

City of Isleton

City Council
Staff Report

DATE: February 22, 2022

ITEM#: 6.B

CATEGORY: Old Business

ORDINANCE 2022-001 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ISLETON COMPLIANCE WITH MANDATORY SB1383 NON-EXEMPT COMPONENTS EDIBLE FOOD PROGRAM REQUIREMENTS, CALGREEN RECYCLING REQUIREMENTS AND REPORTING REQUIREMENTS

SUMMARY

Resolution 2022-001 was adopted on October 12, 2021 to affirm an exemption from the requirements of mandatory organics collection services associated with SB 1383. The California Climate Pollutant Reduction law, Senate Bill 1383 is to reduce disposal of organic wastes in landfills, including edible foods. This Bill also is to reduce greenhouse gas emissions.

The City is exempt from the food collection requirements; however other components of SB 1383 are still applicable to the City beyond the solid waste arena. The State is requiring all agencies comply with implementing a food recovery program. To that end various City and County departments are moving forward with steps to be in compliance with the non-exempt components of the law that fall in their area of responsibility, including:

- Edible Food Recovery Program
- CalGreen Building Standards and Model Water Efficient Landscaping Ordinance (Community Development)
- Recycled Paper Product Procurement (Administration)
- Records maintenance and submittal of reports to CalRecycle (Public Works/Compliance)

DISCUSSION

The Department of Resources Recycling and Recovery (CalRecycle) requires the Cities to adopt an Ordinance to be in compliance with the non-exempt components of the law that fall in their area of responsibility.

CalRecycle administers a program to provide opportunities for the support of new and expanded edible food recovery and food waste prevention projects (food recovered for people or source reduction) in California. Projects must reduce the amount of food being disposed in landfills, thereby helping to achieve the state's short-lived climate pollutant goals.

CalRecycle estimates Isleton is eligible for an estimated \$20,000 funds to implement, maintain and regulate generators for the Edible Food Recovery Program. Staff is requesting City Council

adopt Ordinance 2022-001 to comply with SB 1383 non-exempt components and to receive funding for the Edible Food Recovery Program and any future grant funds.

FISCAL IMPACT

The City will receive \$20,000 to implement, regulate, inspect and maintain an Edible Food Recovery Program.

| State of California Recovery | | Department of Resources Recycling and | |
|---|--------------------------|---------------------------------------|---------------|
| SB 1383 Local Assistance Grant Program FY 2021-22 - Funding Estimates | | | |
| Jurisdiction Name | Estimated Funding Amount | | |
| Sacramento | | | |
| Citrus Heights | \$ | | 116,192 |
| Elk Grove | \$ | | 234,644 |
| Folsom | \$ | | 108,968 |
| Galt | \$ | | 35,275 |
| Isleton | \$ | | 20,000 |
| Rancho Cordova | \$ | | 105,504 |
| Sacramento | \$ | | 677,363 |
| Sacramento County | \$ | | 775,495 |

RECOMMENDATION

Staff is recommending that the City Council adopt Ordinance 2022-001 to comply with SB 1383 non-exempt components and to receive funding for the Edible Food Recovery Program and any future grant funds.

ATTACHMENTS

1. Ordinance 2022-001 An Ordinance of the City Council of the City of Isleton Compliance with Mandatory SB 1383 Non-Exempt Components Edible Food Program Requirements, CalGreen Recycling and Reporting Requirements
2. Calrecycle Jurisdiction Food Recovery Programs

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 Submitted by: Yvonne Zepeda, Deputy City Clerk

ORDINANCE 2022-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ISLETON
COMPLIANCE WITH MANDATORY SB1383 NON-EXEMPT COMPONENTS
EDIBLE FOOD PROGRAM REQUIREMENTS, CALGREEN RECYCLING
REQUIREMENTS AND REPORTING REQUIREMENTS**

WHEREAS, the City of ISLETON, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) solid waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, Assembly Bill 341 of 2011 places requirements on businesses and multi-family property owners that generate a specified threshold amount of solid waste to arrange for recycling services and requires the City to implement a mandatory commercial recycling program; and

WHEREAS, Assembly Bill 1826 of 2014 requires businesses and multi-family property owners that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, requires the City to implement a recycling program to divert organic waste from businesses subject to the law, and requires the City to implement a mandatory commercial organics recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organics in landfills as a source of methane. As adopted by CalRecycle, these SB 1383 regulations (SB 1383 Regulations) place requirements on multiple entities including the City, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets, and

WHEREAS, the SB 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations, and

WHEREAS, this Ordinance implements the requirements of AB 341, AB 1826, and the SB 1383 Regulations.

THE CITY COUNCIL OF THE CITY OF ISLETON, CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.04 of the of the ISLETON Municipal Code:

Definitions

For the purposes of this Chapter, the following words, terms, phrases, and their derivations have the meanings given herein. Terms defined elsewhere in Title 7 shall have the same meanings herein unless expressly defined in this Chapter. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

- A. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Cities (and others).
- B. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this Article are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- C. "City Enforcement Official" means the city manager, or other executive in charge or their authorized Designee(s) who is/are partially or wholly responsible for enforcing the ordinance.
- D. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Chapter.
- E. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 7-1B-1(OOO) and 7-1B-1(PPP) of this Chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- F. "Compliance Review" means a review of records by the City to determine compliance with this Chapter.
- G. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

- H. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Article, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- I. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- J. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- K. "C&D" means construction and demolition debris.
- L. "Designee" means an entity that the City contracts with or otherwise arranges to carry out any of the City's responsibilities of this Article as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- M. "Direct Service Provider" means a person, company, agency, district, or other entity that provides a service or services to City pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).
- N. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this Chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- O. "Enforcement Action" means an action of the City to address non-compliance with this Chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- P. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City

and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, electronic waste, and/or latex paint when such materials are defined as allowable materials for collection through the City's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by City or its Designee for collection services.

- Q. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- R. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- S. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- T. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
- a) A food bank as defined in Section 113783 of the Health and Safety Code;
 - b) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and
 - c) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization

differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Chapter.

- U. "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- V. "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, fats, oils, grease, and eggshells.
- W. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- X. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- Y. "Food Waste" means Food Scraps.
- Z. "Gray Container" has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste. The body and lid of the 'Gray Container' is black in color for 35, 64, or 95-gallon residential and commercial Solid Waste carts. The body of the 'Gray Container' is blue in color and the lid of the container is black in color for commercial 2, 3, 4, and 6 cubic yard Solid Waste bins.
- (AA) "Grocery Store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (BB) "Inspection" means a site visit where the City reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (CC) "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and

serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Chapter.

- (DD) "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Article and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Chapter.
- (EE) "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (FF) "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- (GG) "MWELO" refers to the Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7.
- (HH) "Non-Compostable Paper" includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- (II) "Non-Local Entity" means the following entities that are not subject to the City's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):
1. Federal facilities located within the boundaries of the City, including the ISLETON Post Office building.
 2. State agencies located within the boundaries of the City, including all Public school locations.
- (JJ) "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable

wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

- (KK) "Notice of Violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- (LL) "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (MM) "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited.
- (NN) "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (OO) "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (PP) "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (QQ) "Prohibited Container Contaminants" means the following: (a) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City's Blue Container; (b) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic

Waste for the City's Green Container; (c) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City's Green Container and/or Blue Container; and, (d) Excluded Waste placed in any container.

(RR) "Recovered Organic Waste Products" means products made from California, landfill- diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

(SS) "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

(TT) "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

(WW) "Regional Agency" means regional agency as defined in Public Resources Code Section 40181.

(XX) "Regional or County Agency Enforcement Official" means a regional or county agency enforcement official, designated by the City with responsibility for enforcing the ordinance in conjunction or consultation with City Enforcement Official.

(YY) "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

(ZZ) "Route Review" means a visual inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

(AAA) "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

(BBB) "SB 1383 Eligible Mulch" means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

I. Produced at one of the following facilities:

(a) A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);

(b) A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,

(c) A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3, as enforced by Section 6-3-708(a).

(CCC) "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this Chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

(DDD) "State" means the State of California.

(EEE) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(FFF) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

1. Supermarket.
2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
3. Food Service Provider.
4. Food Distributor.
5. Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Chapter.

(GGG) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food

Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.
3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this Chapter.

(HHH) "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

Requirements for Commercial Edible Food Generators

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 - 1 B - 5 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- C. Commercial Edible Food Generators shall comply with the following requirements:
 1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 2. Contract with, or enter into a written agreement with, Food Recovery Organizations or Food Recovery Services for: (a) the collection of Edible Food for Food Recovery; or, (b) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 4. Allow City's designated enforcement entity or designated third party

enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

(b) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

(c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

- The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
- The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
- The established frequency that food will be collected or self-hauled.
- The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

6. No later than March 31st of each year, commencing no later than February 1, 2023 for Tier One Commercial Edible Food Generators and February 1, 2025 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City that includes the following information:

- (a) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
- (b) The quantity of food, measured in annual pounds recovered, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (c) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - Nothing in this Article shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

Requirements for Food Recovery Organizations and Services

- A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - 1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - 2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - 3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - 4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- C. No later than March 31st of each year, commencing March 31, 2023 Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b).

D. Food Recovery Capacity Planning

1. Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the City or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

Requirements for Haulers and Facility Operators

A. Requirements for Haulers

1. Exclusive franchised hauler providing residential, Commercial, or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:
 - (a) Through written notice to the City annually on or before March 15TH identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
 - (b) Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

- (c) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, this Article, and City's C&D ordinance.

B. Requirements for Facility Operators and Community Composting Operations

1. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.
2. Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.
3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

Procurement Requirements for City Departments, Direct Service Providers, and Vendors

A. Direct Service Providers of landscaping maintenance, renovation, and construction shall:

1. Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, for all landscaping renovations, construction, or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
2. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to City, upon completion of projects. Information to be provided shall include:
 - (a) Through written notice to the City annually on or before March

15TH identify the facilities to which they will transport Organic Waste incl

- (b) General description of how and where the product was used and if applicable, applied;
- (c) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
- (d) Type of product;
- (e) (d) Quantity of each product, and
- (f) Invoice or other record demonstrating purchase or procurement.

B. All vendors providing Paper Products and Printing and Writing Paper shall:

1. If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non- recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non- recycled items or at a total cost of no more than 10% of the total cost for non-recycled items.
2. Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.
3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
4. Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).
5. Provide records to the City's Recovered Organic Waste Product procurement recordkeeping staff, in accordance with the City's Recycled- Content Paper procurement policy(ies) of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as

required in Sections 6-3-708(b)(3) and 6-3-708(b)(4) of this Article for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

Compliance with CALGreen Recycling Requirements

- A. Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen. If the requirements of CALGreen are more stringent than the requirements of this Section, the CALGreen requirements shall apply.
- B. Project applicants shall refer to City's building and/or planning code for complete CALGreen requirements.
- C. For projects covered by CALGreen, the applicants must, as a condition of the City's permit approval, comply with the following:
 1. Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the three-container collection program offered by the City, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
 2. New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three-container collection program offered by the City's franchise waste hauler, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
 3. Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with City's C&D regulations, and all written and published City policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

Model Water Efficient Landscaping Ordinance Requirements

- A. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new Single-Family, Multi-Family, public, institutional, or Commercial project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of Compost and mulch as delineated in this Section.

The following Compost and mulch use requirements that are part of the MWELO are now also included as requirements of this Chapter.

Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in 6-3-710(a) above shall:

1. Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
 - (a) For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - (b) For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - (c) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
2. The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in this Section shall consult the full MWELO for all requirements.

- B. If, after the adoption of this Article, the California Department of Water Resources,

or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo September 15, 2015 requirements in a manner that requires the City to incorporate the requirements of an updated MWELo in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23CCR, Division 2, Chapter 2.7 shall be enforced.

Inspections and Investigations by City

- A. City representatives and/or its designated entity, including Designees, are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this Article by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection.
- B. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Article described herein. Failure to provide or arrange for: (a) access to an entity's premises; or (b) access to records for any Inspection or investigation is a violation of this Article and may result in penalties described.
- C. Any records obtained by a City during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- D. City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this Article, subject to applicable laws.
- E. City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

Enforcement

- A. Violation of any provision of this Article shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Enforcement Official or representative. Enforcement Actions under this Chapter are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines set forth in Title 1, Chapter 4 through Chapter 4 B are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter, except as otherwise indicated in this Chapter.

B. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

C. Responsible Entity for Enforcement

1. Enforcement pursuant to this Chapter may be undertaken by the City Enforcement Official, which may be the city manager, the development services director, or their designated entity, legal counsel, or combination thereof.
2. Enforcement may also be undertaken by a Regional or County Agency Enforcement Official, designated by the City, in consultation with City Enforcement Official.
 - (a) City Enforcement Official(s) and Regional or County Agency Enforcement Official will interpret ordinance; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.
 - (b) City Enforcement Official(s) and Regional or County Agency Enforcement Official may issue Notices of Violation(s).

D. Process for Enforcement

1. City Enforcement Officials or Regional or County Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 7-1B-12 establishes City's right to conduct Inspections and investigations.
2. City may issue an official notification to notify regulated entities of its obligations under the ordinance.
3. City shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the City's Administrative Citation ordinance in Title 1, Chapter 4 through Chapter 4B.

Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information.

5. Penalty Amounts for Types of Violations

Consistent with Section 1-4-5, the penalty levels are as follows:

- (a) For a first violation, the amount of the base penalty shall be \$100 per violation.
- (b) For a second violation, the amount of the base penalty shall be \$200 per violation.
- (c) For a third or subsequent violation, the amount of the base penalty shall be \$500 per violation.

6. Compliance Deadline Extension Considerations

The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 7-1B-13 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- Delays in obtaining discretionary permits or other government agency approvals; or,
- Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

E. Appeals Process

Consistent with Section 1-4A-30 through 1-4A-48, persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City's procedures in the City's codes for appeals of administrative citations. Evidence may be presented at the hearing. The City will appoint a hearing officer who shall conduct the hearing and issue a final written order.

F. Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, City or its Designee will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Article and a notice that

compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

G. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Article, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 7-1B-13, as needed.

Effective Date

This Chapter shall be effective 30-days from the date of its passage.”

SECTION 2. Chapter 5.04 adding Compliance with CalGreen Recycling Requirements Persons applying for a permit from the City for new construction and building additions and alternations shall also comply with the requirements of Section 7-1B-10 (Compliance with CALGreen Recycling Requirements) found in Chapter 1B (Organic Waste Disposal Reduction) of Title 7 (Health and Sanitation)."

SECTION 3. Chapter 5.04 the Isleton Municipal Code is hereby amended to add Section Compost and Mulch Use Requirements.

Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new Single-Family, Multi-Family, public, institutional, or Commercial project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet shall comply with the requirements of Section 7-1B-11 (Model Water Efficient Landscaping Ordinance Requirements) found in Chapter 1B (Organic Waste Disposal Reduction) of Title 7 (Health and Sanitation)."

SECTION 4. CEQA. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in this Ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage.

SECTION 7. Publication. The Deputy City Clerk shall certify to the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of ISLETON this _____ day of _____, 2021, by the following vote:

Ayes:

Noes:

Absent:

Eric Pene, Mayor

ATTEST:

Yvonne Zepeda, Deputy City Clerk

City of Isleton

City Council Staff Report

DATE: February 22, 2022

ITEM#: 6.C

CATEGORY: Old Business

4TH AND A STREET, 4-WAY STOP SIGN, TRAFFIC WARRANT

SUMMARY

4th & A Streets intersection is included in the Draft Local Road Safety Plan that TJKM presented to City Council on December 14, 2021. City Council approved TJKM January 11, 2022 to conduct a multi-way stop study at the intersection of 4th St and A St in response to a traffic accident that occurred in December 2021.

DISCUSSION

Multi-way stop warrants were developed by the Federal Highway Administration (FHWA) and are described in California Manual on Uniform Traffic Control Devices (CA MUTCD, Revision 3, March 2018, Section 2B.07). The decision to install multiway stop control should be based on an engineering study. The following criteria have been considered in the engineering study for a multi-way STOP sign installation:

- A. *Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal*
- B. *Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right- and left turn collisions as well as right-angle collisions*
- C. *Minimum volumes:*
 1. *The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and*
 2. *The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but*
 3. *If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values provided in Items 1 and 2.*
- D. *Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.*

Other criteria that may be considered in an engineering study include:

- A. *The need to control left-turn conflicts:*

- B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;*
- C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and*
- D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.*

TJKM conducted a one day 14-hour turning movement count for vehicles, pedestrians, and bicycles on Thursday, January 27th, 2022, as well as collect collision history for the intersection during the most recent 12-month period (January 1 to December 31, 2021). From this, the team conducted an all-way stop warrant analysis for the intersection of 4th St and A St.

Based on the CA MUTCD warrants (the first Criteria A-D listed above), the intersection of 4th St and A St does not meet the requirements of the multi-way stop control. However, based on a sight distance analysis conducted of the intersection, vehicles approaching the intersection from A Street and 4th Street may have difficulty spotting oncoming traffic and would need to significantly slow down or come to a complete stop to negotiate the intersection. Additionally, the intersection features two residential streets of similar design and operating characteristics and the observed collision is susceptible to correction by an all-way stop installation. An all-way stop installation would help rectify collisions and sight distance obstructions observed at the intersection. Lastly, the presence of a yield sign and stop sign at the same intersection is not legally justified and could cause confusion among drivers negotiating the intersection. Therefore, based on Option C and D (listed above under "Other Criteria") of the CA MUTCD warrant, TJKM recommends installation of all-way stop control at A Street/4th Street.

FISCAL IMPACT

TJKM performed the scope of services not-to-exceed lump sum of \$1,100.00

RECOMMENDATION

Staff recommends City Council to review and approve 4th and A Street, 4-Way Stop Sign, Traffic Warrant and direct its installation.

ATTACHMENTS

1. Technical Memorandum for Multi-Way Stop Sign Warrant Analysis at A Street/4th Street
2. 4th and A Streets Traffic Count Report

Prepared by: Diana O'Brien, Administrative Assistant

Reviewed by: Charles Bergson, City Manager

Submitted by: Yvonne Zepeda, Deputy City Clerk





TECHNICAL MEMORANDUM

Date: February 11, 2022

To: Chuck Bergson and Diana O'Brien, City of Isleton

From: Cory Peterson, TJKM
Mitra Fakhry, TJKM

Subject: ***Technical Memorandum for Multi-Way Stop Sign Warrant Analysis at A Street/4th Street***

The purpose of this technical memorandum is to present the data collection and analysis results for multi-way stop control application at the intersection of A Street/4th Street in the City of Isleton. Currently, the intersection is a two-way stop controlled intersection, with stop control at the northbound (A Street) and westbound (4th Street) approaches, and a yield control at the southbound (A Street) approach.

DATA COLLECTION

TJKM collected the one day 14-hour (6:00 a.m.-8:00 p.m.) turning movement counts for vehicles, pedestrians and bicycles on Thursday, January 27, 2022 at the intersection of A Street/4th Street. TJKM collected the collision history for a 12-month period (January 1 to December 31, 2021) at this study intersection. **Appendix A** includes all the data sheets for the collected turning movement counts and collision history.

MULTI-WAY STOP WARRANT ANALYSIS METHODOLOGY

Multi-way stop applications were developed by the Federal Highway Administration (FHWA) and are described in California Manual on Uniform Traffic Control Devices (CA MUTCD, Revision 3, March 2018, Section 2B.07). The decision to install multiway stop control should be based on an engineering study. The following criteria have been considered in the engineering study for a multi-way STOP sign installation:

- A. *Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal*

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- B. *Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right- and left turn collisions as well as right-angle collisions*
- C. *Minimum volumes:*
 - 1. *The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and*
 - 2. *The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but*
 - 3. *If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values provided in Items 1 and 2.*
- D. *Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.*

Other criteria that may be considered in an engineering study include:

- A. *The need to control left-turn conflicts:*
- B. *The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;*
- C. *Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and*
- D. *An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.*

ANALYSIS

Upon data collection, an engineering analysis was performed to ascertain the feasibility of all-way stop control (AWSC) at the intersection of A Street/4th Street. The analysis utilizes intersection traffic volumes, collision history, and vehicle speeds. Results of the analysis are summarized below:

- Traffic volumes generated on major and minor streets for any eight hours of an average day are not significant enough to generate concerns for vehicle delay and traffic operations. Additionally, the intersection experiences low hourly pedestrian and bicycle volumes throughout the day. Even if vehicle speeds exceeded 40 mph, traffic volumes are not significant enough to meet 70 percent of the minimum values in C.1 and C.2.
- Collision history is an indicator to determine if there are significant safety concerns that would improve with the installation of AWSC. Collision history was evaluated for a 12-month period (January 1 to December 31, 2021). One vehicle-involved collision was recorded during this time at the study intersection. The collision occurred due to a vehicle travelling south on A Street

failing to yield to vehicles in the intersection. Collision history is not significant enough to generate concerns.

- The intersection features two residential roadways with one lane in each direction. High vehicular speeds were not observed during field visit.

Table 1 summarizes warrant analysis conducted for the intersection.

Table 1: Multi-Way Stop Warrant Analysis Summary

| Criterion | Result | Summary |
|------------------|---|----------------|
| A | Traffic signals are not justified and no future traffic signal installation planned. | Not Satisfied |
| B | One collision rectifiable by multi-way stop sign installation occurred within recent 12-month period. | Not Satisfied |
| C | Minimum volumes per criteria C.1 and C.2 were not satisfied. Minimum volumes per criteria C.3 were not satisfied. | Not Satisfied |
| D | Criteria A, B and C were not satisfied; hence, criterion D is not applicable. | Not Satisfied |

Results of the engineering analysis shows that AWSC is not justified when considering typical warrants at the intersection of A Street/4th Street.

Additionally, Options A, B, C and D as aforementioned were evaluated to ascertain need for stop sign installation. The results of the analysis are summarized below:

- **Option A:** There was no left turn conflict witnessed during the 12-month collision analysis period, therefore this criterion is not satisfied.
- **Option B:** The two intersections experience low hourly pedestrian and bicycle volumes throughout the day. Additionally, there were no reported vehicle/pedestrian-bicycle collisions during the 12-month analysis period. Therefore, this criterion is not satisfied.
- **Option C:** Drivers on the minor street (4th Street) approaching the intersection may have difficulty spotting oncoming A Street traffic. Based on A Policy on "Geometric Design of Highways and Streets, (The Green Book) 2018 7th Edition" from the American Association of State Highway and Transportation Officials (AASHTO), Case A – No Traffic Control (Table 9-4), the sight distance triangle shows vehicles travelling eastbound and approaching the intersection from 4th Street do not have clear view of vehicles travelling northbound and southbound on A Street until they reach the intersection. Additionally, trees and parked vehicles further obstruct the line of sight. Based on A Policy on "Geometric Design of Highways and Streets, (The Green

Book) 2018 7th Edition" from the American Association of State Highway and Transportation Officials (AASHTO), Case C1 – Crossing Maneuver from Yield-Controlled Approaches (Table 9-12), the sight distance triangle shows vehicles travelling southbound and approaching the intersection from A Street do not have clear view of vehicles travelling eastbound or westbound on 4th Street, but do have clear view of the intersection. Additionally, parked vehicles on both sides of A Street further obstruct the line of sight. Based on A Policy on "Geometric Design of Highways and Streets, (The Green Book) 2018 7th Edition" from the American Association of State Highway and Transportation Officials (AASHTO), Case C2 – Left-And Right-Turn Maneuvers at Yield-Controlled Approach (Table 9-15), the sight distance triangle shows vehicles travelling southbound on A Street do not have a clear view of vehicles travelling eastbound and westbound on 4th Street, but do have clear view of the intersection. Additionally, parked vehicles on both sides of A Street further obstruct the line of sight. Although there is a yield control at the southbound approach, vehicles travelling northbound and southbound on A Street would need to travel into the intersection to have clear view of vehicles travelling eastbound and westbound on 4th Street. At both approaches discussed above, vehicles would need to slow down significantly or come to a complete stop to negotiate the intersection. The sight distance limitations can be rectified through AWSC installation. Therefore, this criterion is satisfied.

- **Option D:** 4th Street and A Street are both local residential streets that provide access to single-family residential land uses on both sides. Both roadways are one-lane per direction and have on-street parking on both sides. Therefore, this criterion is satisfied.

CONCLUSIONS

Based on Criterion A through D of the multi-way stop warrant analysis, minimal traffic volumes and collision history at the study intersections do not meet requirements of the multi-way stop control warrants as per CA MUTCD guidelines. However, based on the sight distance analysis conducted, vehicles approaching the intersection from A Street and 4th Street may have difficulty spotting oncoming traffic and would need to significantly slow down or come to a complete stop to negotiate the intersection. Additionally, the intersection features two residential streets of similar design and operating characteristics and the observed collision is susceptible to correction by an all-way stop installation. An all-way stop installation would help rectify collisions and sight distance obstructions observed at the intersection. Lastly, the presence of a yield sign and stop sign at the same intersection is not legally justified and could cause confusion among drivers negotiating the intersection. Therefore, based on Option C and D, TJKM recommends installation of all-way stop control at A Street/4th Street.

| Project | | Location | | Date | | Time | | Weather | | Traffic | | Collision | |
|---------|----------|---------------|-------|-------|------|------|-----|---------|------|---------|-------|-----------|----------|
| Code | Name | City | State | Month | Year | Hour | Day | Temp | Wind | Vol | Dir | Type | Severity |
| 101 | 101st St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |
| 102 | 102nd St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |
| 103 | 103rd St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |
| 104 | 104th St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |
| 105 | 105th St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |
| 106 | 106th St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |
| 107 | 107th St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |
| 108 | 108th St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |
| 109 | 109th St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |
| 110 | 110th St | San Francisco | CA | Jan | 2018 | 7:00 | Mon | 45 | 10 | 1000 | North | None | None |

APPENDIX A

Traffic Counts

Collision History

Intersection: A St / 4th St
Date: Thu, Jan 27, 2022
Count Period: 6:00 AM to 8:00 PM



Twelve-Hour Count Summaries

| Interval Start | 4th St Eastbound | | | | 4th St Westbound | | | | A St Northbound | | | | A St Southbound | | | | 15-min Total | Rolling One Hour |
|----------------|------------------|----|----|----|------------------|----|----|----|-----------------|----|----|----|-----------------|----|----|----|--------------|------------------|
| | UT | LT | TH | RT | UT | LT | TH | RT | UT | LT | TH | RT | UT | LT | TH | RT | | |
| | 6:00 AM | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| 6:15 AM | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 6 | 12 | 0 |
| 6:30 AM | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 3 | 8 | 0 |
| 6:45 AM | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 10 | 32 |
| 7:00 AM | 0 | 6 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 4 | 12 | 42 |
| 7:15 AM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 1 | 0 | 0 | 2 | 15 | 45 |
| 7:30 AM | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 2 | 6 | 43 |
| 7:45 AM | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 6 | 21 | 54 |
| 8:00 AM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 9 | 19 | 61 |
| 8:15 AM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 13 | 59 |
| 8:30 AM | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 3 | 13 | 66 |
| 8:45 AM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 9 | 54 |
| 9:00 AM | 0 | 4 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 9 | 44 |
| 9:15 AM | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 3 | 13 | 44 |
| 9:30 AM | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 10 | 41 |
| 9:45 AM | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 5 | 9 | 41 |
| 10:00 AM | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 4 | 8 | 40 |
| 10:15 AM | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 5 | 13 | 40 |
| 10:30 AM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 11 | 41 |
| 10:45 AM | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 3 | 13 | 45 |
| 11:00 AM | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 1 | 3 | 6 | 17 | 54 |
| 11:15 AM | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 3 | 9 | 23 | 64 |
| 11:30 AM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 6 | 18 | 71 |
| 11:45 AM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 5 | 16 | 74 |
| 12:00 PM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 5 | 12 | 69 |
| 12:15 PM | 0 | 6 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 3 | 12 | 58 |
| 12:30 PM | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 | 7 | 18 | 58 |
| 12:45 PM | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 5 | 12 | 54 |
| 1:00 PM | 0 | 6 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 1 | 5 | 16 | 58 |
| 1:15 PM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 4 | 11 | 57 |
| 1:30 PM | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 7 | 17 | 56 |

Intersection: A St / 4th St
Date: Thu, Jan 27, 2022
Count Period: 6:00 AM to 8:00 PM



Twelve-Hour Count Summaries

| Interval Start | 4th St Eastbound | | | | 4th St Westbound | | | | A St Northbound | | | | A St Southbound | | | | 15-min Total | Rolling One Hour |
|---------------------------------------|------------------|------------|----------|----------|------------------|----------|----------|----------|-----------------|----------|-----------|----------|-----------------|-----------|-----------|------------|--------------|------------------|
| | UT | LT | TH | RT | UT | LT | TH | RT | UT | LT | TH | RT | UT | LT | TH | RT | | |
| 1:45 PM | 0 | 8 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 6 | 16 | 60 |
| 2:00 PM | 0 | 10 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 6 | 20 | 64 |
| 2:15 PM | 0 | 11 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 | 6 | 22 | 75 |
| 2:30 PM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 2 | 14 | 72 |
| 2:45 PM | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 5 | 20 | 76 |
| 3:00 PM | 0 | 9 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 15 | 71 |
| 3:15 PM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 3 | 13 | 62 |
| 3:30 PM | 0 | 17 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 1 | 1 | 3 | 10 | 37 | 85 |
| 3:45 PM | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 17 | 82 |
| 4:00 PM | 0 | 11 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 6 | 20 | 87 |
| 4:15 PM | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 8 | 24 | 98 |
| 4:30 PM | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 8 | 20 | 81 |
| 4:45 PM | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 6 | 22 | 86 |
| 5:00 PM | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 24 | 90 |
| 5:15 PM | 0 | 13 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 8 | 24 | 90 |
| 5:30 PM | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 | 16 | 86 |
| 5:45 PM | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 6 | 15 | 79 |
| 6:00 PM | 0 | 9 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 6 | 20 | 75 |
| 6:15 PM | 0 | 8 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 1 | 4 | 16 | 67 |
| 6:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 56 |
| 6:45 PM | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 8 | 49 |
| 7:00 PM | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 4 | 7 | 36 |
| 7:15 PM | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 5 | 25 |
| 7:30 PM | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 7 | 27 |
| 7:45 PM | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 2 | 4 | 11 | 30 |
| Count Total | 1 | 406 | 8 | 7 | 0 | 0 | 3 | 8 | 0 | 5 | 41 | 1 | 9 | 10 | 41 | 276 | 816 | 0 |
| AM 2-Hour Peak (10:45 - 12:45) | 0 | 57 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 7 | 0 | 1 | 2 | 15 | 44 | 129 | 0 |
| PM 2-Hour Peak (3:30 - 5:30) | 0 | 103 | 1 | 1 | 0 | 0 | 1 | 2 | 0 | 1 | 7 | 0 | 2 | 2 | 7 | 61 | 188 | 0 |
| AM Peak-Hour (11:00 - 12:00) | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 5 | 0 | 1 | 2 | 8 | 26 | 74 | 0 |
| PM Peak-Hour (3:30 - 4:30) | 0 | 54 | 1 | 1 | 0 | 0 | 0 | 2 | 0 | 1 | 4 | 0 | 1 | 2 | 6 | 26 | 98 | 0 |

Note: Twelve-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

| Interval Start | Heavy Vehicle Totals | | | | | Bicycles | | | | | Pedestrians (Crossing Leg) | | | | |
|---------------------------------------|----------------------|----------|----------|-----------|-----------|----------|----------|----------|----------|----------|----------------------------|----------|-----------|----------|-----------|
| | EB | WB | NB | SB | Total | EB | WB | NB | SB | Total | East | West | North | South | Total |
| 3:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| 3:30 PM | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 2 |
| 3:45 PM | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| 4:00 PM | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4:15 PM | 1 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 |
| 4:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| 4:45 PM | 1 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| 5:00 PM | 1 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 2 | 3 | 0 | 0 | 0 | 3 |
| 5:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 5:30 PM | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 5:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 |
| 6:00 PM | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 2 | 1 | 0 | 0 | 1 | 2 |
| 6:15 PM | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Count Total | 20 | 1 | 5 | 18 | 44 | 3 | 3 | 1 | 2 | 9 | 12 | 6 | 11 | 1 | 30 |
| AM 2-Hour Peak (10:45 - 12:45) | 6 | 1 | 1 | 6 | 14 | 0 | 0 | 1 | 0 | 1 | 3 | 2 | 5 | 0 | 10 |
| PM 2-Hour Peak (3:30 - 5:30) | 5 | 0 | 0 | 4 | 9 | 0 | 2 | 0 | 0 | 2 | 6 | 1 | 3 | 0 | 10 |
| AM Peak-Hour (11:00 - 12:00) | 3 | 1 | 0 | 3 | 7 | 0 | 0 | 1 | 0 | 1 | 3 | 2 | 2 | 0 | 7 |
| PM Peak-Hour (3:30 - 4:30) | 3 | 0 | 0 | 3 | 6 | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 1 | 0 | 5 |

Twelve-Hour Count Summaries - Heavy Vehicles

| Interval Start | 4th St | | | | 4th St | | | | A St | | | | A St | | | | 15-min Total | Rolling One Hour | |
|--------------------------------|-----------|----|----|----|-----------|----|----|----|------------|----|----|----|------------|----|----|----|--------------|------------------|---|
| | Eastbound | | | | Westbound | | | | Northbound | | | | Southbound | | | | | | |
| | UT | LT | TH | RT | UT | LT | TH | RT | UT | LT | TH | RT | UT | LT | TH | RT | | | |
| 2:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 |
| 3:45 PM | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 3 |
| 4:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 4 |
| 4:15 PM | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 6 |
| 4:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| 4:45 PM | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 5 |
| 5:00 PM | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 5 |
| 5:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| 5:30 PM | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 5 |
| 5:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| 6:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| 6:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 3 |
| 6:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 6:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 7:00 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 7:15 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:30 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:45 PM | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Count Total | 0 | 19 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 4 | 0 | 0 | 0 | 3 | 15 | 44 | 0 | 0 |
| AM 2-Hour Peak (10:45 - 12:45) | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 3 | 3 | 14 | 0 | 0 |
| PM 2-Hour Peak (3:30 - 5:30) | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 9 | 0 | 0 | 0 |
| AM Peak-Hour (11:00 - 12:00) | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 7 | 0 | 0 |
| PM Peak-Hour (3:30 - 4:30) | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 6 | 0 | 0 | 0 |

Crash at 4th Street & A Street: 12/12/2021

| Case ID | Accident Year | Process Date | Collision Date | Collision Time | Day of Week | Primary Road | Secondary Road |
|----------|---------------|--------------|----------------|----------------|-------------|--------------|----------------|
| 91660140 | 2021 | 12/23/2021 | 12/12/2021 | 2:00 PM | Sunday | 4th Street | A Street |

| Distance | Direction | Intersection | Weather 1 | Weather 2 | Tow Away | Collision Severity | Number Killed |
|----------|-----------|--------------|-----------|-----------|----------|------------------------|---------------|
| 0 | | Yes | Cloudy | Raining | No | Injury (Other Visible) | 0 |

| Number Injured | Party Count | Primary Collision Factor | PCF Violation Code | PCF Violation Category | PCF Violation | PCF Violation Subsection | Hit and Run |
|----------------|-------------|--------------------------|--------------------|-------------------------|---------------|--------------------------|-------------|
| 2 | 2 | Vehicle Code Violation | Not Stated | Automobile Right of Way | 21803 | A | No |

| Type of Collision | Motor Vehicle Involved With | Ped Action | Road Surface | Road Condition | Lighting | Control Device | Pedestrian Accident |
|-------------------|-----------------------------|------------------------|--------------|-----------------------|----------|----------------|---------------------|
| Broadside | Other Motor Vehicle | No Pedestrian Involved | Wet | No Unusual Conditions | Daylight | Obscured | No |

| Bicycle Accident | Motorcycle Accident | Truck Accident | Not Private Property | Alcohol Involved | Statewide Vehicle Type at Fault | CHP Vehicle Type at Fault | Count Severe Injury |
|------------------|---------------------|----------------|----------------------|------------------|---------------------------------|---------------------------|---------------------|
| No | No | No | Yes | No | Pickup or Panel Truck | Pickup or Panel Truck | 0 |

| Count Visible Injury | Count Complaint of Pain | Count Pedestrian Killed | Count Pedestrian Injured | Count Bicyclist Killed | Count Bicyclist Injured | Count Motorcycle Killed | Count Motorcycle Injured |
|----------------------|-------------------------|-------------------------|--------------------------|------------------------|-------------------------|-------------------------|--------------------------|
| 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Latitude | Longitude |
|----------|-----------|
| 38.16054 | 121.61139 |

APPENDIX B

Sight Distance Triangles

GENERAL NOTES

1. A MINIMUM 40 FOOT OF 30 FEET FOR LANE-WIDENING AND RELATED SUBJECTS IS TO BE MAINTAINED TO THE CLEAR ZONE HEIGHT.

LEGEND

CLEAR ZONE ZONE FOR PROPOSED POSTED SPEED LIMIT

TABLE 1: DESIGN INTERSECTION SIGHT DISTANCE - CASE A, NO TRAFFIC CONTROL. SOURCE: TABLE 20-4. A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, 2018 7TH EDITION, AASHTO.

| DESIGN SPEED (MPH) | LENGTH OF LEG (FT) |
|--------------------|--------------------|
| 15 | 70 |
| 20 | 80 |
| 25 | 115 |
| 30 | 140 |
| 35 | 165 |
| 40 | 195 |
| 45 | 220 |
| 50 | 245 |
| 55 | 280 |

TABLE 2: LENGTH OF MINOR ROAD LEG AND TRAILER FOR CASE C1 CROSSING MANEUVER FROM YIELD-CONTROLLED APPROACHES. SOURCE: TABLE 20-12. A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, 2018 7TH EDITION, AASHTO.

| DESIGN SPEED (MPH) | MINOR ROAD APPROACH | |
|--------------------|---------------------|--------------|
| | LENGTH OF LEG (FT) | TRAILER (FT) |
| 15 | 75 | 3.4 |
| 20 | 100 | 3.7 |
| 25 | 130 | 4.0 |
| 30 | 160 | 4.3 |
| 35 | 195 | 4.6 |
| 40 | 225 | 4.9 |
| 45 | 255 | 5.2 |
| 50 | 290 | 5.5 |
| 55 | 320 | 5.8 |

TABLE 3: LENGTH OF MAJOR TRAVEL LEGS ALONG MINOR ROAD - CASE C1, CROSSING MANEUVER FROM YIELD-CONTROLLED APPROACHES. SOURCE: TABLE 20-13. A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, 2018 7TH EDITION, AASHTO.

| DESIGN SPEED (MPH) | STOPPING SIGHT DISTANCE (FT) | DESIGN VALUES (FT) | |
|--------------------|------------------------------|-------------------------------|-----|
| | | MINOR ROAD DESIGN SPEED (MPH) | 15 |
| 15 | 80 | 150 | 145 |
| 20 | 115 | 200 | 195 |
| 25 | 155 | 250 | 240 |
| 30 | 200 | 300 | 290 |
| 35 | 250 | 345 | 335 |
| 40 | 300 | 395 | 380 |
| 45 | 340 | 445 | 430 |
| 50 | 425 | 495 | 480 |
| 55 | 485 | 545 | 530 |



EASTBOUND APPROACH - CASE A (INTERSECTIONS WITH NO CONTROL)



SOUTHBOUND APPROACH - CASE C1 (CROSSING MANEUVER FROM THE MINOR ROAD WITH YIELD CONTROL)



4th STREET & A STREET INTERSECTION

GENERAL NOTES

1. A MINIMUM HEIGHT OF 30 INCHES FOR LANDSCAPING AND RELATED OBJECTS IS TO BE MAINTAINED ON THE CLEAR VISION TRIANGLE.
2. THE LENGTH OF THE LEG OF THE APPROACH ROAD TRIANGLE ALONG THE UNDER ROAD TO ACCOMMODATE RIGHT TURN WITHOUT STOPPING SHOULD BE DEPT. THIS DISTANCE IS BASED ON THE ASSUMPTION THAT DRIVERS TRAVEL LEFT AND RIGHT TURN VEHICLES STOPPED WILL TRIP TO A TURNED SPEED OF 15 MPH.

LEGEND

 CLEAR VISION ZONE FOR PROPOSED POSTED SPEED LIMIT

TABLE 4. DESIGN APPROACHION SIGHT DISTANCE - CASE C2, LEFT OR RIGHT TURN (SOURCE: TRB, 19-15, A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, 2010 FOR 2000, AND 1997)

| DESIGN SPEED (MPH) | STOPPING SIGHT DISTANCE (FT) | LENGTH OF LEG PASSENGER CARS | |
|--------------------|------------------------------|------------------------------|-------------|
| | | CALCULATED (FT) | DESIGN (FT) |
| 15 | 80 | 178.0 | 180 |
| 20 | 113 | 235.2 | 240 |
| 25 | 150 | 294.0 | 295 |
| 30 | 200 | 352.8 | 360 |
| 35 | 250 | 411.6 | 415 |
| 40 | 300 | 470.4 | 475 |
| 45 | 360 | 529.2 | 530 |
| 50 | 420 | 588.0 | 590 |
| 55 | 480 | 646.8 | 650 |



SOUTH-BOUND APPROACH - CASE C2 (LEFT AND RIGHT TURN MANEUVERS AT YIELD-CONTROLLED APPROACH)

Intersection: A St / 4th St
Date: Thu, Jan 27, 2022
Count Period: 6:00 AM to 8:00 PM



Twelve-Hour Count Summaries

| Interval Start | 4th St Eastbound | | | 4th St Westbound | | | A St Northbound | | | A St Southbound | | | 15-min Total | Rolling One Hour |
|----------------|------------------|----|----|------------------|----|----|-----------------|----|----|-----------------|----|----|--------------|------------------|
| | UT | LT | TH | RT | UT | LT | TH | RT | UT | LT | TH | RT | | |
| 6:00 AM | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 |
| 6:15 AM | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 12 | 0 |
| 6:30 AM | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 8 | 0 |
| 6:45 AM | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 32 |
| 7:00 AM | 0 | 6 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 12 | 42 |
| 7:15 AM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 15 | 45 |
| 7:30 AM | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 6 | 43 |
| 7:45 AM | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 21 | 54 |
| 8:00 AM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 19 | 61 |
| 8:15 AM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 59 |
| 8:30 AM | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 13 | 66 |
| 8:45 AM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 54 |
| 9:00 AM | 0 | 4 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 44 |
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| 9:30 AM | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 10 | 41 |
| 9:45 AM | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 41 |
| 10:00 AM | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | 40 |
| 10:15 AM | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 13 | 40 |
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| 10:45 AM | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 13 | 45 |
| 11:00 AM | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 17 | 54 |
| 11:15 AM | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 64 |
| 11:30 AM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 18 | 71 |
| 11:45 AM | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 74 |
| 12:00 PM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 69 |
| 12:15 PM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 58 |
| 12:30 PM | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 18 | 58 |
| 12:45 PM | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 54 |
| 1:00 PM | 0 | 6 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 58 |
| 1:15 PM | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 11 | 57 |
| 1:30 PM | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 17 | 56 |
| 1:45 PM | 0 | 8 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 60 |
| 2:00 PM | 0 | 10 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 20 | 64 |

City of Isleton

City Council Staff Report

DATE: February 22, 2022

ITEM#: 6.D

CATEGORY: Old Business

ISLETON BOAT LAUNCH PROJECT – DIVISION OF BOATING AND WATERWAYS DESIGN GRANT; INFORMATION

SUMMARY

Last year the City Council adopted Resolution 001-21 of the City of Isleton in Sacramento County Authorizing City Manager to submit application for Funding from the Division of Boating and Waterways (DBW), Harbors and Watercraft Revolving Fund for the Boat Launch Facility Grant.

On Thursday February 10, 2022 the DBW Commission approved a \$200,000 grant to provide funding to develop a final concept design, which would confirm that both the Boat Launching Facility. If this is confirmed, the proposed grant would provide planning funding design for the future construction of the Isleton Boat Launching Facility and obtain permits that would be necessary prior to construction.

DISCUSSION

Proposed DBW Scope of Work

DBW will contribute up to \$200,000 for design, engineering, and permitting for the future construction of the following scope items:

Boat ramp – Construct a new single-lane V-grooved concrete ramp.

Pile Guided Boarding Floats – An 80-foot pile guided boarding float would be added.

Driveway modifications – Improve and modify roadways and driveways as necessary for construction and functionality.

Parking improvements – Modify Recreation Area parking for ADA access for vehicle-boat trailer and single-vehicle parking and regular vehicle-boat trailer access. Slurry/seal and/or restripe auxiliary lot as necessary to ensure an adequate number of spaces is provided for the boat ramp.

ADA path of travel – Provide ADA-compliant path of travel between BLF components.

Lighting – Lighting at the top of the boat ramp.

Signage – Add directional, monument, and designation signage.

Payment kiosk – Add payment stations for payment of parking and launching fees.

A grant agreement will be brought to council later this year.

FISCAL IMPACT

The City will receive \$200,000 DBW Boat Launch Design Grant, there is no City requirement for matching funds.

Upon completion of design, the City will apply for construction funding from several available funding sources including Division of Boating and Waterways and State Parks.

RECOMMENDATION

Staff recommends that Council receive report. No action needed.

ATTACHMENTS

1. DBW Feasibility Report

Prepared by: Diana O'Brien, Administrative Assistant

Reviewed by: Charles Bergson, City Manager

Submitted by: Yvonne Zepeda, Deputy City Clerk



ISLETON BOAT LAUNCHING FACILITY FEASIBILITY REPORT



Proposed boat launch ramp location



Parking area near proposed ramp

**City of Isleton
\$200,000 Grant**

SUMMARY

The Boating and Waterways Commission (Commission) is being asked to provide Advice and Comment on the City of Isleton's (City) request for a \$200,000 planning grant from the Harbors and Watercraft Revolving Fund (HWRF) for improvements to the Isleton Boat Launching Facility (BLF).

The proposed grant will fund design, engineering, and permitting for construction for a new boat launching facility. This facility will consist of a new boat ramp, ADA path of travel, modified driveways and parking lots, signage, utilities, lighting, and payment stations. Planning activities will include development of a cost estimate for construction of the facility.

Although there are potential challenges associated with this project, staff believes this project is feasible. If approved, the proposed construction improvements are expected to be completed by December 2023.

The Department of Parks and Recreation, Division of Boating and Waterways seeks Commission Advice and Comment on this proposed \$200,000 HWRF planning grant to the City of Isleton for the proposed improvements to Isleton BLF described in this February 10, 2022 Feasibility Report.

GRANT APPLICANT AND PREVIOUS COMMISSION ACTION

Grant Applicant

The grant applicant for the proposed project is the City of Isleton. The City owns part of the land where BLF amenities would be situated, and controls the remainder under a lease from the State Lands Commission.

Commission Site Visit

Due to the COVID-19 pandemic, site tours are not currently feasible. Boating and Waterways Commission members are scheduled to receive a virtual tour of the BLF site on February 10, 2022, during the Commission meeting.

Previous Commission Action

There is no previous Commission action for this location.

GENERAL LOCATION AND AREA

Location

The City of Isleton is on the southern shore of Sacramento River in Northern California. Isleton is located 50 miles south of Sacramento, and 60 miles east of San Francisco.

Directions

If you are using GPS to navigate to the facility, enter "William Ramos Public Park and Recreation Area, Isleton" as your destination.

To reach Isleton from Sacramento International Airport, take Interstate 5 South 48 miles to Exit 498 for Twin Cities Road. Turn right onto Twin Cities Road, continue for four miles, then turn left onto River Road and continue for two miles. Turn right onto Walnut Grove Bridge, then in 500 feet turn left onto CA-160 S / River Road. In nine miles, the project area will be on your right.



Source: Google Maps

Area

The City of Isleton (pop. 800) is located in far southwestern Sacramento County. The majority of communities around Isleton are small, rural townships. The City of Rio Vista (pop. 7,360) is located about six miles west of Isleton. The unincorporated community of Walnut Grove (pop. 1,533) is located about 10 miles northeast of Isleton. The City is also located in the Sacramento-San Joaquin Delta National Heritage Area.

The City of Isleton was founded in 1874. It is one of the oldest historical towns along the Sacramento River and is known for boating, fishing, camping, historic tours, farming, wine tasting, and bike riding. Since 2008 the City has been working on the revitalization of its historic downtown and reestablishment of the City as a tourist destination. Music, arts, and cultural events are increasing tourism to the downtown historical business district. These events include the annual Spam Festival, Chinese New Year's Celebration, Wine Tasting Events, and Second Saturdays. The City is also working to start up a summer weekend festival similar to the formerly popular Isleton Crawdad Festival.

The City acquired a Community Development Block Grant in 2001 to provide public water access and recreational opportunities. The City constructed a 100-foot long floating dock for tie-ups and bathroom facilities through this grant. Fishing is available year-round on the Sacramento River.

History

There has never been a public boat launching facility at this location.

The proposed construction site was donated to the City of Isleton by the local Ramos family. It is located along the southern shore of the Sacramento River. The site was dedicated as the William Ramos Public Park and Recreation Area.

The City has received funding for a Tier 1 Boating Infrastructure Grant (BIG) project. The City will use these federal funds to design improvements to the public docking facilities. The City would like to construct the BIG project and the BLF project at the Recreation Area, which has limited shoreline available.

Usage

There is currently no public boat launch facility in Isleton.

However, there are three existing publicly-accessible boat launch facilities on the Sacramento River within ten miles of the proposed project location. The Vieira's Resort Boat Launch is a privately-owned facility located two miles west of the proposed project site, on the south side of the river. The City of Rio Vista Boat Launch Facility is a publicly-owned facility located six miles west of the proposed project site, on the west side of the river. The Ko-Ket Resort Boat Launch is a privately-owned facility located seven miles northeast of the project site, on the south side of the river. A fourth nearby facility, the privately-owned B&W Resort Boat Launch, is four miles south of the proposed project site and provides access to the San Joaquin and Mokelumne Rivers.

Existing Conditions

There is an existing boating and fishing dock near the project site, as well as an ADA-compliant restroom. Over the past 10 years, the dock has deteriorated due to exposure to water currents and other natural elements.

There is limited space for parking at the site as currently constructed. The William Ramos Park and Recreation Area does not have enough room to accommodate twenty vehicle-trailer parking stalls, as DBW normally requires for the investment to construct a single-lane launch ramp. **The**

City has offered to lease part of a school lot that is approximately 0.1 miles south of the project site to make up for any parking deficiencies at the proposed BLF site. not yet been approved. Council approval is a recommended condition of this grant. The driving directions from the ramp to this auxiliary parking lot are shown below. In the alternative, the City will provide this parking at the City owned Tower Parking Lot at 502 2nd Street located about 400 feet east from the project site.



Source: Google Maps

Vehicle access to the ramp would be provided directly from First Street. Vehicles trailering boats would exit the ramp and drive on City streets for less than a mile to access parking.

PROJECT DESCRIPTION

The proposed grant would provide funding to develop a final concept design, which would confirm that both the Boat Launching Facility and the BIG project can be accommodated at the proposed site. If this is confirmed, the proposed grant would provide planning funding to at least the 60% level of project designs for the future construction of the Isleton Boat Launching Facility and obtain permits that would be necessary prior to construction.

Proposed DBW Scope

DBW will contribute up to \$200,000 for design, engineering, and permitting for the future construction of the following scope items:

Boat ramp – Construct a new single-lane V-grooved concrete ramp.

Pile Guided Boarding Floats – An 80-foot pile guided boarding float would be added.

Driveway modifications – Improve and modify roadways and driveways as necessary for BLF construction and functionality.

Parking improvements – Modify Recreation Area parking for ADA access for vehicle-boat trailer and single-vehicle parking and regular vehicle-boat trailer access. Slurry/seal and/or restripe auxiliary lot as necessary to ensure an adequate number of spaces is provided for the boat ramp.

ADA path of travel – Provide ADA-compliant path of travel between BLF components.

Lighting – Lighting at the top of the boat ramp.

Signage – Add directional, monument, and designation signage.

Payment kiosk – Add payment stations for payment of parking and launching fees.

Cost Estimate

The estimated total project cost for design, engineering, and permitting is \$200,000. This cost estimate includes \$27,000 for developing the preliminary concept designs, \$98,000 for engineering to at least the 60% design stage, and \$75,000 for permitting once the 60% designs are complete.

Project Status

The proposed project has been planned to the concept level, although additional concept development is necessary to ensure feasibility of both BLF and BIG construction at the Recreation Area. See Exhibits A and B on pages 8 and 9.

Timeline

The City estimates that engineering, design, and permitting would be completed approximately two years from execution of the proposed grant agreement.

Engineering Feasibility

An assessment of engineering feasibility will be part of this project. The project area's size is physically constrained by the Sacramento River, location of the proposed BIG dock, roadways, and private ownership of nearby parcels.

Environmental Impact and Permits

Site environmental reviews required under the California Environmental Quality Act and the National Environmental Protection Act are currently underway. Permitting has not yet begun.

PROJECT METRICS

Annual Launches

According to the City of Isleton's grant application, the annual number of motorized boat launches at the proposed facility is forecasted to be 4,500. The number of non-motorized boat launches is forecasted to be 500.

Annual User Days

Based on the California Boating Needs Assessment study published in 2002, the area average for numbers of users per boat (motorized) at Sacramento River is 2.88. Therefore, the estimated annual number of user days is 12,960 motorized and 500 non-motorized for a combined 13,460 (annual launches * users per boat)

User Day Value

The 2019 Boating Needs Assessment Study estimated a base user day value. This value, adjusted for CPI is \$33.51 per user. The total forecasted annual user day value for this facility is \$451,000 (user day value * current annual user days).

Benefit-Cost Ratio

A common method in the analysis of investments is to establish net present value of the benefits and costs associated with a project. If the Benefit-Cost ratio exceeds "1" then the investment, weighed against available investment alternatives, is worthy of consideration from a financial perspective.

A construction cost estimate will be developed during the grant period. Until that cost estimate has been developed, DBW cannot report an estimated Benefit-Cost ratio.

User Fees

The City intends to charge \$10 to launch a boat and \$3 to park at this facility.

CONCLUSION

The Department's analysis indicates that this project, as proposed, makes needed improvements and improves public access. Further planning is necessary to determine whether this project is feasible from an engineering perspective and will be cost-effective.

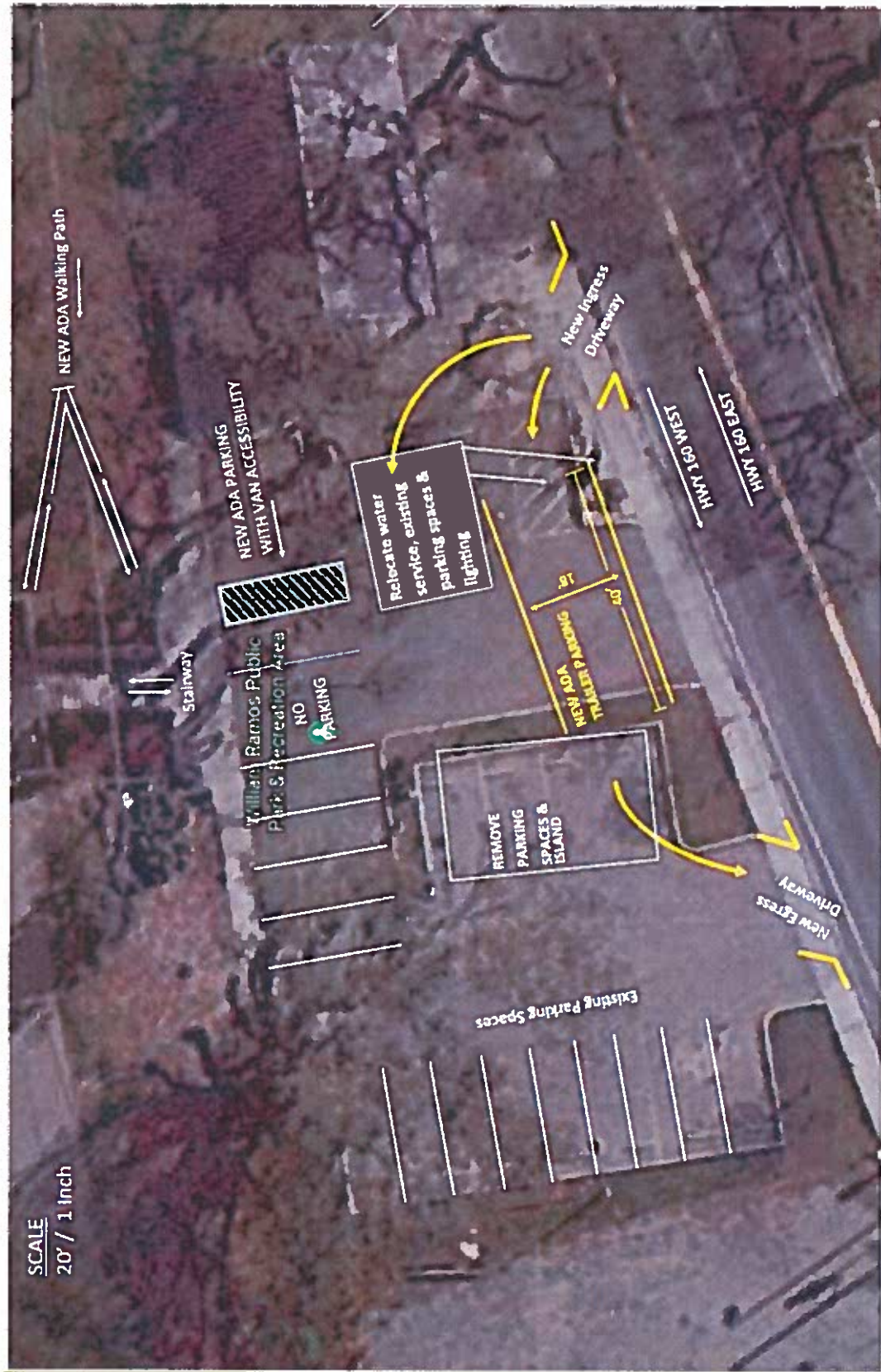
COMMISSION ADVICE AND COMMENT

The Department of Parks and Recreation, Division of Boating and Waterways seeks Commission Advice and Comment on the proposed \$200,000 Harbors and Watercraft Revolving Fund construction grant with a condition to the City of Isleton for improvements described in this February 10, 2022 Feasibility Report.

CONDITION

The City shall approve use of the auxiliary parking site south of the project area for the exclusive use of the BLF, beginning on or before the date BLF construction begins and ending no less than 20 years after completion of BLF construction.

Exhibit B – Concept design for parking near ramp



City of Isleton

City Council Staff Report

DATE: February 22, 2022

ITEM#: 7.A

CATEGORY: Old Business

CITY COUNCIL VACANCY – SACRAMENTO COUNTY GRAND JURY REPORT FEBRUARY 7, 2022

SUMMARY

The City is in receipt of a Grand Jury Report from the Sacramento County Superior Court dated February 7, 2022 regarding the vacant City Councilmember seat. The Grand Jury is directing that the City fill the vacancy or call a special election by June 30, 2022. The Grand Jury is also directing that the Council respond to this report within ninety days.

DISCUSSION

At its June 22, 2021 the Council declined to appoint a fifth councilmember to fill the vacant Council seat. This Grand Jury report was received February 14, 2022.

The Grand Jury report calls for the Council to a) respond to each grand jury finding (there are five), b) response to each grand jury recommendation (there are two), and c) address the budgeting or personal impacts associated with the findings and recommendations.

Attached for background is the City Attorney's report from last June on the matter of filling the Council vacancy (attachment 1). The options presented in their June 2021 report are, in general, relevant today and continue to be available to the City. These are:

- 1 - Conduct an application/appointment process as a full Council.
- 2 - Conduct an application/appointment process with the subcommittee recommending an appointee.
- 3 - Hold a special election by all-mail ballot.
- 4 - Hold a special election by regular balloting on November 8, 2022
- 5 - Take no action.

Staff is recommending that Council pursue Option 1. The Council can direct the solicitation of applicants, receive and review, and make an appointment. This is directed to happen prior to June 30th, 2022. The appointee would hold the seat until the next municipal election on November 8, 2022.

Separately, Staff and the City Attorney will prepare the City response for the Grand Jury. A draft of this response will be presented to Council within the next forty-five days and in advance of the ninety day deadline.

FISCAL IMPACT

There is no fiscal impact associated with this action.

RECOMMENDATION

Staff recommends that City Council directed the solicitation of applications to fill the Fifth Councilmember seat and direct Staff to prepare a response to the Sacramento County Grand Jury letter of February 7, 2022.

ATTACHMENTS

- 1 – Superior Court of California, County of Sacramento, Grand Jury Report of February 7, 2022
- Isleton City Council Violates State Election Laws
- 2 - “Consideration of Options to Fill Council Vacancy”, prepared by attorney O. Clark

Submitted by: Yvonne Zepeda, Deputy City Clerk
Reviewed by: Charles Bergson, City Manager





02/14/22

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
Grand Jury

Deanna Hanson
Foreperson

Tina Bonilla

Francis Bremson

Christina Budwine

Jeannine English

Stephen Holland

Rachel Kaldor

Gregg Magaziner

Barbara Marquez

Douglas Scott
McDonald

Brian McElroy

Patricia Murray-Turner

James Parvis

Marc Remis

Jill Sherrill

Ken Smith

Olivia Washington

Norval Wellsfry

Gregory Williams

February 7, 2022

Isleton City Council
City of Isleton
P.O. Box 716
Isleton, CA 95641

Dear Members

Re: Grand Jury Report – Isleton City Council Violates State Election
Laws

On behalf of the 2021-2022 Sacramento County Grand Jury, I am providing to members of the Isleton City Council, the enclosed report. This report will be released to the public on February 10, 2022 and is being provided to you in advance of its general release pursuant to Penal Code section 933.05, subdivision (1), which provides:

*A grand jury shall provide to the affected agency a copy of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.** It is very important that you comply with this confidentiality requirement.*

The Penal Code also prescribes the obligations of a governing board or elected county official with regard to responding to the grand jury's findings and recommendations. Specifically, if the report contains one or more recommendations directed to you as an elected county official, or to the governing board of which you are a member, you must respond to those recommendations and to the supporting findings, as directed in the report.

The time within which to respond is prescribed by subdivision (c) of Penal Code section 933, which states in relevant part:

No later than 90 days after the grand jury submits a final report on the operations of any public agency, the governing body of the public agency, shall comment to the presiding judge of the superior court on the findings

*and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. **All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.***

The Penal Code also prescribes the content of your responses. Subdivisions (a) through (c) of the Penal Code 93305 state:

- (a) For purposes of subdivision (b) of Section 933, as to **each grand jury finding**, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and **shall include an explanation of the reasons therefor.**
- (b) For purposes of subdivision (b) of Section 933, as to **each grand jury recommendation**, the responding person or entity shall report on of the following:
 - (1) The recommendation has been implemented, **with a summary regarding the implemented action.**
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, **with a time frame for implementation.**
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, **and a time frame for the matter to be prepared for discussion** by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because **it is not warranted or is not reasonable, with an explanation therefor.**
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the department head and the board of supervisors shall respond if requested by the grand jury, but the response to the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

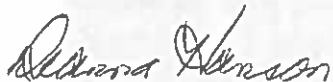
Please be aware that your responses will be a matter of public record and widely read by both community members and local media. Therefore, it is important that your responses be as clear and specific as possible. A response that is vague, does not provide a clear explanation of any action that has or will be taken, or that does not include a specific time frame for implementation, is either helpful nor legally sufficient. Furthermore, if a response does not comply with the applicable provisions of the California Penal Code, you may be directed by the presiding judge to provide an amended response.

Please send your response addressed to Honorable Michael Bowman, Presiding Judge, Sacramento County Superior Court, 720 9th Street, Sacramento, CA 95814, with a copy to Ms. Erendira Tapia-Bouthillier, Grand jury within the time period provided in subdivision (c) of Penal Code section 933 (see above).

This Grand Jury report and the responses will be posted on the Grand Jury's website ([Grand Jury Reports: Sacramento Superior Court \(ca.gov\)](#)). We would appreciate receiving an electronic copy, as well as a signed hard copy, of your response. You may email a copy to TapiaE@saccourt.ca.gov.

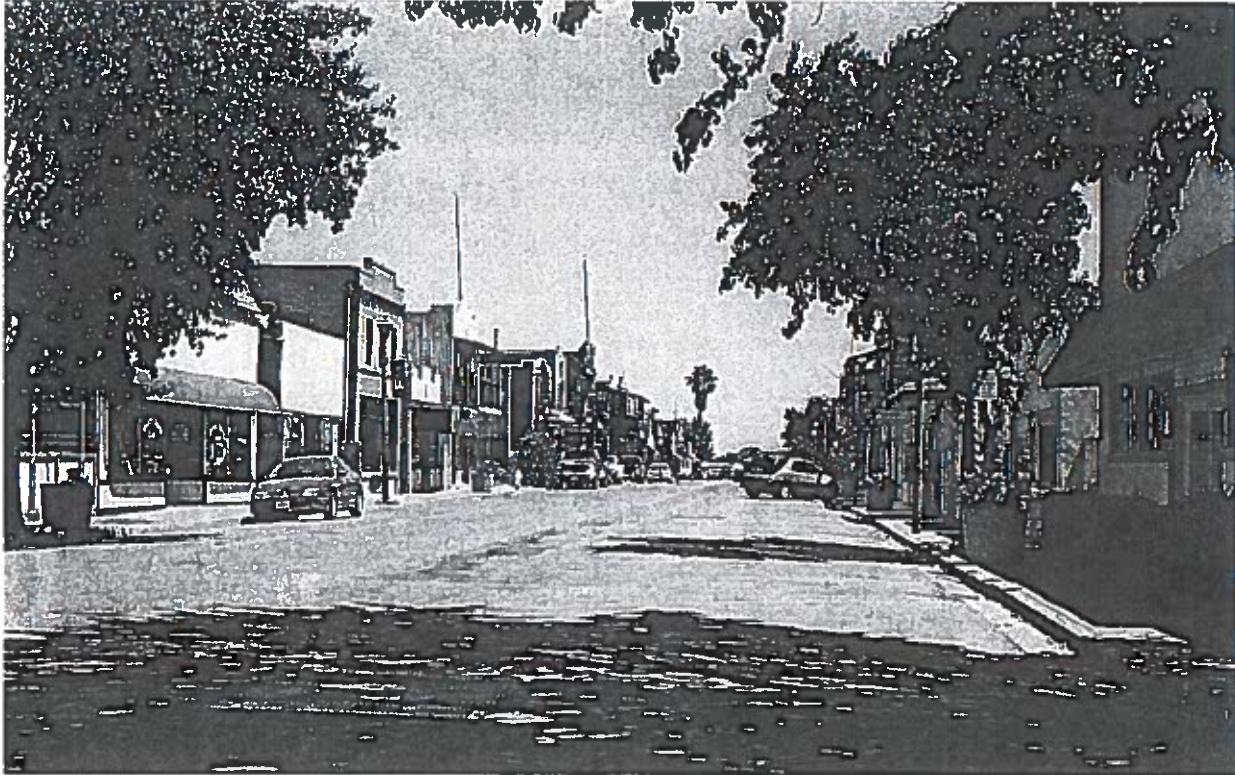
Thank you for your cooperation in providing a meaningful and timely response.

Sincerely,



Deanna Hanson- Foreperson
2021-2022 Sacramento County Grand Jury

ISLETON CITY COUNCIL VIOLATES STATE ELECTION LAWS



City of Isleton

Photo credit: Sarah Stierch (CC BY 4.0)

SUMMARY

A Sacramento County Grand Jury investigation, prompted by a citizen complaint, has found that the Isleton City Council violated State of California law and ignored voter concerns by failing to properly fill a council seat following the death of one of its members in April 2021. The position remains empty at the start of 2022 and could potentially go unfilled for the entire year, diluting the public's representation in government.

The Isleton City Council is comprised of five council members elected by voters to four-year staggered terms. The City of Isleton also employs a City Manager and a City Attorney. On April 23, 2021, one of the Isleton City Council members unexpectedly passed away leaving a vacancy. Government Code section 36512(b) requires that a vacancy on a city council be filled by either appointment or by calling for a Special Election within 60 days from the date of the vacancy. The City of Isleton posted to its website a "Notice of Appointment" instructing applicants to submit a Letter of Interest. The Notice specifically stated that an appointment would be made at the city council meeting on June 22, 2021.

The Isleton City Council subsequently received Letters of Interest from three applicants. While no mention was made regarding their individual qualifications during the June 22, 2021 council meeting, the four remaining council members stated that they did not want to appoint anyone to the vacant position. At this same meeting, the Council was given two critical pieces of information:

1. It would cost \$32,000 to hold a mail-in Special Election.
2. Failure to fill the vacancy by either Special Election or appointment would be a violation of state law.

Even in the face of these requirements, the Council voted unanimously to leave the seat vacant.

The Sacramento County Grand Jury finds that while the City of Isleton did initially appear to work toward meeting the requirements set forth in the Government Code, they violated state law and did not adequately explore options available to them to remedy the situation; a disservice to the residents of Isleton. Further, if an appointment is not made or a Special Election held, the opportunity for Isleton voters to fill the position will not occur until its next election in November 2022.

The Sacramento County Grand Jury recommends that the Isleton City Council appoint a person to fill the vacancy on the Isleton City Council by June 30, 2022. If the City Council fails to make an appointment, a Special Election should be held.

BACKGROUND

The Sacramento County Grand Jury received a citizen complaint on August 15, 2021, alleging that the Isleton City Council, at its June 22, 2021, meeting, unanimously agreed not to fill a vacant city council seat. An investigation was approved by the Sacramento County Grand Jury on September 23, 2021.

Isleton City Council Member Barbara Dockery passed away on April 23, 2021. On June 3, 2021, the City of Isleton posted on its website a "Notice of Appointment to the City Council of the City of Isleton." The Notice instructed potential applicants to submit a Letter of Interest to Isleton City Hall by June 18, 2021, at noon. The Notice specifically stated, "Appointments will be made at the City Council Meeting of Tuesday, June 22, 2021, at 6:30 P.M." This notice was posted 20 days prior to the city council meeting.

During the June 22, 2021 Isleton City Council meeting, the City Council members were advised for the first time by the City Manager and the City Attorney that the County Registrar of Voters estimated the cost of holding a Special Election to be \$32,000 for an all-mail ballot election on November 2, 2021. Although there was no estimate made for a precinct election with in-person polling places as well as mail-in ballots, it was presumed that the cost would be even greater than conducting a mail-in ballot election. The elected person would serve out deceased Council Member Dockery's term to November 2024. Since there was no state election occurring on November 2, 2021, the City of Isleton would bear the entire \$32,000 cost to run the election. The \$32,000 would have come from Isleton's general fund. With 367 registered voters, the cost for the Special Election would be nearly \$100 per voter.

METHODOLOGY

During its investigation, the Sacramento County Grand Jury conducted several interviews and reviewed numerous documents, websites, and recordings including, but not limited to:

- Notice of Appointment to the City Council of the City of Isleton dated June 3, 2021
- Letters of Interest to the City Council of the City of Isleton from three candidates
- City of Isleton Staff Reports dated May 25, 2021, June 8, 2021, and June 22, 2021
- City of Isleton Regular City Council Meeting Minutes dated Tuesday, June 22, 2021
- Audio tape of the City of Isleton City Council Meeting dated Tuesday, June 22, 2021
- City of Isleton Press Release dated April 28, 2021

DISCUSSION

Both a City of Isleton Staff Report, dated June 22, 2021, and the Isleton City Attorney recommended that the City Council appoint a new council member to fill its vacant seat. At its council meeting on that same date, the Isleton City Attorney was asked specifically by a council member if the Council could leave the position vacant until the scheduled general election in November 2022. The City Attorney specifically stated that he would not give that advice, because “it was not supported by the Elections Code.” The City Attorney further advised the Council that by having only four votes on the City Council, it could yield split decisions and open the Council up to legal challenges.

Four citizens spoke during the public comment period at the meeting. All four citizens recommended that the City Council appoint a replacement to fill the vacancy. All four of the Isleton citizens voiced concerns about the cost of a \$32,000 Special Election which had not been anticipated. They preferred to be represented by a City Council consisting of five members rather than only four members.

During its probe into the Isleton City Council’s unanimous vote, the Sacramento County Grand Jury learned that Government Code section 36512 does not provide any penalty for a city council ignoring its mandate to either appoint or call for a Special Election to fill a vacancy. The Sacramento County Grand Jury also reviewed an analogous provision in Government Code section 1780(f)(1). It provides that if a vacancy occurs to a governing board of a special district (such as an energy district, water district, school district, etc.), and the vacancy is not filled by appointment or by calling for a Special Election within 60 days of the vacancy, then the City Council or the County Board of Supervisors may appoint a person to fill the vacancy. The California State legislature, however, did not provide a similar remedy in Government Code section 36512. There is no comparable provision in Government Code section 36512 allowing the Sacramento County Board of Supervisors to make an appointment to fill the Isleton City Council vacancy.

During the June 22, 2021, Council meeting, the Isleton City Attorney explained the fact that there was no penalty for doing nothing. Consequently, the Isleton City Manager ignored the recommendation of the Staff Report dated June 22, 2021, the advice of the City Attorney, and the input from four concerned citizens and proposed that the City Council “do not appoint” anyone to fill the vacancy.

The Grand Jury determined that this lack of a penalty appeared to be a major factor in the Council's decision to ignore the law and violate the requirements of Government Code section 36512. The City Council voted unanimously (4 to 0) to not call for a Special Election and to not appoint a new member to the vacant board seat.

The following discussion identifies the laws, and codes under which the Isleton City Council must operate, as well as an accounting of the steps taken by the City Council in addressing the vacant City Council seat.

Government Code sections 36512(b) and (d)

California Government Code section 36512 states:

“(b) If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. . . (Emphasis added.)

(d) (1) Notwithstanding subdivision (b) and Section 34902, an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.”

The City of Isleton Code of Conduct

The City of Isleton Code of Conduct for Isleton City Council Members, effective January 24, 2008, states:

“2. Dedicated Service in Compliance with the Law:

City Council members will not exceed their authority, breach the law or City policy, nor ask others to do so. They will work in cooperation with each other, other public officials, and staff.”

Isleton City Council Membership

The Isleton City Council is comprised of five City Council members who are each elected by the voters for four-year staggered terms. Elections are held every two years for Council seats whose terms have expired.

The present Isleton City Council consists of the following individuals:

Isleton Mayor
Isleton Vice Mayor
City Council Member
City Council Member
City Council Member

Eric Pene (re-elected in 2018)
Pamela Bulahan (elected in 2018)
Paul Steele (elected in 2020)
Iva Walton (elected in 2018)
Vacant

Another relevant city employee is Charles Bergson, the Isleton City Manager. The City is represented by the law firm of Kronick Moskowitz Tiedemann and Girard.

FINDINGS

- F1.** The Isleton City Council violated Government Code section 36512(b) by failing to appoint and/or failing to call for a Special Election to replace a vacancy on the Isleton City Council.
- F2.** The Isleton City Council disregarded Government Code section 36512(b), the advice of its City Attorney, the advice contained in the Staff Report dated June 22, 2021, and recommendations of several citizens during the June 22, 2021 City Council Meeting when it failed to appoint and/or failed to call for a Special Election to fill a vacancy on the City Council.
- F3.** Failure of the Isleton City Council to follow the mandate of Government Code section 36512(b) was a breach of the City of Isleton Code of Conduct for City Council Members.
- F4.** Failure to appoint a person to fill the vacancy on the Isleton City Council dilutes the public's representation in government since there is one fewer Council Member to express views, opinions, ideas, and diverse opinions as well as potentially resulting in split decisions which would inhibit the Council from making appropriate decisions.
- F5.** The lack of a penalty provision for failure to comply with Government Code section 36512(b) motivated the Isleton City Council to ignore the mandatory requirement to either appoint or call for a Special Election to fill the vacancy on the City Council and leave its constituency with no redress.

RECOMMENDATIONS

- R1. The Isleton City Council should appoint a person to fill the vacancy on the Isleton City Council by June 30, 2022.
- R2. If the Isleton City Council fails to appoint a replacement by June 30, 2022, a Special Election should be held.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following elected county officials within 60 days:

- Isleton City Council
City of Isleton
P.O. Box 716
Isleton, CA 95641

Mail or deliver a hard copy response to:

- Hon. Michael Bowman
Presiding Judge
Sacramento County Superior Court
720 9th St.
Sacramento, CA 95814

Please email a copy of this response to:

- Ginger Durham
Jury Commissioner
DurhamG@saccourt.ca.gov
- Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- Charles Bergson, Isleton City Manager
City of Isleton
P.O. Box 716
Isleton, CA 95641
- Bill Dodd, State Senator
Senate District 3
1021 O Street, Suite 6620
Sacramento, CA 95814-4900
- Vacant, State Assemblymember
Assembly District 11
1021 O Street, Suite 5150
Sacramento, CA 95814-4900
- California State Senate Committee on Elections and Constitutional Amendments
State Capitol, Room 409/410
Sacramento, CA 95814
- California State Assembly Committee on Elections
1020 N Street, Room 365
Sacramento, California 95814
- Kronick Moskowitz Tiedemann and Girard
1331 Garden Hwy, 2nd Floor
Sacramento, CA 95833

Mail or deliver a hard copy response to:

- Hon. Michael Bowman
Presiding Judge
Sacramento County Superior Court
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- Ginger Durham
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Grand Jury
TapiaE@saccourt.ca.gov

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

City of Isleton

City Council

Staff Report

DATE: May 25, 2021/June 8, 2021

ITEM: 7.D

CATEGORY: New Business

CONSIDERATION OF OPTIONS TO FILL CITY COUNCIL VACANCY

City Council Report Update for June 8, 2021 – An email memorandum from the City Attorney providing Supplemental Analysis regarding the Council Vacancy is attached. The City Attorney is recommending that the City Council fill the vacancy within the 60 day window. The 60 day window ends June 22, 2021. The City has issued an advertisement for letter of interest to serve on City Council and is included in the correspondence section of the Agenda. The original Council report from May 25th is included.

Respectfully, City Manager, CBergson

RECOMMENDED ACTION

Staff respectfully recommends that the City Council review the options presented in this report, provide direction to staff, and take any necessary action.

DISCUSSION

On April 23, 2021, Councilmember Barbara Dockery passed away. This seat term was to serve to 2024. The purpose of this report is to present options to fill her Council seat.

As a general law city under State law, Government Code section 36512(b) provides that the Council has 60 days from the commencement of the vacancy to either appoint a replacement or call a special election for voters to select the replacement.

The vacancy was created on Friday, April 23, 2021. The Council has until Tuesday, June 22, 2021, to act on filling the vacancy.

Appointment

Neither State law nor the City's Municipal Code stipulate a specific process to select a replacement by appointment, so the Council has wide discretion over the selection process. The City Council could select a replacement to fill a Council vacancy after conducting an application process. The City could also designate a subcommittee to

review applications and to identify finalists for consideration of an appointee by the full City Council. All interviews and meetings between a majority of the Council and potential appointees are subject to the Brown Act and must be in open session.

If the Council chooses to fill the vacancy by appointment, the appointee shall only hold the office until November 2, 2021, the date of the next general municipal election. Government Code section 36512(b)(2)(A) provides a term vacated in the first half of the term and 130 or more days prior to the next general election and filled by appointment shall only last until the next general municipal election and until the person elected to fill the vacancy has been qualified. Thus, appointment would be for a shortened term and the person subsequently elected would also serve a shortened term that expires in 2024.

Special Regular Election

If a special election is used to determine the replacement for the vacant seat, Government Code section 36512(b)(1) requires the election to be held on the next regular election date established by Elections Code section 1000 that is at least 114 days from the call of the special election. Here, the next regular election date is November 2, 2021. Staff confirmed this date with the Sacramento County Elections Office.

Special Mail-In Election

Since learning of this vacancy, staff conducted research to identify one other possible option for conducting a special election to fill the seat. Another part of the State Elections Code provides an option for cities of less than 100,000 in population to fill a Council vacancy by an all-mail ballot election. (See, Elec. Code, § 4004.) In this case, the election must occur on the last Tuesday in August, August 31, 2021. (See Elec. Code, § 1500.) Staff confirmed this date with the Sacramento County Elections Office.

It is uncertain if the timeframes for necessary actions by the Sacramento County Elections Office can be met to conduct a mail-in election on August 31, 2021.

The cost of conducting a special election, either by mail-in or regular balloting, would be fully borne by the City. A full cost estimate has not been requested from the Sacramento County Elections Office, but considering the City's share of the cost from the most immediate past election, staff estimates that a special election would cost between \$5,000 (mail-in) to \$10,000 (regular) depending on the selected option.

ANALYSIS

Below are the options for the City Council to fill this Council seat.

Option 1 – Conduct an application/appointment process as a full Council.

Under this option, the City would issue a call for applications. The Council would review the applications and then conduct interviews as a full Council. The Council would then

either make an appointment or, if consensus on an appointee cannot be reached, call for a special election under either Option 3 or 4 below.

Staff can draft a short application form and public notices for this option. If this option is selected, staff recommends opening the application period as soon as possible and closing it at the beginning of the week of June 14, 2021 in order to give the Council sufficient time to review applications, hold interviews, and make an appointment (or call a special election).

A successful applicant would hold the seat until November 2, 2021, the next general municipal election. The person elected at that time would only hold the position until 2024.

Option 2 – Conduct an application/appointment process with the subcommittee recommending an appointee.

This option is the same as Option 1 except that instead of the full Council reviewing applications and conducting interviews, a Council subcommittee would review and interview applicants and arrive at a consensus recommendation for an appointee to be considered by the full Council. If the subcommittee cannot reach consensus on an appointee, the Council would then call for a special election under either Option 3 or 4 below.

A successful applicant would hold the seat until November 2, 2021, the next general municipal election. The person elected at the time would only hold the position until 2024.

Option 3 – Hold a special election by all-mail ballot on August 31, 2021.

This would provide for the selection of a replacement to fill the vacancy by an all-mail ballot election. This option was described earlier, and its viability is subject to verification by the Sacramento County Elections Office. Under this option, an all-mail ballot election would be conducted to select the replacement to fill the vacant seat.

Selecting this option for an election in August would require a resolution calling the election to be adopted. This would not preclude the application process described in Options 1 or 2 above – this election could be called at the Council meeting on June 22, 2021, which would still allow for an application/appointment process to be conducted. If the appointment process is unfruitful, the election would be open to any eligible candidate, not just those that applied for appointment, should that process take place first.

A successful candidate would hold the seat until 2024.

Option 4 – Hold a special election by regular balloting on November 2, 2021.

Under this option, the Council would call for a special election to be held by regular balloting (mail, drop box, and walk-in voting) at the next regular statewide election date.

As with Option 3, this election could be called at a later Council meeting, allowing time for an application/appointment process, and would be open to any eligible candidate.

A successful candidate would hold the seat until 2024.

Option 5 – Take no action.

The relevant statute says the Council "shall" either appoint a replacement or call a special election. Thus, the Council has a mandatory duty to act, however, there is no clear penalty for taking no action.

A party could petition for a writ of mandate, thereby asking a court order the Council to take action to fill the vacancy. The reviewing court could take the position that the Council failed to act within the Legislatively-mandated timeline so the seat remains vacant for the remainder of the term because the Legislature had the opportunity to provide a penalty and deliberately did not. (For comparison, if a special district board fails to fill a vacancy, the board of supervisors appoints a replacement.)

On the other hand, the court could also take the position that the Council is simply required to act and order the Council to do so. It is unlikely that the court would specifically order the Council appoint someone or specifically order the Council to call a special election.

FINANCIAL CONSIDERATIONS

As previously stated, the cost of conducting a special election is not known but based on past election information, staff estimates that a special election would cost between \$5,000 (mail-in) to \$10,000 (regular) depending on the selected option.

ENVIRONMENTAL ANALYSIS

This report is for informational purposes and does not trigger environmental review.

ALTERNATIVES

The Analysis section of this report lists the five alternative options available to the Council.

Prepared by Attorney O. Clark

Reviewed by City Manager Bergson