

CITY OF AMADOR CITY

AGENDA OF THE REGULAR MEETING OF THE CITY COUNCIL

TUESDAY MAY 17, 2022, 7:00 p.m.

This will be a hybrid meeting - In person at the Community Center in the City Hall

SPECIAL NOTICE

Pursuant to Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020, as a response to mitigating the spread of coronavirus known as COVID-19, during the May 17, 2022, meeting of the City Council of Amador City, California members of the public will be allowed to join Zoom Meeting.

Zoom Information - see next page.

As of August 2, 2021, the State of California requires masks for unvaccinated people and recommends masks for everyone in indoor settings, including local government offices. Therefore, we respectfully request that you wear a mask if you attend this meeting in person.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call -
4. Approval of Agenda
5. Public Matters Not on the Agenda - Discussion items only, no action to be taken. Any person may address the council at this time on any subject matter within the jurisdiction of the Amador City Council. Any Item that requires action will be deferred to a subsequent council meeting. Five-minute time limit -

Members of the public wanting to address the Council, either during public comment or for a specific agenda item, or both, are requested to send an email notification no later than **4:30 p.m.** on the day of the meeting to city.clerk@amador-city.com. Public comment should identify the agenda item it seeks to address, and be limited to 300 words or less. Public comment will be read at the time such agenda item it references is called.

6. Public Comment
7. Public Hearing
 - A. Report from Closed Session of May 12, 2022, City Attorney Candidate - Vote
 - B. Ordinance #182 – SB1383 – Final Hearing and Adoption
 - C. Resolution #599 - Foraker Variance – Side yard set back reduction
 - D. ACBCA – Phase 1 – Discussion and Vote
 - E. City Manager Position – Discussion and Vote
 - F. Sewer Study Update – Discussion and Vote
 - G. Sign Application – 3 Fish Studios
 - H. Committees: ARSA, AIR, ACRA, CULBERT PARK, DESIGN REVIEW,

ACTC/RTMF, LAFCO, HOMELESS, BNB/VRBO, MUSEUM, CEMETERY,
MAINTENANCE POWDER HOUSE, FIRE

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, then please contact City Hall 209-267-0682 or e-mail city.clerk@amador-city.com. Requests must be made as early as possible, and at least two full business days before the start of the meeting.

Amador City Office of the Mayor is inviting you to a scheduled Zoom meeting.

Topic: Amador City Regular City Council Meeting - Zoom link

Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

<https://us02web.zoom.us/j/88534027186?pwd=cUhaSm8xRUNTOTgxb1QwSFFzb1VqUT09>

Meeting ID: 885 3402 7186

Passcode: 193935

One tap mobile

+16699006833,,88534027186#,,,,*193935# US (San Jose)

Dial by your location

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Meeting ID: 885 3402 7186

Passcode: 193935

Find your local number: <https://us02web.zoom.us/j/kczh1A5R1>

CITY OF AMADOR CITY
MINUTES OF THE CLOSED SESSION THE CITY COUNCIL

TUESDAY, April 19, 2022 6:00 p.m.

This will be a hybrid meeting – in person at the City Hall

CLOSED SESSION – Pursuant to Government Code 54956 – Possible litigation

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

Tuesday, April 19, 2022 7:00pm

SPECIAL NOTICE

Pursuant to Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020, as a response to mitigating the spread of coronavirus known as COVID-19, during the July 20, 2021, meeting of the City Council of Amador City, California members of the public will be allowed to join Zoom Meeting.

Zoom information – see next page.

As of August 2, 2021, the State of California requires masks for unvaccinated people and recommends masks for everyone in indoor settings, including local government offices. Therefore, we respectfully request that you wear a mask if you attend this meeting in person.

1. Call to Order - 7pm
2. Pledge of Allegiance
3. Roll Call –Present: Kel-Artinian, Bragstad, Smith; Absent: Robinson and Marks
4. Approval of Agenda, Minutes of March 15, 2022, meeting -Smith ,moved; 2nd by Bragstad, unanimously approved. No financials for approval at this time.
5. Public Matters Not on the Agenda – Discussion items only, no action to be taken. Any person may address the council at this time on any subject matter within the jurisdiction of the Amador City Council. Any item that requires action will be deferred to a subsequent council meeting. Five-minute time limit –

Members of the public wanting to address the Council, either during public comment or for a specific agenda item, or both, are requested to send an email notification no later than 6:00 p.m. on the day of the meeting to city.clerk@amador-city.com . Public comment should identify the agenda item it seeks to address, and be limited to 300 words or less. Public comment will be read at the time such agenda item it references is called.

6. Public Comment
 - A. Molly Allen discussed the ACBCA beautification plan
7. Public Hearing
 - A. Report from Closed Session – unanimous vote to offer Lyons settlement of \$7,910.10.
 - B. Ordinance #182 – SB1383 – First Hearing. This will be on the agenda again next month.
 - C. Resolution #599 – Foraker Variance – Side yard set back reduction. Homeowner not in attendance. Tabled.

- D. Resolution #600 – Treasurer Salary Increase to \$400 per month. Smith moved; Bragstad 2nd; approved unanimously.
- E. SLFRP (American Rescue Plan) Funds – vote to file Treasury report under lost revenue standard allowance as explained in Treasury reporting compliance guidebook. Bragstad moved; Smith 2nd; passed unanimously
- F. CIRA (Formerly Known as PARSAC) Flexible Spending Funds - \$39k+ in funds available from CIRA. Funds cannot be used for salary or on property City does not own. Vote on proposal to use this money as park matching funds. Bragstad moved; Smith 2nd. Passed unanimously.
- G. Sewer Study Update – sewer study should be available shortly. Need to build up capital improvement reserve funds. Discussion only.
- H. Park Update – discussion only.
- I. Committees: ARSA-tertiary plant needed but very expensive, Air-none, ACRA-none, Culbert Park-none, Design Review-none, ACTC/RTMF-bike and pedestrian traffic improvement, LAFCO-none, Homeless-none, BnB/VRBO-none, Museum-none, Cemetery-need to take out tree, Maintenance-Dale Cameron will be maintaining public restrooms while Ian is out of town, Powder House-Toma working on Powder House project, Fire-working on funding for wood chipper for Sutter Creek FD

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, then please contact Joyce Davidson at (209)890-6284 or e-mail city.clerk@amador-city.com. Requests must be made as early as possible, and at least two full business days before the start of the meeting.

Meeting adjourned at 8:21pm.

MAY 12 2022

Joyce
Dunston
City Clerk

Enclosed for your City Council
meeting Addressing sewer Increases

Respectfully

RAY BRUSATORI

A copy of Amador City Sewer
service charges : 5 pages

B copy of Proposition 218: 1 page

C copy of Ray Brusatori
settlement Agreement dated 5-16-2013
2 pages

Article 8. - Permits, Fees and Sewer Service Charges

A

13.04.620 - Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance or perform any work on any drainage system without first obtaining a written permit from the city.

(Ord. 147 § 8.01, 2002)

13.04.630 - Application for permit and payment of charges.

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the city for that purpose. He or she shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The manager may require plans, specifications or drawings and such other information as he or she may deem necessary.

In the event the applicant for a permit is required to provide plans, specifications or drawings and information as a condition to the issuance of the permit, the applicant shall pay all engineering, legal, administrative and other expenses and charges prior to the issuance of the permit.

If the manager determines, with the advice and consent of the engineer, that the plans, specifications, drawings and other information furnished by the applicant are satisfactory and are in compliance with the ordinances, rule and regulations of the city, he or she shall issue the permit applied for upon payment of the charges herein referred to and of the fees as hereinafter fixed.

(Ord. 147 § 8.02, 2002)

13.04.640 - Compliance with permit.

After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the city, the manager or other authorized representatives.

(Ord. 147 § 8.03, 2002)

13.04.650 - Agreement.

The applicant's signature on an application for any permit as set for in Section 13.04.660, shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the city, and with the plans and specifications he or she has filed with his or her application, if any,

together with such corrections or modifications as may be made or permitted by the city, if any. Such agreement shall be binding upon the applicant and may be altered only by the city upon the written request for the alteration from the applicant.

(Ord. 147 § 8.04, 2002)

13.04.660 - Classes of permits.

There shall be five classes of permits as follows:

- A. Single-family residential sewer permit;
- B. Trailer court and multiple dwelling sewer permit;
- C. Commercial, industrial, church, school, public and other user sewer permit;
- D. Public sewer construction permit;
- E. Private sewage disposal permit.

(Ord. 147 § 8.05, 2002)

13.04.670 - Fees—Annexation charges.

The owner or owners of lands within areas proposed to be annexed to the city shall deposit with the clerk of the city a sum to be fixed by the manager, prior to the commencement of proceedings by the council on the proposed annexation. The amount to be fixed by the manager shall be in a sum estimated to equal the engineering, legal and publication costs and all other charges which may be incurred by the city in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith. Should the amount of the deposit exceed the costs incurred by the city the excess shall be refunded to the owner or owners following the conclusion of the final hearing of the proposed annexation. Should the amount of the deposit be insufficient to pay such costs incurred by the city the owner or owners shall advance such additional sums as shall be necessary to pay the costs prior to the final hearing on the proposed annexation.

(Ord. 147 § 8.06, 2002)

13.04.680 - Special equalization charges and benefit zones.

In addition to any other fees and charges established by the ordinances, rules and regulations of the city, there shall be collected, prior to the issuance of a permit for connection to the sanitary sewerage system of the city, such special equalization charges as may be specified by the council in order to establish condition of equality between the installers of downstream sewerage facilities and those benefiting from but not participating in the cost of these facilities.

When special equalization charges are deemed necessary and appropriate by the council, a special benefit zone shall be established which shall define the area of properties that may reasonably be expected to benefit from the construction of specific sewerage facilities which have been or are to be constructed. The boundaries of each special benefit zone and the amount of special equalization charges to be levied therein shall be established by resolution of the council. The amount of the special equalization charges to be levied within a given special benefit zone will generally be determined as follows:

- A. Where the sewerage facilities have been financed through special assessment proceedings or a city approved co-operative project, the amount of the special equalization charges shall be the equivalent of the assessment to similar properties within the assessment district or co-operative project area which paid for the facilities.
- B. Where the sewerage facilities have been privately financed and the city has entered into a reimbursement agreement with the installer pursuant to Section 13.04.470, the amount of special equalization charges shall be computed by the city based on the cost of installation of the facilities, including all expenses incidental thereto, and all engineering, legal inspection and other charges, and based on the relative benefit derived by properties within the special benefit zone.

(Ord. 147 § 8.07, 2002)

13.04.690 - Connection charges.

- A. Connection fees shall be the sum of four thousand five hundred dollars (\$4,500.00) per connection. Hereafter, connection fees may be changed by resolution of the city council.

Additional costs incurred by the city for the services of the city engineer, city planner, city attorney and any additional administrative costs related to the sewer connection shall also be paid by the applicant.

Connection fees may be paid in advance of construction, however, at the end of eighteen (18) months following payment of fee, structure must either be connected and become subject to monthly service charges or fee will remain with the city as a down payment for additional fee on structure during year actually connected.

- B. Annual Increase of Connection Charge. As of the month of July of each subsequent year beginning in 2004, the connection fee will be increased by three and one-half percent.

Schedule of Fees

Year	Increase	Amount
2004	\$157.50	\$4657.50
2005	163.01	4820.51
2006	168.72	4989.23

2007	174.62	5163.85
2008	180.73	5344.58

- C. Prepayment—Subdivisions. Prepayment of the connection charges required under this article shall be paid to the city before any final subdivision map is approved by the city and before any permit to install sewerage facilities to serve the subdivision is issued. An exception to the requirement for the prepayment at the time of subdivision may be made by the council when, in its judgment, the type of development which will occur within the subdivision cannot be accurately determined for purposes of calculating appropriate connection charges. Whenever such an exception is made by the council, the charges which have been deferred shall be paid prior to the issuance of individual building sewer connection permits at the rates in existence at the time of issuance of the connection permits.
- D. Alteration of Use. The connection charges herein established are applicable to the use proposed to be made of the building at the time the connection permit is issued. In the event of alteration of the building or of additional use of the sewer facilities for which the connection charge was originally established, additional charges shall be paid for the added family units as herein defined at the connection charge rate in effect at the time such alterations or additions are made.
- E. Credit for Advance Payments. Whenever the connection charges, established in subsection A of this section, have been advanced or prepaid, or whenever any area or connection charges have been advanced or prepaid pursuant to regulations of the city which were previously in effect, persons obtaining permits for new connections shall be entitled to a credit against the connection charges provided herein. Such credit shall be applicable in those instances where the payments have been made to the city and where the actual connections to the sewer facilities of the city have not yet been made as of the effective date of the ordinance codified in this chapter. The credit shall be computed on the same basis and rate as that used at the time of collection but, in no case, shall the amount of such credit exceed the amount of connection charges required to be paid under subsection A of this section.

(Ord. 157 (part), 2003; Ord. 147 § 8.08, 2002)

13.04.700 - Sewer permit and inspection fees.

Sewer permit and inspection fees shall be one hundred fifty dollars (\$150.00) and may be changed by resolution.

Prior to construction of connection to city sewers, inspection fees shall be deposited with city. All sewer work outside city streets shall be under a plumbing permit issued by city. All work in city streets shall be in accordance with encroachment provision of Chapter 12.08. All re-inspections charges shall be responsibility of permittee and will be 1.5 times cost billed to city for any re-inspection services.

make payable such moneys from the specific fund established for the deposit of sewer service charges.
(Ord. 157 (part), 2003; Ord. 147 § 8.10, 2002)

(Ord. No. 171, § 1, 9-20-12; Ord. No. 174, 3-17-16)

13.04.720 - Billing and collecting.

- A. Collection of Sewer Service Charges. All sewer service charges shall be billed and collected and deposited in a special fund established and maintained for that purpose.
- B. Due Date of Charge. All sewer service charges shall become due and payable at the end of each month from the date of connection. Billings shall be made on the first day of the month for the charges due in the preceding month.
- C. Persons Responsible. All sewer service charges shall be billed to the person who requested the connection to the city sewer system or his or her successor in interest, or if no such request was made, then to the owner of such premises on the date on which such premises are required to connect to the city sewer system, or to the successor in interest of such person, or to any person requesting that such bill be charge to him or her. It shall be and is made the duty of all owners and users of all premises to inform the city clerk immediately of all circumstances, and of any change or changes in any circumstances, which will in any way affect the applicability of any charge to premises owned or used by him or her or the amount of any such charge. In particular, but not by way of limitation, an owner or user of any premises shall immediately inform the city clerk of any sale or transfer of such premises by or to such owner or user. The owner of the premises is and shall be responsible for payment of any and all sewer service charges applicable to premises owned by him or her.
- D. Delinquency Date. Except as otherwise provided elsewhere in this chapter, each sewer service charge shall be delinquent if not paid on or before the thirtieth day immediately following the date upon which such sewer service charge became due and payable.
- E. Penalties for Nonpayment. All bills not paid within thirty (30) days after the date the bill was rendered shall be delinquent and a penalty of ten (10) percent of the bill or amount due plus a penalty of not exceeding one-half of one percent per month shall accrue for the period of the nonpayment and be collected as a part of the principal thereof.
- F. Enforcement In the event of the failure any person or the owner of the premises to pay when due any sewer service charges applicable to premises owned by him or her, the city may enforce payments of such delinquent charges in any of the following manners:
 - 1. The city may have such premises disconnected from the sanitary sewer system. In the event such a disconnection should create a public health hazard or nuisance, the superintendent or his or her representatives may enter upon the premises for the purpose of doing such things a may be reasonably necessary to alleviate or remove such hazard or menace. The owner of such premises

shall have a duty to reimburse the city for all expenses incurred by city in disconnecting any such premises, or in doing other things authorized by this section; and no re-connection shall be made until all such charges are paid.

2. The city clerk may institute action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the city may be collected.
3. As an alternative procedure, the city may provide any and all delinquent payments be placed on the tax roll, and collected with property taxes, as hereinafter provided.

Collection on Tax Roll Procedure. The city may elect to use the tax roll on which general city taxes are collected for the current or delinquent sewer service charges, and in such case proceedings therefor shall be as now or hereafter provided in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

4. The city may provide otherwise for the collection of such delinquent charges. All remedies provided for here in for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the city determines. If any remedy is invalid, all valid remedies shall remain effectual.

(Ord. 147 § 8.11, 2002)

13.04.730 - Fees and deposits—Environmental Quality Act.

Where city is the lead agency or a responsible agency for any project under the state and local guidelines adopted pursuant to the Environmental Quality Act of 1970, the person or persons beneficially interested shall deposit with the city the estimated cost of city preparation of materials, reports and the making of evaluations of the proposed project as estimated by the city engineer. Should the amount of deposit be inadequate to meet the city's costs as lead agency or as a responsible agency involved in providing consultation to the lead agency, as required by law, city shall, prior to completion of the city's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary to complete the review of the proposed project which shall be immediately deposited with city. Should there be a surplus remaining in the deposit following completion of the city's evaluation of the project, the surplus shall be returned to the person or persons making such deposit.

(Ord. 147 § 8.12, 2002)

13.04.740 - Disposition of fees.

All fees collected on behalf of the city shall be deposited with the proper authority provided by the city to receive such funds.

(Ord. 147 § 8.13, 2002)

13.04.750 - All work to be inspected.

(Ord. 147 § 8.09, 2002)

13.04.710 - Collector and trunk sewer charges.

A. Sewer Service Rate Charge. Hereafter, sewer service rate charges shall be established by ordinance.

Classification of Use	Monthly Charges
Residential:	
Single-family dwelling	\$67.60
Multi-Family Dwelling	\$67.60 per unit
Multi-family dwelling 4 or more units	\$67.60 for first unit, \$37.18 for 2nd unit and up
Trailer or mobile home parks	\$67.60 per unit
Churches:	
Houses of worship and public facilities in connection therewith (excluding residences)	\$67.60

Commercial Establishments. Charges shall be determined by the equivalent single family residential (ESFR) unit times sixty-seven dollars and sixty cents (\$67.60) and not be less than a single family dwelling unit rate of sixty-seven dollars and sixty cents (\$67.60). An ESFR unit is determined by the average daily amount of water used during the winter months of December, January and February by all metered residences divided by the number of residences. The ESFR shall be determined by the city sanitation engineer.

Other. Rates for any special unit not provided for herein shall be fixed and established by resolution of council at the time of connection or whenever a change of use or occupancy may create such a special unit, or as soon as practical thereafter. Rates for special units shall be fixed and established based solely upon the approximate load placed upon the city's sewer system.

Any commercial establishment which uses water as an integral part of its business operations or which introduces into the sewer system any chemical or waste material not consistent with ordinary household or culinary operations, and which is not otherwise provided for above, shall be considered a special unit. Examples

of such operations may include but are not limited to: hair salons, photo finishing operations, plant nurseries and laundry facilities.

Whereas in those instances of a single-family dwelling unit which consists of more than one structure (examples: barn, garage, detached bedroom), toilets in those structures shall not constitute a separate and additional sewer fee as long as the use of such structures remain in conformance with the definition of a single-family dwelling unit.

And whereas if the detached structures are converted to rental, commercial, multifamily, etc. use, sewer fees will be charged accordingly.

- B. **Effective Date of Charges.** The rates and charges provided herein shall become effective upon the effective date of the ordinance codified in this chapter. With respect to premises thereafter connected directly or indirectly to the sewer system, or thereafter discharging directly or indirectly any sewage and/or waste into the sewer system, the charge shall be effective immediately upon connection.

Notwithstanding the provisions of this paragraph or of this chapter, no service charge shall be due or paid for a building or dwelling which is newly constructed until such is occupied. Further, no customer shall be billed less than a full month's sewer service charge, whether the service period is for one month or any portion thereof.

- C. **Power to Inspect Premises.** In order to effect the powers of this chapter and pursuant to Section 6523.2 if the Health and Safety Code of the state of California, the city's superintendent (engineer) and his or her authorized representatives are given the power and authority to enter upon private property pursuant to Section 13.04.910 for the purpose of inspection and maintenance of sanitary and waste disposal facilities, including, but not limited to, ascertaining the nature of such premises, the type of activities carried on therein, the number of plumbing fixtures situated therein, and any other facts or information reasonably necessary to ascertain the applicability of any sewer service charges to such premises, or the amount of such charges.
- D. **Adjustments.** It is the intent of the provisions of this chapter, in establishing different sewer service charges for different categories of customers, to reflect the benefit from such service to each customer so that those who receive greater benefits or those who impose heavier burden upon the system because of higher flow, or the quality of the discharge, pay a higher charge. If, in respect to any customer, the city council should find that the charge is inequitable, or unfair because of unusual circumstances, it may establish a special service charge for such customer, differing from those otherwise established which will bear a closer relationship to the benefit received from use of the city system. Such special charge may be established by resolution or agreement, but may be revoked at any time by the council wherever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.
- E. **Vacancy.** No credit, adjustment or refund will be made to any customer because the premises or any part thereof are vacant unless the premises are disconnected from the sewer system.
- F. **Refunds.** When any refund becomes due and owing by virtue of action of the city council or by virtue of any error made in ascertaining the charge applicable to any customer, the city council is authorized to

All sewer construction work, building sewers and drainage systems shall be inspected by an inspector acting for the city to insure compliance with all requirements of the city. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the city's public sewer until the work covered by the permit has been completed, inspected and approved by the city inspector. All sewers shall be tested for leakage in the presence of the city inspector and shall be cleaned of all debris accumulated from construction operations. If the test proves satisfactory, the inspector shall issue a certificate of satisfactory completion.

(Ord. 147 § 8.14, 2002)

13.04.760 - Notification.

It shall be the duty of the person doing the work authorized by permit to notify the office of the inspector in writing that the work is ready for inspection. Such notification shall be given no less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the city before giving the above notification.

(Ord. 147 § 8.15, 2002)

13.04.770 - Condemned work.

When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the city.

(Ord. 147 § 8.16, 2002)

13.04.780 - All costs paid by owner.

All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the work.

(Ord. 147 § 8.17, 2002)

13.04.790 - Outside sewers.

Whereas the capacity of the Amador City sewer system is limited and future needs of parcels in the city will require sewer hook-ups. Therefore as of this date the city reserves the use of the sewer facility for parcels located inside the city limits and will deny hook-up applications for those parcels located outside the city limits.

(Ord. 147 § 8.18, 2002)

13.04.800 - Special outside agreements.

Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the city.

(Ord. 147 § 8.19, 2002)

13.04.810 - Street excavation permit.

A separate permit must be secured from the county or any other person having jurisdiction there over by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

(Ord. 147 § 8.20, 2002)

13.04.820 - Liability.

The city and its officers, agents and employees shall not be answerable for any liability of injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the city and its officers, agents and employees harmless from any liability imposed by law upon the city or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his or her work or any failure which may develop therein.

(Ord. 147 § 8.21, 2002)

13.04.830 - Time limit on permits.

Unless an extension of time is granted by the council, if work under a permit is not commenced and completed within the time specified in the permit, the permit shall become void and no further work shall be done until a new permit shall have been secured.

(Ord. 147 § 8.22, 2002)

B

PROPOSITION 218

Proposition 218, the "Right to Vote on Taxes Act", was approved by California voters in November 1996 and is codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 establishes requirements for imposing or increasing property related taxes, assessments, fees and charges. For many years, there was no legal consensus on whether water and sewer rates met the definition of "property related fees". In July 2007, the California Supreme Court essentially confirmed that Proposition 218 applies to water rates. The prevailing legal consensus is that Proposition 218 also applies to wastewater rates.

BWA recommends the City follow the procedural requirements of Proposition 218 for all water and wastewater rate increases. These requirements include:

- **Noticing Requirement:** The City must mail a notice of proposed rate increases to all affected property owners. The notice must specify the basis of the fee, the reason for the fee, and the date/time/location of a public rate hearing at which the proposed rates will be considered/adopted.
- **Public Hearing:** The City must hold a public hearing prior to adopting the proposed rate increases. The public hearing must be held not less than 45 days after the required notices are mailed.
- **Rate Increases Subject to Majority Protest:** At the public hearing, the proposed rate increases are subject to majority protest. If more than 50% of affected property owners or tenant ratepayers submit written protests against the proposed rate increases, the increases cannot be adopted.

Proposition 218 also established a number of substantive requirements that are generally deemed to apply to utility service charges, including:

- **Cost of Service** - Revenues derived from the fee or charge cannot exceed the funds required to provide the service. In essence, fees cannot exceed the "cost of service".
- **Intended Purpose** - Revenues derived from the fee or charge can only be used for the purpose for which the fee was imposed.
- **Proportional Cost Recovery** - The amount of the fee or charge levied on any customer shall not exceed the proportional cost of service attributable to that customer.
- No fee or charge may be imposed for a service unless that service is used by, or immediately available to, the owner of the property. Standby charges shall be classified as "assessments" which are governed by Article 13D Section 4.

Charges for water, sewer, and refuse collection are exempt from the additional voting requirements of Proposition 218 provided the charges do not exceed the cost of providing service and are adopted pursuant to procedural requirements of Proposition 218.

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT is made by and between Petitioner Ray Brusatori ("Brusatori") and the City of Amador City (the "City") as follows:

RECITALS

1. On 1/14/13, Brusatori filed a VERIFIED PETITION FOR WRIT OF MANDATE as to the validity of the change of sewer charges pursuant to City Ordinance No. 171, Amador County Superior Court Case No. 13 CV 8193;
2. On 2/27/13, The City filed a DEMURRER/REQUEST FOR JUDICIAL NOTICE, which Brusatori opposed;
3. On 4/4/13, the Court issued a Tentative Decision denying the City REQUEST FOR JUDICIAL NOTICE and overruling the DEMURRER. The City requested oral argument;
4. On 4/5/13, the matter was heard and submitted. On 4/18/13, the Court sustained the DEMURRER, with leave to amend;
5. The parties now wish to resolve the matter permanently without further litigation.


NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Brusatori will dismiss with prejudice the Petition for Writ of Mandate. The Court will reserve jurisdiction to enforce this settlement agreement pursuant to CCP 664.6. Brusatori agrees, subject to the hereinafter set forth conditions, to permanently refrain from pursuing now, or in the future, any and all actions, legal or equitable, contesting the validity of the City's flat sewer rate fees. Brusatori further agrees, subject to the hereinafter set forth conditions, to refrain from instituting and/or participating in any class action litigation which contests City's flat rate sewer fees under any legal or equitable theory.
2. City by entering into this agreement does not admit for any purpose the illegitimacy, illegality and/or impropriety of its flat rate sewer rate;
3. The sewer charges for Petitioner's property located at 14196 Hwy 49, Amador City (APN 008-310-019), consisting of one commercial and 7 one-bedroom apartments and Brusatori's property located at 14115 Hwy 49, Amador City (APN 008-302-015) (Mine House Flats) consisting of four one-bedroom apartments, shall be as follows:
 - a. The sewer flat fee for the commercial connection at the Amador Hotel shall be

\$52.00 per month. The fee for each of the 1 bedroom apartments shall be 55% of \$52.00, to wit \$28.60 per month;

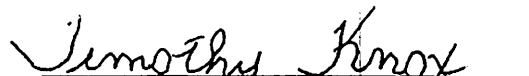
- b. The sewer fee for one 1 bedroom residence at the Mine House Flats shall be \$52.00 per month. The fee for each of the three remaining 1 bedroom apartments shall be 55% of \$52.00, to wit \$28.60 per month.
4. The fees described in the preceding paragraphs shall be effective commencing on June 1, 2013. There shall be no refund of any sewer charges paid since the imposition of the flat fee rate increase;
 5. If the City increases the flat rate for residential properties, the monthly sewer fee charges for 1 bedroom apartments owned by Brusatori, which was the subject of the litigation between the parties above, shall be 55% of the charge for a single family residence;
 6. The City shall promptly reimburse Brusatori his attorney fees in the sum of \$3,097.50 and costs of suit in the sum of \$538.72;
 7. In the event of any proceedings to enforce the terms of this SETTLEMENT AGREEMENT, the prevailing party shall be entitled to reasonable attorney fees as determined by the Court.

Dated: May 28, 2013



Ray Brusatori

Dated: May 16, 2013



Tim Knox, Mayor, City of Amador City

APR 25 2022 Amador City, P.O. # 00, Amador City 95601

Amador City Sign Application



Date: MARCH 30, 2022

Name of Applicant: FRK REWITZ *Application fee \$50*

Name of Business: 3 FBH STUDIOS

Mailing Address: PO BOX 550

Business Location: 14196 HWY 49 SUITE 3

Telephone: Bus PLYMOUTH, CA 95669

Res 415.602.2707

Size: 30x10

Type (Hanging/flat/other) HANGING

Material: WOOD

Colors: Background - WHITE

Lettering - BLACK

Trim - WOOD

Additional art work - BLACK & BLUE

Letter Size: 2 inches on top, 1 inch on bottom

Please provide a scaled and dimensioned drawing (example 1/2 in = 1 ft) depicting the proposed sign including lettering, artwork and colors. The colors shall be as accurate as possible. Labeled paint samples shall be included. Lettering style(s) shall be specifically shown. Lettering examples from magazines or newspapers may be used to show type face. Trim and artwork shall be accurately portrayed.

Please complete all the information on this sheet even though the information may be repeated on the sign.

Applicants or their representative are strongly urged to be present at Sign Committee when this item is reviewed **THE SIGN COMMITTEE WILL INDICATE THEIR APPROVAL, CONDITIONAL APPROVAL OR DENIAL BY AFFIXING THEIR INDIVIDUAL SIGNATURES TO THIS FORM. A QUORUM MUST BE PRESENT AT MEETING. IF SIGN IS DENIED, COMMITTEE MEMBERS WILL INDICATE SECTION OR SECTIONS OF SIGN ORDINANCE SUPPORTING DENIAL.**

Approval:

Conditional Approval:

Denial:

Handwritten note in a circle: \$50 fee rec'd, ck #2007, rec'd 4/25

CITY OF AMADOR CITY

SIGN APPLICATION

Date MARCH 30, 2022

3 FISH STUDIOS

Name of Business

1496 HWY 49, SUITE 3

Business Location

ERK REWITZER

Name of Applicant

SIZE: 30" x 10"

MATERIAL: WOOD

COLORS: Background: WHITE

Lettering: BLACK

Trim: WOOD

LETTER SIZE: 2", 1"

TYPE (i.e. hanging, flat) HANGING

PO BOX 550, PLYMOUTH CA

Mailing Address

415-602-2707 95669

Telephone No.

Business License No.

SCALED AND DIMENSIONED DRAWING OF SIGN:

Please attach a separate sheet which accurately and to scale depicts the proposed sign. The colors should be as accurate as possible. Letter style and any art work should be specifically shown. Please complete the information on this sheet even though the information may be repeated in the sign. Applicants or their representatives are strongly urged to be present at Design Review meetings when this item is to be discussed.

DESIGN REVIEW RECOMMENDATIONS:

DESIGN REVIEW ACTION

APPROVAL: _____

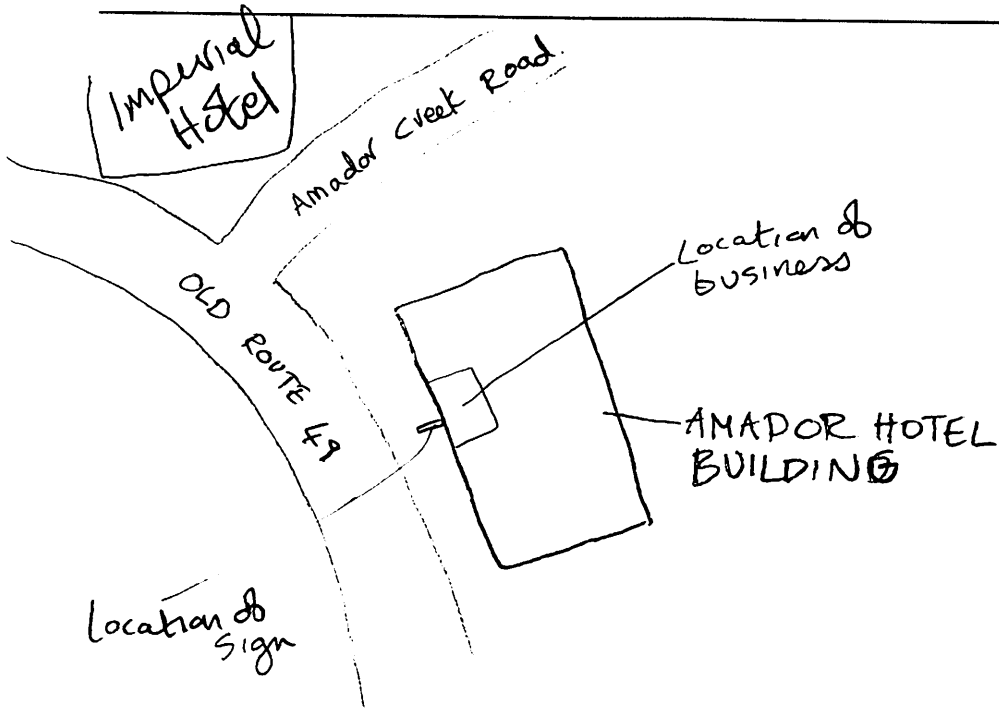
CONDITIONAL APPROVAL _____

DENIAL: _____

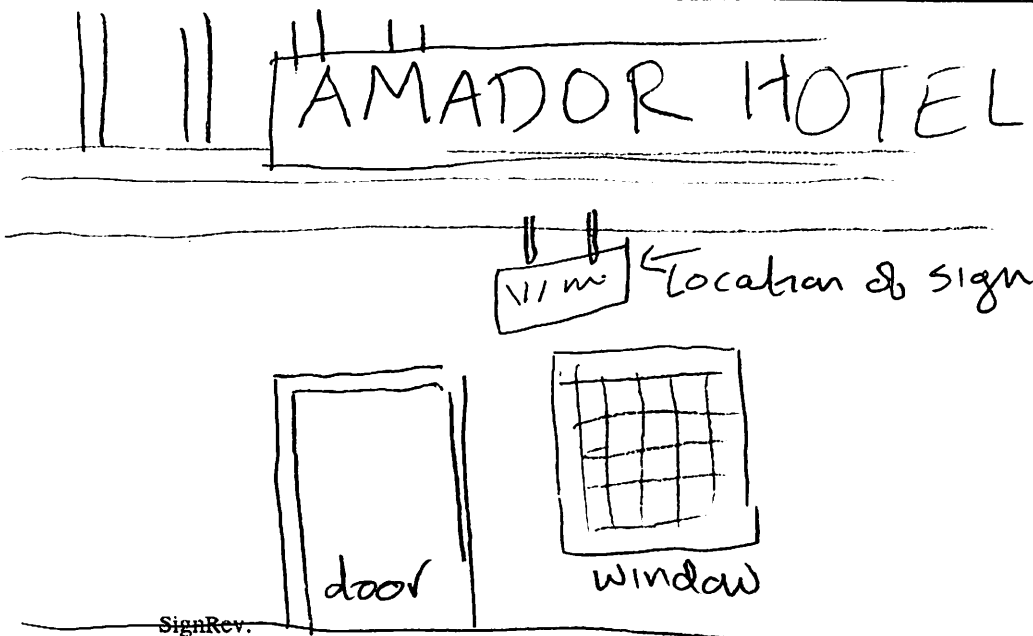
CITY OF AMADOR CITY

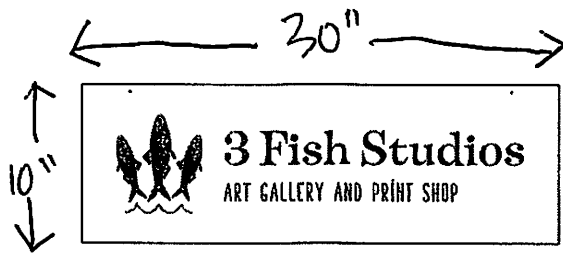
SIGN APPLICATION

PLOT PLAN (Birds eye view) Draw building and locations of all signs for this business.



FRONT VIEW: Draw front elevation of business and location of sign.





15" = 1 FOOT.