



If you plan on attending the public meeting and need special accommodation because of a sensory or mobility impairment/disability or need an interpreter, please contact Catherine J. Hoff, City Clerk at 760-348-4141 ext. 2; with 48 hours notification to arrange for accommodations to be made.

City Hall
City of Calipatria
May 26, 2020
5 PM

CITY OF CALIPATRIA
City Council, Regular Meeting

AGENDA ITEM DETAILS

MEETING: May 26, 2020- City Council, Closed Session meeting, 5:00 P.M.
(PLEASE NOTE CLOSED SESSION TIME HAS CHANGED)
Subject Instruction to the Public- Closed Session

Topic: **Calipatria City Council Open Session for Closed Session**
Time: May 26, 2020 05:00 PM Pacific Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/82350394747?pwd=bDczaU9rNTRuZ1pJRjJXRXXVQTnpjZz09>

Meeting ID: 823 5039 4747
Password: 713443
One tap mobile
+16699006833,,82350394747#,,1#,713443# US (San Jose)
+13462487799,,82350394747#,,1#,713443# US (Houston)

Dial by your location
+1 669 900 6833 US (San Jose)
+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

Meeting ID: 823 5039 4747
Password: 713443
Find your local number: <https://us02web.zoom.us/j/82350394747?pwd=bDczaU9rNTRuZ1pJRjJXRXXVQTnpjZz09>

MOTION: SECOND: VOTE:
CALL MEETING TO ORDER

ROLL CALL: Mayor:Jim Spellins, MayorProTem:Huston Hisel, Javier Amezcua, Maria Nava-Froelich, Hector Cervantes
PRESENT:
ABSENT:
ALSO PRESENT:

PUBLIC COMMENT FOR CLOSED SESSION:



ADJOURN TO CLOSED SESSION

MOTION: SECOND: VOTE:

5:10 P.M.

Topic: Calipatria City Council (only) Closed Session
Time: May 26, 2020 05:10 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82147124707?pwd=dko4UC9NQjZwcHZnb1FYenFYak4vdz09>

Meeting ID: 821 4712 4707

Password: 953454

One tap mobile

+16699006833,,82147124707#,,1#,953454# US (San Jose)

+13462487799,,82147124707#,,1#,953454# US (Houston)

Anticipated Litigation

Govt Code: 54956.9 One (1) case

Real Property Negotiations

Govt Code: 54956.9 One (1) case

CPOA Labor negotiations

Govt Code: 54957.8 One (1) case

Public Employment Performance Evaluation

Govt Code: 54957.6 One (1) case

RECONVENE TO OPEN SESSION

MOTION: SECOND: VOTE:



Join Zoom Meeting

<https://us02web.zoom.us/j/82533407876?pwd=STNoT01oVmk4OFdHK1I1TkxIWGs2UT09>

Meeting ID: 825 3340 7876

Password: 819367

One tap mobile

+16699006833,,82533407876#,,1#,819367# US (San Jose)

+12532158782,,82533407876#,,1#,819367# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Germantown)

Meeting ID: 825 3340 7876

Password: 819367

Find your local number: <https://us02web.zoom.us/u/kbTg7axwFS>

NOTICE OF CITY OF CALIPATRIA CITY COUNCIL

Notice is hereby given that pursuant to Executive Order N-29-20*

The City Council Regular Meeting

May 26, 2020

6:00 P.M.

VIA ZOOM TELECONFERENCING

<https://zoom.us/j/4139191353>

*Executive Order N-29-2- signed by Governor Newsom on March 17, 2020, authorized state and local bodies to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body and waives all requirements in the Bagley-Keene Act and Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting. The full text of Executive Order N-29-20 is available at: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>.

1. Members of the City Council may participate remotely by Zoom teleconferencing. If members choose to participate remotely, their locations will not be noticed nor will public access be available at their locations.
2. Members of the public may participate via Zoom teleconferencing using the link above.
3. Members of the public wishing to participate during public comment on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the City Council will be given the opportunity to submit comments via email to the City Clerk at c_hoff@calipatria.com by 2 pm on Tuesday, May 26th (300 word limit)



REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF CALIPATRIA
AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INVOCATION:

ROLL CALL: Mayor: Jim Spellins, Mayor Pro Tem: Huston Hisel, Javier Amezcua, Maria Nava-Froelich, Hector Cervantes

PRESENT:

ABSENT:

ALSO PRESENT:

MAYOR'S MESSAGE/PUBLIC COMMENT

At this time the Council will hear comments on any agenda item and on any item not on this agenda. Personal attacks on individuals, slanderous comments or comments that may invade an individual's privacy are prohibited. If you wish to be heard, please stand and address yourself to the Mayor, we request that you limit your remarks to no more than three (3) minutes.

THIS AGENDA CONTAINS A BRIEF GENERAL DESCRIPTION OF EACH ITEM TO BE CONSIDERED. EXCEPT AS OTHERWISE PROVIDED BY LAW, NO ACTION OR DISCUSSION SHALL BE TAKEN ON ANY ITEM NOT APPEARING IN THE FOLLOWING AGENDA

ANNOUNCEMENT OF FINAL ACTION DURING CLOSED SESSION:

- 1)
- 2)
- 3)
- 4)

ADJOURN TO SUCCESSOR AGENCY

MOTION: SECOND: VOTE:

DISCUSSION/DIRECTION

Financing Considerations for Successor Agency Outstanding Bonds

RECONVENE TO OPEN SESSION

MOTION: SECOND: VOTE:

INFORMATION REPORTS

- 1) Users Utility Tax
- 2) 2020 CHS Graduation
- 3) Assemblymember Phil Ting, Senator Holly J. Mitchell- Salton Sea Management Plan Budget Funding



- 4) Governor Gavin Newsom, Honorable Toni Atkins, Honorable Anthony Rendon- 2020/21 State Budget May Revision- Cap and trade Expenditure Plan AB 617 Implementation Funding
- 5) Assemblymember Phil Ting, Senator Holly J. Mitchell- New River Improvement Project & Salton Sea Management Plan Budget Funding

MOTION: SECOND: VOTE:
CONSENT AGENDA
 1. Warrants
 2. Minutes- May 12th

NEW BUSINESS

MOTION: SECOND: VOTE:

RESOLUTION 20-14 C. Hoff, City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA ORDERING AN ELECTION, REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE ELECTION CITY OF CALIPATRIA

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may be resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city shall reimburse the county in full for the services performed upon presentation of a bill to the city; and

WHEREAS, pursuant to Elections Code 10400, whenever two or more elections, including bond elections, of any legislative or congressional district public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body/bodies or officer/officers calling the elections; and

WHEREAS, pursuant to Elections Code 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot, acknowledging that the consolidation election will be held and conducted in the manner prescribed in Section 10418. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, pursuant to Elections Code Section 10418, if consolidated, the consolidated election shall be held and conducted, election boards appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, voter challenges determined, ballots counted and returned, returns canvassed, results declared, certificates of election issued, recounts conducted, election contests presented, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide or special election, or the election held pursuant to Section 1302 or 1303, as applicable.

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on November 3, 2020.



NOW THEREFORE BE IT RESOLVED AND ORDERED that the governing body of the City of Calipatria hereby orders and election be called and consolidated with any and all elections also called to be held on November 3, 2020 insofar as said elections are to be held in the same territory that is in part the same as the territory of City of Calipatria requests the Board of Supervisors of the County of Imperial to order such consolidation under Elections Code Section 10401 10403 and 10418.

BE IT FURTHER RESOLVED AND ORDERED that said governing body hereby requests the Board of Supervisors to permit the Imperial County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services, and

BE IT FURTHER RESOLVED AND ORDERED that the Imperial County Elections Department conducts the election for the following offices on the November 3, 2020 ballot:

SEATS OPEN	OFFICE	TERM
THREE (3)	CITY COUNCIL	FOUR (4) YEARS
ONE (1)	CITY CLERK	FOUR (4) YEARS

MOTION: SECOND: VOTE:
RESOLUTION 20-15 R. Ramirez, Finance Officer

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA REQUESTING COPS FUNDING FOR FISCAL YEAR 2018-2019

WHEREAS, the City of Calipatria services a population of 7,904 persons who are entitled to protection of life and property; and

WHEREAS, the State of California legislature has appropriated funding to continue the state COPS Program for the fiscal year 2018-2019; and

WHEREAS, the City of Calipatria has funds in the amount of \$63,335.79 from said fund to be used for:

1. Officers Salaries

MOTION: SECOND: VOTE:
RESOLUTION 20-16 R. Ramirez, Finance Officer

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA REQUESTING COPS FUNDING FOR FISCAL YEAR 2019-2020

WHEREAS, the City of Calipatria services a population of 7,904 persons who are entitled to protection of life and property; and

WHEREAS, the State of California legislature has appropriated funding to continue the state COPS Program for the fiscal year 2019-2020; and

WHEREAS, the City of Calipatria has funds in the amount of \$96,954.58 from said fund to be used for:

1. Officers Salaries

MOTION: SECOND: VOTE:
FIRST READING OF ORDINANCE 20-001 R. Medina, City Manager



AN ORDINANCE OF THE CITY OF CALIPATRIA PROVIDING FOR A COMPREHENSIVE SYSTEM FOR REGULATING THE DISPOSAL AND RECYCLING OF WASTE GENERATED BY CONSTRUCTION AND DEMOLITION ACTIVITIES

The City Council of the City of Calipatria does ordain as follows:

ARTICLE I. DEFINITIONS

As used in this ordinance, the following words, terms and phrases shall have the meanings:

"Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the County of Imperial, pursuant to the City's contract with the County for the County to provide building permit services for the applicable permits to undertake any construction, demolition, or renovation project within the City, unless otherwise specifically exempted by law.

"Building official" means the official in charge of the County of Imperial's Building Department.

"Compliance officer" means the City Manager or designee.

"Construction" means the building of any structure or any portion thereof including any tenant improvements to an existing facility or structure.

"Construction and demolition debris" means:

- a. Discarded materials generally considered to be non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project.
- b. Clean cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.
- c. Non-construction and demolition debris wood scraps.
- d. De minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry.

"C & D reuse/recycling plan" means a completed construction and demolition reuse/recycling plan form, approved by the City for the purpose of compliance with this chapter, submitted by the applicant for any covered or non-covered project.

"Conversion rate" means the rate set forth in the standardized conversion rate table (See Appendix A) approved by the City pursuant to this chapter for use in estimating the volume or weight of materials identified in C & D reuse/recycling plan.

"Covered project" shall have the meaning set forth in Article II(a) of this ordinance.

"Deconstruction" means the systematic removal of usage items from a structure.

"Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

"Designated recyclable and reusable materials" means:



- a. Masonry building materials including all products generally used in construction including, but not limited to tile, asphalt, concrete, rock, stone and brick.
- b. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.
- c. Vegetative materials including trees, tree parts shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use.
- d. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, doorframes, and fences.
- e. Roofing materials including wood shingles as well as asphalt, tile, stone and slate based roofing material.
- f. Salvageable materials include all salvageable materials and structures including, but not limited to non-toxic wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

"Diversion requirement" means the diversion of at least fifty percent by weight of the total construction and demolition debris generated by a project via reuse or recycling, unless the applicant has been granted an infeasible exemption pursuant to Article IX of this ordinance, in which case the diversion requirement shall be the maximum feasible diversion rate established by the compliance officer for the project.

"Divert" means to use material for any purpose other than disposal in a landfill.

"Non-covered project" shall have the meaning set forth in Article II(c) of this ordinance.

"Project" means any activity which requires an application for a building or demolition permit or any similar permit from the County of Imperial, pursuant to the City's contract with the County to provide building permitting services.

"Renovation" means any change, addition, or modification in an existing structure.

"Reuse" means further or repeated use of construction or demolition debris.

"Salvage" means the controlled removal of construction or demolition debris from a permitted building or demolition site for the purpose of recycling, reuse or storage for later recycling or reuse.

ARTICLE II – THRESHOLD FOR COVERED PROJECTS

(a) Covered Projects: All construction and renovation projects within the City, the valuation of which are, or are projected to be, greater than or equal to fifty thousand dollars ("covered projects"), shall comply with this ordinance. The cost of the project shall be the valuation ascribed to the project by the building official. In addition, all demolition projects having a total footage of more than one thousand square feet shall be a covered project. Failure to comply with any of the terms of this ordinance shall subject the project applicant to the full range of enforcement mechanisms set forth in this ordinance.

(b) City-Sponsored Projects: All City-sponsored construction and renovation projects within the City, the costs of which are, or are projected to be, greater than or equal to fifty thousand dollars ("covered projects") shall comply with this ordinance. The cost of the project shall be the valuation attributed to the permit issued by the building official. In addition, all demolition projects having a total square footage of



more than one thousand shall be a covered project. These City-sponsored covered projects shall submit a C & D reuse/recycling plan to the compliance officer prior to beginning any construction or demolition activities and shall be subject to all applicable provisions of this ordinance.

(c) Non-covered Projects: Applicants for construction, demolition, and renovation projects within the City whose permit valuations are less than fifty thousand dollars ("non-covered projects") shall be encouraged to divert at least fifty percent of all project-related construction and demolition debris. Information will be available during the permitting process.

(d) Compliance as a Condition of Approval: Compliance with the provisions of this ordinance shall be listed as a condition of approval on any building or demolition permit issued for a covered project.

ARTICLE III – SUBMISSION OF C & D REUSE/RECYCLING PLAN

(a) C & D Reuse/Recycling Plan: Applicants for building or demolition permits involving any covered project shall complete and submit a C & D reuse/recycling plan. Forms may be:

1. picked up;
2. filled out;
3. submitted; and
4. reviewed at the City or IVWMTF.

(b) Prior to Commencing Work:

1. Applicants may pick up the C & D reuse/recycling plan at the City or Imperial Valley waste management offices. Applicants will be provided with the following:

- i. C & D reuse/recycling plan;
- ii. "Construction site recycling guide"

Applicant must fill out the C & D reuse/recycling plan and return to the City. Applicants may contact the City or IVWMTF for assistance in completing the C & D reuse/recycling plan.

2. The City will review applicant's plan to ensure that developer or contractor is planning on reducing, reusing or recycling waste generated, according to requirements in this chapter. The City will be asking the following:

- i. Is the construction and demolition material that is generated recyclable?
 - ii. Will fifty percent of waste generated in the project be diverted from landfills?
3. After the C & D reuse/recycling plan has been reviewed by the City, a plan for a building or demolition permit will be returned within a timely manner.

1. During Activities:

- i. Permittee/contractors must use the C & D reuse and recycling plan to document the following:



A. Volume or weight of each type of recycled material and where the materials are processed.

B. Volume or weight of all materials disposed (land-filled).

2. Alternate documentation may be used at the discretion of the compliance officer.

(d) At Completion of Activities:

1. Permittee must submit the C & D reuse and recycling plan to the compliance officer before the permit can be signed as completed.

2. The compliance officer will submit documents to the City staff who will review and analyze the estimated and actual materials reused, recycled or land-filled and notify the building division.

3. Failure to provide satisfactory receipts or accomplish plan estimates, could encumber approval of future permits by permittee/owner.

(e) Calculating Volume and Weight of Debris: In estimating the volume or weight of materials identified in the C & D reuse/recycling plan, the applicant shall use the standardized conversion rates approved by the City for this purpose.

(f) Deconstruction: In preparing the C & D reuse/recycling plan, applicants for building or demolition permits involving the removal of all or part of an existing structure shall be allowed to deconstruct, and to the maximum extent feasible, and shall make the materials generated thereby available for salvage. Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall qualify to be counted in meeting the diversion requirements. Recovered or salvaged materials may be given or sold on the premises or may be removed to reuse warehouse facilities for storage or sale.

ARTICLE IV – DEPOSIT REQUIRED

As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall post a cash deposit in the amount of fifty dollars for each estimated ton of construction and/or demolition debris but not less than five hundred dollars. The deposit or cash bond shall be returned, without interest, in total or in proportion, upon proof to the satisfaction of the compliance officer, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and/or construction project have been diverted from landfills and have been recycled or reused. If a lesser percentage of tons or cubic yards than required is diverted, a proportionate share of the deposit will not be returned. The deposit shall be forfeited entirely or to the extent that there is a failure to comply with the requirements of this ordinance. The amount of this fee shall be determined in accordance with the then current resolution of the City Council determining the same.

ARTICLE V – ADMINISTRATIVE FEE

As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall pay to the City a cash fee sufficient to compensate the City for all expenses incurred in the review and inspection of the project, determining the construction and demolition plan, and determining compliance. The amount of this fee shall be determined in accordance with the then current resolution of the City Council determining the same.



ARTICLE VI - REPORTING

During the term of the demolition or construction project, the contractor shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the compliance officer that can be converted to tonnage. The compliance officer will evaluate and monitor each project to gauge whether the diversion of a minimum of the required percentages of the demolition and construction debris will be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved. On-site separation shall be undertaken to the extent feasible.

ARTICLE VII – REVIEW OF C & D REUSE/RECYCLING PLAN

(a) Approval: Notwithstanding any other ordinance of the City of Calipatria, no building or demolition permit shall be issued for any covered project unless and until the compliance officer has approved the C & D reuse/recycling plan. Approval shall not be required, however, where an emergency demolition is required to protect the public health, welfare or safety as determined by the building official. The compliance officer shall only approve a C & D reuse/recycling plan if the intent of this ordinance has been met.

(b) Non-approval: If the compliance officer determines that the C & D reuse/recycling plan is incomplete or fails to meet the intent of the requirements of this chapter, he shall return the C & D reuse/recycling plan to the applicant marked "Denied," including a statement of reasons, and so notify the building division.

ARTICLE VIII – COMPLIANCE WITH RECYCLING PLAN

(a) Documentation: Within sixty days following the completion of the demolition project, and again within sixty days following the completion of the construction project, the contractor shall, as a condition precedent to final approval and to issuance of any certificate of occupancy, submit documentation to the compliance officer that the diversion requirement for the project has been met. The diversion requirement shall be that the applicant has complied with the C & D reuse/recycling plan. Any deposit posted pursuant to Article IV shall be forfeited if the permittee does not meet the timely reporting requirements of this section. This documentation shall include all of the following:

1. Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material;
2. A copy of the previously approved C & D reuse/recycling plan for the project adding the actual volume or weight of each material diverted and landfilled;
3. Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with this chapter.

(b) Weighing of Wastes: Applicants shall make reasonable efforts to ensure that all construction and demolition debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the city for this purpose.



(c) **Determination of Compliance:** The compliance officer shall review the information submitted under C & D reuse/recycling plan and determine whether the applicant has complied with the diversion requirement, as follows:

1. **Full Compliance:** If the compliance officer determines that the applicant has fully complied with the diversion requirements applicable to the project, he shall approve the C & D reuse/recycling plan and inform the building division that a certificate of occupancy can be issued.
2. **Substantial Compliance:** If the compliance officer determines that the diversion requirement has not been achieved, he shall determine on a case-by-case basis whether the applicant has made a good faith effort and is in substantial compliance with this chapter. In making this determination, the compliance officer shall consider the availability of markets for the construction and demolition debris land-filled, the size of the project, and the documented efforts of the applicant to divert construction and demolition debris. If the compliance officer determines that the applicant has made a good faith effort to comply with this chapter and is in substantial compliance, he shall approve the C & D reuse/recycling plan and inform the building division that a certificate of occupancy can be issued.
3. **Noncompliance:** If the compliance officer determines that the applicant is not in substantial compliance with this chapter, or if the applicant fails to submit the documentation required by Article VIII(a), then the applicant shall pay a penalty as prescribed in Article XI.

(d) **Falsification of Records:** If the applicant deliberately provides false or misleading data to the City in violation of this ordinance, the applicant may be subject to penalties in addition to those specified in Section 7C.4. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from an applicant who is determined by a court of competent jurisdiction to have violated this ordinance.

(e) **Final Approval:** All conditions of this ordinance shall be met prior to final approval by the building division.

ARTICLE IX – INFEASIBLE EXEMPTION

(a) **Application:** If an applicant for a covered project experiences unique circumstances that the applicant believes make it not feasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that he submits the C & D reuse/recycling plan required under Article III of this ordinance. The applicant shall indicate on the C & D reuse/recycling plan the maximum rate of diversion he believes is feasible for each material and the specific circumstances that he believes make it not feasible to comply with the diversion requirement.

(b) **Meeting with Compliance Officer:** The compliance officer shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. The compliance officer may request that staff from the Imperial Valley Waste Management Task Force or designee attend this meeting or may require the applicant to request a separate meeting with IVWMTF staff. Based on the information supplied by the applicant and, if applicable, IVWMTF staff or designee, the compliance officer shall determine whether it is possible for the applicant to meet the diversion requirement.

(c) **Granting of Exemption:** If the compliance officer determines that it is not feasible for the applicant to meet the diversion requirement due to unique circumstances, he shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the C & D reuse/recycling plan submitted by the applicant. The compliance officer shall return a copy of the C & D reuse/recycling plan to the applicant marked "Approved" or "Unapproved" and shall notify the building division if approved.



(d) Denial of Exemption: If the compliance officer determines that it is possible for the applicant to meet the diversion requirement, he shall so inform the applicant in writing. The applicant shall have thirty days to resubmit a C & D reuse/recycling plan form in full compliance with this ordinance. If the applicant fails to resubmit the C & D reuse/recycling plan, or if the resubmitted C & D reuse/recycling plan does not comply with this ordinance, the compliance officer shall deny the C & D reuse/recycling.

ARTICLE X - APPEALS

(a) Contents of Appeals: An appeal of the compliance officer decision may be made to the City Council in writing not longer than ten days after the compliance officer's decision. The decision of the City Council shall be final. The appellant must specifically state in the notice of appeal:

1. The name and address of the appellant and appellant's interest in the decision;
2. The nature of the decision appealed from and/or the conditions appealed from;
3. A clear, complete, but brief statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed were unjustified or inappropriate; and
4. The specific facts of the matter in sufficient detail to notify the city. The appeal shall not be stated in generalities.

(b) Filing of Appeal: An appeal must be filed with the City Clerk. Appeals may be delivered in person at City Hall, 125 North Park Avenue, Calipatria, California 92233. To be timely, an appeal delivered in person must be presented at City Hall on or before close of business on the tenth day following the compliance officer's decision. If an appeal is mailed, it must be post-marked on or before the tenth day following the compliance officer's decision and must be addressed to the City Clerk at the foregoing address. If the tenth day falls on a Saturday, Sunday, or City Holiday then the appeal will be accepted if it is presented on the next work day following the tenth day by the close of business.

(c) Acceptance of Appeal: An appeal shall not be accepted by the City Clerk unless it is complete.

(d) The merits of the appeal will be considered at a regularly scheduled meeting of the City Council. The compliance officer may present a written statement addressing the merits of the appeal. An evidentiary hearing will not be permitted. The appellant and the compliance officer may both present brief oral statements to the City Council when the Council meets to consider the appeal. The oral statements may not exceed four minutes for each side.

ARTICLE XI – CIVIL PENALTIES

(a) Civil Penalty: If the compliance officer, or upon appeal, the director of public works, determines that an applicant is in noncompliance as described in Article VIII, the applicant shall pay a civil penalty in the amount calculated as two percent of the total project valuation. Until the civil penalty is paid, a certificate of occupancy may be withheld by the building division.

(b) Enforcement: The city attorney is authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties for the City of Calipatria.

ARTICLE XII - SEVERABILITY

If any subdivision, paragraph, sentence, clause, or phrase of this ordinance codified is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or any other provisions of



the City's rules and regulations. It is the City's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

COUNCIL REPORTS:

Cervantes:

Nava-Froelich:

Amezcuca:

Hisel:

Spellins:

STAFF:

Medina:

Hoff:

TEN MINUTE BREAK:

ADJOURN TO CITY OF CALIPATRIA 2020/2021 BUDGET WORKSHOP

MOTION: SECOND: VOTE:

INTRODUCTION: R. Medina

BUDGET OVERVIEW: R. Ramirez

BUDGET TOPICS FOR DISCUSSION:

Summer youth work program:

Mobile message board:

Additional employees: public works, administration building



MOTION:
ADJOURN:

SECOND:

VOTE: