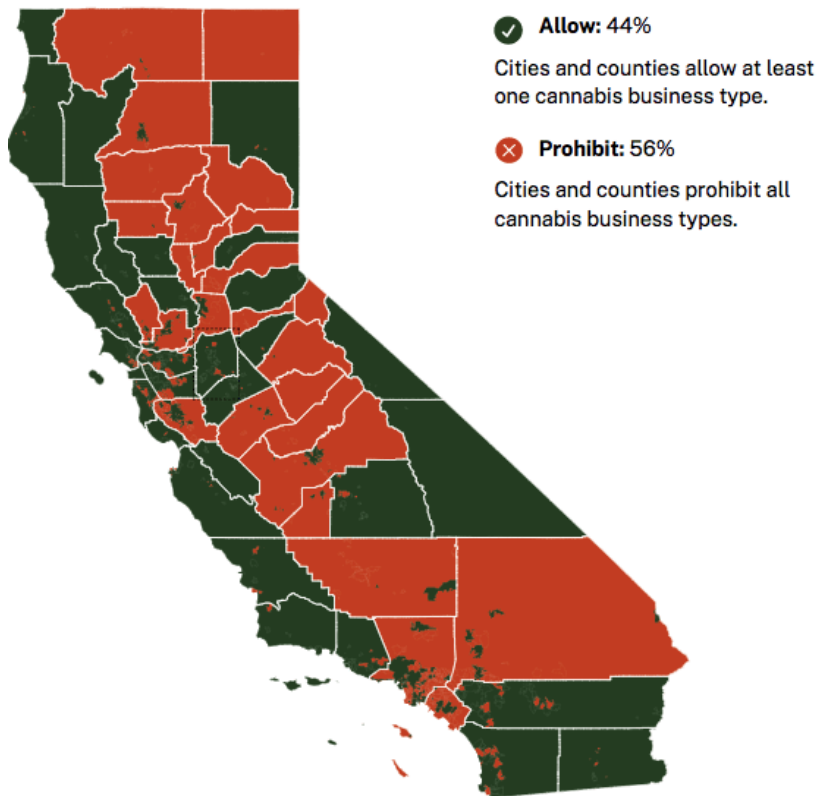
What data do you have that backs up the claim that "hundreds of thousands of dollars" could be achieved? The foundation for that number was not addressed in the Council meeting.

*"There is no cost to the City to explore this option. The applicant would be required to **fund all staff time and legal fees** associated with processing the application and **negotiating the agreement.**"* (emphasis added)

- Is Sutter Creek to be compensated for staff time used to develop the Development Agreement?
- Will they be charged should the Council decide not to proceed with the DA? At what rates?

"The cannabis market in California continues to evolve and mature. "

In fact the majority (53%) of California cities and counties still oppose dispensaries in their jurisdiction. The cannabis "desert" of which Embarc spoke is actually quite extensive. Here's a map from California's Cannabis Control Agency that illustrates my point.



Thank you for your attention to these questions.

Sincerely,
Brian Comnes
Sutter Creek CA

Dear Sutter Creek City Council Members

I am writing out of concern regarding the consideration of a retail cannabis dispensary in Sutter Creek. I understand that many cities across our state are welcoming this regulated business in hopes of raising revenues and using the argument that this provides a safe way for people to purchase a recreational substance that they are otherwise getting through dangerous means. While I can appreciate that stance, it is my opinion that we would be adding an unnecessary evil that has costs which far outweigh any financial benefit the city hopes to see.

And while it can be tempting to look at other small cities and fear that we may be missing out on something everyone else is doing, Sutter Creek has long prided itself on being a different kind of town to call home. A cannabis dispensary would be part of an erosion of the character that our community rightfully sells itself on.

I strongly urge you to consider not only the city's bottom line, but the kind of town you wish for your children to inherit. Please do your part to keep the small town character and charm in and leave cannabis out.

Pastor Mark Smith
Creekside United Methodist Church

Alan Bierce, Sutter Creek. I am having this read into the record as I cannot attend the meeting.

Section 12, Item A.

Short background. I was born in Sutter Creek and was raised in Amador County. I attended Cal, majored in Criminology and served as a police officer for the City of Berkeley for 31 years. I worked a broad range of assignments, heading up both the Vice and Homicide Details. Neither one of those assignments would pre-dispose me to support a cannabis dispensary in Sutter Creek.

A cannabis dispensary in Sutter Creek will make money for the city. It will make a LOT of money for Embarc. While there will be financial benefits for the city, there will be significant costs, which should not be measured in dollars, but by the impact on the lives of our residents. And nearly all of those impacts will not be positive.

When I worked in Homicide, about 40% of the murders in the city were drug related. Certainly, most of those crimes were related to illicit narcotics, but I am sure we would all agree that just one homicide related to any drug would unacceptable.

Additional impacts of having a dispensary in Sutter Creek is the likely increase in DUI's, the increased likelihood of property crimes, the element that such a business can bring to the city and the potential for minors to have a greater access to drugs. Anything that increases that access should be considered in any decision that the city makes.

In my opinion, and I stress that, this is a door that we do not want to open. If we do, it will be difficult to close.

Thanks for listening.

February 17, 2026

To: Sutter Creek City Council

Re: Consideration of a marijuana dispensary in the City of Sutter Creek

Dear Mayor Gunselman and City Council members,

I noted in your Administrative Agenda for your meeting of February 17, 2026, that you will be considering a development agreement for One Cannabis Dispensary at a set location.

As the former Sheriff of Amador County, law enforcement veteran of 46 years including 25 years with the California Department of Justice, and current Sutter Creek resident, I am writing to express my deep concerns over allowing such a business to exist within the city limits of Sutter Creek for numerous reasons which I will state below.

I would have much preferred to present to you in person, but I have been under the weather for over a week now.

My first concern is about the negative public safety impacts.

I have concerns that such a business will negatively impact our police department due to increased calls for service. We are blessed to have such dedicated officers providing safety to our community however, dispensaries can be a target for burglary, robbery and theft as proven in other jurisdictions resulting in impacts to other local law enforcement agencies as well who will respond as safety backup for our officers.

I will note here that Amador County maintains strict prohibition on commercial marijuana activity in all unincorporated areas as governed by Amador County Code Chapter 19.84 which includes the prohibition on retail marijuana operations. To the best of my knowledge, no other incorporated city in Amador County allows marijuana dispensaries which could lead to Sutter Creek being the countywide destination for retail marijuana and the issues that may arise as a result.

At the state level the California Department of Cannabis Control regulates marijuana dispensaries. I am concerned about how frequently they could expend their resources to inspect the one dispensary in Amador County when there are so many such operations in major cities and counties throughout the state.

While you must be 21 to purchase marijuana for recreational purposes, California law allows 18- to 20-year-olds to purchase and possess marijuana for medicinal purposes with a proper recommendation from a doctor, not a prescription, which is currently prohibited. Medical recommendations also allow the purchase of more marijuana than the 1-ounce recreational limit and provide access to higher dose products as well.

Additionally, I have learned through my training that people under the influence of marijuana are often not the same people who drive under the influence of alcohol, thereby increasing the potential threat of impaired drivers to the public.

By having the City of Sutter Creek and its leadership approve such a business, I believe that it sends the wrong message to our young people about the actual dangers of marijuana use. How bad could it be if our City Council approved of it?

It is a fact that marijuana potency today is much stronger than that of the 1960's and 70's. For example, in the 1970's marijuana potency averaged between 1% and 4% according to data from the Potency Monitoring Project. The highest THC potencies today consistently exceed the 30% mark and the highest up to 35%.

This new high potency marijuana has led users to experience psychotic episodes, permanent psychosis, addiction, and/or dependency.

In 2025 and 2026, there have been ongoing discussion and advocacy at the state level to restrict THC levels in Cannabis flower by capping it at 25% THC and capping marijuana concentrates at 60%. To my knowledge this has not been decided upon to date.

I believe such a business is also contrary to our community character, which is a family oriented, traditional small town community image, that we are so proud of and why many of us choose to live here and many more visit us every year.

Thank you for the opportunity to provide my input on this very important issue for our community.

Sincerely,

Martin Ryan