



AGENDA

**Regular Meeting of the Calipatria City Council
City Council Chambers
125 North Park Avenue
Calipatria California 92233**

**Tuesday, May 13, 2025
Closed Session at 5:30 pm
Open Session at 6:00 pm**

Michael Luellen, Mayor
Javier Amezcua, Mayor Pro-Tem
Sylvia Chavez, Council Member
Fred Beltran, Council Member
Jesse Rivas, Council Member

Laura Gutierrez, City Manager
Gilbert G. Otero, City Attorney
Jane Hurtado, City Clerk

Jesse Llanas, Fire Chief
Cheryl Fowler, Police Chief
Edgar Self, Public Work Director

NOTICE TO TELECONFERENCE PARTICIPATION

Pursuant to Government Code Section 54953(b), Police Chief Cheryl Fowler will be attending the Regular Meeting via teleconference from:
10044 Pacific Mesa Blvd., San Diego, CA 92121

NOTICE TO THE PUBLIC

This is a public meeting. Any member of the public is invited to attend. The Calipatria City Council welcomes public input during the **Public Comment** period of the sessions.

5:30 P.M. CLOSED SESSION

CALL TO ORDER:

ROLL CALL:

PUBLIC COMMENTS FOR CLOSED SESSION ITEMS: Any member of the public wishing to address the City Council on any items appearing on the closed session agenda may do so at this time. Pursuant to State Law, the City Council may not discuss or take action on issues not on the meeting agenda. (*Government Code Section 54954.2*) There is a time limit of three (3) minutes for anyone wishing to address the City Council on these matters.

CITY COUNCIL ADJOURNS TO CLOSE SESSION

CONFERENCE WITH LEGAL COUNSEL:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS- G.C. 54956.8

1. APN: 023-070-007
2. APN: 023-470-001
3. APN: 023-223-001

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

1. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9
Number of Potential Cases: 2

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – GC 54956.7(b)(1)

1. Title of Position: City Manager

CITY COUNCIL CONVENES TO OPEN SESSION

6:00 P.M. OPEN SESSION

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE & INVOCATION:

CITY ATTORNEY: REPORT ON CLOSED SESSION ACTION

ADJUSTMENTS TO THE AGENDA: The City Council will discuss the order of the agenda, may amend the order, add urgent items and or remove items from the consent calendar prior to that portion of the agenda. For the purpose of the official city record, the City Council may take care of these issues by entertaining a formal motion.

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

PUBLIC COMMENTS: The City Council welcomes your input. **Please remember to shut off all cell phones.** Now is the time for any member of the public to speak to the Council. If there is an item on the agenda on which you wish to be heard, we ask that you please step to the podium and state your name and address for the record.

For matters not appearing on the agenda: If you wish to address the City Council concerning a matter and or any item not on the agenda but is within the City Council's jurisdiction you may do so now. We ask that you please step to the podium and state your name and address for the record.

The Mayor reserves the right to place a time limit of three (3) minutes on each person's presentation. It is requested that longer presentations be submitted to the City Clerk in writing 48 hours before the meeting.

PRESENTATIONS:

1. Calipatria Chamber of Commerce – Ron Amidon

CONSENT AGENDA: The items appearing under the Consent Agenda will be acted upon by the City Council in one motion without discussion. Should any Council member or other person wish to discuss any item, they may request that the item be removed from the Consent Agenda and placed on the REGULAR BUSINESS Agenda.

1. Continued Delta Street Pump Station Emergency
2. Warrants for the Month of April 2025
3. Minutes: April 22, 2025

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

ACTION ITEMS REGULAR BUSINESS (DISCUSSION/ACTION):

1. Approve/Disapprove: Approval of Ordinance No. 03-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA,
CALIFORNIA, AMENDING CALIPATRIA ORDINANCE NO.08-001
PROVIDING FOR A COMPREHENSIVE SYSTEM NUISANCE ABATEMENT
WITHIN CITY LIMITS

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

2. Approve/Disapprove: Approval of INTERGOVERNMENTAL AGREEMENT BETWEEN IMPERIAL COUNTY SHERIFF'S OFFICE AND CALIPATRIA FIRE DEPARTMENT MOU for all fire departments to be integrated with the Pro Phoenix systems

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

3. Approve/Disapprove: Approval of CR&R 2025-2026 Annual Rate Adjustment for Solid Waste and Recycling Services

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

4. Approve/Disapprove: Approval to contract with VGL Construction, Inc. for additional installations of sewer shut off devices to Delinquent Sewer Accounts in accordance with Resolution 2023-53

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

5. Approve/Disapprove: Approval of Release of Request for Qualifications / Proposals (RFQ/P) for Airport Park

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

6. Approve/Disapprove: Approval of Resolution No. 25-16

For the City Council to consider and adopt Resolution No. 25-16 declaring 106 Lindsey Road in the City of Calipatria, Assessor Parcel Numbers's ("APN") 022-160-003, surplus land under the Surplus Land Act as amended by AB1486.

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

STAFF and COUNCIL REPORTS:

ADJOURNMENT:

The next regular scheduled meeting of the City of Calipatria City Council is Tuesday, May 27, 2025, at 6:00 pm

Close meeting at _____.

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

I, JANE HURTADO, City Clerk of the City of Calipatria, California, DO HEREBY CERTIFY that the agenda was duly posted at Calipatria City Hall, 125 N Park Avenue, Calipatria, California and on the City of Calipatria's website not less than 72 hours prior to the meeting per Government Code 54954(2).

Dated: May 8, 2025



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: May 7, 2025
Submitted By: Edgar Self, Public Works Director
Council Meeting Date: May 13, 2025

CONSENT~ DELTA PUMP STATION EMERGENCY

Subject: Delta Pump Station Emergency

The Delta Pump Station continues to operate under emergency resolution until repairs are completed.

With the City Council approval of the NADBank Grant Execution on 04.09.2024, NADBank has authorized the City to proceed. Due to the delay in receiving parts, the completion of this project has been delayed.

Arc Performance has already demoed/installed all piping (suction and discharge) and has installed the new 8" suction valve, the new 10" discharge valve, pump, meter, and the lower and upper shutoff valves. ARC Performance has completed their contract

The City will proceed with the rebuilding of the two existing pumps (\$45,000 estimated plus tax). The cost for the pump and one rebuild will be reimbursed by the \$250,000 grant funding.

As a reminder, the City will have a matching of 10% to the cost of the Delta Pump Station Project.

NO Change as of today's date.

To date expenses are as follows:

Pump	\$70,046.12*
Staircase Replacement:	\$26,845.03
Electrical:	\$83,146.81
Piping and valves:	\$46,549.30*
Contract Pump Station Labor	\$58,500.00* (50% progress payment)
Total expenses paid to date:	\$285,087.26 (Use of ARPA funding * to be reimbursed by NADBank)



Warrants for Council Meeting

Tuesday, May 13, 2025

OPERATING ACCOUNT:

AMOUNTS:

US Bank ~ General Account #5465

04/11/25	CK# 7051 - 7099	\$1,288,041.99
04/30/25	CK# 7100 - 7139	\$74,646.74

Grand Total: \$1,362,688.73

VOIDED CHECKS:

INFORMATION CARRY OVER:

ABSTAIN:

PAYROLL ACCOUNT:

AMOUNTS:

US Bank ~ Payroll Account #0532

04/04/25	CK# 17334 - 17367	\$34,019.90
04/18/25	CK# 17368 - 17397	\$32,251.29

Grand Total: \$66,271.19

Michael Luellen, Mayor

Javier Amezcua, Mayor Pro-Tem

Sylvia R. Chavez, Councilmember

Fred Beltran, Councilmember

Jesse Rivas, Councilmember

City of Calipatria
Accounts Payable Check Register Report - US Bank Branch-158300185465
For The Date Range From 4/1/2025 To 4/30/2025
For All Vendors And For Outstanding Checks - Computer Generated

5/8/2025 12:29pm

Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status																																																																					
7051	C	4/11/2025	14	Calipatria Firefighters Assoc.	\$70.65	O																																																																					
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7052	C	4/11/2025	16	City of Brawley	\$8,066.33	O																																																																					
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7053	C	4/11/2025	54	The Holt Group, Inc.	\$153,073.30	O																																																																					
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7054	C	4/11/2025	57	Imperial Irrigation District	\$8,266.64	O																																																																					
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City of Calipatria

5/8/2025 12:29pm

Accounts Payable Check Register Report - US Bank Branch-158300185465

For The Date Range From 4/1/2025 To 4/30/2025

For All Vendors And For Outstanding Checks - Computer Generated

Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
			50675282/4/8/2025 - 106 W Lindsey Rd	06-06-7013	\$5,236.81
			50892491/4/7/2025 - 440 W Main St	06-06-7013	\$423.83
			50001613/4/4/2025 - St Lights	10-00-7013	\$1,843.26
			50900482 - 440 W Main St A / PRT HNGR	01-50-7013	\$744.74
			50132978/4/7/2025 - 440 W Main St	14-00-7013	\$18.00
7055	C	4/11/2025	86 Principal Life Insurance Company		\$1,333.92 O
	Invoice Nbr - Description		GL Account	Amount	
	4/1/2025-4/30/2025 - Insurance Premium- April 2025		01-90-6900	\$53.66	
	4/1/2025-4/30/2025 - Insurance Premium- April 2025		06-06-6900	\$148.93	
	4/1/2025-4/30/2025 - Insurance Premium- April 2025		01-40-6900	\$71.54	
	4/1/2025-4/30/2025 - Insurance Premium- April 2025		01-26-6900	\$444.82	
	4/1/2025-4/30/2025 - Insurance Premium- April 2025		01-25-6900	\$392.65	
	4/1/2025-4/30/2025 - Insurance Premium- April 2025		01-16-6900	\$222.32	
7056	C	4/11/2025	96 Golden State Water Company		\$2,363.79 O
	Invoice Nbr - Description		GL Account	Amount	
	90696400002/3/24/2025 - Fire Dept. - 125 Park		01-26-7013	\$237.41	
	39834100008/3/24/2025 - S Sorenson & Alley Elder		01-90-7013	\$57.57	
	25634100009/3/24/2025 - Lift Station - 424 International		06-06-7013	\$109.94	
	22075400006/3/24/2025 - N/W/C of Library		01-90-7013	\$379.16	
	10934100008/3/24/2025 - Flag Pole - 100 Park Irr		01-90-7013	\$79.47	
	00934100009/3/24/2025 - Wellbeing Center - 101 N Lake		01-80-7013	\$113.09	
	98028300006/3/24/2025 - Police Dept. - 140 W Main		01-25-7013	\$309.75	
	51934100002/3/24/2025 - 450 N Brown Ave (E California		01-90-7013	\$145.87	
	81075400002/3/24/2025 - W Bonita St & S Park Ave		01-90-7013	\$146.36	
	72634100001/3/24/2025 - City Hall / Fire Dept.		01-26-7013	\$83.15	
	50634100007/3/24/2025 - City Yard - 525 S Sorenson		01-50-7013	\$149.02	
	52075400003/3/24/2025 - Community Center - 150 Park		01-90-7013	\$263.96	
	72634100001/3/24/2025 - City Hall / Fire Dept.		01-80-7013	\$83.16	
	51045100008/3/24/2025 - Mikesell Park - 102 E Main		01-90-7013	\$145.87	
	89834100003/3/24/2025 - Airport - 438 W Main		14-00-7013	\$60.01	
7057	C	4/11/2025	109 Underground Service Alert/SC		\$39.60 O
	Invoice Nbr - Description		GL Account	Amount	
	320250101 - Regulatory compliance		06-06-7013	\$39.60	
7058	C	4/11/2025	113 Waxie Sanitary Supply		\$80.61 O
	Invoice Nbr - Description		GL Account	Amount	
	83124248 - Toilet paper for City Hall		01-80-7106	\$80.61	

City of Calipatria

5/8/2025 12:29pm

Accounts Payable Check Register Report - US Bank Branch-158300185465

For The Date Range From 4/1/2025 To 4/30/2025

For All Vendors And For Outstanding Checks - Computer Generated

Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
7059	C	4/11/2025	143 Zendejas Hardware	\$1,007.58	O
	Invoice Nbr - Description		GL Account	Amount	
	877121 - PW - Various maintenance		01-80-7106	\$34.45	
	881235 - PW - various maintenance		06-06-7606	\$59.56	
	881195 - PW- various maintenance		01-90-7606	\$23.90	
	881159 - PW- various maintenance		01-80-7606	\$112.98	
	879507 - PW - maintenance		06-06-7606	\$54.92	
	880981 - PW - Various maintenance		01-50-7606	\$75.64	
	881268 - PW- various maintenance		06-06-7606	\$99.02	
	881032 - PW - various maintenance		01-80-7606	\$39.15	
	880157 - PW - Various supplies		01-90-7017	\$31.23	
	880615 - Fire Dept. Neoprone gasket		01-26-7606	\$7.53	
	879948 - PW- Marking paint		06-06-7017	\$92.98	
	880566 - PW- buildings maintenance supplies		01-80-7606	\$10.75	
	880318 - PW - Various supplies		01-40-7017	\$12.91	
	880281 - PW- Various supplies		01-90-7605	\$81.28	
	880281 - PW- Various supplies		01-50-7605	\$81.28	
	880918 - PW - Various maintenance		01-90-7606	\$128.70	
	880964 - PW - Various maintenance		01-40-7606	\$61.30	
7060	C	4/11/2025	193 Calipatria Police Employees Association	\$75.00	O
	Invoice Nbr - Description		GL Account	Amount	
	Payroll 4/17-30, 2025 - CPOA Dues Run# 1639-2025		01-00-2007	\$75.00	
7061	C	4/11/2025	195 City of Calipatria	\$120.08	O
	Invoice Nbr - Description		GL Account	Amount	
	Payroll 4/17-30, 2025 - Employee UB - Run#1639-2025		01-00-2011	\$60.04	
	Payroll 4/17-30, 2025 - Employee UB - Run#1639-2025		06-00-2011	\$60.04	
7062	C	4/11/2025	339 California Department of Child Support Services	\$223.84	O
	Invoice Nbr - Description		GL Account	Amount	
	Payroll 4/17-30, 2025 - Child Support:) Run# 1639-2025		01-00-2010	\$223.84	
7063	C	4/11/2025	464 Fire Etc.	\$453.78	O
	Invoice Nbr - Description		GL Account	Amount	
	197412 - Fire Dept. Work boots		01-26-7929	\$453.78	
7064	C	4/11/2025	470 McNeece Bros. Oil Company, Inc.	\$4,243.72	O
	Invoice Nbr - Description		GL Account	Amount	
	916620 - Public Works- Operational fuel		01-16-7015	\$249.90	
	916621 - Fire Dept. Fuel expense		01-26-7015	\$1,164.40	
	916622 - Police Dept. Vehicle Fuel		01-25-7015	\$1,050.18	
	916620 - Public Works- Operational fuel		01-90-7015	\$533.77	
	916620 - Public Works- Operational fuel		01-40-7015	\$711.70	
	916620 - Public Works- Operational fuel		06-06-7015	\$533.77	

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For All Vendors And For Outstanding Checks - Computer Generated

Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
7065	C	4/11/2025	583 Airwave Communication	\$83.75	O
			Invoice Nbr - Description	GL Account	Amount
			449388 - Outstanding balance	01-26-7016	\$83.75
7066	C	4/11/2025	589 Imperial County Sheriff's Office	\$7,500.00	O
			Invoice Nbr - Description	GL Account	Amount
			09112024-5 - Pro - phoenix	01-25-7003	\$7,500.00
7067	C	4/11/2025	636 Motorola Solutions, Inc	\$949.69	O
			Invoice Nbr - Description	GL Account	Amount
			8230506632 - PD- Annual Service May 3, 2025- May 2, 2026	01-25-7002	\$949.69
7068	C	4/11/2025	652 County of San Diego, RCS	\$265.50	O
			Invoice Nbr - Description	GL Account	Amount
			25CALIPDN09 - Police network service	01-25-7003	\$265.50
7069	C	4/11/2025	663 Applied Business Software, Inc	\$3,163.09	O
			Invoice Nbr - Description	GL Account	Amount
			INV-34654 - Mortgage office maintenance	01-17-7003	\$3,163.09
7070	C	4/11/2025	724 Brenntag Pacific, Inc	\$10,429.58	O
			Invoice Nbr - Description	GL Account	Amount
			BPI504092 - Chemicals	06-06-7060	\$4,485.17
			BPI508841 - Chemicals	06-06-7060	\$5,944.41
7071	C	4/11/2025	768 CR & R Waste & Recycling Services	\$49,854.50	O
			Invoice Nbr - Description	GL Account	Amount
			March 2025 - Monthly Service	09-00-7003	\$24,915.27
			February 2025 - Monthly service	09-00-7003	\$24,939.23
7072	C	4/11/2025	779 Smith-Kandal Insurance Agency	\$38,438.59	O
			Invoice Nbr - Description	GL Account	Amount
			5815 - Insurance	06-06-7009	\$10,377.18
			5815 - Insurance	01-17-7009	\$24,213.41
			5819 - Insurance	06-06-7009	\$1,154.40
			5819 - Insurance	01-17-7009	\$2,693.60
7073	C	4/11/2025	906 Sparkletts	\$183.57	O
			Invoice Nbr - Description	GL Account	Amount
			9442717040125 - CH drinking water	01-26-7013	\$47.11
			9442717040125 - CH drinking water	01-25-7013	\$47.10
			9575554030125 - PW drinking water	01-90-7013	\$42.25
			9442717040125 - CH drinking water	01-80-7013	\$47.11
7074	C	4/11/2025	942 Imperial County Transportation Commission	\$425.75	O
			Invoice Nbr - Description	GL Account	Amount
			25-21 - 3rd Qtr membership fee FY 2024-25	19-40-7002	\$425.75
7075	C	4/11/2025	985 Imperial Valley Fire Chief's Association	\$200.00	O
			Invoice Nbr - Description	GL Account	Amount

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For All Vendors And For Outstanding Checks - Computer Generated

Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
		7/1/2024-6/30/2025 - Annual Membership	01-26-7002	\$200.00	
		7/1/2024-6/30/2025			
7076	C	4/11/2025	1008 Humane Society of Imperial County	\$500.00	O
		Invoice Nbr - Description	GL Account	Amount	
		March 2025 - Animal intake & care expenses	01-25-7049	\$500.00	
		March 2025			
7077	C	4/11/2025	1020 AM Copiers, Inc	\$258.02	O
		Invoice Nbr - Description	GL Account	Amount	
		IN7136 - Professional fees	01-17-7003	\$258.02	
7078	C	4/11/2025	1039 Larry R. Bennett Insurance Agency	\$375.00	O
		Invoice Nbr - Description	GL Account	Amount	
		LRB#168 - Admin fees for SDRMA - April 2025	01-17-7003	\$375.00	
7079	C	4/11/2025	1052 Farm Bureau	\$400.00	O
		Invoice Nbr - Description	GL Account	Amount	
		0188267 - Membership Renewal	01-17-7002	\$400.00	
7080	C	4/11/2025	1080 County Motor Parts	\$38.21	O
		Invoice Nbr - Description	GL Account	Amount	
		542657 - Fire Dept. - oil for Chiefs command truck	01-26-7606	\$38.21	
7081	C	4/11/2025	1118 Clearinghouse	\$279.80	O
		Invoice Nbr - Description	GL Account	Amount	
		Payroll 4/17-30, 2025 - Child Support	01-00-2010	\$279.80	
		-Run# 1639-2025			
7082	C	4/11/2025	1130 Babcock Laboratories, Inc.	\$1,796.03	O
		Invoice Nbr - Description	GL Account	Amount	
		CH40298 - Regulatory testing	06-06-7107	\$157.31	
		CD50146-9802 - Regulatory testing	06-06-7107	\$33.44	
		CD50503-9802 - Regulatory testing	06-06-7107	\$33.44	
		CC51626-9802 - Regulatory testing	06-06-7107	\$157.31	
		CC51616-9802 - Regulatory testing	06-06-7107	\$33.44	
		CJ40788 - Regulatory testing	06-06-7107	\$426.09	
		LH40068 - Regulatory testing	06-06-7107	\$33.44	
		LC50023-9802 - Regulatory testing	06-06-7107	\$33.44	
		CC51206-9802 - Regulatory testing	06-06-7107	\$730.81	
		CJ41424 - Regulatory testing	06-06-7107	\$157.31	
7083	C	4/11/2025	1140 Raul Bernal	\$97.81	O
		Invoice Nbr - Description	GL Account	Amount	
		3/19/2025 - supplies	06-06-7001	\$54.10	
		March 2025 - Employee mileage - March 2025	06-06-6015	\$21.00	
		3/26/2025 - supplies	06-06-7001	\$22.71	
7084	C	4/11/2025	1144 AT & T Mobility	\$40.24	O
		Invoice Nbr - Description	GL Account	Amount	
		287298593833X03102025 - Wifi	01-16-7013	\$40.24	

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Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
7085	C	4/11/2025	1154 Rove Engineering Inc.	\$982,109.74	O
	Invoice Nbr - Description		GL Account	Amount	
	6973 - East side stormwater project		73-00-8012	\$292,791.83	
	6885 - East side storm drain - Project No. 142.307		73-00-8012	\$689,317.91	
7086	C	4/11/2025	1155 VESTIS	\$234.32	O
	Invoice Nbr - Description		GL Account	Amount	
	5220501818 - PW uniforms		01-80-7106	\$16.12	
	5220501818 - PW uniforms		01-90-7929	\$17.04	
	5220501818 - PW uniforms		01-40-7929	\$6.62	
	5220501818 - PW uniforms		06-06-7929	\$4.96	
	5220501818 - PW uniforms		01-80-7929	\$3.02	
	5220504978 - PW uniforms		01-50-7929	\$10.00	
	5220504978 - PW uniforms		01-40-7929	\$6.62	
	5220504978 - PW uniforms		01-90-7929	\$17.04	
	5220504978 - PW uniforms		01-80-7929	\$3.02	
	5220498663 - PW - Uniforms		06-06-7929	\$4.96	
	5220504978 - PW uniforms		01-80-7106	\$16.12	
	5220504978 - PW uniforms		06-06-7929	\$4.96	
	5220495516 - PW- Uniforms		01-90-7929	\$18.84	
	5220498663 - PW - Uniforms		01-80-7106	\$16.12	
	5220495516 - PW- Uniforms		01-40-7929	\$7.27	
	5220501818 - PW uniforms		01-50-7929	\$10.00	
	5220495516 - PW- Uniforms		06-06-7929	\$5.46	
	5220495516 - PW- Uniforms		01-80-7929	\$3.35	
	5220495516 - PW- Uniforms		01-80-7106	\$16.12	
	5220498663 - PW - Uniforms		01-50-7929	\$10.00	
	5220498663 - PW - Uniforms		01-40-7929	\$6.62	
	5220498663 - PW - Uniforms		01-90-7929	\$17.04	
	5220498663 - PW - Uniforms		01-80-7929	\$3.02	
	5220495516 - PW- Uniforms		01-50-7929	\$10.00	
7087	C	4/11/2025	1171 Fabiola Barraza	\$10.81	O
	Invoice Nbr - Description		GL Account	Amount	
	3/12/2025 - Reimburse - cleaning supplies		01-80-7106	\$10.81	
7088	C	4/11/2025	1174 Core & Main LP	\$2,491.75	O
	Invoice Nbr - Description		GL Account	Amount	
	W450226 - Delta pump water line		06-06-7606	\$1,636.76	
	W490887 - Delta pump water line		06-06-7606	\$854.99	
7089	C	4/11/2025	1194 Trittech Software Systems	\$220.64	O
	Invoice Nbr - Description		GL Account	Amount	
	435028 - Asyst		06-06-7003	\$29.32	
	434691 - Asyst		06-06-7003	\$81.00	
	434691 - Asyst		09-00-7003	\$81.00	
	435028 - Asyst		09-00-7003	\$29.32	

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Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
7090	C	4/11/2025	1218 Veritone, Inc.	\$500.00	O
	Invoice Nbr - Description		GL Account	Amount	
	948348 - PD - Annual contact application		01-25-7002	\$500.00	
7091	C	4/11/2025	1219 Sun Badge Company	\$225.96	O
	Invoice Nbr - Description		GL Account	Amount	
	422660 - PD - Sgt Trevino badge		01-25-7929	\$225.96	
7092	C	4/11/2025	1220 Roberto Orozco	\$119.00	O
	Invoice Nbr - Description		GL Account	Amount	
	March 2025 - Employee mileage reimbursement		06-06-6015	\$119.00	
7093	C	4/11/2025	1257 Brawley Analytical, Inc,	\$747.00	O
	Invoice Nbr - Description		GL Account	Amount	
	001028 - Regulatory testing		06-06-7107	\$279.00	
	000906 - Regulatory testing		06-06-7107	\$219.00	
	000755 - Regulatory testing		06-06-7107	\$249.00	
7094	C	4/11/2025	1293 California Consulting, Inc	\$3,300.00	O
	Invoice Nbr - Description		GL Account	Amount	
	7177 - Grant Writing Services		06-06-7003	\$3,300.00	
7095	C	4/11/2025	1301 Alejandro Estrada	\$1,770.00	O
	Invoice Nbr - Description		GL Account	Amount	
	1525 - IT services - April 2025 Regular labor		01-17-7003	\$1,770.00	
	March 2025				
7096	C	4/11/2025	1317 Purchase Power	\$83.54	O
	Invoice Nbr - Description		GL Account	Amount	
	March 5, 2025 - Postage March- April 2025		01-17-7110	\$41.69	
	April 6, 2025 - Postage March-April 2025		01-17-7110	\$41.85	
7097	C	4/11/2025	1323 Leonardo Rios	\$520.00	O
	Invoice Nbr - Description		GL Account	Amount	
	498461 - PD- Vehicle wash		01-25-7606	\$260.00	
	498462 - PD- Vehicle wash		01-25-7606	\$260.00	
7098	C	4/11/2025	1340 Cecilia Rodriguez	\$54.46	O
	Invoice Nbr - Description		GL Account	Amount	
	4/9/2025 - Mileage reimbursement		01-25-6015	\$54.46	
7099	C	4/11/2025	1345 Kosmont Realty	\$956.80	O
	Invoice Nbr - Description		GL Account	Amount	
	2503.16-001 - SLA Advisory		01-17-7003	\$956.80	
7100	C	4/30/2025	7 AFLAC	\$994.16	O
	Invoice Nbr - Description		GL Account	Amount	
	504773 - Deductibles - March 2025		01-00-2004	\$497.08	
	834130 - Deductibles - April 2025		01-00-2004	\$497.08	
7101	C	4/30/2025	14 Calipatria Firefighters Assoc.	\$94.20	O
	Invoice Nbr - Description		GL Account	Amount	

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Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
			Payroll 3/31-4/13, 2025 - CFA Dues Run# 1642-2025	01-00-2605 \$94.20	
7102	C	4/30/2025	16 City of Brawley	\$8,066.33	O
	Invoice Nbr - Description		GL Account	Amount	
	March 2025 - Dispatch Services - March 2025		01-25-7003	\$4,033.17	
	March 2025 - Dispatch Services - March 2025		01-26-7003	\$4,033.16	
7103	C	4/30/2025	57 Imperial Irrigation District	\$2,742.83	O
	Invoice Nbr - Description		GL Account	Amount	
	50001623/4/9/2025 - Sorenson S/O Fern		01-90-7013	\$18.00	
	50001641/4/9/2025 - 125 N Park - CH/Fire Dept.		01-80-7013	\$436.00	
	50001609/4/9/2025 - 190 Ball Park		01-90-7013	\$641.59	
	50001605/4/9/2025 - 190 City Hall		01-80-7013	\$360.42	
	50291961/4/9/2025 - HWY 111 and Main St Clock		10-00-7013	\$214.68	
	50508779/4/9/2025 - 402 E California St		01-90-7013	\$130.72	
	50471659/4/9/2025 - 140 W Main St		01-25-7013	\$320.65	
	50001651/4/9/2025 - 105 S Lake		01-90-7013	\$18.35	
	50160541/4/9/2025 - C/O Alexandria amd W/S International		06-06-7013	\$18.00	
	50001641/4/9/2025 - 125 N Park - CH/Fire Dept.		01-26-7013	\$436.00	
	50001646/4/9/2025 - 102 E Main St		01-90-7013	\$18.88	
	50001635/4/9/2025 - 515 S Sorenson		01-50-7013	\$101.25	
	50001664/4/9/2025 - 286 E Alexandria		01-80-7013	\$28.29	
7104	C	4/30/2025	86 Principal Life Insurance Company	\$1,333.92	O
	Invoice Nbr - Description		GL Account	Amount	
	5/1/2025-5/31/2025 - Insurance - May 2025		01-26-6900	\$444.82	
	5/1/2025-5/31/2025 - Insurance - May 2025		01-40-6900	\$71.54	
	5/1/2025-5/31/2025 - Insurance - May 2025		01-25-6900	\$392.65	
	5/1/2025-5/31/2025 - Insurance - May 2025		01-16-6900	\$222.32	
	5/1/2025-5/31/2025 - Insurance - May 2025		06-06-6900	\$148.93	
	5/1/2025-5/31/2025 - Insurance - May 2025		01-90-6900	\$53.66	
7105	C	4/30/2025	96 Golden State Water Company	\$2,250.94	O
	Invoice Nbr - Description		GL Account	Amount	
	89834100003/4/21/2025 - Airport - 438 W Main St		14-00-7013	\$59.52	
	81075400002/4/21/2025 - W Bonita Street & S Park Ave		01-90-7013	\$145.87	
	22075400006/4/21/2025 - N/W/C of Library		01-90-7013	\$289.07	
	72634100001/4/21/2025 - 125 Park- CH/Fire Dept		01-26-7013	\$91.33	
	72634100001/4/21/2025 - 125 Park- CH/Fire Dept		01-80-7013	\$91.32	
	52075400003/4/21/2025 - Community Center - 150 N Park Ave		01-90-7013	\$336.28	
	39834100008/4/21/2025 - S Sorensen & Alley Elder Irr		01-90-7013	\$57.08	
	10934100008/4/21/2025 - Flagpole - 100 Par Irr		01-90-7013	\$85.61	
	00934100009/4/21/2025 - Wellbeing Center - 101 N Lake		01-80-7013	\$85.61	
	98028300006/4/21/2025 - Police Dept. - 140 W Main		01-25-7013	\$327.06	

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Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
			90696400002/4/21/2025 - Fire Dept. - 125 Park	01-26-7013	\$163.15
			51934100002/4/21/2025 - 450 N Brown Ave (E California	01-90-7013	\$146.36
			50634100007/4/21/2025 - City Yard - 525 S Sorenson	01-50-7013	\$166.31
			51045100008/4/21/2025 - Mikesell Park - 102 E Main	01-90-7013	\$146.36
			25634100009/4/21/2025 - Lift Station - 424 International	06-06-7013	\$60.01
7106	C	4/30/2025	102 Parkhouse Tire, Inc.		\$1,972.81 O
			Invoice Nbr - Description	GL Account	Amount
			3030087578 - Fire Dept. Tires replacement for ladder 5291	01-26-7606	\$1,972.81
7107	C	4/30/2025	143 Zendejas Hardware		\$826.83 O
			Invoice Nbr - Description	GL Account	Amount
			881112 - Fire Dept. Supplies needed	01-26-7606	\$14.85
			881550 - PW- Tools	06-06-7605	\$465.39
			881890 - PW- buildings sewer repair	01-80-7606	\$186.31
			881943 - PW- buildings sewer repair	01-80-7606	\$27.98
			881115 - Fire Dept. Supplies needed	01-26-7606	\$8.93
			880917 - Fire Dept. Supplies needed	01-26-7606	\$26.92
			880912 - Fire Dept. supplies needed	01-26-7606	\$12.92
			880905 - Fire Dept. Supplies needed	01-26-7606	\$19.80
			881298 - Microphones batteries	01-17-7001	\$38.77
			881136 - Fire Dept. Supplies needed	01-26-7606	\$0.74
			881038 - Fire Dept. Supplies needed	01-26-7606	\$24.22
7108	C	4/30/2025	165 El Centro Motors		\$454.87 O
			Invoice Nbr - Description	GL Account	Amount
			6381984 - Police Dept. Oil change & Maint. - Chief truck	01-25-7606	\$145.03
			6382066 - Police Dept. Tire Unit# 782	01-25-7606	\$309.84
7109	C	4/30/2025	189 Airgas USA, LLC		\$127.91 O
			Invoice Nbr - Description	GL Account	Amount
			5515659510 - Monthly medical oxygen expense	01-26-8017	\$127.91
7110	C	4/30/2025	193 Calipatria Police Employees Association		\$75.00 O
			Invoice Nbr - Description	GL Account	Amount
			Payroll 3/31-4/13, 2025 - CPOA Dues Run# 1642-2025	01-00-2007	\$75.00
7111	C	4/30/2025	195 City of Calipatria		\$70.08 O
			Invoice Nbr - Description	GL Account	Amount
			Payroll 3/31-4/13, 2025 - Employee IIR Run# 1642-2025	01-00-2011	\$35.04
			Payroll 3/31-4/13, 2025 - Employee IIR Run# 1642-2025	06-00-2011	\$35.04
7112	C	4/30/2025	245 LEAGUE OF CALIFORNIA CITIES		\$360.00 O
			Invoice Nbr - Description	GL Account	Amount
			1983 - Imperial County Division Meeting	01-40-7004	\$18.00

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Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
			1983 - Imperial County Division Meeting	01-01-7004	\$270.00
			1983 - Imperial County Division Meeting	01-16-7004	\$45.00
			1983 - Imperial County Division Meeting	06-06-7004	\$13.50
			1983 - Imperial County Division Meeting	01-90-7004	\$13.50
7113	C	4/30/2025	332 Calipatria Chamber of Commerce		\$500.00 O
			Invoice Nbr - Description	GL Account	Amount
			12025 - County - Christmas in the Dark 2024	01-17-4817	\$500.00
7114	C	4/30/2025	339 California Department of Child Support Services		\$223.84 O
			Invoice Nbr - Description	GL Account	Amount
			Payroll 3/31-4/13, 2025 - Child Support: Run# 1642-2025	01-00-2010	\$223.84
7115	C	4/30/2025	448 Ancon Marine		\$2,263.88 O
			Invoice Nbr - Description	GL Account	Amount
			305.7.57176 - Waste water maintenance	06-06-7606	\$2,263.88
7116	C	4/30/2025	652 County of San Diego, RCS		\$590.00 O
			Invoice Nbr - Description	GL Account	Amount
			25CALIFDN09 - Fire Dept. Monthly radio expense	01-26-7003	\$590.00
7117	C	4/30/2025	724 Brenntag Pacific, Inc		\$2,972.20 O
			Invoice Nbr - Description	GL Account	Amount
			BPI513002 - Chemicals	06-06-7060	\$2,972.20
7118	C	4/30/2025	937 SoCalGas		\$13.09 O
			Invoice Nbr - Description	GL Account	Amount
			3/1/2025-4/1/2025 - Vehicle Fuel	01-40-7015	\$13.09
7119	C	4/30/2025	1038 Special District Risk Management Authority		\$15,202.80 O
			Invoice Nbr - Description	GL Account	Amount
			H4555 - Benefit Expense - May 2025	01-16-6900	\$2,396.60
			H4555 - Benefit Expense - May 2025	01-25-6900	\$3,926.36
			H4555 - Benefit Expense - May 2025	01-26-6900	\$6,140.86
			H4555 - Benefit Expense - May 2025	01-40-6900	\$684.74
			H4555 - Benefit Expense - May 2025	01-90-6900	\$513.56
			H4555 - Benefit Expense - May 2025	06-06-6900	\$1,540.68
7120	C	4/30/2025	1065 Arc Performance Welding & Fabrication		\$150.00 O
			Invoice Nbr - Description	GL Account	Amount
			2156 - Chamber metal sign	01-17-7017	\$150.00
7121	C	4/30/2025	1080 County Motor Parts		\$109.76 O
			Invoice Nbr - Description	GL Account	Amount
			543196 - PW - Vehicle maintenance	01-40-7606	\$54.88
			543196 - PW - Vehicle maintenance	01-90-7606	\$54.88
7122	C	4/30/2025	1118 Clearinghouse		\$279.80 O
			Invoice Nbr - Description	GL Account	Amount
			Payroll 3/31-4/13, 2025 - Child Support: Run# 1642-2025	01-00-2010	\$279.80

City of Calipatria

5/8/2025 12:29pm

Accounts Payable Check Register Report - US Bank Branch-158300185465

For The Date Range From 4/1/2025 To 4/30/2025

For All Vendors And For Outstanding Checks - Computer Generated

Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
7123	C	4/30/2025	1140 Raul Bernal	\$31.50	O
	Invoice Nbr - Description		GL Account	Amount	
	April 2025 - Employee mileage reimbursement - April 2025		06-06-6015	\$31.50	
7124	C	4/30/2025	1144 AT & T Mobility	\$40.24	O
	Invoice Nbr - Description		GL Account	Amount	
	287298593833X04102025 - Wireless		01-16-7013	\$40.24	
7125	C	4/30/2025	1146 Holtville Tribune	\$472.50	O
	Invoice Nbr - Description		GL Account	Amount	
	0101881 - Legal Advertising		01-17-7010	\$472.50	
7126	C	4/30/2025	1155 VESTIS	\$188.60	O
	Invoice Nbr - Description		GL Account	Amount	
	5220511172 - PW uniforms		01-80-7929	\$4.07	
	5220514283 - PW uniforms		01-50-7929	\$10.00	
	5220508049 - PW uniforms		01-80-7106	\$16.12	
	5220508049 - PW uniforms		01-80-7929	\$3.02	
	5220508049 - PW uniforms		06-06-7929	\$4.96	
	5220508049 - PW uniforms		01-90-7929	\$17.04	
	5220508049 - PW uniforms		01-40-7929	\$6.62	
	5220508049 - PW uniforms		01-50-7929	\$10.00	
	5220511172 - PW uniforms		01-80-7106	\$16.12	
	5220511172 - PW uniforms		06-06-7929	\$5.03	
	5220511172 - PW uniforms		01-90-7929	\$21.30	
	5220511172 - PW uniforms		01-40-7929	\$6.71	
	5220511172 - PW uniforms		01-50-7929	\$10.00	
	5220514283 - PW uniforms		01-80-7106	\$16.12	
	5220514283 - PW uniforms		01-80-7929	\$4.90	
	5220514283 - PW uniforms		06-06-7929	\$5.09	
	5220514283 - PW uniforms		01-40-7929	\$6.79	
	5220514283 - PW uniforms		01-90-7929	\$24.71	
7127	C	4/30/2025	1184 Capital One Trade Credit	\$152.65	O
	Invoice Nbr - Description		GL Account	Amount	
	A56799/2 - VVV - Various		06-06-7017	\$25.35	
	A53299/2 - VVV - Various		06-06-7929	\$18.00	
	A63566/2 - Maintenance equipment		06-06-7017	\$10.00	
	A63566/2 - Maintenance equipment		06-06-7606	\$7.35	
	A53299/2 - VVV - Various		06-06-7017	\$25.06	
	A56593/2 - VVV - Various		06-06-7106	\$47.89	
	A56593/2 - VVV - Various		06-06-7017	\$19.00	
7128	C	4/30/2025	1220 Roberto Orozco	\$74.40	O
	Invoice Nbr - Description		GL Account	Amount	
	April 2025 - Employee mileage reimbursement - April 2025		06-06-6015	\$74.40	

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Check # / eCheck ID	Type	Date	Vendor Name	Amount	Status
7129	C	4/30/2025	1249 HdL Coren & Cone	\$1,626.98	O
	Invoice Nbr - Description		GL Account	Amount	
	SIN049685 - Property tax April - June 2025 services		01-17-7002	\$1,626.98	
7130	C	4/30/2025	1253 Navitas Credit Corp.	\$586.64	O
	Invoice Nbr - Description		GL Account	Amount	
	41199576/4/10/2025 - Phone System - April 2025		01-25-7003	\$146.65	
	41199576/4/10/2025 - Phone System - April 2025		01-26-7003	\$146.65	
	41199576/4/10/2025 - Phone System - April 2025		01-80-7003	\$187.00	
	41199576/4/10/2025 - Phone System - April 2025		06-06-7003	\$106.34	
7131	C	4/30/2025	1257 Brawley Analytical, Inc.	\$1,333.50	O
	Invoice Nbr - Description		GL Account	Amount	
	001059 - Regulatory testing		06-06-7107	\$139.50	
	001091 - Regulatory Testing		06-06-7107	\$1,194.00	
7132	C	4/30/2025	1268 All Valley Urgent Care	\$150.00	O
	Invoice Nbr - Description		GL Account	Amount	
	250281 -		01-16-7107	\$150.00	
7133	C	4/30/2025	1273 US Bank	\$10,914.15	O
	Invoice Nbr - Description		GL Account	Amount	
	11/26/2024-4/25/2025 - Various/supplies		01-17-7001	\$886.98	
	11/26/2024-4/25/2025 - Various/supplies		09-00-7001	\$61.08	
	11/26/2024-4/25/2025 - Various/supplies		06-06-7110	\$16.11	
	11/26/2024-4/25/2025 - Various/supplies		06-06-7001	\$537.24	
	11/26/2024-4/25/2025 - Various/supplies		01-90-7017	\$1,088.05	
	11/26/2024-4/25/2025 - Various/supplies		01-80-7106	\$345.85	
	309913282 - Waste water pump		06-06-7606	\$231.91	
	11/26/2024-4/25/2025 - Various/supplies		01-50-7104	\$252.12	
	11/26/2024-4/25/2025 - Various/supplies		01-17-7017	\$251.21	
	11/26/2024-4/25/2025 - Various/supplies		01-16-7001	\$627.15	
	11/26/2024-4/25/2025 - Various/supplies		01-01-7004	\$675.00	
	4/5/2025 - Fire Dept. Supplies		01-26-7016	\$30.83	
	4/14/2025 - PD Fence		01-80-7104	\$649.60	
	4/14/2025 - Tree planting		01-90-7017	\$946.06	
	11/26/2024-4/25/2025 - Various/supplies		01-25-7004	\$3,430.03	
	11/26/2024-4/25/2025 - Various/supplies		01-25-7001	\$884.93	
7134	C	4/30/2025	1274 Home Grown Apparel	\$382.44	O
	Invoice Nbr - Description		GL Account	Amount	
	46103 - Stg. Trevino uniform		01-25-7929	\$382.44	
7135	C	4/30/2025	1277 Cheryl Fowler	\$25.26	O
	Invoice Nbr - Description		GL Account	Amount	
	4/24/2025 - Food reimbursement - Management training 4/24/25		01-25-7004	\$25.26	

City of Calipatria

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Check # / eCheck ID	Type	Date	Vendor	Name		Amount	Status
7136	C	4/30/2025	1301	Alejandro Estrada		\$1,320.00	O
	Invoice Nbr - Description				GL Account	Amount	
	1530 - IT Services - May 2025 / Regular Labor April 2025				01-17-7003	\$1,320.00	
7137	C	4/30/2025	1334	Alpha Employment Testing, Inc		\$188.00	O
	Invoice Nbr - Description				GL Account	Amount	
	1662 - I				01-16-7107	\$188.00	
7138	C	4/30/2025	1336	GAFCON		\$14,484.63	O
	Invoice Nbr - Description				GL Account	Amount	
	51307 - Professional services - Mar 1-31, 2025				76-00-7003	\$2,341.10	
	51312 - Professional Services - Mar 1-31, 2025				32-00-7003	\$6,071.77	
	51312 - Professional Services - Mar 1-31, 2025				33-00-7003	\$6,071.76	
7139	C	4/30/2025	1346	Imperial Valley EDC		\$1,000.00	O
	Invoice Nbr - Description				GL Account	Amount	
	4/7/2025 - IVEDC Bronze Level Membership Dues FY 24-25 April 1, 2025 - March 31, 2026				01-17-7002	\$1,000.00	
	Cleared					\$0.00	
	Outstanding					\$1,362,688.73	
	Void					\$0.00	



TENTATIVE MINUTES

Regular Meeting of the Calipatria City Council
City Council Chambers
125 North Park Avenue
Calipatria California 92233

Tuesday, April 22, 2025
Closed Session at 5:30 pm
Open Session at 6:00 pm

Michael Luellen, Mayor
 Javier Amezcua, Mayor Pro-Tem
 Sylvia Chavez, Council Member
 Fred Beltran, Council Member
 Jesse Rivas, Council Member

Laura Gutierrez, City Manager
 Gilbert G. Otero, City Attorney
 Jane Hurtado, City Clerk

Jesse Llanas, Fire Chief
 Cheryl Fowler, Police Chief
 Edgar Self, Public Work Director

NOTICE TO TELECONFERENCE PARTICIPATION

Pursuant to Government Code Section 54953(b), Police Chief Cheryl Fowler will be attending the Regular Meeting via teleconference from:
 10044 Pacific Mesa Blvd., San Diego, CA 92121

NOTICE TO THE PUBLIC

This is a public meeting. Any member of the public is invited to attend. The Calipatria City Council welcomes public input during the **Public Comment** period of the sessions.

5:30 P.M. CLOSED SESSION

CALL TO ORDER: 5:33 PM

ROLL CALL: F. Beltran, J. Rivas, M. Luellen, S. Chavez and J. Amezcua

PUBLIC COMMENTS FOR CLOSED SESSION ITEMS: Any member of the public wishing to address the City Council on any items appearing on the closed session agenda may do so at this time. Pursuant to State Law, the City Council may not discuss or take action on issues not on the meeting agenda. (*Government Code Section 54954.2*) There is a time limit of three (3) minutes for anyone wishing to address the City Council on these matters.

CITY COUNCIL ADJOURNS TO CLOSE SESSION

CONFERENCE WITH LEGAL COUNSEL:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – G.C. 54956.7(B)(1)

1. Title of Position: City Manager

CITY COUNCIL CONVENES TO OPEN SESSION

6:00 P.M. OPEN SESSION

CALL TO ORDER: 6:00 PM

ROLL CALL: *F. Beltran, J. Rivas, M. Luellen, S. Chavez and J. Amezcua*

PLEDGE OF ALLEGIANCE & INVOCATION: *Michael Fong/Gilbert Otero*

CITY ATTORNEY: REPORT ON CLOSED SESSION ACTION

1. *Direction given to Staff, nothing to report*

ADJUSTMENTS TO THE AGENDA: The City Council will discuss the order of the agenda, may amend the order, add urgent items and or remove items from the consent calendar prior to that portion of the agenda. For the purpose of the official city record, the City Council may take care of these issues by entertaining a formal motion.

No Adjustments

MOTION: SECOND: ROLL CALL VOTE: FB- JR-ML-SC-JA

PUBLIC COMMENTS: The City Council welcomes your input. **Please remember to shut off all cell phones.** Now is the time for any member of the public to speak to the Council. If there is an item on the agenda on which you wish to be heard, we ask that you please step to the podium and state your name and address for the record.

For matters not appearing on the agenda: If you wish to address the City Council concerning a matter and or any item not on the agenda but is within the City Council's jurisdiction you may do so now. We ask that you please step to the podium and state your name and address for the record.

The Mayor reserves the right to place a time limit of three (3) minutes on each person's presentation. It is requested that longer presentations be submitted to the City Clerk in writing 48 hours before the meeting.

Bonnie Zendejas: She saw the planting of the trees, she enjoyed it.
Valerie Savala: from the Public Health Department-announced an upcoming Community CPR Event, Thursday, April 24, 2025, at 1:00 PM – 3:00 PM, with the IV Equity & Justice Coalition, which will focus on emergency response techniques and recognizing symptoms of strokes and heart attacks this will be at: 150 W. Main St., Calipatria, CA 92233.

PRESENTATIONS:

1. PROCLAMATION: May Poppy Month – American Legion Auxiliary

Mayor Michael Luellen announced the Proclamation of May 2025 as Poppy Month, encouraging citizens to pay tribute to those who sacrificed their lives for freedom, Judy Vista-President, along with her Auxiliary Team Gloria Rivas-Vice President, Janie Mata-Treasurer, Margie Pizano-Sergeant of Arms, Bonnie Zendejas-Secretary, highlighted the importance of the Poppy distribution, which serves to advocate for military veterans and their families.

2. 4LEAF, Inc. – Planning and Building Permit Services

Marcus Johnson gave a Presentation, 4LEAF began in 1999, they provide a City Development Service Department, Plan review service, Plan Inspection Service, Building Officials, Planning Services and Code Enforcement Service.

CONSENT AGENDA: The items appearing under the Consent Agenda will be acted upon by the City Council in one motion without discussion. Should any Council member or other person wish to discuss any item, they may request that the item be removed from the Consent Agenda and placed on the REGULAR BUSINESS Agenda.

1. Continued Delta Street Pump Station Emergency
2. Minutes: April 8, 2025
3. Letter of Support – Letter of Opposition to Proposed CSU/SDSU Budget Cuts
4. Letter of Support – SB 534 – Salton Sea Green Empowerment Zone

MOTION : *S. Chavez* SECOND : *F. Beltran* ROLL CALL VOTE: FB- JR-ML-SC-JA
F. Beltran Abstain- No. 1. 4-0-1

PUBLIC HEARING:

1. Public Hearing – Discussion/Action: City of Calipatria Mural Application Fee Matrix

OPEN PUBLIC HEARING at 6:32 PM.

Staff Report – The Holt Group, Francisco Barba

Public Comment

City Council Discussion

CLOSE PUBLIC HEARING at 6:45 PM.

Door hangers – 600 ft radius,

Rivas: they should have a fee.

Chavez: Fee closed with a resolution?

M. Fong: they should have a zoning where they can have a mural not just anywhere.

MOTION: *J. Amezcua* SECOND: *F. Beltran* ROLL CALL VOTE: FB- JR-ML-SC-JA
CARRIED 5-0

2. Public Hearing – Discussion/Action: Introduction and first reading by title only of an Ordinance amending executed Ordinance No. 08-001 providing for a comprehensive system nuisance abatement within City limits.

OPEN PUBLIC HEARING at 6:46 PM.

Staff Report – The Holt Group, Francisco Barba

Public Comment

City Council Discussion

CLOSE PUBLIC HEARING at 6:54 PM.

The council discussed an amendment to ordinance 08-001, which regulates nuisances within the city. Mr. Francisco Barba emphasized the need for clearer definitions and procedures to address issues related to abandoned properties and vehicles.

Luellen: update on this.

Beltran: for the nuisance abatement- who is the code enforcement, can 4LEAF handle it, yes they can.

M. Fong: clean up property on their tax bill, procedures for liens

Gutierrez: they have to register the property if not there are fines for that also.

MOTION: *J. Amezcua* SECOND: *S. Chavez* ROLL CALL VOTE: FB- JR-ML-SC-JA
CARRIED 5-0

ACTION ITEMS REGULAR BUSINESS (DISCUSSION/ACTION):

1. Approve/Disapprove: Approval of Resolution NO. 25-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA
ESTABLISHING A FEE MATRIX FOR THE PROCESSING OF ORIGINAL ART
MURAL APPLICATIONS

The applicant pays the processing fee of \$125.00.

JR: -Yes, JA-Yes, FB: Yes

MOTION: *S. Chavez* SECOND: *J. Amezcua* ROLL CALL VOTE: FB- JR-ML-SC-JA
CARRIED 5-0

2. Approve/Disapprove: Approval of Ordinance No. 03-25

INTRODUCTION AND FIRST READING BY TITLE ONLY OF AN
ORDINANCE AMENDING EXECUTED ORDINANCE NO. 08-001 PROVIDING

FOR A COMPREHENSIVE SYSTEM NUISANCE ABATEMENT WITHIN CITY LIMITS

MOTION: *J. Amezcua* SECOND: *J. Rivas* ROLL CALL VOTE: FB- JR-ML-SC-JA
5-0

3. Approve/Disapprove: Approval of Resolution NO. 25-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIPATRIA AUTHORIZING FOR THE JOINT APPLICATION WITH NATIONAL HEALTHCARE AND HOUSING ADVISORS TO PARTICIPATE IN THE HOMEKEY PROGRAM

Mr. Jaquin and Ms. Mendoza: discussed the approval of a resolution for joint application with National Health Care and Housing Advisors to secure a \$35 million grant through the Home Key Program. This initiative focuses on providing housing and wraparound services for at-risk individuals, including seniors and veterans. The program aims to address the barriers to affordable housing and ensure comprehensive support for those in need. This is temporary housing, the current site they are looking at is the Calipatria Inn. It's for all of the Imperial County, all services to help them through this, they also provide transportation. M.Fong: he likes the idea.

MOTION: *J. Amezcua* SECOND: *S. Chavez* ROLL CALL VOTE: FB- JR-ML-SC-JA
CARRIED 5-0

4. Approve/Disapprove: Approval of Purchase of one (1) Ford Explorer Police Interceptor, one (1) Motorola Mobile Radio for Patrol Unit, two (2) Motorola Handheld Radios for Officers, one (1) Mobile Data Computer (GTAC) for Patrol Unit, and two (2) Lidar/Radars.

Chief Fowler: on Via teleconference: in 2023 they received a grant for \$95,000, they have 90 days to spend it, for the Ford Explorer Bids- three (3) quotes, they have General Fund reimbursement, Light bar and Sirens are not on the list, Beltran: Why didn't we order a License Plate Reader?

MOTION: *J. Amezcua* SECOND: *F. Beltran* ROLL CALL VOTE: FB- JR-ML-SC-JA
CARRIED 5-0

DISCUSSION/DIRECTION:

1. Exploring the Option for the City to move forward with In-House Permitting.

Self: 130 homes, 4LEAF will start reviewing for the city, we will have a contract, Rivas: Homes that they are building on the eastside, everything is in house?

STAFF and COUNCIL REPORTS:

Self: moving forward with the Delta Street Pump Station, Earth Day Tree Planting Event today, planted 48 trees in 45 minutes, 52 left to plant, Llanas: Nothing to report.

Fowler: We are losing an officer, his last day is on May 2, 2025, we have a candidate coming in at the end of the month.

Otero: Nothing to report.

Gutierrez: Airport Park review, on April 18, 2025, we had Peter Rabbit and the Fire Department, she would like to thank everyone who participated, 12 sewer shut offs, 5 made payments, 7 not responding and on disconnect.

Beltran: Traffic Advisory meeting was cancelled.

Rivas: April 9, 2025, Quarterly Town Hall Meeting, April 10, 2025 there was an accident, Yesterday the IID presented information to the Community, helped with planting the trees, Hernandez Park-one of the baskets are low, can we look at it.

Chavez: 4-16-2025 had an Airport Land Use meeting, Senior Event, IID was here, payment assistant, qualify every 3 years, April 21, 2025, had an Easter Egg Hunt with Peter Rabbit, helped with planting of trees.

Amezcuca: went to an Autism Event, 5 Law Enforcement were there.

Luellen: mentioned the Naval Air Force Base along with the Blue Angels, invited in the city to receive a lithograph to show appreciation for being there. It was somewhat of a quick event. But it was really nice to see all of the different agencies. I also want to remind everyone that tomorrow at 6:00 PM you're invited to the City Chambers to have a meeting with the Mayor, Michael Luellen. He had a teacher reach out and he's working with the welding students; they are creating a project. They have equipment and tools, and what they had in mind was creating similar to what Mr. Self, had in mind, creating a hornet entering the city, they wanted him to reach out to the staff and see what the council thinks before they start. They just want the City's approval. I don't know if you want to specify this at the next meeting, item on Discussion Direction, just to bring it to your guys' attention, since the students are working and they're really excited.

ADJOURNMENT:

The next regular scheduled meeting of the City of Calipatria City Council is Tuesday, May 13, 2025, at 6:00 pm

Close meeting at 7:46 PM.

MOTION: *J. Amezcuca* SECOND: *J. Rivas* ROLL CALL VOTE: FB- JR-ML-SC-JA
CARRIED 5-0

I, JANE HURTADO, City Clerk of the City of Calipatria, California, DO HEREBY CERTIFY that the agenda was duly posted at Calipatria City Hall, 125 N Park Avenue, Calipatria, California and on the City of Calipatria's website not less than 72 hours prior to the meeting per Government Code 54954(2).

Dated: April 18, 2025



City Council Staff Report

To: City of Calipatria City Council
Laura Gutierrez, City Manager

From: George Galvan, AICP, City Planner

Prepared by: Francisco Barba, Associate Planner

Date: May 13, 2025

Project: Second reading by title only and potential adoption of an Ordinance No. 03-25 amending executed Ordinance No. 08-001 providing for a comprehensive system nuisance abatement within city limits

Summary:

Subject of Report:	Second reading by title only and potential adoption of Ordinance No. 03-25 amending executed Ordinance No. 08-001 providing for a comprehensive system nuisance abatement within city limits
Project Location:	Citywide
Recommended Action:	Conduct a second reading by title only and motion to adopt Ordinance No. 03-25 providing for a comprehensive system nuisance abatement within city limits
Zoning:	N/A
General Plan:	N/A
Environmental:	Exempt – 15061(b)(3) Common Sense Exemption

INTRODUCTION AND BACKGROUND

On April 26, 2008, the City of Calipatria adopted Ordinance No. 08-001 establishing a comprehensive system for nuisance abatement throughout the city. The main goal of Ordinance No. 08-001 is to regulate and improve property conditions to prevent crime, hazards, and decline in community standards. While the procedures established by Ordinance No. 08-001 were enforced by city staff, the ordinance lacked specific definitions and procedures which made enforcement difficult. The most notable was the lack in procedures for the abatement of nuisances related to automobiles. Thus, an amendment to Ordinance No. 08-001 is necessary to update the old and establish new provisions for nuisance abatement throughout the city.

The item was presented to the City Council during a duly noticed public hearing held on April 22, 2025, where the City Council conducted an introduction and first reading by title only. Upon reviewing all relevant documentation and considering public comments for and against the project, the City Council motioned to proceed with a second reading scheduled for the next City Council meeting.

The purpose of this item is to present the proposed ordinance to the City Council so that they may conduct a second reading of the proposed amendments and motion to adopt or not adopt the proposed ordinance.

ISSUES FOR DISCUSSION

Ordinance Amendments. The nuisance abatement ordinance consists of ten (10) divisions detailing the purpose, procedures, definitions, effective date, etc. Each division has been briefly summarized below, for more detailed information, please refer to Attachment C – Draft City Council Ordinance:

1. **Division 1.** This division establishes minimum property maintenance standards to protect public health, safety, and welfare by preventing conditions that lower property values or pose hazards. It holds property owners, tenants, and responsible parties accountable for violations, regardless of third-party agreements. The division also defines public nuisances broadly, including abandoned or deteriorated buildings, overgrown vegetation, trash accumulation, unsafe structures, offensive odors, vehicle repairs in public view, and other unsightly or hazardous conditions. Enforcement may involve administrative hearings, city-initiated cleanups, and recovery of abatement costs. It also provides a statement that the ordinance works in conjunction with other laws and aims to preserve the city's appearance and livability.
2. **Division 2.** Division 2 outlines the procedures for abating public nuisances in Calipatria. When a property violates nuisance laws, the Fire Marshal or Code Enforcement Officer may issue a written Notice to Abate, allowing at least 10 days for voluntary correction. If the nuisance is not voluntarily resolved, the city may proceed with abatement, either through city staff or contractors. Property owners or occupants can appeal to the City Council within 10 days, during which time enforcement is paused. A hearing will be held, and if the Council upholds the nuisance determination, a resolution will be issued requiring abatement within at least 30 days. If the nuisance remains, the city will abate it and bill the responsible party. All notices must be properly served, and interfering with abatement efforts is a misdemeanor. The ordinance allows for alternative legal action if needed.
3. **Division 3.** Division 3 outlines how the City recovers costs related to the abatement of public nuisances. The responsible city official must maintain an itemized account of abatement costs, including incidental expenses, and provide notice of these costs to the property owner at least 10 days before presenting them to the City Council. Property owners may file written protests before a scheduled hearing. At the hearing, the Council reviews and may revise the cost statement before confirming it. Once confirmed, the costs become a lien and personal obligation against the property owner. These costs can be added to property tax bills or enforced through a lien or legal action to ensure collection.
4. **Division 4.** Division 4 provides an alternative method for the City to abate public

nuisances such as weeds, rubbish, refuse, and dirt on public and private properties. The City Council may declare these conditions a public nuisance by resolution, particularly identifying recurrent weed growth. Notices are posted or mailed to property owners, advising them to remove the nuisances or face City abatement, with costs charged to them. If unaddressed, the Fire Marshal is authorized to enter the property to perform the work. Abatement costs, including administrative and enforcement expenses, become special assessments and liens on the property, collectible like municipal taxes. The City may allow installment payments and issue refunds for erroneous assessments if properly claimed. This procedure is an alternative to other existing abatement methods and carries the same legal weight as tax liens.

5. **Division 5.** Division 5 addresses the regulation and abatement of abandoned, wrecked, dismantled, or inoperative vehicles, declaring them public nuisances when left on public or private property (excluding highways). It defines key terms like "abandoned vehicle" and "inoperative vehicle," outlines exceptions (such as vehicles stored lawfully or of historic value), and affirms the City's authority—under California law—to remove such vehicles to protect property values, public safety, and health. Enforcement is handled by the Police Chief or designees, who may enter property to inspect and remove vehicles. A formal notice and hearing process is provided, with opportunities to contest or appeal. Owners who fail to comply may face misdemeanor charges, and unpaid abatement costs can be assessed to property tax rolls. The ordinance also prohibits unauthorized use of motor vehicles on others' land without written consent.
6. **Division 6.** Division 6 establishes a program to address abandoned residential properties to prevent neighborhood blight caused by neglect and lack of security. It defines key terms such as "abandoned," "vacant," and "distressed," and requires lenders (beneficiaries/trustees) to inspect properties in default, and register them with the City if found abandoned. Registered properties must be maintained in accordance with neighborhood standards and secured to prevent unauthorized access. Out-of-area owners must hire local property managers for upkeep and weekly inspections. A posting with contact information must be visible on the property. The City may impose additional maintenance/security requirements and, in chronic cases, pursue receivership to take control of noncompliant properties. Violations are subject to enforcement, fines, and possible legal action, and appeals must be filed within five days of a decision. Registration fees are set by City Council resolution, and all provisions remain effective even if parts are found invalid.
7. **Division 7.** Division 7 outlines procedures for emergency abatement of nuisances that pose immediate risks to life, health, or property. In such cases, an abatement official (e.g., Fire Marshal or Code Enforcement Official) may take swift action to address the hazard, potentially without prior notice to the affected parties if immediate intervention is deemed necessary. Any dangerous conditions that pose a risk to children must also be urgently abated. Following the emergency action, a written report detailing the location and justification for the abatement is submitted to the City Council and the property owner, and, if applicable, to the board of appeals.
8. **Division 8.** Division 8 addresses criminal violations related to maintaining a public nuisance. Violations of the ordinance are generally classified as misdemeanors, punishable by fines up to \$1,000, imprisonment for up to six months, or both. In some

cases, violations may be charged as infractions, with fines escalating from \$100 for the first violation to \$2,500 for subsequent violations within a year. Repeated violations may lead to misdemeanor charges and fines up to \$5,000, or civil action and receivership by the City. Each day a violation continues constitutes a separate offense. The division also establishes procedures for court appearances, failure to appear, and warrants for arrest when individuals fail to honor their written promise to appear in court.

9. **Division 9.** Division 9 describes prior ordinances that have been repealed and amended.
10. **Division 10.** Division 10 specifies that the ordinance will take effect 30 days after its passage. Additionally, a summary of the ordinance, along with the names of the City Council members who voted for and against it, must be published in a newspaper of general circulation in Imperial County within 15 days of its passage.

ENVIRONMENTAL

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations. Under this section, projects that can be seen with certainty to have no potential for causing a significant effect on the environment are not subject to CEQA.

PUBLIC NOTICING

A public hearing was held on April 22, 2025, where the item was presented to the City Council and an introduction and first reading, by title only, of the ordinance was conducted.

PENDING ACTION

The City Council must conduct a second reading, by title only, of the proposed amendment. Once the second reading has been completed, and all public comments have been considered, the City Council may motion one of the following actions:

- Conduct a second reading by title only and adopt Ordinance No. 03-25 amending executed Ordinance No. 08-001.

Or

- Conduct a second reading by title only and not adopt Ordinance No. 03-25 rejecting amendments to executed Ordinance No. 08-001.

Attachments: Attachment A – Executed Ordinance No. 08-001
 Attachment B – Posted Public Hearing Notice
 Attachment C – City Council Ordinance No. 03-25

Attachment A – Executed Ordinance No. 08-001

ORDINANCE 08-001

AN ORDINANCE OF THE CITY OF CALIPATRIA PROVIDING FOR A COMPREHENSIVE SYSTEM NUISANCE ABATEMENT WITHIN CITY LIMITS

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

DIVISION 1. GENERALLY

Sec. 1-1. Findings:

The City Council of the City of Calipatria finds and determines as follows:

- (a) That the values and general welfare of this City are founded, in part, upon strict enforcement of building and zoning regulations, well-kept properties and upon the appearance and maintenance of properties and property values.
- (b) That certain detrimental conditions, as hereinafter set forth, are injurious or potentially injurious to the public health, safety and welfare of the community by contributing to the problems of, and the necessity for, expenditures for protection against hazards, diminution of property values, prevention of crime, accidents, fires, and disease, and the preservation of the community in a manner which is not offensive to the senses and which does not interfere with the comfortable enjoyment of life and property.
- (c) That the regulation of property as described herein reasonably relates to the proper exercise of the police power to protect the health, safety and welfare of the public and that unless corrective measures are undertaken to alleviate some present property conditions, the socio-economic standards of this community will be depreciated.
- (d) That the abatement of such detrimental conditions will enhance the appearance and the values of neighboring properties and will benefit the use and enjoyment of properties in the City.

Sec. 1-2. Intent:

- (a) It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, (unless the same are specifically repealed herein), or with private restrictions placed upon property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the City is a party.
- (b) The purpose of this ordinance is to provide minimum standards for the maintenance of property in the City.
- (c) Where this article imposes a greater restriction upon property or structures thereon than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this article shall control.

(d) It is the decision of the City Council that abatement of nuisances pursuant to this Ordinance may be performed by contract awarded by the City Council on the basis of competitive bids let to the lowest responsible bidder pursuant to California Public Contract Code sections 20164, 20166, 20167, and 20170 to 20174 inclusive. In such event the contractor shall keep the account and submit the itemized written report for each separate parcel of land required by section 3.1.

Sec. 1-3. Responsibility for property maintenance:

Every owner, lessee, occupant, or person having charge of property within the City shall maintain such property in a manner so as not to violate the provisions of this Ordinance, and such owner, lessee, occupant, or person having charge of property remains liable for violations hereof regardless of any contract or agreement with any third party regarding such property. The duty imposed by this section on a property owner shall in no instance relieve those persons herein referred to from the similar duty.

Sec. 1.4. Weeds; defined:

(a) Weeds which bear seeds of a downy or wingy nature.

(b) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.

(c) Weeds which are otherwise noxious or dangerous.

(d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

(e) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.

Sec. 1-5. Classification of nuisance.

The following acts and conditions when performed or existing upon any lot or parcel of land within the City are hereby declared to be unlawful and a misdemeanor and are hereby defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and welfare, which have a tendency to degrade the appearance and property values of surrounding property or which cause damage to public rights-of-way:

(a) Dead, decayed, diseased or hazardous trees, shrubs, weeds and other vegetation constituting an unsightly appearance, a danger to public safety and welfare or a detriment to nearby property or property values, including when by their size, manner of growth of location they may reasonably be deemed to constitute a fire hazard.

(b) Overgrown vegetation likely to harbor rats, vermin and other nuisances or causing detriment to neighboring properties or property values.

(c) Any obstacle, landscaping or object installed or maintained in violation of this ordinance or any other City ordinance in effect at the time. Permanent buildings, constructed or maintained in accordance with applicable building and zoning regulations, public utility poles or trees trimmed at the trunk at least eight (8) feet above the ground surface shall not be classified as nuisances.

(d) Water contained in a swimming pool, pond or other body, excepting publicly maintained canals, which is unfiltered, unattended, abandoned or not otherwise maintained, resulting in pollution of the water. Contaminants include but are not limited to, algae or bacterial growth, animal remains, refuse, waste, rubbish and any other foreign material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.

(e) Storage or scattering over the property and visible from the public right-of-way or adjacent private property or which constitutes a fire, health or safety hazard any of the following:

- (1) Debris, rubbish or trash, containers, cartons, boxes and barrels.
- (2) Abandoned, broken, wrecked, inoperable or discarded household furnishings, appliances, machines and tools, or similar objects or equipment.
- (3) Discarded building materials, machinery or parts thereof, other pieces of metal or similar objects or materials.

(f) Vehicles, recreational vehicles, trailers, boats, and other mobile equipment parked or stored in front yards, excluding driveways, for more than twelve (12) hours in any seven-day period. Such equipment, however, shall be permitted to be parked or stored in a back yard or a side yard immediately adjacent to the driveway, provided the area is within an enclosed area not visible from the public right-of-way or adjacent property, does not constitute a fire, health or safety hazard and is not in violation of any other provision of this ordinance or any other City ordinance in effect at the time.

(g) Structures or buildings, both permanent and temporary, or other lot improvements, which are subject to an of the following conditions:

- (1) Buildings or structures which are not completely erected within a reasonable time and for which the permit for such construction has expired.
- (2) Unoccupied buildings which have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements or which are boarded up by a method or materials not approved by the City Public Works Department.
- (3) Broken windows constituting hazardous conditions.

- (4) Faulty weather protection including, without limitation, crumbling, cracked, missing, broken or loose exterior plaster or other siding, roofs, foundations or floors, broken or missing windows or doors, or unpainted surfaces causing dry rot, warping, or termite infestation.
- (5) Fences or walls which are in a hazardous condition or which are in disrepair, or which hinder free access to public sidewalks.
- (h) Clotheslines or clothes hanging in front yard areas.
- (i) Garbage cans stored in front or side yards and visible from public streets for a period of more than twenty-four (24) hours.
- (j) Billboards, any type of sign, sign structure or portable display surface, not in conformance with State law.
- (k) Toxic materials, hazardous waste, waste oil, gasoline or chemicals that are improperly or unlawfully stored.
- (l) The accumulation of dirt, litter, or debris in vestibules, doorways or adjoining sidewalks of commercial or industrial buildings.
- (m) The accumulation of packing boxes, lumber, trash, dirt and other debris outside commercial buildings and visible from public streets.
- (n) Unpaved or deteriorated parking lots containing uneven surfaces, drainage problems that are hazardous to the public.
- (o) Attractive nuisances (those objects which by their nature, may attract children or other curious individuals) including, without limitations, abandoned and broken equipment, ice boxes, refrigerators, freezers, stoves, neglected machinery, and unprotected or hazardous pools, ponds or excavations, excepting publicly maintained canals.
- (p) Maintenance of premises in such condition as to be detrimental to public health, safety or general welfare or in such a manner as to constitute a public nuisance as defined in Civil Code section 3480, excepting publicly maintained canals.

Sec. 1-6. Authorized Code Enforcement Officer; citation authority.

- (a) The City Fire Marshall shall have the authority to do all acts necessary to enforce the provisions of this ordinance as well as other provisions of relevant City ordinances.
- (b) In addition to the Fire Marshall, the City Manager shall have authority to designate, by written order, particular officers or employees as a Code Enforcement Officer. The

Code Enforcement Officer shall have the authority to do all acts necessary to enforce the provisions of this ordinance as well as other provisions of relevant City ordinances as set forth in an order of the City Manager.

(c) The Fire Marshall and any Code Enforcement Officer appointed by the City Manager is hereby authorized by the City Council, pursuant to sections 836.5 and 119(d) of the California Penal Code and subject to the provisions thereof, to arrest a person without warrant whenever the Fire Marshall or Code Enforcement Officer has reasonable cause to believe that the person to be arrested has violated a provision of this article or such other section of this Code which he/she has been authorized by the City Manager to enforce, in the Fire Marshall or Code Enforcement Officer's presence or fails to correct a violation and therefore has committed an infraction which the Fire Marshall or Code Enforcement Officer has the discretionary duty to enforce.

(d) The Fire Marshall or any other Code Enforcement Officer appointed by the City Manager is further authorized by the City Council to issue a "Notice To Appear" and to release such person on his or her written promise to appear in court, pursuant to sections 853.5 and 853.6 of the California Penal Code. Under no circumstances may the Fire Marshall or any other Code Enforcement Officer appointed by the City Manager take the person to be arrested into custody. In the event that the person to be arrested demands to be taken before the magistrate or refuses to provide his or her written promise to appear in court, the Fire Marshall or Code Enforcement Officer must either summon a Calipatria police officer, explain the situation, and request that the police officer arrest the person and take the person into custody, or seek assistance of the City Attorney, and request that a misdemeanor complaint be prepared and filed against the person.

DIVISION 2. ABATEMENT PROCEDURE

Sec. 2-1. Abatement of public nuisances.

Any property found to constitute a public nuisance in violation of section 1-6 hereof may be abated by rehabilitation, removal, demolition, or repair pursuant to procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law.

Sec. 2-2. Notice to abate.

Whenever the Fire Marshall or Code Enforcement Officer determines that property within the City is being maintained contrary to one or more provisions of section 1-6, he may give written "notice to abate." Such notice shall be served on any owner, lessee and occupant of said property stating the section(s) being violated. The notice shall set forth a reasonable time limit, in no event less than ten (10) calendar days, for correcting the violation(s) and may also set forth suggested correction methods. The notice shall be served upon the property owner, lessee or occupant in accordance with the provisions of section 2-4. The notice shall contain a reference to the right of appeal provided in section 2-6.

Sec. 2-3. Voluntary abatement of nuisances.

The owner, lessee or occupant of any building, structure or property alleged to be a nuisance under the provisions of this ordinance may abate the nuisance at any time within the abatement period provided in the notice of the Fire Marshall or the Code Enforcement Officer, by rehabilitation, repair, removal, or demolition. The owner, lessee, or occupant shall advise the Fire Marshall or Code Enforcement Officer of the abatement. Once so advised, the Fire Marshall or Code Enforcement Officer shall inspect the premises to ensure that the nuisance has, in fact, been abated.

Sec. 2-4. Service of notice.

Any "notice to abate," "notice of hearing," "resolution ordering abatement," "itemized statement of costs," or other mailing required of City shall be served in person, by first class mail, or by certified mail to the owner, lessee, tenant, and occupant, to the addressee's last known address, including the subject premises. Additionally, a copy of such notice shall be mailed to each property owner of record as shown on the last equalized assessment roll of the county or as known to the Fire Marshall or Code Enforcement Officer. Services shall be deemed complete at the time the document is personally served or deposited in the mail. Failure of any person to receive a document shall not affect the validity of any proceedings hereunder.

Sec. 2-5. Procedure--No appeal.

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner specifically set forth in said "notice to abate." If such nuisance is not abated as ordered within said abatement period or within such time as extended by the Fire Marshall or Code Enforcement Officer, the Fire Marshall shall cause same to be abated by City employees or by private contractor. The Fire Marshall is expressly authorized to enter said property for such purposes. Costs, as specified in section 3-1(a), shall be billed to the owner.

Sec. 2-6. Appeal procedure--Hearing by City Council.

(a) The owner, occupant or lessee may appeal the Fire Marshall or Code Enforcement Officer's "notice to abate" to the City Council by filing an appeal with the City Clerk within ten (10) calendar days of receipt of the code enforcement officer's order to abate. The appeal shall contain:

- (1) Specific identification of subject property;
- (2) Names and addresses of all appellants;
- (3) A statement of appellant's legal interest in the subject property;
- (4) A statement (in ordinary, concise language) of the specific order or action protested and grounds for appeal, together with all supporting material facts;
- (5) Date and signatures of all appellants; and

(6) Verification of at least one appellant as to the truth of matters stated in the appeal.

(b) As soon as practical after receiving the appeal, the City Clerk shall set a date for the City Council to hear the appeal. This date shall be not less than ten (10) calendar days nor more than thirty (30) calendar days from date appeal was filed. The City Clerk shall give each appellant written "notice of hearing by City Council" specifying the time and place of the hearing. Notice of said hearing shall be served upon the appellant not less than ten (10) calendar days before the time fixed for hearing. Such notice shall be served upon the appellant at the address shown on the appeal in accordance with provisions of section 18-58. Continuance of the hearing may be granted by the City Council on request of the appellant when good cause is shown, or on the City Council's own motion.

(c) The Fire Marshall or Code Enforcement Officer's notice to abate shall be stayed during the pendency of an appeal there from which is properly and timely filed.

Sec. 2-7. Decision by the City Council.

(a) Upon conclusion of the hearing, the City Council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the City Council so finds, they shall adopt a resolution declaring such property to public nuisance ("resolution ordering abatement"), setting forth their findings and ordering abatement by having such property rehabilitated, repaired, removed or demolished by manner and means specifically set forth in the resolution. The resolution shall set forth the time when such work shall be completed by the appellant, in no event less than thirty (30) days. The decision and order of the City Council shall be final.

(b) A copy of the "resolution ordering abatement" of said nuisance shall be served on the appellant and upon all owners if such persons are not the appellant of the subject property in accordance with provisions of section 2-4. Upon abatement in full by the appellant or any other person, the proceedings hereunder shall terminate.

Sec. 2-8. Hearing procedure.

Hearings may be tape recorded. Hearings need not be conducted according to technical rules of evidence. All testimony given shall be under oath. Hearsay evidence may be used for supplementing or explaining direct evidence. Any decision need not depend upon any particular evidence or showing of proof.

Sec. 2-9. Abatement by City.

(a) If a declared nuisance is not abated as ordered within the given abatement period, the applicable abatement official, including without limitation, the Fire Marshal, the Public Works Director or Code Enforcement Officer, (or their designee or representative) shall cause same to be abated by City employees or private contractor as appropriate. Said official or his designee is expressly authorized to enter said property for such purposes.

(b) Costs, including incidental expenses, of abating the nuisance shall be billed to the occupant and to the owner if the owner is not the occupant and shall become due and payable thirty (30) days thereafter. The term "incidental expenses" shall include, but not

be limited to, costs incurred in documenting the nuisance; personnel costs; printing and mailing costs; hearing costs; attorneys' fees; actual expenses of the City in preparing notices, specifications or contracts, and costs to inspect work.

(c) No person shall obstruct or interfere with the applicable abatement official including, without limitation, the Fire Marshal, Public Works Director or Code Enforcement Officer, (or their designees or representatives), or with any person who owns or holds an interest in a property, in the performance of necessary acts to execute an order to abate issued pursuant to this article. Violation of this section shall constitute a misdemeanor.

Sec. 2-10. Alternative actions.

Nothing in this ordinance shall be deemed to prevent the City from ordering the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law.

DIVISION 3. COST RECOVERY PROCEDURE

Sec. 3-1. Itemized statement of costs.

(a) The applicable abatement official including, without limitation, the Fire Marshal, the Public Works Director or Code Enforcement Officer, (or their designee or representative), shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where work is performed by the City or private contractor. An "itemized statement of costs" shall be rendered in writing to the City Council showing the cost of abatement, including rehabilitation, demolition or repair of said property, including any salvage value relating thereto.

(b) Before an "itemized statement of costs" is submitted to the City Council, a copy of said statement and notice shall be served on the appellant and upon owners of said property, if the owners are not the appellant, in accordance with the provisions of section 2-4 at least ten (10) calendar days prior to submitting the report to Council. Proof of posting and service shall be made by affidavit or declaration under penalty of perjury filed with the City Clerk.

Sec. 3-2. Protests and objections.

Any person liable to be assessed for the cost of an abatement action may file a written protest to the applicable abatement official including, without limitation, the Fire Marshal, the Public Works Director or Code Enforcement Officer, (or their designees or representatives) "itemized statement of costs" with the City Clerk at any time prior to the time set for hearing. The City Clerk shall endorse each protest or objection received and shall present such protests or objections to the Council at the time set for the hearing. No other protests or objections shall be considered.

Sec. 3-3. Hearing of protests.

On the day and hour fixed for the hearing of protests and objections, the City Council shall hear and act on the "itemized statement of costs" and on protests or objections of

those liable to be assessed for the cost of abatement. The City Council may make revisions or corrections to the statement as it deems just and thereafter shall confirm the statement by motion or resolution. The decision of the City Council on all protests and objections which may be made regarding the statement shall be final and conclusive.

Sec. 3-4. Special assessment and personal obligation.

Pursuant to Government Code sections 38773 and 38773.5, the City Council shall thereupon order that all costs included in the confirmed "itemized statement of costs" constitute a lien against the property to which it relates and that all such costs be made a personal obligation against the property owner.

Sec. 3-5. Assessment lien.

(a) The total cost for abating such nuisance, as confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a "notice of lien," as so made and confirmed, shall constitute a lien on said property for such assessment.

(b) After such confirmation and recordation, a certified copy of the confirmed "itemized statement of costs" shall be filed with the Imperial County auditor-controller on or before

(c) August 1 of each year. It shall be the duty of the auditor-controller to add the amounts of the respective assessments to the next regular tax bills levied against said lots and parcels of land for municipal purposes.

Thereafter, said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

(c) In the alternative, after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

(d) A "notice of lien" for recordation shall be provided according to a standard format kept on record by the Fire Marshall or Code Enforcement Officer.

Sec. 3-6. Personal obligation.

All costs associated with abatement proceedings which are not satisfied through the procedures of this ordinance may be collected on behalf of the City by the City Attorney or the City Attorney's designee using the appropriate legal remedies.

**DIVISION 4. ALTERNATIVE NUISANCE ABATEMENT PROCEDURE;
VEGETATION AND WASTE MATTER**

Sec. 4-1. City Council declaration of weeds, rubbish, refuse and dirt to be public nuisances, resolution.

The City Council may declare by resolution as public nuisances, and abate:

- (1) All weeds growing upon the streets, sidewalks, or private property in the City.
- (2) All rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the City.
- (3)

Sec. 4-2. Resolution declaring public nuisance; contents.

The resolution adopted by the City Council pursuant to section 4-1 shall:

- (1) Refer to the street(s) by its/their commonly known name(s).
- (2) Describe the property(ies) upon which or in front of which the nuisance(s) exist(s) by giving the applicable lot and block number(s) according to the official or City assessment map.

Sec. 4-3. City Council declaration of weeds as recurrent nuisances.

Pursuant to California Government Code section 39562.1, at the time it adopts the resolution as provided for by sections 4-1 and 4-2 hereof, the City Council may also find and declare that weeds on specified parcels of property are seasonal and recurrent nuisances. Such seasonal and recurrent nuisances shall be abated in accordance with the provisions of this division, provided that upon the second and any subsequent occurrence of such nuisance on the same parcel or parcels within the same calendar year, no further hearings need to be held and it shall be sufficient to mail a post card notice to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the City authorities, in which case the cost of such removal shall be assessed upon the parcel and lands from which or in front of which such weeds are removed and that upon confirmation such cost will constitute a lien upon such parcel or lands until paid.

Sec. 4-4. Recurrent nuisances; preventative abatement.

(a) When the City Council has adopted findings and declared that weeds on specified parcels of property are seasonal and recurrent nuisances as provided in section 4-3, the City Council may provide for the preventive abatement of such seasonal and recurrent nuisance as provided in this section pursuant to California Government Code section 39562.2.

(b) The notice required by section 4-3 shall, in addition to containing all other required matters, state that the efficient and economical control of such seasonal and recurrent nuisance requires preventive chemical control of such weeds, weed seeds and weed seedlings and that the City may require preventive chemical control of such nuisance.

- (b) In the event the City has previously been required to abate such nuisance, the City Council additionally may (before and during the next following germinating season of such weeds) provide for the preventive abatement of such nuisance by using chemical control of such weeds.

Sec. 4-5. Posting of notice; location.

After the City Council has adopted the resolution described in section 4-2 and 4-3 hereof, the Fire Marshall shall cause notices to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. The Fire Marshall shall post:

- (1) One notice to each separately owned parcel of property of not over fifty (50) feet frontage.
- (2) Not more than two (2) notices to any such parcel of one hundred (100) feet frontage or less.
- (3) Notices at not more than one hundred (100) feet apart if the frontage of such a parcel is greater than one hundred (100) feet.

Sec. 4-6. Heading of notices to destroy weeds.

The heading of the notices described in section 4-5 shall be "Notice to destroy weeds and remove rubbish, refuse, and dirt" in letters not less than one inch in height.

Sec. 4-7. Text of notice to destroy weeds and remove rubbish.

The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND DIRT
Notice is hereby given that on the 11th day of March, 2008, the City Council of the City of Calipatria passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse, and dirt were upon or in front of property on this street, in the City of Calipatria, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse, and dirt. Otherwise they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse, and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the City Council of the City of Calipatria to be held _____; when their objections will be heard and given due consideration.

Dated this 11th day of March, 2008.
City of Calipatria

Sec. 4-8. Alternative to posting notice.

(a) As an alternative to posting notice of the resolution and notice of the meeting when objections will be heard, the City Council may direct the City Clerk to mail written notice of the proposed abatement to all persons owning property described in the resolution. The City Clerk shall cause such written notice to be mailed to each person to whom such described property is assessed in the last equalized assessment roll available on the date the resolution was adopted by the City Council.

(b) When the County Assessor performs the function of City Assessor, the County Assessor, at the request of the City Clerk shall within ten (10) days thereafter mail to the City Clerk a list of the names and addresses of all of the persons owning property described in the resolution. The address of the owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The City shall reimburse the county for the actual cost of furnishing such list and the cost shall be a part of the costs of abatement.

(c) The notices mailed by the City Clerk shall be mailed at least five (5) days prior to the time for hearing objections by the City Council.

(c) The notices mailed by the City Clerk shall be substantially in the form provided by section 4-7, except, that notices shall be signed by the City Clerk and the heading of the notice need not comply with section 4-7.

(d)

Sec. 4-9. City Council hearing.

At the time stated in the notices, the City Council shall hear and consider all objections to the proposed removal of weeds, rubbish, refuse, and dirt. It may continue the hearing from time to time.

Sec. 4-10. Council action; jurisdiction.

By motion or resolution at the conclusion of the hearing the City Council shall allow or overrule any objections. At that time the City Council acquires jurisdiction to proceed and perform the work of removal.

Sec. 4-11. Decision of the City Council final.

The decision of the City Council is final.

Sec. 4-12. City Council abatement order.

If objections have not been made, or after the City Council has disposed of those made, it shall order the Fire Marshall to abate the nuisance by having the weeds, rubbish, refuse, and dirt removed. The order shall be made by motion or resolution.

Sec. 4-13. Entry upon private property.

The Fire Marshall or his agent may enter upon private property to abate the nuisance.

Sec. 4-14. Abatement by property owner; possible assessment.

Before the Fire Marshall arrives, any property owner may remove the weeds, rubbish,

refuse, and dirt at his own expense. Nevertheless, in any case in which an order to abate is issued, the City Council by motion or resolution may further order that a special assessment and lien be imposed pursuant to section 39577 of the California Government Code. In that case the assessment and lien shall be limited to the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs.

Sec. 4-15. Account of abatement costs.

The Fire Marshall or applicable agent or contractor, shall keep an account of the cost of abatement in front of or on each separate parcel of land where the abatement work is performed. He shall submit to the City Council for confirmation an itemized written report showing such cost.

Sec. 4-16. Posting of copy of account of costs.

A copy of the report shall be posted for at least three (3) days prior to its submission to the City Council on or near the front door of City Hall, with a notice of the time of submission.

Sec. 4-17. City Council hearing on the account of costs.

At the time fixed for receiving and considering the report, the City Council shall hear it with any objections of the property owners liable to be assessed for the abatement. It may modify the report if it is deemed necessary. The City Council shall then confirm the report by motion or resolution.

Sec. 4-18. Authority for City to contract for abatement services.

Abatement of the nuisance may in the discretion of the City Council be performed by contract awarded by the City Council on the basis of competitive bids let to the lowest responsible bidder pursuant to California Public Contract Code sections 20164, 20166, 20167, and 20170 to 20174 inclusive. In such event the contractor shall keep the account and submit the itemized written report for each separate parcel of land required by section 4-15.

Sec. 4-19. Costs of abatement of nuisance; a special assessment.

The cost of abatement in front of or upon each parcel of land and the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs, constitutes a special assessment against that parcel. After the assessment is made and confirmed, a lien attaches on the parcel upon recordation of the order confirming the assessment in the office of the County Recorder of Imperial County, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes as imposed by California Government Code section 39578 and 4-20 of this ordinance would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement and the costs of enforcing abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

Sec. 4-20. Copy of costs report to County Assessor and Tax Collector; to be added to next regular tax bill.

Except as provided in section 4-19, after confirmation of the report, a copy shall be given to the County Assessor and the Tax Collector, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

Sec. 4-21. Filing of certified copy of cost report with county auditor; time limit.

Except as provided in section 4-19, if the County Assessor and the Tax Collector assess property and collect taxes for the City, a certified copy of the report shall be filed with the county auditor on or before August tenth. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year.

Sec. 4-22. Duty of County Auditor.

Pursuant to California Government Code section 39580, the County Auditor shall enter each assessment on the county tax roll opposite the parcel of land.

Sec. 4-23. Collection of assessments as municipal taxes; provision for installment payments.

Pursuant to California Government Code section 39581, the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

The City Council may determine that, in lieu of collecting the entire assessment at the time and in the manner of ordinary municipal taxes, such assessments of fifty dollars (\$50.00) or more may be made in annual installments, in any event not to exceed five (5), and collected one installment at a time at the times and in the manner of ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for foreclosure and sale provided for ordinary municipal taxes. The payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the City Council, not to exceed six (6) percent per annum.

Sec. 4-24. Ability of City to receive abatement costs after confirmation of costs report; time limit. The City Finance Officer may receive the amount due on the abatement cost and issue receipts at any time after the confirmation of the report and until ten (10) days before a copy is given to the County Assessor and Tax Collector, or, where a certified copy is filed with the County Auditor, until August first following the confirmation of the report.

Sec. 4-25. City Council ordered refund of taxes; findings; claim procedure.

The City Council may order refunded all or part of a tax paid pursuant to this division if it finds that all or part of the tax has been erroneously levied. A tax or part shall not be refunded unless a claim is filed with the City Clerk on or before November 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax or by the person's guardian, conservator, executor, or administrator.

Sec. 4-26. Alternative proceedings.

Pursuant to California Government Code section 39587, the proceedings provided by this division are an alternative to the procedures established elsewhere by City ordinance.

Sec. 4-27. Priority of nuisance abatement lien assessment.

Pursuant to California Government Code section 39588, the lien of the assessment described in this division shall have the priority of the taxes with which it is collected.

DIVISION 5. EMERGENCY PROCEDURE

Sec. 5-1. Emergency abatement.

- (a) Whenever any nuisance as defined herein constitutes an immediate hazard to life, health or property and, in the opinion of the applicable abatement official including, without limitation, the Fire Marshal, the Public Works Director, Code Enforcement Officer, (or their designee or representative), abatement must be undertaken within less than the designated period, the Fire Marshall may abate or cause to be abated all or any portion of the nuisance as may be necessary to protect life, health or property. Notice shall be given to the parties concerned as circumstances will permit, but notice need not be given whenever, in the opinion of the Fire Marshall with the approval of the City Attorney, immediate action is necessary.
- (b) Any attractive nuisance dangerous to children shall be abated by emergency abatement procedures.

Sec. 5-2. Notice to City Council.

Whenever an emergency abatement action is taken pursuant to the preceding section, the applicable abatement official including, without limitation, the Fire Marshal, the Public Works Director, Code Enforcement Officer, (or their designee or representative) shall submit to all members of the Council a written report indicating the location of the nuisance and the reasons requiring emergency abatement thereof. A copy of this report shall be attached to, or included as part of, notice to the owner of record when notice is given as previously provided in this article. Additionally, said official or his designee will direct a copy of this report to the board of appeals.

DIVISION 6. CRIMINAL VIOLATION

Sec. 6-1. Maintaining a Public Nuisance is a Misdemeanor.

- (a) Whenever in this ordinance an act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision or the failure to perform any such act shall be a crime chargeable as a misdemeanor, (unless charged as an infraction by the City Attorney) and shall be punished by a fine not exceeding one thousand dollars(\$1,000.00) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment at the discretion of the court.

(b) Violation of any provision of this ordinance shall be a misdemeanor unless by such provision it is made an infraction or unless it is charged as (or reduced to) an infraction by the City Attorney. Such a violation may be prosecuted in the name of the people of the state, or redressed by civil action. Every violation determined to be an infraction is punishable by:

(1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;

(2) A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision within one (1) year;

(3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same provision within one (1) year.

(c) Each day any such violation or failure to perform such act shall continue shall constitute a separate offense, unless otherwise specifically provided.

Sec. 6-2. Notice to appear in court.

Whenever any person is arrested or cited for a violation of this ordinance, and such person is not immediately taken before a magistrate as more fully set forth in the Penal Code of California, the arresting officer shall prepare at least in duplicate a written notice to appear in court that shall contain the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court and shall fully follow the provisions of Section 853.6 of the Penal Code.

Sec. 6-3. Failure to appear in court or post bail.

Any person wilfully violating his written promise to appear in court or before an officer authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Sec. 6-4. Warrant for arrest for failure to appear.

(a) Whenever any person who has signed, as provided in section 1-5 or 6-2, a written promise to appear at a time and place specified in his written promise to appear and has not posted bail, as provided in section 853.6 or 1269b of the Penal Code, the magistrate shall issue and have delivered for execution a warrant for such person's arrest within twenty (20) days after failure of such person to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within twenty (20) days after delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

(b) When such person violates his written promise to appear before an officer authorized to accept bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

DIVISION 7. PRIOR ORDINANCES REPEALED

Sec. 7-1. Prior ordinances repealed.
Calipatria city ordinances 63, 72 and 323 are hereby repealed.

DIVISION 8. EFFECTIVE DATE

Sec. 8-1. Effective Date.

This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after passage, a summary hereof shall be published once with the names of the members of this Council voting for and against it in a newspaper of general circulation published in the County of Imperial.

FIRST READING PASSED AND APPROVED at a regular scheduled meeting held on the 26th day of February, 2008 by the following vote:

AYES: Smith, Navarro, Beltran, Ours

NAYES: None

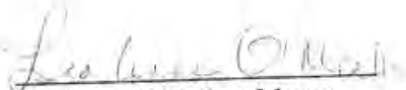
ABSENT: O'Malley

SECOND READING PASSED AND APPROVED at a regular scheduled meeting held on the 11th day of March, 2008 by the following vote:

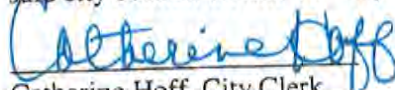
AYES: Smith, Beltran, Ours, Navarro, O'Malley

NAYES: None

ABSENT: None


LeaAnne O'Malley, Mayor

I, Catherine Hoff, City Clerk of the City of Calipatria State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said city council on this 11th day of March 2008.


Catherine Hoff, City Clerk

Attachment B – Posted Public Hearing Notice



Notice of Public Hearing

City of Calipatria

Notice is hereby given that a public hearing will be held by the City of Calipatria City Council at the date, time, and place indicated below. The purpose of the public hearing will be to hear comments from the public regarding the following subjects:

Project: City of Calipatria Mural Application Fee Matrix	Location: N/A
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On March 25, 2025, the City Council adopted Ordinance No. 02-25 amending Chapter 5.10 and adding Chapter 3.15 to the City of Calipatria Zoning Ordinance to allow for the installation of new original art murals and preservation of existing original art murals in the city. Chapter 3.15 of the City of Calipatria Zoning Ordinance provides for the establishment of fees for the review of original art mural applications. The City Council desires to adopt reasonably necessary fees for the review of original art mural applications pursuant to Chapter 3.15 of the City of Calipatria Zoning Ordinance. The purpose of this meeting is to present detailed information for the establishment of mural application fees to both the public and City Council for comments and a potential action.

Project: First reading by Title Only of a City Council Ordinance Establishing Standards for Comprehensive System Nuisance Abatement	Location: Citywide
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In order to ensure the health, safety and welfare of the Calipatria community, it is the intent of the City Council of the City of Calipatria to adopt a comprehensive system nuisance abatement ordinance to establish minimum standards for the maintenance of property in the City. Through the proposed nuisance ordinance, the City looks to eliminate detrimental conditions which contribute to the problems of expenditures for protection against hazards, diminution of property values, prevention of crime, accidents, fires, and disease. The purpose of this meeting is to present the proposed ordinance to both the public and City Council for a first reading by title only.

Both items are exempt from the California Environmental Quality Act (CEQA) via Section 15061(b)(3) of the CEQA Guidelines for Implementation of the California Code of Regulations.

City Council Hearing Date: April 22, 2025
Hearing Time: 6:00 PM
Hearing Location: Calipatria City Hall
125 N. Park Avenue

Copies of pertinent information are available for review at City Hall during regular business hours. If you would like to know more about the proposed project prior to the public hearing, please contact Francisco Barba, Associate Planner at the Holt Group, at (760) 337-3883 or fbarba@theholtgroup.net.

Any person desiring to comment on the above project may do so in writing or may appear in person at the public hearing. Written comments should be directed to the Calipatria City Clerk, 125 N. Park Avenue, Calipatria, CA 92233 and be delivered prior to the Public Hearing date. Please reference the project name in all written correspondence.

Posted: 

Date: 4-9-25

Attachment C – City Council Ordinance 03-25

ORDINANCE NO. 03-25

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CALIPATRIA, CALIFORNIA, AMENDING CALIPATRIA ORDINANCE
NO. 08-001 PROVIDING FOR A COMPREHENSIVE SYSTEM NUISANCE
ABATEMENT WITHIN CITY LIMITS**

WHEREAS, on March 11, 2008, the City Council adopted Ordinance No. 08-001 establishing a comprehensive system for nuisance abatement throughout the city; and

WHEREAS, the ordinance lacks specific definitions and procedures which make enforcement difficult; and

WHEREAS, the City Council desires to amend Ordinance No. 08-001 to establish new definitions and procedures for classifying a public nuisance, automobiles, and abandoned residential properties; and

WHEREAS, the City Council held a duly noticed public hearing on April 22, 2025, where an introduction and first reading by title only was conducted and all comments for and against the ordinance were considered; and

WHEREAS, the City Council held a second reading by title only on May 13, 2025, where upon considering all comments and documentation for the Zoning Text Amendment, the City Council took action.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

SECTION 1: The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2: Calipatria Ordinance No. 08-001 shall be amended to read as follows:

“DIVISION 1. GENERALLY

Section 1-1. Findings:

The City Council of the City of Calipatria finds and determines as follows:

- (a) That the values and general welfare of this City are founded, in part, upon strict enforcement of building and zoning regulations, well-kept properties and upon the appearance and maintenance of properties and property values.
- (b) That certain detrimental conditions, as hereinafter set forth, are injurious or potentially injurious to the public health, safety and welfare of the community by contributing to the problems of, and the necessity for, expenditures for protection against hazards, diminution of property values, prevention of crime, accidents, fires, and disease, and the preservation of the community in a manner which is not offensive to the senses and which does not interfere with the comfortable enjoyment of life and property.

- (c) That the regulation of property as described herein reasonably relates to the proper exercise of the police power to protect the health, safety and welfare of the public and that unless corrective measures are undertaken to alleviate some present property conditions, the socio-economic standards of this community will be depreciated.
- (d) That the abatement of such detrimental conditions will enhance the appearance and the values of neighboring properties and will benefit the use and enjoyment of properties in the City.

Section 1-2. Intent:

- (a) It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, (unless the same are specifically repealed herein), or with private restrictions placed upon property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the City is a party.
- (b) The purpose of this ordinance is to provide minimum standards for the maintenance of property in the City.
- (c) Where this article imposes a greater restriction upon property or structures thereon than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this article shall control.
- (d) It is the decision of the City Council that abatement of nuisances pursuant to this Ordinance may be performed by contract awarded by the City Council on the basis of competitive bids let to the lowest responsible bidder pursuant to California Public Contract Code sections 20164, 20166, 20167, and 20170 to 20174 inclusive. In such event the contractor shall keep the account and submit the itemized written report for each separate parcel of land required by Section 3-1.

Section 1-3. Responsibility for Property Maintenance:

Every owner, lessee, occupant, or person having charge of property within the City shall maintain such property in a manner so as not to violate the provisions of this Ordinance, and such owner, lessee, occupant, or person having charge of property remains liable for violations hereof regardless of any contract or agreement with any third party regarding such property. The duty imposed by this section on a property owner shall in no instance relieve those persons herein referred to from the similar duty.

~~Sec. 1-4. Weeds; defined:~~

- ~~(a) Weeds which bear seeds of a downy or wingy nature.~~
- ~~(b) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.~~

- ~~(c) Weeds which are otherwise noxious or dangerous.~~
- ~~(d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.~~
- ~~(e) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.~~

Section 1-4. Definitions:

For the purpose of this Ordinance, the following definitions shall apply unless the content clearly indicates or requires a different meaning.

ABATE - To remove the source of the public nuisance either by correcting specific problems or by removal from public or private property.

ABATEMENT COSTS - Also referred to as COSTS OF ABATEMENT and ADMINISTRATIVE COSTS. They include all costs and expenses incurred by the city in abating a public nuisance. Such costs include, but are not limited to, the following: the actual expenses and costs to the city in the preparation of notices, specification and contracts; inspection of the work; any attorney's fees expended in the abatement of the nuisance, through civil action or otherwise; all costs and expenses for which the city may be liable under state law arising from or related to the nuisance abatement action; and all costs or expenses to which the city may be entitled pursuant to California Health and Safety Code Section 520 and other statutory entitlements.

ABATEMENT COSTS - Shall begin to accrue at the time the city first receives a complaint regarding a problem on a property.

ABATEMENT HEARING - The administrative hearing before the Hearing Officer after issuance of a notice to abate by an Enforcement Official.

APPLICABLE STATE CODE - Any law of the State of California which protects the health, safety, or welfare of the citizens of the City of Calipatria.

BOARDED BUILDING - A building whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the building by persons or animals.

BUILDING OFFICIAL - The Building Official of the City of Calipatria.

CITY ATTORNEY - The City Attorney of the City of Calipatria.

CITY MANAGER - The City Manager of the City of Calipatria.

CITY CLERK - The City Clerk of the City of Calipatria.

ENFORCEMENT OFFICIAL - The City Manager, the Building Official, the Fire Chief, the Police Chief, and any employee or agent of the city so designated by them and charged with enforcing the City Ordinance/Municipal Code of the city, or applicable state code.

FIRE CHIEF - The Fire Chief of the Calipatria Fire Department.

FIRE MARSHALL - The Fire Marshall of the Calipatria Fire Department.

HEARING OFFICER - The official designated by the City Clerk charged with presiding over the abatement hearing and responsible for issuing orders to abate public nuisances and costs.

INTERESTED PARTY - The owner, legal occupant, or holder of a recorded interest of a property subject to a notice or order to abate.

NON-APPROVED MATERIAL - A material utilized that is not approved by the city.

NOTICE TO ABATE - The notice of a nuisance on the property and instructions to abate as ordered by an Enforcement Official upon the finding of a nuisance.

ORDER - The order to abate a public nuisance issued pursuant to Sec. 1-6 of this Ordinance.

ORDER TO ABATE - The order of the city to abate a nuisance.

OWNER - The owner of record of real property.

POLICE CHIEF - The Police Chief of the Calipatria Police Department.

PREMISES - Any real property or improvements thereon.

PUBLIC NUISANCE - Any nuisance designated in Sec. 1-4 of this Ordinance.

PUBLIC VIEW - Anything which can be seen by a person with average vision while on public property or areas of private property open to access by the public.

RECIPIENT - Any person, not necessarily the owner of the premises, who received a notice or order to abate pursuant to this Ordinance.

REFUSE AND WASTE - Unused or discarded matter or material having no substantial market value, and which consists of such matter and material as rubbish, refuse, debris, and matter of any kind, including but not limited to sludge, rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building

materials, wood, crates, cartons, paper, containers, boxes, machinery or parts thereof, scrap metal and other pieces of metal, ferrous, or nonferrous, furniture, or parts thereof, trimmings from plants or trees, cans, bottles and barrels containing refuse and waste matter.

WEEDS - Weeds which bear seeds of downy or wingy nature, sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property, weeds which are otherwise noxious or dangerous, poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health, dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.

Section 1-5. Classification of a Public Nuisance:

The following acts and conditions when performed or existing upon any lot or parcel of land within the City are hereby declared to be unlawful and a misdemeanor and are hereby defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and welfare, which have a tendency to degrade the appearance and property values of surrounding property or which cause damage to public rights-of-way:

- (a) Any violation of a Federal, State or Local Ordinance, Land Use Plan, rule, regulation, and/or any Ordinance adopted by reference in this Ordinance.
- (b) Any industrial, commercial, or residential property not maintained in a condition consistent with the approved plans or conditions.
- (c) Any land, the topography, geology, or configuration of which, whether in a natural state or as a result of grading operations, excavations, fill, or other alteration, interferes with the established drainage pattern over a property or from adjoining or other properties which does or may result in erosion, subsidence, or surface water drainage problems so as to be injurious to public health, safety, welfare, usability, or appearance to neighboring properties.
- (d) Any building or structure left permanently unoccupied, permanently abandoned, partially destroyed or in a state of partial construction for an unreasonable period of time; a period of 90 days shall serve as a guide in determining whether an unreasonable time has gone by. Exception: when there exists a valid and active building permit, issued by the City, and construction is actively ongoing to the satisfaction of the Chief Building Official, a period of 180 days shall govern in accordance with the most recently adopted edition of the California Building Code.
- (e) Any building or structure erected, altered, expanded, maintained or used, contrary to the provisions of this Ordinance or any condition or requirement imposed upon the structure.

- (f) Any building or structure inadequately maintained or deteriorated in any of the following ways:
- (1) Peeling or discolored paint on the exterior of the structure;
 - (2) Broken or boarded up windows;
 - (3) Roof or ceiling in disrepair;
 - (4) Damaged porch, balcony, or stairways;
 - (5) Missing or damaged handrails or related safety equipment;
 - (6) Broken or missing window screens, if required;
 - (7) Broken or missing locks and latches on windows and doors.
- (g) Any building, structure, or habitation constructed, maintained in violation of any Federal, State, or Local Ordinance adopted by the City.
- (h) Any building, structure, or habitation, that is overcrowded with the persons such that it unreasonably interferes with a neighboring resident's right to access, use, or enjoy his/her property, or such that it impairs the general welfare of a neighboring resident, or provides inadequate sanitation for the number of occupants.
- (i) Failure to secure and prevent public access into abandoned or vacant buildings, structures, or portions thereof.
- (j) Any fence, wall, or gate in any of the following conditions:
- (1) Installed without proper permits;
 - (2) Installed or maintained contrary with the conditions set forth in the approved plans or permits;
 - (3) Damaged, broken, dilapidated, unsightly or inadequately maintained;
 - (4) Patch painted with colors that do not match;
 - (5) Patched or covered by plywood, metal, plastic, tarpaulin or other non-approved materials;
 - (6) Constructed of metal or plywood garage doors;
 - (7) Broken or non-working emergency access gates or equipment.

(k) Landscaping or any portion thereof, in the public view, in any of the following conditions:

- (1) Lack of turf, planted material, decorative rock, bark, planted ground cover or coverings;
- (2) Lawn or grass in excess of six (6) inches in height or which is dead, decayed, diseased or uncultivated;
- (3) Harbors rats, vermin, excessive amounts of insects, or other potential disease carriers;
- (4) Obstructs the vision of motorists or pedestrians;
- (5) Encroached into, over, or upon any public right-of-way, including, but not limited to streets, alleys or sidewalks.

(l) Offensive or nauseating odor or smell created by garbage, garbage or recycling containers, dead animals or other odor causing substances or materials.

(m) Any of the following conditions on any property or portion thereof viewable from the public right-of-way:

- (1) Lumber, trash, garbage, debris, refuse, water matter or other salvage material;
- (2) Hazardous pools, ponds and excavations;
- (3) Abandoned, broken or neglected equipment and machinery;
- (4) Furniture, appliances, play equipment or other household fixtures or equipment, except for lawn furniture;
- (5) Clotheslines, clothes or similar materials hanging or placed in front yards, side yards, porches, balconies or fencing;
- (6) Any type of item or material on roof top;
- (7) Accumulation of litter, trash, boxes, or other in front of doorways, on sidewalks, public walkways and other common areas used by the public;
- (8) Accumulation of litter, trash, boxes or other items in parking lots, planters and other landscaped areas;

- (9) Display, sale or use of merchandise, equipment, machinery or other items in, on or blocking public access sidewalks, walkways or common areas;
- (10) Temporary service bins, dumpsters, or storage containers stored on a public street or on private property;
- (11) Garbage cans, trash cans, recycling containers and bins, cans and other trash collection devices in place before 12AM on the day of pick up and 12AM the day after;
- (12) Commercial garbage or recycling bins stored outside the dumpster enclosure;
- (13) Accumulation of grease, oil or other hazardous liquids or materials on paved and unpaved surfaces, driveways, sidewalks, walkways or any other location;
- (14) Tarpaulins or other unapproved screening materials used for any purpose other than in emergency weather conditions;
- (15) Portable devices or equipment, including but not limited to play equipment, located or stored on any public street, sidewalk or public right-of-way;
- (16) Storage of construction equipment, machinery, or building materials other than during operations conducted under a valid building, grading or demolition permit;
- (17) Cement mixers, construction trailers or other equipment parked for more than four hours at a location other than the site of the construction project;
- (18) Weeds;
- (19) Trees and shrubs in the following conditions:
 - (i) Trees and shrubs with dead or fallen limbs or branches which present a safety hazard or restrict, impede or obstruct the public right-of-way, easement or roadway or;
 - (ii) Trees, shrubs and plants which grow out into or over a public right-of-way, easement, sidewalk or roadway where such growth restricts, impedes or obstructs pedestrian or vehicular use of said public right-of-way, easement, sidewalk or roadway.

- (n) Any of the following conditions on parking lots, vehicular or pedestrian access areas:
- (1) Striping installed or maintained contrary to the conditions set forth in the approved plans or permit;
 - (2) Potholes, major cracks or other conditions which reflect inadequate or poor maintenance;
 - (3) Vehicular stall markings that have become deteriorated or are non-existent;
 - (4) Pedestrian walkway markings, if required, which are deteriorated or non-existent;
 - (5) Lack of required number of handicap parking stalls or handicap walkways;
 - (6) Lack of required handicap stall signage;
 - (7) Required curb markings or signs installed properly;
 - (8) Required curb markings or signs not maintained in a good condition.
- (o) Growth on palm trees, including but not limited to, dead or decayed palm fronds, noncommercial fruit, or flowers/pollen hanging from palm trees.
- (p) Repairing or dismantling any vehicle or motorized equipment viewable from a public right-of-way unless:
- (1) The repairing or dismantling is conducted in an enclosed garage where the vehicle or equipment is registered to and owned by a person permanently residing on the property;
 - (2) The repairing or dismantling can be started and completed in less than 24 hours.
- (q) Any repairing or dismantling of any vehicle or motorized equipment on any vacant lot, commercial or industrial parking lot including those associated with auto repair or auto parts stores, public street, private street or alley.
- (r) Any swimming pool, spa, pond, fountain or other body of water which is unfiltered or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" means water which contains bacterial growth, algae, insects, animal life, rubbish, refuse, dirt, debris, papers, chemicals, or other matter or material which,

because of its magnitude, nature or location, constitutes an unhealthy or unsafe condition.

- (s) Any outdoor burning of any material, structure, matter or thing, unless authorized by the Fire Marshall or authorized representative by issuance of a permit to do so.
- (t) Any property with dirty water, sewage or any other substance, including but not limited to, urine or other bodily matter, discolored water, contents of septic tanks, cesspools or privy vaults, which flows onto public or private property.
- (u) Any premises, building or structure, wall, fence, pavement, or walkway which is painted in garish manner, or in bright, fluorescent, or luminescent colors, which is out of harmony or conformity with the standards of adjacent properties.
- (v) To leave or permit any abandoned, attended or discarded icebox, refrigerator, freezer or other container which has an airtight door or lid with a snap lock or other device which may not be released from the inside, to be left outside of any building or structure at any time.
- (w) Stockpiling of fill dirt or other material without a permit.
- (x) Maintain premises or property in such a manner as to cause a hazard to the public obscuring the visibility of any public right-of-way, road intersection or pedestrian walkway.
- (y) To construct or maintain a privy within the City in any manner that does not comply with the Health & Safety Code.

(1) California Drug Abatement Act. The City may:

- (i) Declare that a public nuisance exists whenever any member of the public creates, causes, commits, permits or maintains any condition or performs or causes to be performed any activity that falls within the scope of the definition of "Public Nuisance" as set forth in the California Health & Safety Code Section 11570; and
 - (ii) Commence any action or proceeding pursuant to the California Drug Abatement Act to abate the public nuisance, to pursue all other remedies against the violator, to seek the imposition of all penalties against the violator and to recover any and all costs from the violator.
- (2) Every owner, occupant, lessee or holder of any possessor interest of real property within the City is required to maintain such property so as not to violate the provisions of this Ordinance. The owner of

the property shall remain liable for violations thereof regardless of any contract or agreement with any third party regarding such property or the occupation of the property by any third party. Every successive owner of property who neglects to abate continuing nuisance upon, or in the use of, such property, created by the former owner is liable therefore in the same manner as the one who first created it.

- ~~(a) Dead, decayed, diseased or hazardous trees, shrubs, weeds and other vegetation constituting an unsightly appearance, a danger to public safety and welfare or a detriment to nearby property or property values, including when by their size, manner of growth or location they may reasonably be deemed to constitute a fire hazard.~~
- ~~(b) Overgrown vegetation likely to harbor rats, vermin and other nuisances or causing detriment to neighboring properties or property values.~~
- ~~(c) Any obstacle, landscaping or object installed or maintained in violation of this ordinance or any other City ordinance in effect at the time. Permanent buildings, constructed or maintained in accordance with applicable building and zoning regulations, public utility poles or trees trimmed at the trunk at least eight (8) feet above the ground surface shall not be classified as nuisances.~~
- ~~(d) Water contained in a swimming pool, pond or other body, excepting publicly maintained canals, which is unfiltered, unattended, abandoned or not otherwise maintained, resulting in pollution of the water. Contaminants include but are not limited to, algae or bacterial growth, animal remains, refuse, waste, rubbish and any other foreign material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.~~
- ~~(e) Storage or scattering over the property and visible from the public right-of-way or adjacent private property or which constitutes a fire, health or safety hazard any of the following:
 - ~~(1) Debris, rubbish or trash, containers, cartons, boxes and barrels.~~
 - ~~(2) Abandoned, broken, wrecked, inoperable or discarded household furnishings, appliances, machines and tools, or similar objects or equipment.~~
 - ~~(3) Discarded building materials, machinery or parts thereof, other pieces of metal or similar objects or materials.~~~~
- ~~(f) Vehicles, recreational vehicles, trailers, boats, and other mobile equipment parked or stored in front yards, excluding driveways, for more than twelve (12) hours in any seven day period. Such equipment, however, shall be permitted to be parked~~

~~or stored in a back yard or a side yard immediately adjacent to the driveway, provided the area is within an enclosed area not visible from the public right-of-way or adjacent property, does not constitute a fire, health or safety hazard and is not in violation of any other provision of this ordinance or any other City ordinance in effect at the time.~~

~~(g) Structures or buildings, both permanent and temporary, or other lot improvements, which are subject to and of the following conditions:~~

~~(1) Buildings or structures which are not completely erected within a reasonable time and for which the permit for such construction has expired.~~

~~(2) Unoccupied buildings which have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements or which are boarded up by a method or materials not approved by the City Public Works Department Enforcement Official.~~

~~(3) Broken windows constituting hazardous conditions.~~

~~(4) Faulty weather protection including, without limitation, crumbling, cracked, missing, broken or loose exterior plaster or other siding, roofs, foundations or floors, broken or missing windows or doors, or unpainted surfaces causing dry rot, warping, or termite infestation.~~

~~(5) Fences or walls which are in a hazardous condition or which are in disrepair, or which hinder free access to public sidewalks.~~

~~(h) Clotheslines or clothes hanging in front yard areas.~~

~~(i) Garbage cans stored in front or side yards and visible from public streets for a period of more than twenty-four (24) hours.~~

~~(j) Billboards, any type of sign, sign structure or portable display surface, not in conformance with State law.~~

~~(k) Toxic materials, hazardous waste, waste oil, gasoline or chemicals that are improperly or unlawfully stored.~~

~~(l) The accumulation of dirt, litter, or debris in vestibules, doorways or adjoining sidewalks of commercial or industrial buildings.~~

~~(m) The accumulation of packing boxes, lumber, trash, dirt and other debris outside commercial buildings and visible from public streets.~~

- ~~(n) Unpaved or deteriorated parking lots containing uneven surfaces, drainage problems that are hazardous to the public.~~
- ~~(o) Attractive nuisances (those objects which by their nature, may attract children or other curious individuals) including, without limitations, abandoned and broken equipment, ice boxes, refrigerators, freezers, stoves, neglected machinery, and unprotected or hazardous pools, ponds or excavations, excepting publicly maintained canals.~~
- ~~(p) Maintenance of premises in such condition as to be detrimental to public health, safety or general welfare or in such a manner as to constitute a public nuisance as defined in Civil Code section 3480, excepting publicly maintained canals.~~

Section 1-6. Authorized Code Enforcement Official Officer; Ceitation Authority:

- (a) The City Fire Marshall shall have the authority to do all acts necessary to enforce the provisions of this Ordinance as well as other provisions of relevant City ordinances.
- (b) In addition to the Fire Marshall, the City Manager shall have authority to designate, by written order, particular officers or employees as a Code Enforcement Official Officer. The Code Enforcement Official Officer shall have the authority to do all acts necessary to enforce the provisions of this Ordinance as well as other provisions of relevant City Ordinances as set forth in an order of the City Manager.
- (c) The Fire Marshall and any Code Enforcement Official Officer appointed by the City Manager is hereby authorized by the City Council, pursuant to sections 836.5 and 119(d) of the California Penal Code and subject to the provisions thereof, to arrest a person without warrant whenever the Fire Marshall or Code Enforcement Official Officer has reasonable cause to believe that the person to be arrested has violated a provision of this article or such other section of this Code which he/she has been authorized by the City Manager to enforce, in the Fire Marshall or Code Enforcement Official's Officer's presence or fails to correct a violation and therefore has committed an infraction which the Fire Marshall or Code Enforcement Official Officer has the discretionary duty to enforce.
- (d) The Fire Marshall or any other Code Enforcement Official Officer appointed by the City Manager is further authorized by the City Council to issue a "Notice To Appear" and to release such person on his or her written promise to appear in court, pursuant to sections 853.5 and 853.6 of the California Penal Code. Under no circumstances may the Fire Marshall or any other Code Enforcement Official Officer appointed by the City Manager take the person to be arrested into custody. In the event that the person to be arrested demands to be taken before the magistrate or refuses to provide his or her written promise to appear in court, the Fire Marshall or Code Enforcement Official Officer must either summon a

Calipatria Ppolice Officer, explain the situation, and request that the Ppolice Officer arrest the person and take the person into custody, or seek assistance of the City Attorney, and request that a misdemeanor complaint be prepared and filed against the person.

DIVISION 2. ABATEMENT PROCEDURE

Section 2-1. Abatement of Public Nuisances:

Any property found to constitute a public nuisance in violation of Section 1-~~56~~ hereof may be abated by rehabilitation, removal, demolition, or repair pursuant to procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive or restrict the City from enforcing other City Ordinances or abating public nuisances in any other manner provided by law.

Section 2-2. Notice to Abate:

Whenever the Fire Marshall or Code Enforcement Official~~Officer~~ determines that property within the City is being maintained contrary to one or more provisions of Section 1-~~56~~, he/she may give written "Notice to Abate." Such notice shall be served on any owner, lessee and occupant of said property stating the section(s) being violated. The notice shall set forth a reasonable time limit, in no event less than ten (10) calendar days, for correcting the violation(s) and may also set forth suggested correction methods. The notice shall be served upon the property owner, lessee or occupant in accordance with the provisions of Section 2-4. The notice shall contain a reference to the right of appeal provided in Section 2-6.

Section 2-3. Voluntary Abatement of Nuisances:

The owner, lessee or occupant of any building, structure or property alleged to be a nuisance under the provisions of this ordinance may abate the nuisance at any time within the abatement period provided in the notice of the Fire Marshall or the Code Enforcement Official~~Officer~~, by rehabilitation, repair, removal, or demolition. The owner, lessee, or occupant shall advise the Fire Marshall or Code Enforcement Official~~Officer~~ of the abatement. Once so advised, the Fire Marshall or Code Enforcement Official~~Officer~~ shall inspect the premises to ensure that the nuisance has, in fact, been abated.

Section 2-4. Service of Notice:

Any "Notice to Abate," "Notice of Hearing," "Resolution Ordering Abatement," "Itemized Statement of Costs," or other mailing required of City shall be served in person, by first class mail, or by certified mail to the owner, lessee, tenant, and occupant, to the addressee's last known address, including the subject premises. Additionally, a copy of such notice shall be mailed to each property owner of record as shown on the last equalized assessment roll of the County or as known to the Fire Marshall or Code Enforcement Official~~Officer~~. Services shall be deemed complete at the time the document

is personally served or deposited in the mail. Failure of any person to receive a document shall not affect the validity of any proceedings hereunder.

Section 2-5. Procedure--No App~~ee~~al:

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner specifically set forth in said "~~N~~notice to Aabate." If such nuisance is not abated as ordered within said abatement period or within such time as extended by the Fire Marshall or Code Enforcement ~~Official~~Officer, the Fire Marshall shall cause same to be abated by City employees or by private contractor. The Fire Marshall and the Code Enforcement Official are expressly authorized to enter said property for such purposes. Costs, as specified in Section 3-1 (a), shall be billed to the owner.

Section 2-6. Appeal ~~P~~rocedure--Hearing by City Council:

- (a) The owner, occupant or lessee may appeal the Fire Marshall or Code Enforcement ~~Official's~~Officer's "~~N~~notice to Aabate" to the City Council by filing an appeal with the City Clerk within ten (10) calendar days of receipt of the code enforcement officer's order to abate. The appeal shall contain:
 - (1) Specific identification of subject property;
 - (2) Names and addresses of all appellants;
 - (3) A statement of appellant's legal interest in the subject property;
 - (4) A statement (in ordinary, concise language) of the specific order or action protested and grounds for appeal, together with all supporting material facts;
 - (5) Date and signatures of all appellants; and
 - (6) Verification of at least one appellant as to the truth of matters stated in the appeal.
- (b) As soon as practical after receiving the appeal, the City Clerk shall set a date for the City Council to hear the appeal. This date shall be not less than ten (10) calendar days nor more than thirty (30) calendar days from date appeal was filed. The City Clerk shall give each appellant written "~~N~~notice of Hhearing by City Council" specifying the time and place of the hearing. Notice of said hearing shall be served upon the appellant not less than ten (10) calendar days before the time fixed for hearing. Such notice shall be served upon the appellant at the address shown on the appeal in accordance with provisions of Section ~~2-418~~58. Continuance of the hearing may be granted by the City Council on request of the appellant when good cause is shown, or on the City Council's own motion.

- (c) The Fire Marshall or Code Enforcement ~~Official's~~Officer's notice to abate shall be stayed during the pendency of an appeal there from which is properly and timely filed.

Section 2-7. Decision by the City Council:

- (a) Upon conclusion of the hearing, the City Council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the City Council so finds, they shall adopt a resolution declaring such property to public nuisance ("resolution ordering abatement"), setting forth their findings and ordering abatement by having such property rehabilitated, repaired, removed or demolished by manner and means specifically set forth in the resolution. The resolution shall set forth the time when such work shall be completed by the appellant, in no event less than thirty (30) days. The decision and order of the City Council shall be final.
- (b) A copy of the "~~R~~resolution ~~O~~ordering ~~A~~abatement" of said nuisance shall be served on the appellant and upon all owners if such persons are not the appellant of the subject property in accordance with provisions of ~~S~~ection 2-4. Upon abatement in full by the appellant or any other person, the proceedings hereunder shall terminate.

Section 2-8. Hearing ~~P~~procedure:

Hearings may be ~~tape~~ recorded. Hearings need not be conducted according to technical rules of evidence. All testimony given shall be under oath. Hearsay evidence may be used for supplementing or explaining direct evidence. Any decision need not depend upon any particular evidence or showing of proof.

Section 2-9. Abatement by City:

- (a) If a declared nuisance is not abated as ordered within the given abatement period, the applicable abatement official, including without limitation, the Fire Marshal, ~~the Public Works Director~~ or Code Enforcement Officer, (or their designee or representative) shall cause same to be abated by City employees or private contractor as appropriate. Said official or his designee is expressly authorized to enter said property for such purposes.
- (b) Costs, including incidental expenses, of abating the nuisance shall be billed to the occupant and to the owner if the owner is not the occupant and shall become due and payable thirty (30) days thereafter. The term "incidental expenses" shall include, but not be limited to, costs incurred in documenting the nuisance; personnel costs; printing and mailing costs; hearing costs; attorneys' fees; actual expenses of the City in preparing notices, specifications or contracts, and costs to inspect work.

- (c) No person shall obstruct or interfere with the applicable abatement official including, without limitation, the Fire Marshal, ~~Public Works Director~~ or Code Enforcement ~~Official~~Officer, (or their designees or representatives), or with any person who owns or holds an interest in a property, in the performance of necessary acts to execute an order to abate issued pursuant to this article. Violation of this section shall constitute a misdemeanor.

Section 2-10. Alternative Actions:

Nothing in this ordinance shall be deemed to prevent the City from ordering the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law.

DIVISION 3. COST RECOVERY PROCEDURE

Section 3-1. Itemized Statement of Ceosts:

- (a) The applicable abatement official including, without limitation, the Fire Marshal, ~~the Public Works Director~~ or Code Enforcement ~~Official~~Officer, (or their designee or representative), shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where work is performed by the City or private contractor. An "Itemized Statement of Ceosts" shall be rendered in writing to the City Council showing the cost of abatement, including rehabilitation, demolition or repair of said property, including any salvage value relating thereto.
- (b) Before an "Itemized Statement of Ceosts" is submitted to the City Council, a copy of said statement and notice shall be served on the appellant and upon owners of said property, if the owners are not the appellant, in accordance with the provisions of Section 2-4 at least ten (10) calendar days prior to submitting the report to Council. Proof of posting and service shall be made by affidavit or declaration under penalty of perjury filed with the City Clerk.

Section 3-2. Protests and Objections:

Any person liable to be assessed for the cost of an abatement action may file a written protest to the applicable abatement official including, without limitation, the Fire Marshal, ~~the Public Works Director~~ or Code Enforcement ~~Official~~Officer, (or their designees or representatives) "Itemized Statement of Ceosts" with the City Clerk at any time prior to the time set for hearing. The City Clerk shall endorse each protest or objection received and shall present such protests or objections to the Council at the time set for the hearing. No other protests or objections shall be considered.

Section 3-3. Hearing of Protests:

On the day and hour fixed for the hearing of protests and objections, the City Council shall hear and act on the "~~I~~temized ~~S~~tatement of ~~C~~osts" and on protests or objections of those liable to be assessed for the cost of abatement. The City Council may make revisions or corrections to the statement as it deems just and thereafter shall confirm the statement by motion or resolution. The decision of the City Council on all protests and objections which may be made regarding the statement shall be final and conclusive.

Section 3-4. Special ~~A~~ssessment and ~~P~~ersonal ~~O~~bligation:

Pursuant to Government Code ~~S~~ections 38773 and 38773.5, the City Council shall thereupon order that all costs included in the confirmed "~~I~~temized ~~S~~tatement of ~~C~~osts" constitute a lien against the property to which it relates and that all such costs be made a personal obligation against the property owner.

Section 3-5. Assessment ~~L~~ien:

- (a) The total cost for abating such nuisance, as confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a "~~N~~otice of ~~L~~ien," as so made and confirmed, shall constitute a lien on said property for such assessment.

- (b) After such confirmation and recordation, a certified copy of the confirmed "~~I~~temized ~~S~~tatement of ~~C~~osts" shall be filed with the Imperial County ~~A~~uditor ~~C~~ontroller on or before August 1 of each year. It shall be the duty of the ~~A~~uditor-~~C~~ontroller to add the amounts of the respective assessments to the next regular tax bills levied against said lots and parcels of land for municipal purposes.

Thereafter, said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

- (c) In the alternative, after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.
- (d) A "~~N~~otice of ~~L~~ien" for recordation shall be provided according to a standard format kept on record by the Fire Marshall or Code Enforcement ~~O~~fficial~~O~~fficer.

Section 3-6. Personal ~~O~~bligation:

All costs associated with abatement proceedings which are not satisfied through the procedures of this ~~O~~rdinance may be collected on behalf of the City by the City Attorney or the City Attorney's designee using the appropriate legal remedies.

DIVISION 4. ALTERNATIVE NUISANCE ABATEMENT PROCEDURE; VEGETATION AND WASTE MATTER

Section 4-1. City Council declaration of weeds, rubbish, refuse and dirt to be public nuisances, resolution:

The City Council may declare by resolution as public nuisances, and abate:

- (a) All weeds growing upon the streets, sidewalks, or private property in the City.
- (b) All rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the City.

Section 4-2. Resolution Ddeclaring Public Nuisance; Contents:

The resolution adopted by the City Council pursuant to Section 4-1 shall:

- (a) Refer to the street(s) by its/their commonly known name(s).
- (b) Describe the property(ies) upon which or in front of which the nuisance(s) exist(s) by giving the applicable lot and block number(s) according to the official or City assessment map.

Section 4-3. City Council Dclaration of Weeds as Recurrent Nuisances:

Pursuant to California Government Code Section 39562.1, at the time it adopts the resolution as provided for by Sections 4-1 and 4-2 hereof, the City Council may also find and declare that weeds on specified parcels of property are seasonal and recurrent nuisances.

Such seasonal and recurrent nuisances shall be abated in accordance with the provisions of this division, provided that upon the second and any subsequent occurrence of such nuisance on the same parcel or parcels within the same calendar year, no further hearings need to be held and it shall be sufficient to mail a post card notice to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the City authorities, in which case the cost of such removal shall be assessed upon the parcel and lands from which or in front of which such weeds are removed and that upon confirmation such cost will constitute a lien upon such parcel or lands until paid.

Section 4-4. Recurrent Nuisances; Preventative Abatement:

- (a) When the City Council has adopted findings and declared that weeds on specified parcels of property are seasonal and recurrent nuisances as provided in Section 4-3, the City Council may provide for the preventive abatement of such seasonal and recurrent nuisance as provided in this section pursuant to California Government Code Section 39562.2.
- (b) The notice required by Section 4-3 shall, in addition to containing all other required matters, state that the efficient and economical control of such seasonal and recurrent nuisance requires preventive chemical control of such weeds, weed seeds and weed seedlings and that the City may require preventive chemical control of such nuisance.
- (c) In the event the City has previously been required to abate such nuisance, the City Council additionally may (before and during the next following germinating season of such weeds) provide for the preventive abatement of such nuisance by using chemical control of such weeds.

Section 4-5. Posting of Notice; Location:

After the City Council has adopted the resolution described in Section 4-2 and 4-3 hereof, the Fire Marshall shall cause notices to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. The Fire Marshall shall post:

- (a) One notice to each separately owned parcel of property of not over fifty (50) feet frontage.
- (b) Not more than two (2) notices to any such parcel of one hundred (100) feet of frontage or less.
- (c) Notices at not more than one hundred (100) feet apart if the frontage of such a parcel is greater than one hundred (100) feet.

Section 4-6. Heading of Notices to Destroy Weeds:

The heading of the notices described in Section 4-5 shall be "Notice to Destroy Weeds and Remove Rubbish, Refuse, and Dirt" in letters not less than one inch in height.

Section 4-7. Text of Notice to Destroy Weeds and Remove Rubbish.

The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND DIRT

Notice is hereby given that on the _____ day of _____, [year] ~~March, 2008~~, the City Council of the City of Calipatria passed a Resolution declaring that noxious or

dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse, and dirt were upon or in front of property on this street, in the City of Calipatria, and more particularly described in the Resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse, and dirt. Otherwise they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse, and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said Resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the City Council of the City of Calipatria to be held [give date], _____ when their objections will be heard and given due consideration.

Dated this _____ day of _____, [year] ~~March~~, 2008.

City of Calipatria Fire Marshall

City of Calipatria

Section 4-8. Alternative to Posting Notice:

- (a) As an alternative to posting notice of the resolution and notice of the meeting when objections will be heard, the City Council may direct the City Clerk to mail written notice of the proposed abatement to all persons owning property described in the resolution. The City Clerk shall cause such written notice to be mailed to each person to whom such described property is assessed in the last equalized assessment roll available on the date the resolution was adopted by the City Council.
- (b) When the County Assessor performs the function of City Assessor, the County Assessor, at the request of the City Clerk shall within ten (10) days thereafter mail to the City Clerk a list of the names and addresses of all of the persons owning property described in the resolution. The address of the owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The City shall reimburse the County for the actual cost of furnishing such a list and the cost shall be a part of the costs of abatement.
- (c) The notices mailed by the City Clerk shall be mailed at least five (5) days prior to the time for hearing objections by the City Council.

- (d) The notices mailed by the City Clerk shall be substantially in the form provided by Section 4-7, except, that notices shall be signed by the City Clerk and the heading of the notice need not comply with Section 4-7.

Section 4-9. City Council Hearing:

At the time stated in the notices, the City Council shall hear and consider all objections to the proposed removal of weeds, rubbish, refuse, and dirt. It may continue the hearing from time to time.

Section 4-10. Council Action; Jurisdiction:

By motion or resolution at the conclusion of the hearing the City Council shall allow or overrule any objections. At that time the City Council acquires jurisdiction to proceed and perform the work of removal.

Section 4-11. Decision of the City Council Final:

The decision of the City Council is final.

Section 4-12. City Council Abatement Order:

If objections have not been made, or after the City Council has disposed of those made, it shall order the Fire Marshall to abate the nuisance by having the weeds, rubbish, refuse, and dirt removed. The order shall be made by Motion or Resolution.

Section 4-13. Entry Upon Pprivate Property:

The Fire Marshall or his agent may enter upon private property to abate the nuisance.

Section 4-14. Abatement by Property Owner; Possible Assessment:

Before the Fire Marshall arrives, any property owner may remove the weeds, rubbish, refuse, and dirt at his own expense. Nevertheless, in any case in which an order to abate is issued, the City Council by Motion or Resolution may further order that a special assessment and lien be imposed pursuant to Section 39577 of the California Government Code. In that case the assessment and lien shall be limited to the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs.

Section 4-15. Account of Abatement Costs:

The Fire Marshall or applicable agent or contractor, shall keep an account of the cost of abatement in front of or on each separate parcel of land where the abatement work is performed. He/she shall submit to the City Council for confirmation an itemized written report showing such cost.

Section 4-16. Posting of Ccopy of Account of Costs:

A copy of the report shall be posted for at least three (3) days prior to its submission to the City Council on or near the front door of City Hall, with a notice of the time of submission.

Section 4-17. City Council Hearing on the Account of Costs:

At the time fixed for receiving and considering the report, the City Council shall hear it with any objections of the property owners liable to be assessed for the abatement. It may modify the report if it is deemed necessary. The City Council shall then confirm the report by Motion or Resolution.

Section 4-18. Authority for City to Contract for Abatement Services:

Abatement of the nuisance may in the discretion of the City Council be performed by contract awarded by the City Council on the basis of competitive bids let to the lowest responsible bidder pursuant to California Public Contract Code Sections 20164, 20166, 20167, and 20170 to 20174 inclusive. In such an event the contractor shall keep the account and submit the itemized written report for each separate parcel of land required by Section 4-15.

Section 4-19. Costs of Abatement of Nuisance; a Special Assessment:

The cost of abatement in front of or upon each parcel of land and the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs, constitutes a special assessment against that parcel. After the assessment is made and confirmed, a lien attaches on the parcel upon recordation of the order confirming the assessment in the office of the County Recorder of Imperial County, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes as imposed by California Government Code Section 39578 and Section 4-20 of this Ordinance would become delinquent, then the lien which would otherwise be imposed by this Section shall not attach to such real property and the costs of abatement and the costs of enforcing abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

Section 4-20. Copy of Costs Report to County Assessor and Tax Collector; to be added to next Regular Tax Bill:

Except as provided in Section 4-19, after confirmation of the report, a copy shall be given to the County Assessor and the Tax Collector, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

Section 4-21. Filing of Certified Copy of Cost Report with County Auditor; Time Limit:

Except as provided in Section 4-19, if the County Assessor and the Tax Collector assess property and collect taxes for the City, a certified copy of the report shall be filed with the County Auditor on or before August tenth. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year.

Section 4-22. Duty of County Auditor:

Pursuant to California Government Code Section 39580, the County Auditor shall enter each assessment on the County Tax Roll opposite the parcel of land.

Section 4-23. Collection of Assessments as Municipal Taxes; Provision for Installment Payments:

Pursuant to California Government Code Section 39581, the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

The City Council may determine that, in lieu of collecting the entire assessment at the time and in the manner of ordinary municipal taxes, such assessments of fifty dollars (\$50.00) or more may be made in annual installments, in any event not to exceed five (5), and collected one installment at a time at the times and in the manner of ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for foreclosure and sale provided for ordinary municipal taxes. The payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the City Council, not to exceed six (6) percent per annum.

Section 4-24. Ability of City to Receive Abatement Costs after Confirmation of Costs Report; Time Limit:

The City Clerk Finance Officer may receive the amount due on the abatement cost and issue receipts at any time after the confirmation of the report and until ten (10) days before a copy is given to the County Assessor and Tax Collector, or, where a certified copy is filed with the County Auditor, until August first following the confirmation of the report.

Section 4-25. City Council Ordered Refund of Taxes; Findings; Claim Procedure:

The City Council may order refunded all or part of a tax paid pursuant to this division if it finds that all or part of the tax has been erroneously levied. A tax or part shall not be refunded unless a claim is filed with the City Clerk on or before November 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax or by the person's guardian, conservator, executor, or administrator.

Section 4-26. Alternative Proceedings:

Pursuant to California Government Code Section 39587, the proceedings provided by this division are an alternative to the procedures established elsewhere by City Ordinance.

Section 4-27. Priority of Nuisance Abatement Lien Assessment:

Pursuant to California Government Code Section 39588, the lien of the assessment described in this division shall have the priority of the taxes with which it is collected.

DIVISION 5. AUTOMOBILES

Section 5-1. Definitions:

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

ABANDONED VEHICLE - Any vehicle which is parked, resting, or otherwise immobilized on any highway or public right-of-way and which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely, as described by California Vehicle Code Section 22669(d).

HIGHWAY - A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

INOPERATIVE VEHICLE - Any motor vehicle that cannot be moved under its own power.

OWNER OF LAND - The owner of the land on which a vehicle, or parts thereof, is or are located, as shown on the last equalized assessment roll.

OWNER OF THE VEHICLE - The last registered owner and legal owner of record.

PUBLIC PROPERTY - Does not include "Highway."

VEHICLE - A device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

VEHICLES OF HISTORIC VALUE - Any motor vehicle defined under California Vehicle Code Section 5004(a) through 5004(f).

Section 5-2. Findings:

In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, hereby is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety to minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly hereinafter permitted, hereby is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Section.

Section 5-3. Scope:

The provisions of this Section shall not apply to:

- (a) A vehicle, or parts thereof, which is or are completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private or private property; or
- (b) A vehicle, or parts thereof, which is or are stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.
- (c) A vehicle of Historic Value as described under California Vehicle Code Section 5004(a) through 5004(f).

Nothing in this Section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this Section.

Section 5-4. Status:

The provisions of this Section are not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory codes, statutes and Ordinances heretofore or hereafter enacted by the City, the State or any other legal entity or agency having jurisdiction.

Section 5-5. Administration and Enforcement:

The provisions of this Division shall be administered and enforced by the Police Chief and/or his/her designee. In the enforcement of this Division, such officers and their designees may enter upon private or public property to examine a vehicle or parts, or obtain information as to the identity of a vehicle. Upon discovery of an abandoned, wrecked, dismantled, or inoperable vehicle, or vehicle parts on public or private property within the City, stored in violation of City Ordinance and constituting a public nuisance as defined by this Division, the Police Chief and/or his/her designee shall have the authority to cause the abatement and removal of the nuisance in accordance with the procedure prescribed herein. When the City Council has contracted with any person or persons for the removal of nuisances, such person or persons shall be authorized to enter upon public or private property to remove or cause the removal of a vehicle or vehicle parts declared to be a nuisance pursuant to this Division.

Section 5-6. Other Authorized Persons:

When the City Council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle, or parts thereof, declared to be a nuisance pursuant to this Section.

Section 5-7. Administrative Costs:

The City Council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or any parts thereof) under this Section, which amount shall be set as fixed sum per vehicle removed or as percentage of the actual cost of removal.

Section 5-8. Abatement and Removal:

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property within the City, the Police Chief shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

Section 5-9. Notice:

A fifteen (15) day notice of intention to abate and remove a vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following form:

NOTICE OF INTENT TO ABATE AND REMOVE AN ABANDONED, WRECKED,
DISMANTLED, OR INOPERATIVE VEHICLE OR VEHICLE PARTS
CONSTITUTING A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at _____ (address), you are hereby notified that the undersigned, pursuant to Ordinances of the City of Calipatria, has determined that there exists upon such land an (or parts of an) abandoned, wrecked, dismantled, or inoperative vehicle registered to (name of registered owner), license number _____ (vehicle license plate if available), which constitutes a public nuisance pursuant to the provisions of Ordinances of the City of Calipatria.

You are hereby notified to abate such nuisance by the removal of such vehicle (or vehicle parts) within fifteen (15) calendar days from the date of mailing of this notice, and upon your failure to do so, the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which such vehicle (or vehicle parts) is located.

As owner of the land on which such vehicle (or vehicle parts) is located, you hereby are notified that you may, within fifteen (15) calendar days after the mailing of this notice of intention, request a Public Hearing and if such a request is not received by the City Council within such fifteen (15) calendar day period, the Police Chief shall have the authority to abate and remove such vehicle (or parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a Public Hearing.

You may submit a Sworn Statement within such fifteen (15) calendar day period denying responsibility for the presence of such vehicle (or said parts of a vehicle) on such land, with your reasons for denial, such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or in lieu thereof may present a Sworn Written Statement as aforesaid in time for consideration at such hearing.

Notice mailed _____ (date)

_____, Police Chief

NOTICE OF INTENT TO ABATE AND REMOVE AN ABANDONED, WRECKED,
DISMANTLED OR INOPERATIVE VEHICLE OR VEHICLE PARTS
CONSTITUTING A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle - Notice should be given to both if different)

As _____ last registered _____ (and/or legal) owner of record of _____ (description of vehicle - make, model, license, etc.), you hereby are notified that the undersigned, pursuant to Ordinances of the

City of Calipatria, has determined that such vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at _____ (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of such Ordinance of the City of Calipatria.

You hereby are notified to abate said nuisance by the removal of said vehicle (or said parts of vehicle) within fifteen (15) calendar days from the date of the mailing of this notice.

As a registered (and/or legal) owner of records of said vehicle (or said parts of a vehicle), you hereby are notified that you may within fifteen (15) calendar days after the mailing of this notice of intention, request a Public Hearing and if such request is not received by the City Council within such fifteen (15) calendar day period, the Police Chief shall have the authority to abate and remove said vehicle (or parts of vehicle) without a hearing.

Notice mailed _____ (date)

_____, Police Chief

Section 5-10. Request for Public Hearing on Question of Abatement and Removal, Notice of Hearing Abatement by the City when Hearing Request not Filed:

- (a) Upon request by the owner of a vehicle or owner of land received by the Police Chief within fifteen (15) calendar days after the mailing of Notices of Intention to Abate and Remove a Vehicle pursuant to the Section, a Public Hearing shall be held by the Development and Review Committee, on the questions of abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the costs of removal of the vehicle or parts thereof against the property on which it is located.
- (b) If the owner of the land submits a Sworn Written Statement denying responsibility for the presence of the vehicle on his/her land within such fifteen (15) calendar day period, such statement shall be construed as a request for a hearing which does not require his/her presence. Notice of the hearing shall be mailed, by registered mail, at least ten (10) calendar days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within fifteen (15) calendar days after mailing of the Notice of Intention to Abate and Remove, the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a Public Hearing.

Section 5-11. Hearing Procedures:

- (a) All hearings under this Section shall be held before the Development and Review Committee, who shall hear all facts and testimony they deem pertinent. Such facts

and testimony may include testimony on the condition of the vehicle, or parts thereof, and the circumstances concerning its location on private or public property. The Development and Review Committee, shall be limited by the Technical Rules of Evidence. The owner of the land may appear in person at the hearing or present a Sworn Written Statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his/her reasons for such denial.

- (b) The Development and Review Committee, may impose such conditions and take such other action as they deem appropriate under the circumstances to carry out the purposes of this Section. They may delay the time for removal of the vehicle, or parts thereof, if, in their opinion, the circumstances justify it. At the conclusion of the Public Hearing, the Development and Review Committee, may find that a vehicle, or parts thereof, has or have been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle, or parts thereof, and the correct identification number and license number of the vehicle, if available at the site.
- (c) If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he/she has not subsequently acquiesced in its presence, the Development and Review Committee, shall not assess the costs of administrative or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

Section 5-12. Appeal:

If the owner of a vehicle or the owner of land is aggrieved by any decision of the City Manager at the hearing provided for in this Section, he/she may appeal the decision of the City Manager to the City Council by filing a Written Notice of Appeal with the City Clerk and paying a fee in the amount of fifty dollar (\$50.00) within five (5) calendar days after the decision of the City Manager. The City Council shall fix a time and place for hearing such appeal and the City Clerk shall give Written Notice of the time and place thereof in accordance with the requirements provided for the original hearing. The hearing shall be conducted in the same manner as provided for the hearing by the City Manager, and the City Council may affirm, modify or reverse the order or take other action deemed appropriate.

Section 5-13. Abate and Removal after Hearing:

Five (5) calendar days after the decision of the City Manager, or the City Council if appealed, declaring a vehicle or parts thereof to be a public nuisance, or five (5) calendar days from the date of mailing of notice of the decision of such notice as required by this

Section, the vehicle or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

Section 5-14. Notification to Department:

Within five (5) calendar days after the date of removal of a vehicle, or parts thereof, pursuant to this Section, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificate of title and license plates.

Section 5-15. Assessment of Costs:

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to this Section are not paid within thirty (30) calendar days of the date of the decision, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the County Tax Collector for collection. Such assessment shall have the same priority as other City taxes.

Section 5-16. Abandonment, Etc.; Misdemeanor:

It shall be unlawful and a misdemeanor for any person to abandon, park, store or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle, or parts thereof, which is in an abandoned, wrecked, dismantled or inoperative condition upon any private or public property not including highways within the City for a period in excess of ten (10) days unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner upon private property in connection with the business of a licensed dismantler, licensed vehicle dealer or junkyard.

Section 5-17. Failure or Refusal to Remove; Misdemeanor:

It shall be unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Section or State Law where such State Law is applicable.

Section 5-18. Vehicles on Land of Another:

It shall be unlawful for any person to operate any motorcycle, motor-driven cycle, minibike, trail bike, motor scooter, jeep, dune buggy, or other motor vehicle on real property owned or occupied by another without the written consent of all the owners and occupiers in such operator's possession, unless the owners of the property have posted the

property permitting such use; provided, however, that this prohibition does not include the operation of a vehicle or cycle having a valid California Vehicle Registration by any person possessing a valid California operator's license, upon a public street or highway; provided, further, that this prohibition shall not apply to a public officer or employee acting within the course and scope of his/her employment; provided, further, that, the provisions of this Section shall not apply to the operation of such vehicles on driveways, parking lots, race courses, or other places where the public is invited to operate such vehicles so long as such vehicle is operated in the reasonable and ordinary manner customary for such use.

DIVISION 6. ABANDONED RESIDENTIAL PROPERTY

Section 6-1. Purpose/Scope:

It is the purpose and intent of the Calipatria City Council, through the adoption of this Section, to establish an abandoned residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

Section 6-2. Definitions:

The purpose of this Section, certain words and phrases used in the Ordinance are defined as follows:

ABANDONED - a property that is vacant and is under a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessor's Lien Sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a Deed of Trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

ACCESSIBLE PROPERTY - a property that is accessible through a compromised/breached gate, fence, wall, etc.

ACCESSIBLE STRUCTURE - a property that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

AGREEMENT - any agreement or written instrument which provides that title to residential property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer, or exchange.

ASSIGNMENT OF RENTS - an instrument that transfers the beneficial interest under a Deed of Trust from one lender/entity to another.

BENEFICIARY - a lender under a Note Secured by a Deed of Trust.

BUYER - any person, co-partnership, association, corporation, or fiduciary who agrees to transfer anything of value in consideration for property described in an Agreement of Sale, as defined in this subsection.

DANGEROUS BUILDING - any building structure that is in violation of any condition referenced in Division 6 of this Ordinance.

DAYS - consecutive calendar days.

DEED OF TRUST - an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan and often used in California instead of a mortgage. This definition applies to any and all subsequent Deed of Trust, i.e., second Trust Deed, third Trust Deed, etc.

DEED IN LIEU OF FORECLOSURE/SALE - a recorded document that transfers ownership of a property from the Trustor to the holder of a Deed of Trust upon consent of the beneficiary of the Deed of Trust.

DEFAULT - the failure to fulfill a contractual obligation, monetary or conditional.

DISTRESSED - a property that is under a current Notice of Default and/or Notice of a Trustee Sale and/or pending Tax Assessor's Lien of Sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary/trustee via a Deed in lieu of foreclosure/sale.

EVIDENCE OF VACANCY - any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers, and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

FORECLOSURE - the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.

LOCAL - within 10 road/driving miles distance of the subject property.

NEIGHBORHOOD STANDARD - the conditions that are present on a simple majority of properties within a 300-foot radius of an individual property. A property that is the subject of a neighborhood standard comparison, or any other abandoned property within the 300-foot radius, shall not be counted toward the simple majority.

OUT OF AREA - in excess of 10 road/driving miles distance of the subject property.

OWNER - any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

OWNER OF RECORD - the person having recorded title to the property at any given point in time is provided by the Imperial County Recorder's Office.

PROPERTY - any unimproved or improved real property, or portion thereof, situated in the City and includes the buildings or structures located on the property regardless of conditions.

RESIDENTIAL BUILDING - any improved real property, or portion thereof, situated in the City, designated or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted and/or zoned for such use.

SECURING - such measures as may be directed by the Building Official or his/her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair of boarding of door, window and/or other openings. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required.

TRUSTEE - the person, firm, or corporation holding a Deed of Trust on a property.

TRUSTOR - a borrower under a Deed of Trust, who deeds property to a trustee as security for the payment of debt.

VACANT - a building/structure that is not legally occupied.

Section 6-3. Recordation of Transfer of Loan/Deed of Trust/Assignment of Rents:

Within ten (10) calendar days of the purchase and/or transfer of a loan/Deed of Trust secured by residential property the new beneficiary/trustee shall record with the County of Imperial Recorder's Office, an assignment of rents, or similar document, that lists the name of the corporation, and/or individual, the mailing address and contact phone number of the new beneficiary/trustee responsible for receiving payments associated with the loan/Deed of Trust.

Section 6-4. Registration:

Any beneficiary/trustee, who holds a Deed of Trust on a property located within the City of Calipatria, shall perform an inspection of the property that is the security for the Deed

of Trust, upon default by the trustor, prior to recording a Notice of Default with the County of Imperial Recorder's Office. If the property is found to be vacant or shows evidence of vacancy, it is, by this Ordinance, deemed abandoned and the beneficiary/trustee shall, within ten (10) days of the inspection, register the property with the Finance Department on forms provided by the City.

If the property is occupied but remains in default it shall be inspected by the beneficiary/trustee, or his/her designee, monthly until (1) the trustor other or party remedies the default or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the trustee shall, within ten (10) calendar days of that inspection, register the property with the Finance Department on forms provided by the City.

In either case the registration shall contain the name of the beneficiary/trustee (corporation or individual), the direct street/office mailing address of the beneficiary/trustee, a direct contact name and phone number for the beneficiary/trustee and, in the case of a corporation or out-of-area beneficiary/trustee, the local property management company responsible for the security, maintenance, and marketing of the property. Registration fee will not be prorated.

An annual registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due.

This Section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a Deed of Trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

Properties subject to this Ordinance shall remain under the annual registration requirement, security, and maintenance standards of this Section as long as they remain vacant.

Any person, firm or corporation that has registered a property under this Ordinance must report any change or information contained in the registration within ten (10) calendar days of the change.

Section 6-5. Maintenance Requirements:

Properties subject to this Section shall be, in comparison to the neighborhood standards, kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by Federal, State, or Local Law, discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

Visible front and side yards shall be landscaped and maintained to the neighborhood standard at the time registration was required.

Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.

Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material.

Maintenance includes but is not limited to regular watering, irrigation, cutting, pruning, and moving of required landscape and removal of all trimmings.

Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California.

Adherence to the Section does not relieve the beneficiary/trustee or property owner of any obligations set for in any covenants, conditions and restrictions and/or homeowner's association rules and regulations which may apply to the property.

Section 6-6. Security Requirements:

Properties subject to this Section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

Secure manner includes but is not limited to the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s). In the case of broken windows securing means the reglazing or boarding of the window.

If the property is owned by a corporation and/or out-of-area beneficiary/trustee/owner, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this Section, and any other applicable laws, are being met.

The property shall be posted with name and 24-hour contact phone number of the local property management company. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." the posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from

the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of and printed with weather resistant materials.

The local property management company shall inspect the property on a weekly basis to determine if the property is in compliance with the requirements of this Ordinance.

Section 6-7. Additional Authority:

In addition to the enforcement remedies established in this Ordinance, the Building Official or his/her designee shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any property affected by this Section to implement additional maintenance and/or security measures, including but not limited to securing any/all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

Section 6-8. Fees:

The fee for registering an abandoned residential property shall be set by Resolution of the City Council.

Section 6-9. Enforcement:

Violation of this Ordinance may be enforced in any combination as allowed in the Calipatria Municipal Code.

Section 6-10. Receivership Authority

If a property is found to be in chronic violation of City maintenance standards or presents ongoing threats to public health, safety, or welfare, and if fines, vacant lot taxes, and abatement efforts have not resulted in compliance, the City may pursue legal action to place the property into receivership in accordance with California Health and Safety Code Sections 17980.6 and 17980.7. The City Attorney, upon direction from the City Council, may petition the County of Imperial Superior Court to appoint a receiver to take possession of the property, remediate conditions, and manage or dispose of the property in accordance with state law. Receivership shall be considered a last resort after all reasonable efforts to obtain voluntary compliance have failed.

Section 6-11. Appeals:

If the owner of a property is aggrieved by any decision of the City Manager at the hearing provided for in this Section, he/she may appeal the decision of the City Manager to the City Council by filing a Written Notice of Appeal with the City Clerk and paying a fee in

the amount of fifty dollar (\$50.00) within five (5) calendar days after the decision of the City Manager. The City Council shall fix a time and place for hearing such appeal and the City Clerk shall give Written Notice of the time and place thereof in accordance with the requirements provided for the original hearing. The hearing shall be conducted in the same manner as provided for the hearing by the City Manager, and the City Council may affirm, modify or reverse the order or take other action deemed appropriate.

Section 6-12. Violation/Penalty:

Violations of this Ordinance shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this Section shall be subject to prosecution and/or administrative enforcement under the Calipatria Municipal Code.

Section 6-13. Severability:

Should any provision, Section, paragraph, sentence or word of this Ordinance be determined or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, Section, paragraphs, sentences or words of this Ordinance shall remain in full force and effect.

DIVISION 75. EMERGENCY PROCEDURE

Section ~~75~~-1. Emergency ~~A~~abatement:

- (a) Whenever any nuisance as defined herein constitutes an immediate hazard to life, health or property and, in the opinion of the applicable abatement official including, without limitation, the Fire Marshal, ~~the Public Works Director~~, Code Enforcement ~~Official~~Officer, (or their designee or representative), abatement must be undertaken within less than the designated period, the Fire Marshall may abate or cause to be abated all or any portion of the nuisance as may be necessary to protect life, health or property. Notice shall be given to the parties concerned as circumstances will permit, but notice need not be given whenever, in the opinion of the Fire Marshall with the approval of the City Attorney, immediate action is necessary.
- (b) Any attractive nuisance dangerous to children shall be abated by emergency abatement procedures.

Section ~~75~~-2. Notice to City Council:

Whenever an emergency abatement action is taken pursuant to the preceding section, the applicable abatement official including, without limitation, the Fire Marshal, ~~the Public Works Director~~, Code Enforcement ~~Official~~Officer, (or their designee or representative) shall submit to all members of the City Council a written report indicating the location of the nuisance and the reasons requiring emergency abatement thereof. A copy of this report

shall be attached to, or included as part of, notice to the owner of record when notice is given as previously provided in this division article. Additionally, said official or his designee will direct a copy of this report to the board of appeals (where such board is other than the City Council).

DIVISION 86. CRIMINAL VIOLATION

Section 86-1. Maintaining a Public Nuisance is a Misdemeanor:

- (a) Whenever in this Ordinance an act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision or the failure to perform any such act shall be a crime chargeable as a misdemeanor, (unless charged as an infraction by the City Attorney) and shall be punished by a fine not exceeding one thousand dollars (\$ 1,000.00) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment at the discretion of the court.
- (b) Violation of any provision of this Ordinance shall be a misdemeanor unless by such provision it is made an infraction or unless it is charged as (or reduced to) an infraction by the City Attorney. Such a violation may be prosecuted in the name of the people of the state, or redressed by civil action. Every violation determined to be an infraction is punishable by:
 - (1) A fine not exceeding one hundred dollars (\$ 100.00) for a first violation;
 - (2) A fine not exceeding five ~~two~~ hundred dollars (~~\$5~~200.00) for a second violation of the same provision within one (1) year;
 - (3) A fine not exceeding one thousand five hundred dollars (~~\$1,000.00~~ 500.00) for third violation of the ~~each additional violation of the~~ same provision within one (1) year.
 - (4) A fine not exceeding two-thousand five hundred dollars (\$2,500.00) for each additional violation of the same provision within one (1) year.
 - (5) If a property owner has accrued three or more violations within a 24-month period, they may be subject to a misdemeanor citation, punishable by fines up to \$5,000 and/or civil action initiated by the City Attorney. Chronic non-compliance may also result in the City pursuing a receivership action to take control of the property for remediation and redevelopment.

- (c) Each day any such violation or failure to perform such act shall continue shall constitute a separate offense, unless otherwise specifically provided.

Section ~~86~~-2. Notice to Aappear in Court:

Whenever any person is arrested or cited for a violation of this Ordinance, and such person is not immediately taken before a magistrate as more fully set forth in the Penal Code of California, the arresting officer shall prepare at least in duplicate a written notice to appear in court that shall contain the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court and shall fully follow the provisions of Section 853.6 of the Penal Code.

Section ~~86~~-3. Failure to Aappear in Court or Post Bail:

Any person willfully violating his written promise to appear in court or before an officer authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Section ~~86~~-4. Warrant for Aarrest for Failure to Aappear:

- (a) Whenever any person who has signed, as provided in Section ~~4-5 or 6~~-2, a written promise to appear at a time and place specified in his written promise to appear and has not posted bail, as provided in Section 853.6 or 1269b of the Penal Code, the magistrate shall issue and have delivered for execution a warrant for such person's arrest within twenty (20) days after failure of such person to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within twenty (20) days after delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.
- (b) When such person violates his written promise to appear before an officer authorized to accept bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

DIVISION 97. PRIOR ORDINANCES REPEALED AND AMENDED

Section ~~97~~-1. Prior Ordinances Repealed and Amended:

Calipatria Ceity Ordinances 63, 72 and 323 are hereby repealed and Ordinance 08-001 amended.

DIVISION 108. EFFECTIVE DATE

Section ~~108~~-1. Effective Date:

This Ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after passage, a summary hereof shall be published once with the names of the members of this City Council voting for and against it in a newspaper of general circulation published in the County of Imperial.”

SECTION 3: The City Council finds and determines that this Ordinance is exempt from further review from the California Environmental Quality Act (CEQA) via Section 15061(b)(3) of the CEQA Guidelines for Implementation of the California Code of Regulations.

SECTION 4: If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

SECTION 5: This Ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the City of Calipatria, together with the names of the members of the City Council voting for and against the same.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calipatria at a regularly scheduled meeting held on this 13th day of May 2025, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Michael Luellen, Mayor

Attest: _____

Jane Hurtado, City Clerk



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: May 6, 2025

Submitted By: Jesse Llanas, Fire Chief

Council Meeting Date: May 13, 2025

Discussion / Action

Subject: Intergovernmental Agreement Between Imperial County Sheriff's Office and the Calipatria Fire Department

Background: This an agreement between the Imperial County Sheriff's Office and Calipatria Fire Dept. for the use and access of Pro Phoenix, which is the new CAD system used by Imperial County Sheriff's for all Police depts. and Fire Depts. as well. This access will allow us to help input important info into our incident reporting system, ESO. To better help the Calipatria fire dept. with incident report keeping.

Recommendation:

Staff recommends the City Council's approval of the attached agreement and authorize the Fire Chief to execute the agreement.

Fiscal Impact:

\$1,750

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
IMPERIAL COUNTY SHERIFF'S OFFICE
AND
CALITPATRIA FIRE DEPARTMENT**

This Intergovernmental Agreement (Agreement) is made and entered into this ____ day of _____, 2025, by and between Imperial County Sheriff's Office ("ICSO") and the Calipatria Fire Department (CFD) individually referred to as "party" and collectively referred to as "parties."

RECITALS

WHEREAS, the Parties to this Agreement are each committed to excellence in the delivery of fire, law enforcement, emergency medical, and related services

WHEREAS, the Parties to this Agreement believe that interoperability, the ability for fire agencies and communications centers to seamlessly integrate with each other, is a critical component public safety computer aided dispatch and mobile data system ("CAD System"), Records Management System ("RMS System") and

WHEREAS, Imperial County Sheriff's Office ("ICSO") and Calipatria Fire Department (CFD) desire to enter into this Agreement with respect to both the costs and use of fire and medical information interfacing from the Pro Phoenix System; and

WHEREAS, the implementation of this Agreement will substantially further the parties' objective to ensure public safety, health and welfare; and related services

WHEREAS, it is not the intent of this Agreement to form a joint powers entity and this is simply an intergovernmental agreement.

NOW, WHEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. Overview of Agreement

1.1 Background

ICSO and CFD have agreed on the Application Programming Interfaces (API) to the Pro-Phoenix System, a method of sharing fire and medical information that permits the electronic set

of rules and protocols that allows different software applications to communicate and exchange data with each other and integrated into a Fire records management system. The implementation of the application programming interface to the Pro-Phoenix System serves as a solution to the problem of inaccessible or irretrievable information as a result of disparate information systems that lack a common platform and the difficulty in sharing data across jurisdictional boundaries.

1.2 Intended Benefits

By facilitating the sharing of medical and fire information, they are benefitted by increased efficiency and cost savings strategic partnership and sharing of resources, and the health, safety and general welfare of the public is benefitted by efforts to provide a safe and secure community through coordinated, efficient, and effective public safety services. The Data API to the Pro-Phoenix System provides you with all your up-to-the-minute incident data the way you need it for automatic and optimized reporting. Plus, with the ability to integrate with third-party tools at the cost of each fire agency, the visualization possibilities are endless and will provide efficient effective support for the delivery of public safety services to people who need help; provide communications support for first responders; provide records management support for first responders.

1.3 Purpose of Agreement

The purpose of this Agreement is to define the rights and obligations of the Imperial County Sheriff's Office and the Calipatria Fire Department with respect to the coordinated procurement, installation, hardware, ownership, ongoing maintenance, and upgrades of the countywide Computer Aided Dispatch (CAD), Records Management System (RMS) and application programming interface (API). The data API interface offers a set of rules and protocols that allow different software applications and devices to communicate and exchange data with each other. As an integrated suite of software products for Emergency Medical Service (EMS) agencies, fire departments that are transforming the way first responders collect, share, report, and analyze critical information to improve community health and safety. By signing this Agreement, the Calipatria Fire Department, agree to adhere to the guidelines specified in this Agreement and support the public benefit derived from the electronic sharing of public safety information.

1.4 Agency Participation

Pro Phoenix System is a data repository node containing information from authorized fire agencies in the Imperial County region. The Application programming interface to Pro-Phoenix System and the contributing agencies are: Imperial County Fire, El Centro Fire, Calexico Fire, Brawley Fire, Westmorland Fire, Calipatria Fire, Holtville Fire along with any additional contributing fire agencies as must be approved by the Imperial County Sheriff's Office.

1.5 Termination and Amendment

TERMINATION BECAUSE OF MATERIAL BREACH. In the event that any Party materially breaches this Agreement, the Calipatria Fire Chief shall deliver written notice of the breach and request to cure. A "material breach" shall be defined as a failure to perform a term of the

Agreement which is an essential bargained for element of the agreement. If such breach is not cured within thirty (30) days of the written notice thereof, the Imperial County Sheriff's Office may, without further notice or demand, in addition to all other rights and remedies provided in this Agreement, at law or in equity, terminate this Agreement and recover any damages to which it is entitled as a result of said breach.

TERMINATION BY MUTUAL CONSENT. Party may request to terminate this Agreement provided the Imperial County Sheriff's Office is notified in writing within 30 days.

TERMINATION UPON THREE (3) YEAR'S NOTICE FROM EFFECTIVE DATE. Following three (3) years from the Effective Date of this Agreement, Party may terminate its participation in this Agreement, with or without breach, by giving written notice to the Imperial County Sheriff's Office of the intent to terminate, at least thirty (30) days prior to the termination date.

TERMINATION UPON FAILING TO MAKE FINANCIAL COMMITMENTS. In the event the Party fails to properly authorize and appropriate any necessary financial commitments, including costs contemplated, the Party may, but is not required, deliver written notice of intent to terminate within thirty (30) days. The Parties agree to exercise good faith efforts to participate in the Amendment process. If the required Amendment is not executed, then the termination is effective upon the expiration of the thirty (30) days, unless extended by agreement of the Parties. This provision is intended to be used to ensure a pre-audited funding commitment from each party.

This Agreement shall continue in full force until Fire agencies provide thirty (30) days prior written notice to any agency of its intent to terminate the other agency's access to its records through the methods provided in this agreement.

1.6 Emergency Suspension of Operations

The Imperial County Sheriff (ICSO) may temporarily suspend information sharing activities for good cause in an emergency until ratification of any termination of this Agreement occurs or the emergency is resolved. ICSO shall use its best efforts to provide oral notice as soon as possible and shall provide agencies with a written notice within twelve (12) hours of the suspension action taken. Such notice shall include the nature and length of the emergency and its proposed resolution.

1.7 Compensation

Compensation for services, maintenance fees, changes in interfaces, hardware shall be provided to ICSO according to the terms outlined below and incorporated by this reference herein. CFD shall contribute to compensation in the following amounts:

- \$1,750 annually. This amount is subject to annual adjustments based on inflation and any significant increases in the costs of hardware or related materials.

2. Authorized Release of Information

2.1 Sharing of Information

It is the responsibility of the Calipatria Fire Chief to specify which data points to share and any other special requirements. Calipatria Fire Chief designee will be given Administration privileges to make software adjustments requested by all fire agencies.

2.2 Liability

Each authorized agency is solely responsible and liable for any damages, losses, claims, judgments, and expenses resulting from injury to any person or damage to any properties, which arise out of its own employee's performance and use of the Data Application programming interface and does not create joint and several liabilities of any kind.

2.3 Indemnification

Each authorized agency that accesses information shall indemnify, defend, and hold harmless the other authorized agencies of their County or Cities, City Councils, Board of Supervisors and other elected officials, board and commissions, officers, agents, and employees (collectively, the Indemnified Parties") from and against any and all claims (including, without limitation, claims for bodily injury, death, or damage to property), demands, obligations damages, actions, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever (individually a "Claim;" collectively, Claims"), which may arise from the improper use or release of information obtained through the Data Application programming interface from the Pro-Phoenix System Data by the accessing Fire authorized agency, including as a result of the negligent and/or willful acts, errors, and/or omissions of the accessing authorized agency, its principals, officers, agents, employees, elected officials, and anyone employed directly or indirectly by them or for whose acts they may be liable.

Notwithstanding the foregoing, nothing herein shall be construed to require an authorized agency to indemnify the Indemnified Parties from any Claim arising from the sole negligence or willful misconduct of any of the Indemnified Parties. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by the accessing agency.

Nothing in this indemnity shall be construed as authorizing any award of attorney's fees in any action onto enforce the terms of this Agreement

3. INTENDED USE OF THE SYSTEM

3.1 Intended Use

Users acknowledge that the information exchange information from the Pro-Phoenix System will be shared and used for authorized purposes only permitted by law. No user can use or share the information for any unethical, illegal, or criminal purpose.

4. UNDERSTANDING ON CONFIDENTIALITY OF INFORMATION

4.1 Information Confidentiality

Each authorized user agrees that shared information is confidential and not subject to public disclosure, except as required by law. Only agency employees that have an authenticated login and password are allowed to view and use the information. The information will otherwise be kept confidential.

4.2 Internal Request for information

An authorized user who receives a request from a non-authorized requestor for information on the exchange information (of which they are not the originating source) shall not release that information but may refer the requestor to the agency that is the source. An authorized user who receives a court order to release information will immediately provide a copy of the court order to the owner/source agency that originally provided the information and to their own Agency System Administrator. The owner/source agency is responsible for preparing a timely response to the court order or, in the event of a failure to respond, allows the agency to respond as necessary to comply with the order. Any challenge or objection to the order is the responsibility of the owner/source agency.

4.3 Confidential Records

An agency that only wants data from its fire records management system to be made available to a select group of the authorized user is responsible for placing the appropriate restriction indicator on the underlying data in the agency's internal records management system or database.

5. SYSTEM ACCESS

5.1 Network Access

Access to authorized agencies information will provide utilizing network configuration that is mutually acceptable.

5.2 System Availability

The Imperial County Sheriff's Office will maintain, troubleshoot and repair the Pro-Phoenix System. All customer relationship management (CRM) with Pro-Phoenix will be handled by ICSO. Third-party connections and/or interfaces will go through a troubleshooting process prior to contacting the Imperial County Sheriff's Office. Reviewing and correcting any such problems will be handled during the work week and under normal operating hours (8:00 a.m. – 5:00 p.m.). Problems with the Pro-Phoenix server will be handled as a top priority 24 hours a day, 7 days a week. Downtime will be limited during normal operating hours for System maintenance activities. The Imperial County Sheriff's will inform each party in advance, whenever possible, of scheduled system downtimes. The availability of the fire data API to software integration is the sole responsibility of the Fire agencies.

6. AGREEMENT TERMS

6.1 Term

The term of this Agreement will commence on the date that is adopted by the Calipatria Fire Department and the Imperial County Sheriff's Office.

6.2 **Changes to agreement**

Based on ongoing monitoring the fire agencies may propose other changes to this Agreement. It may be modified or amended only by written documents submitted to the Imperial County Sheriff's Office.

6.3 **Supplemental Policies**

All participating authorized agencies of this Agreement shall agree to abide by the following terms written in the Imperial County Law Enforcement Shared Data System Policies as agreed upon by those authorized agencies.

All Fire authorized agencies that operate their own computers or networks may add individual guidelines which supplement, but do not relax, this Agreement.

6.4 **Sanctions for Non-Compliance**

If any Fire Department, violates the guidelines of this Agreement with regard to accessing, sharing, or using information, that agency may be disconnected from the Pro-Phoenix System. The offending agency will be provided with ninety (90) day prior written notice of the opportunity to correct the violation. Continued failure to correct the violation or otherwise meet the terms of this Agreement will result in the termination of system access for the offending agency. All disputes concerning system access shall be determined by the mutual agreement of the authorized agencies and the Imperial County Sheriff's Office.

6.5 **Additional Costs**

Each party shall be responsible for its own costs associated with establishing, maintaining, terminating, or implementing new software/hardware this data sharing connection as indicated. Nothing in this Agreement shall be construed to mean Parties incur new costs.

6.6 **Party Participation**

The party shall designate in writing an authorized representative to participate in quarterly meetings to the Imperial County Sheriff's Office. The party shall use their best efforts to attend scheduled meetings.

7. **Sign-off On Execution of Policy**

By signing this Agreement, fire agencies agree in their participation of authorized agencies and all representatives from fire agencies to contributing or to exchange information from the Pro-Phoenix System, agree to implement and adhere to the provisions as outlined.

{Signatures on the Following Page}

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first written above.

COUNTY OF IMPERIAL

By: _____
John Hawk, Chairman
Imperial County Board of Supervisors

ATTEST:

By: _____
Blanca Acosta, Clerk of the Board,
County of Imperial, State of California

APPROVED AS TO FORM:

Eric R. Havens,
County Counsel

By: _____
Andrew Briseno,
Deputy County Counsel

Imperial County Sheriff's Office

By: _____
Frederico Miramontes, Sheriff

Calipatria Fire Dept.

By: _____
Jesse Llanas, Fire Chief



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: May 8, 2025

Submitted By: Laura Gutierrez, City Manager/CFO

Council Meeting Date: May 13, 2025

Discussion / Action

Subject: CR&R 2025-2026 Annual Rate Adjustment for Solid Waste and Recycling Services

Background:

The City of Calipatria has an agreement with CR&R for residential and commercial waste and recycling collection services. The 2022 restated and amended agreement calls for an annual adjustment to reflect the change in various costs categories of the Producers Price Index (PPI) and the Consumer Price Index (CPI). The annual adjustment is limited to a maximum of 4% annually and implemented on July 1 or each year. For the upcoming fiscal year, the residential increase is 2.3% and the adjustment will change from \$25.25 per month to \$25.81 a \$0.56 increase to residential bill (for accounts with only one set of carts).

Recommendation:

Staff recommends the City Council approve the Annual Rate Adjustment in accordance with the terms of the Agreement.

Fiscal Impact:

Pass through cost.



March 24, 2025

Ms. Laura Gutierrez
City of Calipatria
125 Park Street
Calipatria, California 92233

Re: Annual Rate adjustment for Solid Waste and Recycling Services for 2025-2026

Dear Ms. Gutierrez:

We have prepared for your review the solid waste rate adjustments based upon the formulas within our Franchise Agreement.

As provided for in the 2022 restated and amended agreement in Article 6, Sections 6.3 through 6.4 of the Franchise Agreement between the City of Calipatria and CR&R Incorporated for Integrated Solid Waste Management, the rates illustrated in Exhibit "3A" shall be adjusted annually to reflect the change in various cost categories of the Producers Price Index (PPI) and the Consumer Price Index (CPI). The indexes used are the actual December to December indexes for 2023 to 2024. Due to the notification requirement, some indexes are considered preliminary (P), but often do not change when finalized. The annual adjustment is limited to a maximum of 4% annually and is implemented July 1st of each year.

As such, we have supplied copies of the U.S. Department of Labor Statistics for the 12-month change (December to December). The calculations utilized in the attached Forms give an exact number to each category, based upon our contractual arrangement. The contractual CPI index has also been utilized for the disposal change. Rates for services not listed in the attached worksheets will be adjusted according to the percentage change within each service type category.

With your review and approval, the adjustments will be implemented with the both the City and CR&R's July 1, 2025 billing.

As always, it is a pleasure being of service to the City of Calipatria.

Respectfully submitted,

Matthew Gray
Sustainability Specialist II
CR&R Environmental Services

cc: Dean Ruffridge
Francisco Ochoa
Maria Lazaruk
Chrystal Denning
Victor Carrillo

11292 Western Ave
P. O. Box 125
Stanton, CA 90680

t: 800.826.9677
f: 714.826.9049
f: 714.890.6347

EXHIBIT 3A

Following are the rates for July 1, 2025 through June 30, 2026:

Residential Service						Rate	
Cart Service - one each refuse, recycling, and green waste cart						\$ 24.97	per month
Additional Refuse Cart						\$ 13.58	per month
Additional Recycling Cart (no charge)						\$ -	per month
Additional Green Waste Cart (no charge)						\$ -	per month
Additional Special Overage pickup for Automated Cart Customers						\$ 6.79	per pickup
Additional Bulky item pickups (in excess of three per year)						\$ 27.25	per item
China Sword						\$ 0.84	per month
Total Residential						\$ 25.81	

Approved

Bin and Commercial Cart Rates								
Container Size	Monthly Rate (Based on pickups per week)						Rate per Extra P/U	
	1	2	3	4	5	6	Bin	Comm Cart
96-gallon	\$ 40.28	\$ 68.06	\$ 95.81	\$ 123.59	\$ 151.36	\$ 179.16	\$ 48.61	\$ 20.84
2 cubic yard	\$ 112.50	\$ 201.79	\$ 291.66	\$ 381.93	\$ 486.09	\$ 555.54	\$ 48.61	\$ 20.84
3 cubic yard	\$ 127.06	\$ 225.99	\$ 326.36	\$ 436.09	\$ 527.76	\$ 644.42	\$ 48.61	\$ 20.84
4 cubic yard	\$ 137.49	\$ 262.49	\$ 381.93	\$ 624.97	\$ 763.85	\$ 818.01	\$ 48.61	\$ 20.84
6 cubic yard	\$ 304.16	\$ 443.01	\$ 581.88	\$ 720.80	\$ 859.68	\$ 998.56	\$ 48.61	\$ 20.84
Organics Rates:							Extra Pickup	
35-gallon food	\$ 43.15	\$ 75.47	\$ 107.76	\$ 140.04	\$ 172.34	\$ 204.66	\$ 21.26	
65-gallon food	\$ 50.18	\$ 89.51	\$ 128.85	\$ 168.15	\$ 207.48	\$ 246.81	\$ 21.26	
95-gallon green	\$ 50.67	\$ 90.48	\$ 130.29	\$ 170.06	\$ 209.88	\$ 249.70	\$ 21.26	
300-gallon green	\$ 151.98	\$ 271.44	\$ 390.87	\$ 510.19	\$ 629.66	\$ 749.11	\$ 49.60	
Recycling Rates at 60% of MSW							Extra Pickup	
96-gallon	\$ 24.17	\$ 40.84	\$ 57.49	\$ 74.15	\$ 90.82	\$ 107.50	\$ 12.35	
2 cubic yard	\$ 67.50	\$ 121.07	\$ 175.00	\$ 229.16	\$ 291.65	\$ 333.32	\$ 28.83	
3 cubic yard	\$ 76.24	\$ 135.59	\$ 195.82	\$ 261.65	\$ 316.66	\$ 386.65	\$ 28.83	
4 cubic yard	\$ 82.49	\$ 157.49	\$ 229.16	\$ 374.98	\$ 458.31	\$ 490.81	\$ 28.83	
6 cubic yard	\$ 182.50	\$ 265.81	\$ 349.13	\$ 432.48	\$ 515.81	\$ 599.14	\$ 28.83	

Roll-Off Box Charges	Rate
Standard Roll-Off Box - Rate per pull	\$ 320.80
Compactor Roll-Off Box - Rate per Pull (excluding rental)	\$ 412.05
Tonnage Charge, per ton (refuse)	\$ 69.35
Tonnage Charge, per ton (construction and demolition debris)	\$ 84.59
Recyclable Material R/U Base	\$ 481.17
Recyclable Material Roll-Off Service	200% of pull rate
Overweight per Ton Charge (charge per each ton beyond 16 tons/load)	200% of standard gate rate
Roll-Off Box Rental Charge - per day for each day beyond 14 days	\$ 21.38 per additional day beyond 14 days
Dry Run - pickup of empty roll-off box	\$ 142.57
Blocked Pickup	\$ 71.30

Service Category	Rate Per Service
Temporary Bin Services:	
3 cubic yard bin, per dump	\$ 68.10
4 cubic yard bin, per dump	\$ 81.72
6 cubic yard bin, per dump	\$ 122.60
Bin rental (when less than one dump each 14 day period)	\$ 40.87
Blocked pickup	\$ 47.68
Locking Bins - monthly service charge:	
1x week	\$ 6.80
2x week	\$ 13.62
3x week	\$ 20.44
4x week	\$ 27.25
5x week	\$ 34.06
6x week	\$ 40.87
Other Commercial Services:	
Commercial Bulky Item Pickup	\$ 27.25
Extra Bin Cleanings (beyond one free per year)	\$ 54.50
Contamination Charge, per occurrence	\$ 54.53
Commercial CUB Delivery Fee, per occurrence	\$ 32.72

EXHIBIT 3A

Following are the rates for July 1, 2024 through June 30, 2025:

Residential Service	Rate
Cart Service - one each refuse, recycling, and green waste cart	\$ 24.41 per month
Additional Refuse Cart	\$ 13.27 per month
Additional Recycling Cart (no charge)	\$ - per month
Additional Green Waste Cart (no charge)	\$ - per month
Additional Special Overage pickup for Automated Cart Customers	\$ 6.64 per pickup
Additional Bulky item pickups (in excess of three per year)	\$ 26.64 per item
China Sword	\$ 0.84 per month
Total Residential	\$ 25.25

Approved

Bin and Commercial Cart Rates								
Container Size	Monthly Rate (Based on pickups per week)						Rate per Extra P/U	
	1	2	3	4	5	6	Bin	Comm Cart
96-gallon	\$ 39.37	\$ 66.53	\$ 93.66	\$ 120.81	\$ 147.96	\$ 175.13	\$ 47.52	\$ 20.37
2 cubic yard	\$ 109.97	\$ 197.25	\$ 285.10	\$ 373.34	\$ 475.16	\$ 543.05	\$ 47.52	\$ 20.37
3 cubic yard	\$ 124.20	\$ 220.91	\$ 319.02	\$ 428.29	\$ 515.89	\$ 629.93	\$ 47.52	\$ 20.37
4 cubic yard	\$ 134.40	\$ 256.59	\$ 373.34	\$ 610.92	\$ 746.68	\$ 799.62	\$ 47.52	\$ 20.37
6 cubic yard	\$ 297.32	\$ 433.05	\$ 568.80	\$ 704.59	\$ 840.35	\$ 976.11	\$ 47.52	\$ 20.37
Organics Rates:								
35-gallon food	\$ 42.18	\$ 73.77	\$ 105.34	\$ 136.89	\$ 168.47	\$ 200.06	\$ 20.78	
65-gallon food	\$ 49.05	\$ 87.50	\$ 125.95	\$ 164.37	\$ 202.82	\$ 241.26	\$ 20.78	
95-gallon green	\$ 49.53	\$ 88.45	\$ 127.36	\$ 166.24	\$ 205.16	\$ 244.09	\$ 20.78	
300-gallon green	\$ 148.56	\$ 265.34	\$ 382.08	\$ 498.72	\$ 615.50	\$ 732.27	\$ 48.48	
Recycling Rates at 60% of MSW								
96-gallon	\$ 23.62	\$ 39.92	\$ 56.20	\$ 72.49	\$ 88.78	\$ 105.06	\$ 12.07	
2 cubic yard	\$ 65.98	\$ 118.35	\$ 171.06	\$ 224.00	\$ 285.10	\$ 325.83	\$ 28.18	
3 cubic yard	\$ 74.52	\$ 132.55	\$ 191.41	\$ 255.77	\$ 309.53	\$ 377.96	\$ 28.18	
4 cubic yard	\$ 80.64	\$ 153.95	\$ 224.00	\$ 366.55	\$ 448.01	\$ 479.77	\$ 28.18	
6 cubic yard	\$ 178.39	\$ 259.83	\$ 341.28	\$ 422.75	\$ 504.21	\$ 585.67	\$ 28.18	

Extra Pickup

Extra Pickup

Roll-Off Box Charges	Rate
Standard Roll-Off Box - Rate per pull	\$ 312.06
Compactor Roll-Off Box - Rate per Pull (excluding rental)	\$ 400.83
Tonnage Charge, per ton (refuse)	\$ 67.20
Tonnage Charge, per ton (construction and demolition debris)	\$ 81.97
Recyclable Material R/U Base	\$ 468.06
Recyclable Material Roll-Off Service	200% of pull rate
Overweight per Ton Charge (charge per each ton beyond 16 tons/load)	200% of standard gate rate
Roll-Off Box Rental Charge - per day for each day beyond 14 days	\$ 20.80 per additional day beyond 14 days
Dry Run - pickup of empty roll-off box	\$ 138.69
Blocked Pickup	\$ 69.36

Service Category	Rate Per Service
Temporary Bin Services:	
3 cubic yard bin, per dump	\$ 66.57
4 cubic yard bin, per dump	\$ 79.88
6 cubic yard bin, per dump	\$ 119.84
Bin rental (when less than one dump each 14 day period)	\$ 39.95
Blocked pickup	\$ 46.61
Locking Bins - monthly service charge:	
1x week	\$ 6.65
2x week	\$ 13.31
3x week	\$ 19.98
4x week	\$ 26.64
5x week	\$ 33.29
6x week	\$ 39.95
Other Commercial Services:	
Commercial Bulky Item Pickup	\$ 26.64
Extra Bin Cleanings (beyond one free per year)	\$ 53.27
Contamination Charge, per occurrence	\$ 53.30
Commercial CUB Delivery Fee, per occurrence	\$ 31.98



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: May 8, 2025

Submitted By: Laura Gutierrez, City Manager/CFO

Council Meeting Date: May 13, 2025

Discussion / Action

Subject: Approval to contract with VGL Construction, Inc. for additional installations of sewer shut off devices to Delinquent Sewer Accounts in accordance with Resolution 2023-53

Background:

The City on October 24, 2023, approved Resolution 2023-53 allowing for the Discontinuance of Services to delinquent sewer accounts. *Item 3. Discontinuance of Services: Services are cumulative of all charges (i.e. sewer, sewer/trash, sewer expansion, etc.). Sewer connection may be disconnected when account becomes excessively delinquent at owner's expense. Cost may be in excess of \$5,000. Before services can be restored, total cost of disconnect plus services billed must be paid.*

In January 2024, the City began and continues to deliver yellow door hangers for accounts that are \$100+ past due.

The following accounts have received numerous (5+) delinquent notices and remain in over 120+ past due.

622	Manuel Arriquidez	329 W Date	\$517.10
1386	Estate of Eusebio & Carmen JTC	205 S Industrial	\$538.80
2034	Richard Lyerly	423 N Imperial	\$1,424.21
2208	Olvera Mario & Hurtado, Vanessa	162 W Alamo	\$1,279.84

On March 11, 2025, the City Council approved a contract with VGL Construction, Inc. for the installation of sewer shut-off devices at \$2,900.00 per sewer disconnection.

Of the nine (9) accounts previously approved for disconnection, two (2) accounts (*Kuyra Krigbaum 322 W California \$1,067.32 and Ceceila Lopez 180 W Alexandra \$730.88*) are still without any response to door hangers and mail notices. The other seven (7) accounts are either on a payment plan, have paid in full, or have closed the accounts as those homes remain vacant.

Recommendation:

Staff recommends City Council approval for the installation of sewer shut-off devices to the delinquent accounts.

Fiscal Impact:

No fiscal impact – pass through cost to account holder.



CALIPATRIA CITY COUNCIL AGENDA ITEM

Date Submitted: May 8, 2025

Submitted By: Edgar Self, Public Works Director

Council Meeting Date: May 13, 2025

Discussion / Action

Subject: Release of Request for Qualifications / Proposals (RFQ/P) for Airport Park

Background:

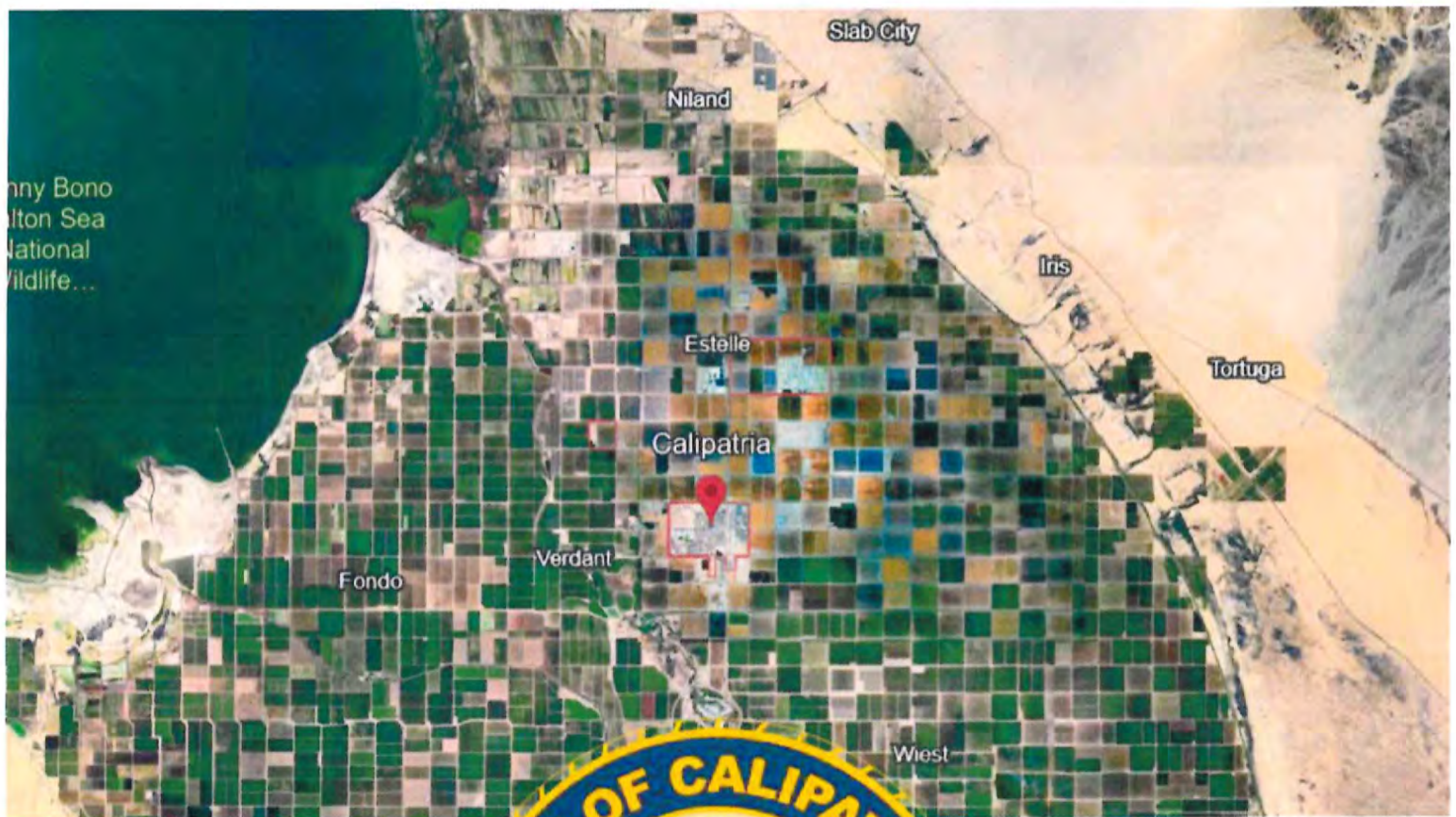
The City Airport Park Request for Qualifications/Proposals (RFQ/P) is ready for release. The RFQ/P will be released as a Design-Build to save on project cost. The GAFCON Team will be leading the process with sealed bids being submitted to City Hall and opened publicly at our Council Chambers. Sealed bids are due no later than 2:00 pm on Thursday, June 5, 2025.

Recommendation:

Staff recommends the City Council approve the release of the RFQ/P as presented.

Fiscal Impact:

Grant Funded



City of Calipatria | Community Park

REQUEST FOR QUALIFICATIONS / PROPOSALS

Progressive Design-Build Services for the proposed Community Park in Calipatria, California.

ISSUED May 14th, 2025

DEADLINE June 5th, 2025

10301 Meanley Dr Suite 225 | San Diego, CA 92131 | 858.875.0010



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Part 1 – Introduction

1.1 Objective

Owner is soliciting Statements of Qualifications (“**SOQs**”) and Proposals from qualified Design-Build Teams to design and construct the *City of Calipatria Airport Community Park* (“**the Project**”). The successful Design-Build Team will be selected primarily on the basis of qualifications for the procurement, design, and delivery of the project and will work in partnership with Owner to advance the initial documents through early design and permitting to ensure the Owner’s scope, schedule and budget goals are achieved.

1.2 City Vision

The City of Calipatria (“**Owner**”) has been awarded a \$7M grant to revitalize the western section of the city from the California Department of Parks and Recreation. This grant will fund the construction of a 3 Acre Community Park, addressing the lack of a Community Center and providing much-needed amenities for the residents.

The 3 acre parcel is a part of the long term vision for growth of the Cliff Hatfield Memorial Airport which, in the future, could include approximately 100 acres of development. The Community Center and Park is considered the first step for the City of Calipatria to realize that vision. The City is currently pursuing additional grants for this Airport which may be included in future designs.

1.3 Delivery Method

The Progressive Design-Build delivery method was chosen for the Project because it meets the following criteria:

- The construction activities are specialized, and a design-build approach is critical in developing the construction means and methods to maintain schedule and budget.
- The project provides opportunities for greater innovation and/or efficiencies between the designer and the builder.
- Significant savings in project delivery time can be realized in lieu of the ‘traditional’ Design-Bid-Build delivery method.
- The project has a fixed, not-to-exceed budget which demands the highest level of collaboration between designer and contractor.



Part 2 – Submission Instructions

2.1 Questions & Clarifications

Proposing firms shall read the entire RFQ/P and all accompanying information before preparing its proposal. Consultants shall seek clarification of any requirements they do not fully understand.

All questions must be received no later than **5:00 PM (PDT) May 22, 2025**.

Consultants shall address any issue or question via email to:

Chris Larsen (Sr. Project Manager, Gafcon) CLarsen@gafcon.com

Addenda and additional information related to the RFQ/P will be emailed directly to each Respondent's designated Project Manager. Respondents are responsible for any addenda and their incorporation into the SOQ/P.

2.2 Submission of RFQ/P Response

RFQ/P responses shall be sealed and hand delivered no later than 2:00 PM (PDT) June 5, 2025 to the Front Counter at:

City Hall
125 N. Park Avenue
Calipatria, CA 92233

Brevity and clarity are of utmost importance; each submission shall provide a concise and straightforward description of the Respondent's ability to meet the requirements of the RFQ/P. Standard marketing materials shall be minimized.

The responses to this RFQ/P shall be 8 ½" x 11" portrait in electronic portable document format (PDF). The responses shall not exceed forty (40) single-sided pages. Responses that do not comply with all applicable requirements may be deemed non-responsive and rejected.

2.3 Voluntary Pre-Submission Meeting

A representative from each Respondent that intends to submit an SOQ/Proposal is encouraged to attend an informational virtual meeting with Gafcon and City scheduled for 10:00 AM (PDT) May 20, 2025.

[Join the meeting](#)

Meeting ID: 247 944 122 615 7
Passcode: X94AT2dS



2.4 Owner Contact

Gafcon PM-CM LLC ("**Gafcon**") has been retained as the Owner's Representative. All communication regarding this RFQ/P will be directed to Gafcon. Gafcon and Owner will review and evaluate each response in-depth in preparation for final interviews. Based on the RFQ/P response and interviews, Gafcon will recommend the best-qualified firm to the Owner for final selection. Gafcon will then proceed with final negotiations. Should negotiations fail to attain full agreement, Gafcon will proceed to the next highest-rated proposing team.

Consultants may not contact the Owner in conjunction with this RFQ/P solicitation at any time. Any contact with a City of Calipatria staff member regarding this RFQ/P may be grounds for rejection of the response.

Part 3 – RFQ/P Schedule

RFQ/P SCHEDULE	
Activity	Date
RFQ/P Issuance	5/7/2025
Informational Meeting	5/20/2025 @ 10:00 AM
Requests For Information Due	5/22/2025
Addendum 1 Issued	5/27/2025
RFQ/P Responses Due	6/5/2025
Interviews (Owner discretion)	6/10/2025 - 6/12/2025
Scoring of RFP/Q	6/13/2025
Notice of Intent	6/18/2025
Contract Execution	6/18/2025 – 7/4/2025

Part 4 – Project Description

4.1 Project Criteria and Program Requirements

Owner wishes to build a Community Park on approximately 3 acres of an empty lot at the Cliff Hatfield Memorial Airport. This park will accommodate a Community Center, shaded picnic area with barbecue grills, tot-lot playground, a community garden, and amenities such as park lighting, restrooms, walkways, and water fountains.

Preliminary design work was provided by David McCullough, of McCullough Landscape Architecture, who is not precluded from bidding.

Current Project Goals:

- There is a strong desire to create a welcoming Community Center to serve the whole community, engaging adults, mobilizing youth, and invigorating programs that promote both personal, social, and recreational growth.
- Design and construct the park with thought toward future flexibility for Owner.



- Minimize disruption to the neighborhood and school during construction.
- Design that maximizes project amenity delivery based off the grant scope and grant application.

Current Project Requirements: As required by the Statewide Park Development Grant, coordinated by Owner and Gafcon, the following opportunities must be integrated:

- **Volunteers** - Students must be involved in developing a landscape design and maintenance plan focused on drought-tolerant landscaping for the Community Park.
- **Partnerships** - The University of California Cooperative Extension (UCCE), Imperial County, will collaborate in designing and constructing the community garden located next to the Community Center building.

4.2 Progressive Design-Build Delivery Model

Owner is seeking a Design-Build team with a record of excellence and a commitment to an integrated delivery process. Owner and Gafcon collectively believe in the power of a fully integrated design and construction team to provide: a well-defined project scope and budget; innovative ideas for systems and assemblies; and an expedited design and construction process. Each bidder will be evaluated and contract will be awarded based on "Best Value" of RFQ/P submitted.

Owner expects the Design-Build team to create a culture of transparency, open and honest communication and establishing a collaborative environment where the project team contributes its best efforts for the benefit of the Project as a whole. The highest-ranked Design-Builder will present both outstanding relevant design-build experience as well as clear methods and ideas that demonstrate the Design-Builder's commitment to the building-blocks of this delivery method:

Keys to a successful Project include:

- Mutual Respect & Trust
- Mutual Benefit & Reward
- Early Involvement of Key Participants
- Collaborative Innovation & Decision Making
- Organization & Leadership
- Intensified Planning
- Early Goal Setting & Project Definition
- Open Communication
- Appropriate Technology

4.3 Required Qualifications of the Respondent

- Demonstrated experience in the design and/or construction of at least three (3) parks, or equivalent landscaping, consisting of 1 acre or greater.



- *Demonstrated success in designing of a park for a public municipality or agency preferred.*
- Demonstrated successful Owner/Community collaboration citing an example of one (1) park that was delivered to the highest expectations, and the approach you took as a Design-Build team.
- Ability to find innovative solutions and opportunities within the constraints of a fixed budget funded by a State Grant.

4.4 Owner's NTE Budget

The Not-To-Exceed (NTE) budget for all work to be provided by the Design-Builder under the design-build contract is:

- Construction Cost \$5,600,000 to include a Community Center, Splashpad, Playground, BBQ/Picnic and other site amenities. This is the allocated construction cost under the grant scope and successful bidder must come in at or under budget.
- Pre-Construction Cost \$1,400,000 (to include consultants) this cost is controlled by the owner and has the potential of utilization for construction if funds are remaining after design.

4.5 Anticipated Project Schedule

PROJECT SCHEDULE	
Activity	Date
Design-Builder Notice of Intent	June 18 th , 2025
Design / Permitting Services	July 2025 until March 2026
Construction	March 2026 – August 2027
Substantial Completion Deadline (to allow Final Inspection to begin)	November 1 st 2027
Final Completion	December 31 st 2027

4.6 Form of Contract Between Owner & Design-Builder

Owner will utilize a Preliminary Agreement Between Owner and Design-Builder as follows:

- DBIA Document No. 544, *Progressive Design-Build Agreement* as amended, and
- DBIA Document No. 535, *General Conditions of Contract Between Owner and Design-Builder* as amended.

4.7 Compliance with Applicable Laws

The project shall be designed in accordance with all Federal, State, and local construction codes, laws, ordinances, rules and regulations governing design and construction during



the term of the contract, including but not limited to all requirements of Title 24, ADA and EEO requirements.

Prevailing wage will apply based on the Office of Grants and Local Services (OGALS) Grant Administration Guide (September 2020) for the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018, administered by the California Department of Parks and Recreation. Project must comply with the provisions of §1720 through 1861 of the California Labor Code.

4.8 Responsibility Matrix

The following responsibility matrix is not intended to be exhaustive, but is intended to provide additional clarity on certain tasks:

RESPONSIBILITY MATRIX	
Activity	Responsibility
Design / Construction	Design-Builder (including but not limited to Architectural, Structural, MEP, Code, Fire & Life-Safety, Civil, Dry Utilities, Security, AV/IT, Acoustics, Seismic, Signage, Wayfinding, etc.)
As-builts / Record Documents	Design-Builder (i.e. for all items beyond what has been provided in the RFQ/P)
Permits	Design-Builder (Owner will pay for permits)
3 rd Party Testing & Inspections	Owner (Design-Builder shall coordinate with Owner's consultant)
Geotechnical Report	Owner (Design-Builder shall coordinate with Owner's consultant)
Phase 1 ESA	Owner (Design-Builder shall coordinate with Owner's consultant)
Initial Survey	Owner (Design-Builder shall coordinate with Owner's consultant)
Commissioning	Owner (Design-Builder shall coordinate with Owner's consultant)



Part 5 – Design-Builder Selection Process

5.1 RFQ/P Evaluation Criteria & Ranking

Respondents must respond to each of the RFQ/P criteria demonstrating their qualifications, providing examples of how your team meets the evaluation criteria and presenting your approach with respect to delivering this project. SOQ/Ps will be evaluated based on these criteria and weighting. Brevity will be required; clear, concise communication is valued.

5.2 SOQ/P & Appendix

Each Design-Build Team must submit a Statement of Qualifications and Proposal ("**SOQ/P**") responding to the criteria described in this RFQ/P.

Additionally, the SOQ/P shall contain the elements as identified in **Appendix C (RFQ/P Submission Checklist)**, or otherwise listed in this RFQ/P.

5.3 Interview

After receipt of the SOQ/Ps, the evaluation committee (Owner & Gafcon) will schedule interviews to be held in person or online at the discretion of the Owner.



Part 6 – RFQ/P Requirements

6.0 Statement of Qualifications (Not Scored)

Submit a letter confirming the Respondent has met the Qualifications criteria indicated.

6.1 Cover Letter (Not Scored)

The cover letter must contain a statement that the Respondent acknowledges all documents submitted pursuant to this RFQ/P process.

The Respondent shall certify that all basic Architectural services will be provided by a Licensed California Architect. All other professional services must meet the requirements of the State and the responsibility of the Design-Build firm to retain.

The letter must also contain the following:

- a. The Respondent's (i.e. Firm's) legal name, address, email, and phone number. If the work will be performed at a location other than the provided address indicate the office where the work will be performed.
- b. Number of years the Respondent has been in business.
- c. A statement that the submission is a firm and irrevocable offer, good for 90 days.
- d. A statement expressing the Respondent's willingness to perform the services as described in this RFQ/P.
- e. A statement expressing the Respondent's availability of staff and other required resources to perform all services and provide all deliverables within the specified time frames as described in the RFQ/P.
- f. The name, title or position, email, and phone number of the individual signing the cover letter.
- g. A statement indicating the signatory is authorized to bind the Respondent contractually.
- h. The name, title or position, email, and phone number of the primary contact and/or account administrator, if different from the individual signing the cover letter.

An unsigned cover letter may be cause for the submission to be rejected.

6.2 Team Members & Firm Experience (25 Points)

PROPOSED TEAM AND COMPANY EXPERIENCE (capacity to perform and technical qualifications)

Present your team and organization chart / structure. Demonstrate your firm's and the proposed team's experience with projects and sites relevant to the project. Clearly illustrate how team members have worked together in the past or how they are prepared to do so on this project.



6.3 Design-Build Process (20 Points)

a. **PORTFOLIO OF PROJECTS BY PROPOSED TEAM** (technical qualifications)

Provide examples cited above or herein that illustrate the process you used to collaboratively deliver them. Please highlight the following in your example:

Project Definition or Preliminary Agreement

Demonstrate strategies used to collaboratively define scope, target values, schedules, and building systems prior to design starting, and how that work served to guide subsequent design.

Achieving Design Excellence at Reasonable Cost

Design excellence does not always equal high cost. Provide examples where your firm achieved high design excellence while meeting project budget constraints.

For each project, include the completed construction cost per square foot, and total project square footage.

Integrated Project Delivery

Highlight examples of how aspects of the referenced projects were made possible, value was added, or lessons learned by an integrated design process.

Innovation & Technology

Highlight examples of integrated tools and processes that provided added value and contributed to the success to the project.

b. **PROJECT RISKS** (technical qualifications)

Discuss or provide an example of your approach to risk management and contingency usage.

Identify three (3) relevant and critical risks for this Project. Provide a brief narrative for each risk describing why the risk is critical, the impact the risk will have on the Project, and strategies that may be implemented to mitigate the risk.

c. **SCHEDULE**

Describe your approach to developing a target schedule and maintaining throughout the duration of the project.

d. **SAFETY**

Describe the commitment to safety and accident prevention of your team. Submit the Design-Builder's EMR and OSHA Lost Time Accident Rate for



each of the past 5 years. Please do not submit the contractor's complete Accident Prevention Program or IIPP as part of the response.

6.4 Price-Related Factor (30 Points)

Using the Price Form enclosed (**Appendix H**), provide the Design-Builder's Fee, Design and Sub-consultant Fees, General Conditions, General Requirements, Insurance and Bond Costs as a percentage of all Direct Costs incurred in the performance of the Work under the Contract..

- a. Provide breakdown by deliverable and by subconsultant (if applicable)
- b. Provide a schedule of hourly rates by employee classification, including terms and rates of overtime for additional work if requested.
- c. Provide a list of exclusions, if any.

6.5 Insurance & Bonds (Pass/ Fail)

Provide a letter from Respondent's insurance carrier and surety, indicating that the insurance requirements and Payment / Performance Bond requirements, respectively, of the contract can be met by the Respondent. Letter to be submitted as part of the Appendix.

6.6 Corporate Information (Not Scored)

- a. Owner expressly reserves the right to reject the qualifications and proposal of any Respondent who, upon investigation, has been determined to fail to complete similar contracts in a timely fashion or in a satisfactory manner. Such rejection would, if applicable, be based upon the principle that the bidder is "non-responsible" and poses a substantial risk of being unable to complete the work in a cost-effective, professional, and timely manner.
- b. In performing the above-described responsibility determination, Owner reserves the right to utilize all possible sources of information in making its determination.
- c. The Respondent shall provide the following corporate information:
 - Legal form of the company (individual, corporation, partnership, joint venture, etc.). If a corporation or LLC, provide Corporate Identification Number.
 - If the company is a subsidiary of a parent company, identify the parent company
 - If the company is a joint venture, identify all firms in association
 - The Respondent's California License Number and License expiration date
 - Number of years Respondent has conducted business under its present name
- d. The Respondent shall provide explanation if any of the following events are in process or have occurred within the past five (5) years:
 - Claim(s) or demand(s) filed against Respondent's License or License Bond



- Lawsuits, judgements, or other administrative, legal, arbitration or other proceedings, ever brought or commenced by or against the Respondent or any of its principals, officers, or equity owners in connection with any architectural contract or construction contract.
- Failure to complete an architectural contract or construction contract.

6.7 Contract Comments (-30 to 0 Points)

A draft of the contract language has been provided with this RFQ/P which has been reviewed by Owner, Owner's Construction Representative, and Owner's Legal Representative.

Comments and/or revision requests related to contract language **must** be provided as part of the RFQ/P response to be considered. Acceptance of the contract language 'as-is' will be scored favorably in the evaluation of RFQ/P responses. All responses shall bear the signature of the authorized legal representative of the proposing firm.

Additional comments received after submission of the SOQ/P – i.e. during contract negotiations – will not be considered and could result in negotiations proceeding with the next highest rated Respondent.

6.8 Interview (25 Points)

After receipt of the SOQ/Ps, the evaluation committee will schedule an interview with three (3) finalists. The primary/key members of the proposed team should be in attendance. The focus of the interview is to expand on the approach to delivering the project and provide an opportunity to convey any other important information not requested or provided in your SOQ/P. Owner may also provide additional topics to be discussed.



Part 7 – Appendices

- Appendix A – PRELIMINARY PROJECT INFORMATION
- Appendix B – REMOVED
- Appendix C – RFQ/P SUBMISSION CHECKLIST
- Appendix D – ADDENDA ACKNOWLEDGEMENT *(if applicable)*
- Appendix E – AGREEMENT FOR DESIGN-BUILD SERVICES
- Appendix F – INSURANCE & BOND REQUIREMENTS
- Appendix G – EVALUATION SHEET
- Appendix H – PRICE FORM

Part 8 – General Conditions

This RFQ/P is not a commitment or contract of any kind. The Owner reserves the right to pursue any, or none of the proposals generated by this request. Costs for developing the proposal are entirely the responsibility of the applicants and shall not be reimbursed. The Owner reserves the right to: select the proposal that is in the Owner's best interests; to reject any and all proposals at any time and for any reason; to terminate the RFQ/P process; and to waive any requirements of this RFQ/P when it determines that doing so is in its best interests. Further, while every effort has been made to ensure the information presented in this RFQ/P is accurate and thorough, the Owner assumes no liability for any unintentional errors or omissions in this document.



Appendix A

[PRELIMINARY PROJECT INFORMATION](#)

<https://app.box.com/s/xhtagbioiw0crfkv4fexjsztxfzq1zyd>



Appendix B

REMOVED



Appendix C

RFQ/P SUBMISSION CHECKLIST

(Initial each line item to confirm submission of response and return with RFQ/P Submission)

Item	Included in Response <i>(initial each box)</i>
0. Statement of Qualifications	
1. Cover Letter	
2. Team Members & Firm Experience	
3. Design-Build Process	
4. Price Related Factor (Appendix H)	
5. Insurance & Bonds	
6. Corporate Information	
7. Contract Comments	
8. Appendices:	
• Appendix A – PRELIMINARY PROJECT INFORMATION	
• Appendix B – REMOVED	
• Appendix C – RFQ/P SUBMISSION CHECKLIST	
• Appendix D – ADDENDA ACKNOWLEDGEMENT <i>(only if applicable)</i>	
• Appendix E – AGREEMENT FOR DESIGN-BUILD SERVICES	
• Appendix F – INSURANCE & BOND REQUIREMENTS	
• Appendix G – EVALUATION SHEET	
• Appendix H – PRICE FORM	



Appendix D

ADDENDA ACKNOWLEDGEMENT

(To be executed by Respondent and submitted with RFQ/P Submission)

Addenda: Changes or corrections to the submission document will be issued via a numbered addendum. Respondent must acknowledge receipt of all addenda. Not acknowledging all addenda may be reason for rejection of the submission. Record below the number(s) and date(s) of addenda received, if applicable.

Addendum # _____ Date Posted _____ Signature _____



Appendix E

AGREEMENT FOR DESIGN-BUILD SERVICES

<https://app.box.com/s/v9vyj5x6wibqepswt05ak4sqhn8lrmy7>



Appendix F

INSURANCE & BOND REQUIREMENTS

(To be executed by Respondent and submitted with RFQ/P Submission)

The selected Respondent shall procure and maintain insurance, in the amounts specified below, for the duration of this contract.

With a combined single limit per occurrence of not less than: \$20,000,000

OR

Commercial General Liability Insurance

(including automobile insurance) which provides limits of not less than:

a) Per Occurrence (combined single limit) \$2,000,000

The Firm agrees that they are familiar with the circumstances affecting the preparation and making of such submission and is properly qualified to make this affidavit, and certifies the following.

Firm shall procure and maintain and shall require all subconsultants, if any, whether primary or secondary, to procure and maintain either:

b) Project Specific Aggregate (for this Project only) \$10,000,000

c) Products / Completed Operations \$2,000,000

d) Personal & Advertising Injury Limit \$1,000,000

e) Umbrella \$5,000,000

AND

Additional Insured Endorsement

The Additional Insured Endorsement must specifically name City of Calipatria as an additional insured and include the following language: "City of Calipatria and the officers, agents, employees and volunteers of the City of Calipatria, individually and collectively, and Gafcon PM-CM LLC" with the policy number listed.

Notice of Cancellation



Notice of Cancellation Endorsement must be a separate endorsement for the General Liability policy.

INSURANCE & BOND REQUIREMENTS (*continued*)

Automobile Liability Insurance

In the amount of not less than:

per occurrence for bodily injury and property damage \$1,000,000

Professional Liability (Errors and Omissions):

At all times during the performance of the work under this Agreement the Firm shall maintain professional liability insurance, in a form and with insurance companies acceptable to Owner in an amount indicated herein.

Professional Liability (errors and omissions) \$3,000,000

Workers' Compensation Insurance

Workers' Compensation Employers' Liability limits required by the laws of the State of California. Worker's Compensation Insurance policy shall contain a Waiver of Subrogation. In the event Firm is self-insured, it shall furnish Certificate of Permission to Self-Insure signed by Department of Industrial Relations Administration of Self-Insurance, State of California.

Employers Liability

Per accident for bodily injury or disease \$1,000,000

Insurance Covering Special Hazards:

Following special hazards shall be covered by riders or riders to above-mentioned commercial liability insurance or property damage insurance policy or policies of insurance, or by special policies of insurance, in amounts as follows:

Automotive and truck where operated in amounts as stated above.

Material hoist where used in amounts as stated above.



INSURANCE & BOND REQUIREMENTS *(continued)*

Bond Requirements

Payment and Performance Bonds:

Required

Worker's Compensation Certificate:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Agreement.

(In accordance with Article 5 (commencing at section 1860), chapter 1, part 7, division 2 of the Labor Code, the above certificate must be signed and filed with the awarding body prior to performing any work under this Agreement.)

Firm Name: _____

Signature: _____

Title: _____



Appendix G

EVALUATION SHEET

(For reference only)

CRITERIA FROM RFQ/P

Selection Qualifications	Score
Statement of Qualifications	-
Cover Letter	-
Team Members & Firm Experience	25
Design-Build Process	20
Price Related Factor	30
Insurance / Bond Letters	P / F
Corporate Information	-
Contract Comments	-30 to 0
Interview	25
Evaluation Determination	_____ out of 100



Appendix H

PRICE FORM

(To be completed by respondents)

CRITERIA FROM RFQ/P

Price Factor	
Design-Builder Fee	\$
Fee as % of construction cost (to 2 decimal places)	%
Design Fee	\$
Design Fee as % of construction cost (to 2 decimal places)	%
Monthly General Conditions (during construction)	\$
Monthly General Requirements (during construction)	\$
Insurance as % of construction cost (to 2 decimal places)	%
Sub Default Insurance as % of subcontract cost (to 2 decimal places)	%
Bond as % of construction cost (to 2 decimal places)	%
Under Separate Cover, provide:	
a) Breakdown of costs, by deliverable and by consultant (if applicable).	
b) Schedule of hourly rates by employee classification, including terms and rates of overtime for additional work if requested.	
c) List of proposal qualifications and exclusions.	

Firm Name: _____

Signature: _____

Title: _____

RESOLUTION

City of Calipatria Staff
Report for:
106 Lindsey Ave
(APN's: 022-160-003)

OBJECTIVE

For the City Council to consider and adopt Resolution No. 25-16 declaring 106 Lindsey Road in the City of Calipatria, Assessor Parcel Number's ("APN") 022-160-003, surplus land under the Surplus Land Act as amended by AB 1486.

BACKGROUND

The City of Calipatria ("City") owns real property consisting of approximately 80 acres, located at 106 Lindsey Road, in the City of Calipatria (APN 022-160-003) ("Property"). The Property is currently zoned Agricultural. The City wishes to pursue the potential sale of the Property; therefore, it must now comply with the Surplus Land Act (as amended by AB 1486) and has hired Kosmont Companies to assist in that process.

On October 9, 2019, Governor Newsom signed Assembly Bill ("AB") 1486. AB 1486, which amended the Surplus Land Act ("SLA"), effective January 1, 2020, changed the existing, long-standing definition of "surplus land"; providing that land no longer necessary for a local agency's use shall be declared either "surplus land" or "exempt surplus land" before taking any action to sell or lease land. To that end, AB 1486 also added a new limitation providing that an "agency's use" "shall not include commercial or industrial uses or activities, including nongovernmental retail, entertainment, or office development," or "property disposed of for the sole purpose of investment or generation or revenue." AB 1486 further prohibits the City from negotiation of any disposition of the Property prior to compliance with the procedural requirements of the SLA.

DISCUSSION

As indicated above, the SLA, Government Code sections 54220 et seq., requires that public agencies first declare land "surplus land" or "exempt surplus land" before it can negotiate any disposition of the land, either for sale or for lease.

Pursuant to the SLA, City staff must send a written notice of availability ("NOA") of the surplus Property by electronic mail or by certified mail to all of the entities identified in Government Code section 54222, which include local public entities, housing sponsors that have notified the California Department of Housing and Community Development ("HCD") of their interest in surplus land for the purpose of developing low- and moderate-income housing, regional park authority and the State Resources Agency for open-space purposes, and local school districts for the purpose of school facilities or use. If the Property is within an infill opportunity zone or covered by a transit village plan, the NOA must also be sent to the City, or housing authority operating within the City.

If one of the entities/agencies receiving the NOA desires to purchase or lease the Property, it must notify the City of its interest to do so in writing within 60 days after the issuance of the NOA. After this 60-day noticing period, the City is required to negotiate price and terms for the disposition with any responding entity(ies)/agency(ies) for a period of 90 days. Finally, in the event that no agreement is reached between the City and any interested entity(ies)/agency(ies) after a good faith negotiation period of 90 days, the land may be disposed of without further regard to the Surplus Land Act subsequent to the receipt of a compliance letter from HCD.

Staff has determined that there is no further governmental use for the Property and is recommending that the City Council declare the Property as "surplus land" and complete the surplus property disposition process in accordance with the SLA.

RECOMMENDATION

It is recommended that the City Council of the City of Calipatria adopt Resolution No. 25-16, declaring the Property surplus land under the Surplus Land Act as amended by AB 1486.

FINANCIAL IMPACT

Direct costs for undergoing the sale of the Property involve an appraisal(s) and traditional real estate broker services, which will be offset by any proceeds received from the sale/lease of the Property. The exact final costs for these services is not known given the complexity and unknown factors that can occur when negotiating under the SLA process.

Full Property Details Imperial County

PROPERTY DETAIL

Parcel#(APN): 022-160-003 Use Description: BGXG,X
 Parcel Status: A
 Owner Name: CITY OF CALIPATRIA
 Mailing Addr: 101 N LAKE AVE,CALIPATRIA CA 92233
 Situs Addr:
 Legal Description: N 1/2 OF SE 1/4 SEC 6 T12S R14E 80 AC
 Latitude: 33.1529905862 Longitude: -115.5493729120

ASSESSMENT

Total Value: 0.00 Use Code: BGXG,X Zoning: BGXG
 Land Value: .00 Tax Rate Area: 003001 Impr Type:
 Impr Value: .00 Year Assd: Price/Sqft: 0.00
 Other Value: 0 Property Tax:
 % Improved: NaN Delinquent Yr:
 Exempt Amt: Exempt Codes:

SALEHISTRY

Sale 1

Sale 2

Sale 3

Transfer

Recording Date: 1978-04-04 00:00:00
 Recording Doc: 197814140435
 Rec. Doc Type:
 Transfer Amount:
 Seller (Grantor):
 1st Trst Dd Amt: Code 1: 2nd Trst Dd Amt: Code 2:

PROPERTY CHARACTERISTIC

Lot Acres: 80.00 Year Built: Fireplace:
 Lot SqFt: 3,556,161.12 Effective Yr: A/C:
 Bldg/Liv Area: Total Rooms: Heating:
 Units: Bedrooms: Pool:
 Buildings: Baths (Full): Flooring:
 Stories: Baths (Half): Park Type:
 Style: Bsmt SqFt: Spaces:
 Construct: Garage SqFt: Site Influence:
 Quality: Other: Timber :
 Building Class: Other Rooms: Ag Preserve:
 Condition:

***The information provided here is deemed reliable, but is not guaranteed.

RESOLUTION NO. 25-16

A RESOLUTION OF THE CITY OF CALIPATRIA, CALIFORNIA, DECLAINING CERTAIN PROPERTY LOCATED AT 106 LINDSEY ROAD IN THE CITY OF CALIPATRIA, ASSESSOR PARCEL NUMBER ("APN") 022-160-003 ("PROPERTY") SURPLUS LAND PURSUANT TO THE SURPLUS LAND ACT (GOVERNMENT CODE SECTION 54220 ET SEQ.)

WHEREAS, the CITY OF CALIPATRIA ("City") owns certain real property consisting of approximately 80 acres, located at 106 Lindsey Road (APN: 022-160-003) ("Property");

WHEREAS, the Surplus Land Act, Government Code sections 54220 et seq., applies when a local agency disposes of "surplus land," as that term is defined in Government Code Section 54221;

WHEREAS, a portion of Property will be designated as an easement/right of way;

WHEREAS, on October 9, 2019, Governor Newsom signed Assembly Bill ("AB") 1486. AB 1486 significantly amended the Surplus Land Act effective January 1, 2020. These amendments included, among others, changing the previous, long-standing definitions of "surplus land" and "exempt surplus land"; providing that property shall be declared either "surplus land" or "exempt surplus land" before a local agency may take any action to dispose of it; and adding a new limitation providing that an "agency's use" "shall not include commercial or industrial uses or activities, including nongovernmental retail, entertainment, or office development" or "property disposed of for the sole purpose of investment or generation or revenue";

WHEREAS, the Property would fall within the definition of "surplus land" pursuant to Government Code section 54221, as amended by AB 1486;

WHEREAS, in order to pursue new uses for the Property, including the possible disposition through a sale or lease of the property, the City must now comply with the Surplus Land Act as amended by AB 1486 ("SLA");

WHEREAS, pursuant to the SLA, City staff will send a written notice of availability of the Property by electronic mail or by certified mail to all of the entities identified in Government Code section 54222;

WHEREAS, subject to Government Code section 54227, if one of the entities/agencies desires to purchase or lease the Property after having received notice, it must indicate its interest to do so in writing within 60 days of the date of the City's notice, and the City and the entity/agency so responding to the notice may negotiate price and terms for the disposition of the Property; and

WHEREAS, pursuant to Government Code 54223, in the event no agreement is reached between the city and any interested entity/agency after a good faith negotiation period of 90 days, the Property may be disposed of without further regard to the SLA.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CALIPATRIA that:

1. The foregoing recitals are hereby incorporated and adopted as the findings of the City Council; and
2. For purposes of compliance with the SLA, 106 Lindsay Road (APN: 022-160-003) declared as surplus land.
3. The City Manager, or her designee, is directed to proceed with the notification and negotiation requirements of the SLA, as amended, to facilitate the possible disposition and reuse of the property.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calipatria at a regular scheduled meeting held on this 13th day of May 2025.

Michael Luellen, Mayor

Jane Hurtado, City Clerk

I, Jane Hurtado, City Clerk of the CITY OF CALIPATRIA, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the CITY OF CALIPATRIA, California, at the meeting held on May 13, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Calipatria, California, on May 13, 2025.

Jane Hurtado, City Clerk