

City of Isleton

City Council Staff Report

DATE: July 12, 2022

ITEM#: 5.A

CATEGORY: Consent Calendar

MINUTES OF THE REGULAR CITY COUNCIL MEETINGS OF JUNE 14, 2022.

SUMMARY

A. Review of the Regular City Council Meetings of June 14, 2022.

FISCAL IMPACT

There is no fiscal impact associated with this action.

RECOMMENDATION

A. City Council review and approve the draft minutes of the Regular City Council Meeting on June 14, 2022.

ATTACHMENTS

- Minutes of June 14, 2022.

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



CITY OF ISLETON

Regular City Council Meeting Minutes

Tuesday, June 14, 2022 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

You can call in to join our public meeting

TELECONFERENCE OR IN PERSON MEETING

This meeting will be held via teleconference or in person, pursuant to Executive Order N-29-20 issued by the State of California Executive Order by Governor Gavin Newsom on March 17, 2020. All members of the public interested in participating in this Zoom meeting can dial in by phone at 408-638-0968 (do not put a 1 before the number), Personal Meeting ID 337-903-7904# (for Personal ID just hit #) and then Passcode 123456#. For computer log-in, follow the link below.

Join Zoom Meeting

<https://us02web.zoom.us/j/3379037904?pwd=cWdVNkN5aHUxcjVwRGR1M1BpajcwZz09>

Meeting ID: 337 903 7904

Passcode: 123456

1. OPENING CEREMONIES

A. Welcome & Call to Order – Vice Mayor Pamela Bulahan called to order at 6:30pm.

B. Pledge of Allegiance

C. Roll Call

PRESENT: Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan, City Manager Charles Bergson. ABSENT: Councilmember Kelly Hutson and Mayor Eric Pene.

2. AGENDA CHANGES OR DELETIONS

ACTION: None.

3. PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

AMERICANS WITH DISABILITIES ACT NOTICE: In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to Yvonne.zepeda@cityofisleton.com at least 48 hours prior to the meeting.

GOV. CODE § 54957.5 NOTICE: Public records related to an agenda item that are distributed less than 72 hours before this meeting are available for public inspection during normal business hours at Isleton City Hall located at 101 Second Street, Isleton, California 95641.

ACTION: Aleida Suarez – Wheel chair at Public Doc and Illegal Fireworks on Fourth of July with it being dry and fire hazard. Dean Dockery - Call 911 and Fire Department will be fully staffed.

4. COMMUNICATION

- A. Ruby Fowler – Town Hall request.
- B. Knee Deep article regarding GHAD.
- C. Grand Jury letter regarding County Board of Supervisors.

ACTION: Ruby Fowler would like Town Hall Meetings for public participation on agenda items that need more discussion/input.

5. CONSENT CALENDAR

- A. **SUBJECT:** Approval of Minutes of the Regular City Council Meeting of May 24, 2022.

RECOMMENDATION: City Council review and approve draft minutes of the Regular City Council meeting of May 24, 2022.

ACTION: Councilmember Paul Steele motion to approve draft minutes of the Regular City Council Meeting of May 24, 2022. Councilmember Iva Walton second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan. **NOES:** None. **ABSTAIN:** None. **ABSENT:** Councilmember Kelly Hutson and Mayor Eric Pene. **PASSED 3-0.**

- B. **SUBJECT:** Ordinance No. 2022-004, Development Agreement DA 2022-01, 402 Jackson Blvd., WTO Essentials, Inc.

RECOMMENDATION: Hold the second reading of Ordinance No. 2022-004 by title only, waive further reading and adopt ordinance.

ACTION: Tabled.

6. PUBLIC HEARING

- A. **SUBJECT:** Landscaping and Lighting Assessment District No. 2007-1 FY 2022-23

RECOMMENDATION: It is recommended that the City Council adopt Resolution 19-22, confirming the levy and collection of assessments for the City of Isleton Village on the Delta Landscaping and Lighting Assessment District No. 2007-1 for Fiscal year 2022-23 Pursuant to the Provisions of the Landscaping and Lighting Act of 1972 of the California Streets and Highway Code.

ACTION: Tabled.

7. OLD BUSINESS

AMERICANS WITH DISABILITIES ACT NOTICE: In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to Yvonne.zepeda@cityofisleton.com at least 48 hours prior to the meeting.

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- A. SUBJECT:** Cal-Waste Request of Rate Increase.

RECOMMENDATION: Staff recommends City Council review rates and give direction to staff

ACTION: Agendize for a public hearing and have a Cal-Waste rep present.

- B. SUBJECT:** City of Isleton Contract with California Center for Rural Policy (CCRP) for the Cannabis Equity Assessment

RECOMMENDATION: It is recommended that the City Council to approve the City of Isleton Contract with California Center for Rural Policy (CCRP) for the Cannabis Equity Assessment

ACTION: Councilmember Iva Walton motion that the City Council approve the City of Isleton Contract with California Center for Rural Policy (CCRP) for the Cannabis Equity Assessment. Councilmember Paul Steele second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan.

NOES: None. **ABSTAIN:** None. **ABSENT:** Councilmember Kelly Hutson and Mayor Eric Pene. **PASSED 3-0.**

- C. SUBJECT:** Housing and Community Development Senate Bill 2 Planning and Local Early Action Plan (LEAP) Grants Grant Project Funds Reallocation

RECOMMENDATION: City Council approve the reallocation of Senate Bill 2 Planning and Local Early Action Plan (LEAP) grant funds.

ACTION: Councilmember Paul Steele approved the reallocation of Senate Bill 2 Planning and Local Early Action Plan (LEAP) grant funds. Councilmember Iva Walton second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan. **NOES:** None. **ABSTAIN:** None. **ABSENT:** Councilmember Kelly Hutson and Mayor Eric Pene. **PASSED 3-0.**

8. NEW BUSINESS

- A. SUBJECT:** Power Point Presentation By Sacramento-Yolo Mosquito & Vector Control District; Receive

RECOMMENDATION: City Council receive Mosquito Vector Control District

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Presentation

ACTION: Luz Robles gave her presentation on the Mosquito Vector Control District and various mosquitos and aggressive ones during the day. To call if you find a dead birds and all standing water empty out. Call Mosquito Vector if you need mosquito spraying. You can also schedule online at Mosquito Vector Control District.

- B. SUBJECT:** Sacramento Environmental Commission – Consideration of Support for Support for the California Plastic Waste Reduction Regulations Initiative

RECOMMENDATION: It is recommended that City Council consider a position on the Plastic Waste Reduction Regulations Initiative.

ACTION: Received and filed.

- C. SUBJECT:** Fiscal Year 2022-23 Draft Budget, City of Isleton

RECOMMENDATION: The City Council receive presentation and set a Public Hearing Fiscal Year 2022-23 Budget

ACTION: By consensus, City Council directed City Manager to set a public hearing for Budget Fiscal Year 2022-23 - July 26, 2022 and City Council approved the Employee Retirement Match and Full Time Accountant.

- D. SUBJECT:** Public Surplus an Online Public Auction Process

RECOMMENDATION: City Council approve the use of Public Surplus an online public auction process to dispose of all used equipment and abandoned supplies

ACTION: Councilmember Paul Steele motion that City Council approve the use of Public Surplus an online public auction process to dispose of all used equipment and abandoned supplies. Councilmember Iva Walton second the motion. **AYES:** Councilmember's Paul Steele, Iva Walton, Vice Mayor Pamela Bulahan. **NOES:** None. **ABSTAIN:** None. **ABSENT:** Councilmember Kelly Hutson and Mayor Eric Pene. **PASSED 3-0.**

9. COUNCIL REPORTS AND COMMITTEE UPDATES

- A. Councilmember Kelly Hutson – Absent.
- B. Councilmember Paul Steele – Meeting on the 20th for Delta Protection Commission. Suggested purchase of leaf rake.
- C. Councilmember Iva Walton – People boating into town. Dock is fine needs some maintenance.
- D. Vice Mayor Pamela Bulahan – SACOG Meeting.
- E. Mayor Eric Pene – Absent.

10. STAFF GENERAL REPORTS AND DISCUSSION

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- A. City Manager Report – Nothing to report.
- B. Fire Chief Report – Absent.
- C. Code Enforcement Report – Housing inspections for two apartments. We are moving forward. Traffic Enforcement is doing good.

11. CLOSED SESSION

- 11.1 Government Code Section § 54956.9 (A). Pending Litigation.
 - 11.2 Closed Session – Gov't Code § 54956.8 Property Negotiations.
- ACTION: Nothing to report.

12. ADJOURNMENT

AYES:
NOES:
ABSTAIN:
ABSENT:

MAYOR, Eric Pene

ATTEST:

DEPUTY CITY CLERK, Yvonne Zepeda

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City of Isleton

City Council
Staff Report

DATE: July 12, 2022
ITEM#: 6.A
CATEGORY: Public Hearing

RESOLUTION APPROVING DELINQUENT SEWER CHARGES FOR THE 2021-2022 FISCAL YEAR AND AUTHORIZING THE DEPUTY CITY CLERK TO FILE SAME WITH THE COUNTY AUDITOR.

SUBJECT:

RESOLUTION APPROVING DELINQUENT SEWER CHARGES FOR THE 2021/2022 FISCAL YEAR AND AUTHORIZING THE DEPUTY CITY CLERK TO FILE SAME WITH THE COUNTY AUDITOR

SUMMARY:

Pursuant to the provisions of Section 5473(a) of the Health and Safety Code a report on delinquent sewer charges has been prepared by the Finance Director and presented to the Deputy City Clerk containing a list of sewer charge delinquencies as of June 30, 2022 for the period commencing on July 1, 2021, concluding on June 30, 2022.

DISCUSSION:

Delinquent sewer charges for the Fiscal Year 2021-2022.

RECOMMENDATION:

Conduct a Public Hearing and to direct staff to file the 2021-2022 Fiscal Year Delinquent Sewer Charges.

Reviewed by Charles Bergson, City Manager

Prepared and Submitted by Yvonne Zepeda, Deputy City Clerk

RESOLUTION NO. 22-22

RESOLUTION APPROVING DELINQUENT SEWER CHARGES FOR THE 2021/2022 FISCAL YEAR AND AUTHORIZING THE DEPUTY CITY CLERK TO FILE SAME WITH THE COUNTY AUDITOR

WHEREAS, the Deputy City Clerk by the adoption of Resolution 1236 elected, under the provisions of Section 5473 and 5473(a) of Health and Safety Code, to authorize the collection of delinquent sewer service charges on the tax roll; and

WHEREAS, pursuant to the provisions of Section 5473(a) of the Health and Safety Code a report on delinquent sewer charges has been prepared by the Finance Director and presented to the Deputy City Clerk containing a list of sewer charge delinquencies as of June 30, 2022 for the period commencing on July 1, 2021, concluding on June 30, 2022 and

WHEREAS, under the provision of Section 5473.1 of the Health and Safety Code, the City caused a notice of a public hearing on said report to be published in the manner required by Section 6066 of Government Code; and

WHEREAS, at its July 12th, 2022 Council meeting on said date the City Council conducted the Public Hearing on said report at which time no protests were received; and

WHEREAS, at the conclusion thereof the City Council closed the hearing on the report; and

WHEREAS, the City Council desires to confirm and approve said report so that the delinquencies listed in said report may be collected on the tax rolls of Sacramento County in the manner provided for by law; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISLETON AS FOLLOWS:

1. The City Council does hereby approve and confirm, in accordance with all appropriate state laws, in all respects, the report of the delinquent sewer charges for the 2021/2022 fiscal year as presented to it by the Deputy City Clerk, which report is attached hereto as Exhibit "A".

2. The Deputy City Clerk is hereby authorized and directed to file a copy of said report with the Auditor Controller of Sacramento or such other officer of Sacramento County who is authorized by law to receive a statement endorsed thereon by the Deputy City Clerk stating that the

report has been adopted by the City Council, by adoption of this Resolution and said report, is being transmitted to the County of Sacramento for collection on the tax roll as provided in Sections 5473, 5473.4 and 5473(a) of the Health and Safety Code.

PASSED AND ADOPTED, this 12th day of July 2022 by the following roll call vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Eric Pene, Mayor

ATTEST:

Yvonne Zepeda, Deputy City Clerk

EXHIBIT A

**NOTICE OF PUBLIC HEARING OF REPORT ON ISLETON DELINQUENT
SEWER CHARGES COVERING JULY 1, 2021 THROUGH JUNE 30, 2022**

July 12th @ 6:30 p.m.

Isleton Community Center 208 Jackson Blvd.

Isleton, California 95641

ALTERNATE 1: Report of Delinquent Sewer Charges as of June 30, 2022 covering fiscal year 2021/2022 has been filed with the Deputy City Clerk.

ALTERNATE 2: Based upon the Report of Delinquent Sewer Charges as of June 30, 2022 covering fiscal year 2021/2022 the following accounts are delinquent.

15700510110000	28800
15700340150000	37710
15700650030000	86400
15702310090000	21200
15702340170000	14400
15702400350000	47400
15700620030000	86400
15702500190000	94800
15702320060000	28800
15702600100000	86400
15700610060000	86400
15700520130000	50400
15700340120000	262608
15700520230000	61400
15700730020000	86400
15700640030000	86400
15700670010000	86400
15700250090000	86400
15700730310000	79200
15700330130000	314442
15700520260000	62000
15700250020000	172800
15700340080000	86400
15700540010000	86400
15702600140000	61400
15700340190000	200000
15700670150000	113124
15700620040000	419592
15700320290000	259152
15700620060000	86400

15700280070000	21600
15700610070000	36000
15702600120000	86400
15702700260000	12000
15700130220000	86400
15702310120000	86400
15700220040000	21600
15700730080000	17500
15700220050000	1205292
15700620070000	86400
15702310290000	75600
15700130120000	85700
15700330010000	172800
15700540040000	57600
15702340030000	86400
15700150060000	86400
15700720050000	21600
15700320220000	226825
15702310110000	86400
15702320070000	86400
15702310060000	86400
15700630060000	36000
15702400160000	15800
15700330060000	86400
15700550020000	86400
15702400360000	23700
15702500080000	31600
15702400270000	94800
15700130350000	86400
15702400070000	31300
15702600010000	38352
15700340060000	592392
15702320020000	36000
15700520020000	28800
15700330080000	699278
15700330070000	313116
15702600110000	79200
15702320120000	79200
15700130170000	49800
15700320270000	156312
15700150010000	86400
15702700240000	86400
15702310210000	36000
15700520250000	79200
15702400590000	11100
15702310020000	21600
15702310220000	86400

15700610100000	21600
15700320310000	28800
15700710120000	36000
15700130210000	86400
15700280040000	72000
15700220060000	28800
15702400530000	31600
15702600040000	50400
Total:	93,837.95

City of Isleton

City Council Staff Report

DATE: July 12, 2022

ITEM#: 7.A

CATEGORY: Old Business

CITY OF ISLETON 100th ANNIVERSARY CELEBRATION

SUMMARY

The City's 100th Anniversary will commence in mid-2023 and extend throughout the year. This historic event will take a large amount of planning and co-ordination, City staff is recommending that City Council create and appoint members to a 100th Anniversary planning committee in the near future.

City's often celebrate centennials or similar events through a wide array of public activities including commissioning public art and performances, hosting homecoming sporting events, scavenger hunts, concerts, parades, etc. Having a planning committee begin preparation and outreach well in advance for these or other activities will help to ensure the centennials success.

Volunteer Planning Committee so far we have - Iva Walton, Paul Steele, Irma Mora, Michelle Burke.

FISCAL IMPACT

There is no fiscal impact associated with this action

RECOMMENDATION

Staff recommends that City Council discuss the celebration of a 100th anniversary celebration for Isleton

Reviewed by: Charles Bergson, City Manager 

Submitted and prepared by: Yvonne Zepeda, City Clerk _____

City of Isleton

City Council
Staff Report

DATE: July 12, 2022

ITEM#: 7.B

CATEGORY: Old Business

CITY OF ISLETON, WASTEWATER SYSTEM EVALUATION, STATUS REPORT

SUMMARY

Dave Harden, P.E. with Bennett Engineering Services will be presenting a status report on the City of Isleton Wastewater System Evaluation for the Clean Water State Revolving Fund for Small Community Wastewater Funding Planning Grant. Included in this presentation are the assessment of the existing system, alternatives for improvements, and the next steps in this project.

FISCAL IMPACT

No Fiscal Impact. The City was awarded the Clean Water State Revolving Fund for Small Community Wastewater Funding Planning Grant for \$485,000

RECOMMENDATION

Receive and comment on the Wastewater System Feasibility Study presentation.

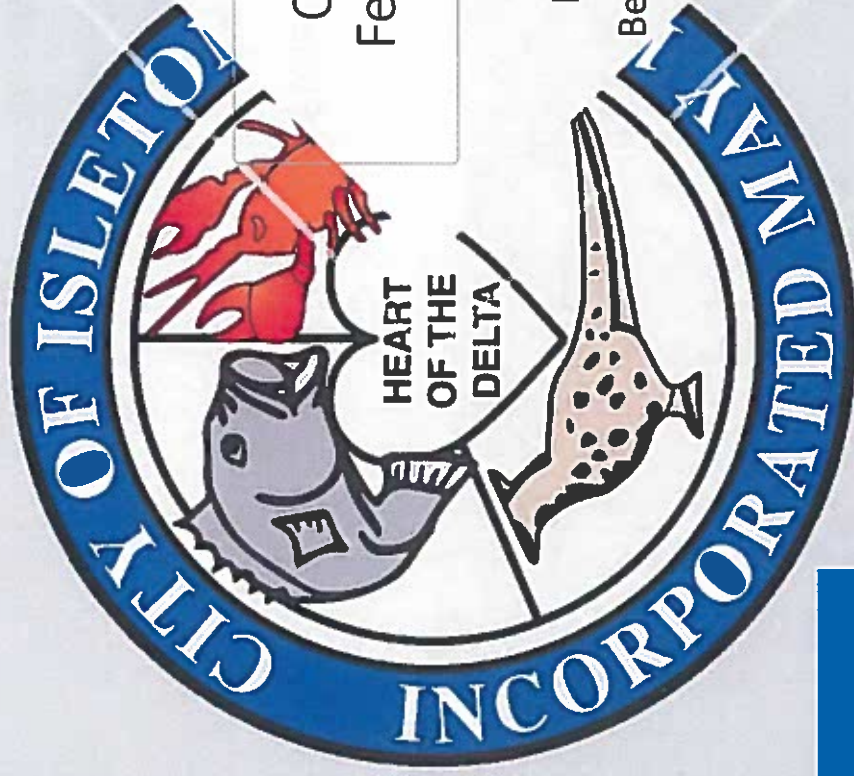
ATTACHMENTS - NONE

Prepared by: Diana O'Brien

Reviewed by: Charles Bergson, City Manager

Submitted by: Yvonne Zepeda, Deputy City Clerk





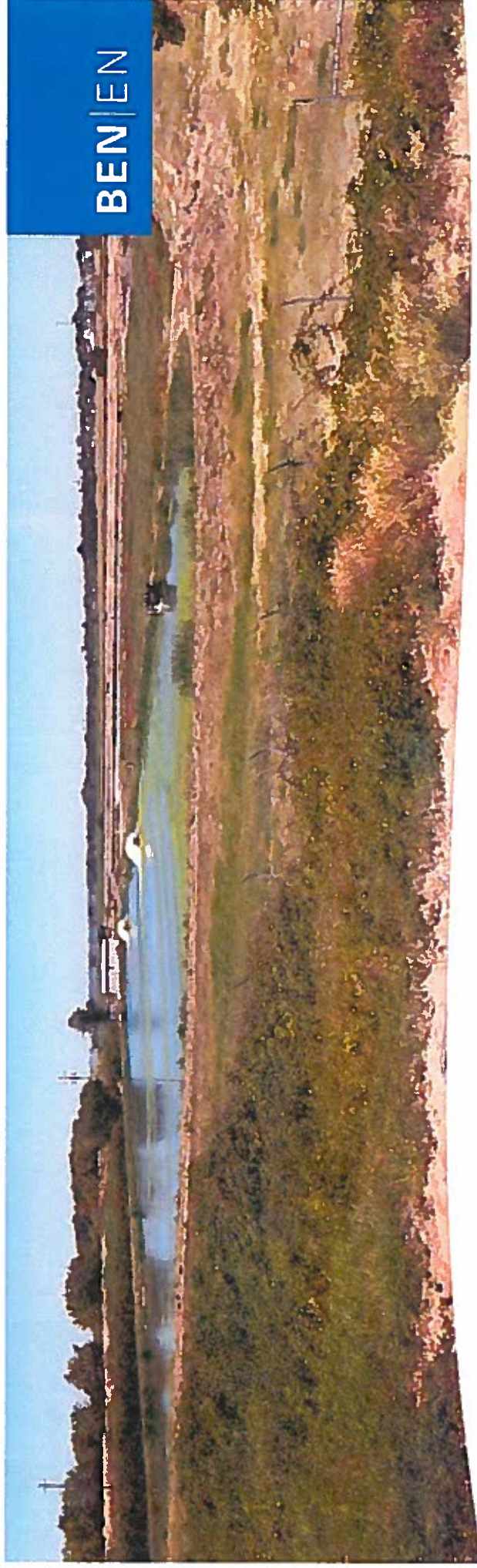
City of Isleton Feasibility Study

Presented By:

Dave Harden, PE

Bennett Engineering
Services

BEN|EN



Agenda

- Project Objectives and Requirements
- Geotechnical Results
- Existing Facilities
- Project Alternatives
- Selected Project

Project Objectives and Requirements

Fulfill Requirements of CDO-R5-2012-0006:

- Capacity for 100-yr Water Year
- 2 feet of freeboard
- New WDR Permit (ROWD)
- Reduce Maintenance Cost
- Increase WWTF Efficiency



Geotechnical Results

- Groundwater impacted by Delta tide, surface water and local agriculture
- Basin deposits- highly compressible
- Percolation rates: 0.03-8.2 in/hr (inconclusive)
- Pond berms settle at a rate of 5 inches every 10 years per foot of fill



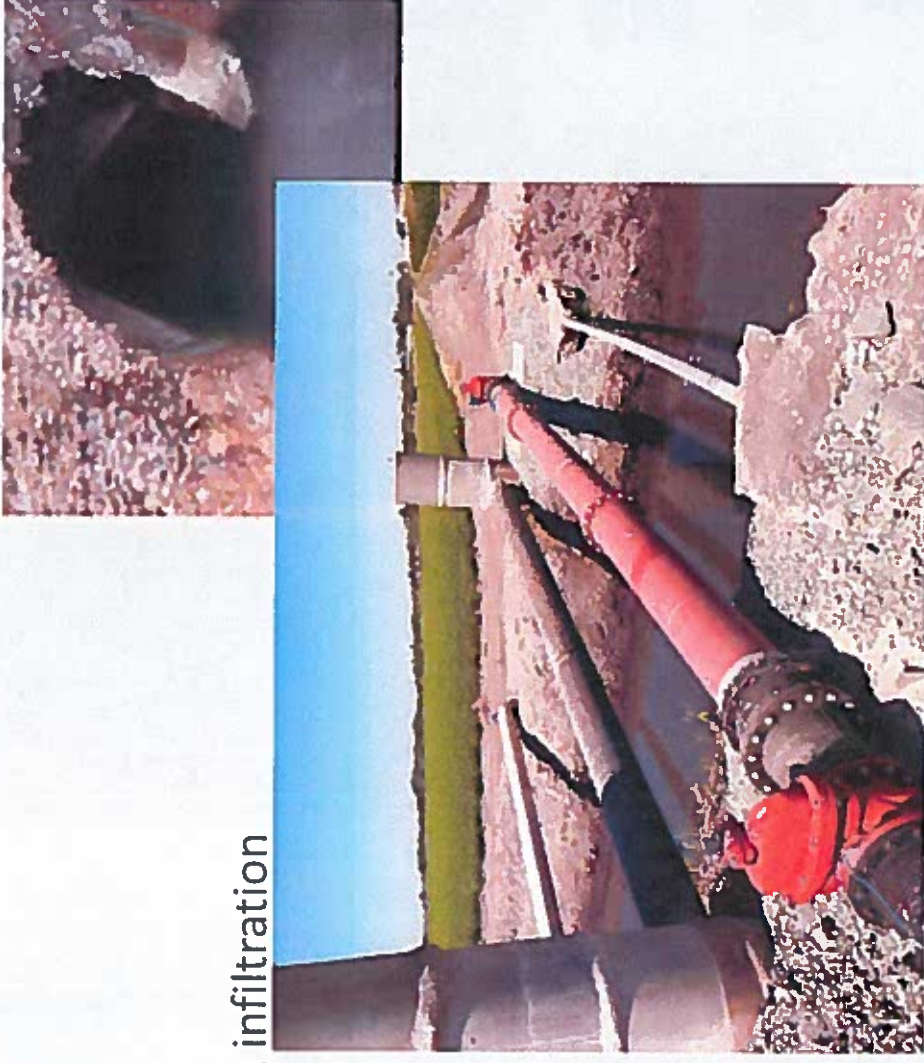
Existing Facilities

- Collection System
 - Manholes “sinking”
 - Abandoned lines
 - Leaky pipes
- Pump Station
 - Grinder Pump
 - No screens
- Treatment/ Disposal Ponds
 - Lack capacity
 - Aging Aerators




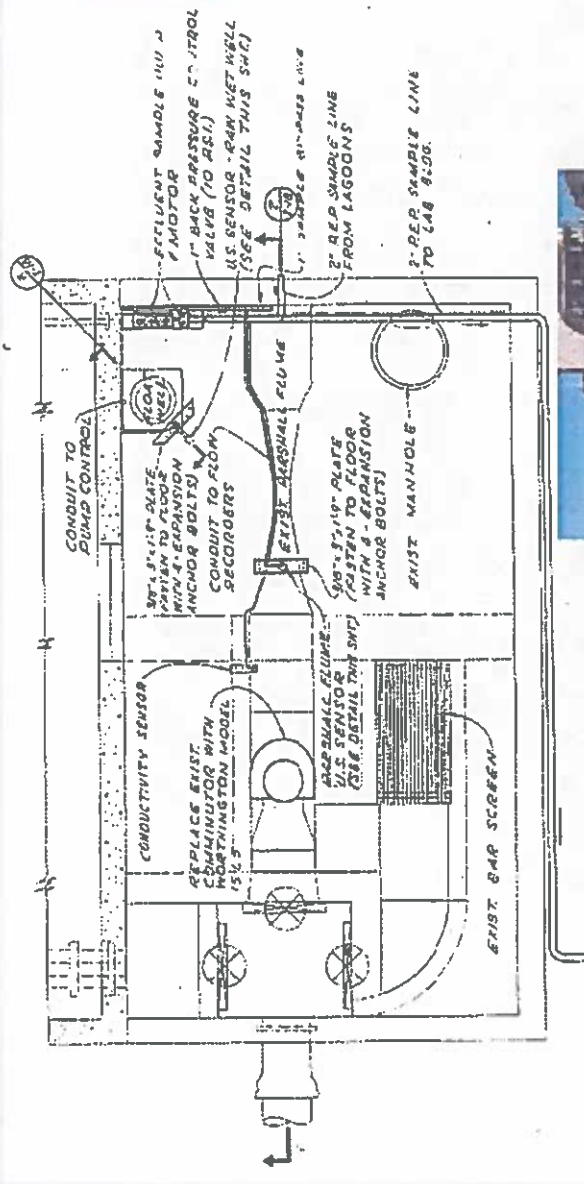
Existing Facilities – Collection System

- Gravity Sewer
 - Up to 70 years old
 - CCTV footage: Sags, offsets & infiltration
 - Slotted MH lids
- Force Main
 - City of Isleton's 8" FM
 - Oxbow Marina's 6" FM



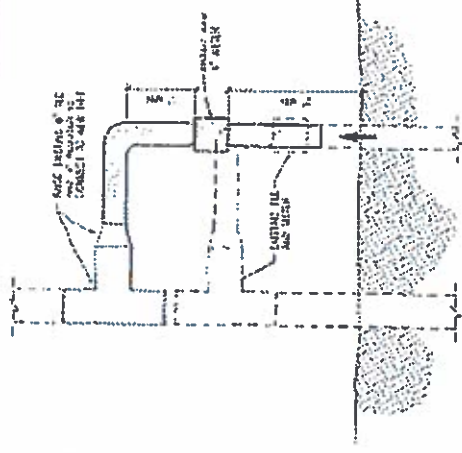
Existing Facilities – Pump Station

- 1953 Design- Treatment
 - Bar screens, parshall flume 
- Current – Pump Station
 - 60” Grinder Manhole
 - Unusable Bar Screen
 - No SCADA
 - Aging generator, infrastructure...



Existing Facilities – Monitoring Equipment

- Inconsistent Flow Meters
- Inaccurate Reporting
- Groundwater Monitoring Wells
 - Inaccurate Records

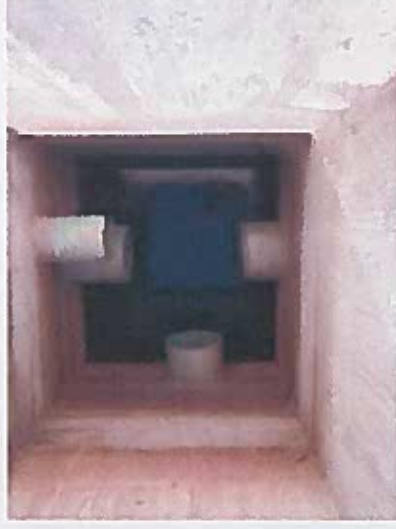


OXBOW METER REPLACEMENT

NOT TO SCALE

Existing Facilities – Treatment & Disposal Ponds

- 6 Disposal Ponds (24.2 acres LAA)
 - Decreasing in capacity (compressive soils)
 - Berm Instability
- 3 Treatment Ponds
 - Old Aerators
 - Decreasing in capacity (compressive soils)
 - Berm Instability



Project Alternatives

- Parameters
 - CDO Requirements
 - Timeline for completion
 - Life Cycle Cost
- Assumptions
 - Provide Capacity for 100- year water year
 - Planning must be completed by 3/20/2023
 - Lowering O&M costs
 - Septic to Sewer and Regionalization efforts

Alternative 1 - Regionalization

BENJEN

LEGEND:

- PIPELINE ALIGNMENT
- RIO VISTA WWTP
- ISLETON WWTP
- OXBOW MARINA
- ISLETON CITY LIMITS



Life Cycle Cost:
\$20,850,000

Alternative 2— System Upgrades

Sanitary Sewer Improvements

- Replace aging and leaking pipes
- Replace manholes contributing to I&I
- Properly abandon pipes contributing to I&I

Storm Drain Reconnection

- Reconnect existing illicit connection to Storm Drain System

Aeration and Equipment

- Replace aging aeration and electrical equipment
- Install new flow meters to reduce inaccuracies

Life Cycle Cost: \$6,034,000



Alternative 3 – Disposal Pond Improvements

- Raise existing berms
- Build additional berms
- Propose 2' fill, 1' at year 10, 6" at year 20 and 30
- May require land acquisition to achieve winter disposal capacity of 52 MG
- Ground water is unknown variable that may change over time
- Not beneficial if regionalization if pursued

Life Cycle Cost: \$900,000

(does not include land acquisition or WWTF upgrades)



SETTLEMENT DUE TO FILL PLACEMENT

Profile	Fill Height (ft)	Settlement (inches)	
		After 10 years	After 50 years
Percolation Basins and Lower Wastewater Ponds	1	5	6
	2	10	14
	3	15	21
	5	22	28
Upper Wastewater Pond	1	0.7	0.8
	2	1.2	1.3
	3	2	2
	5	7	7



Additional Fill (ft)	Additional Disposal Pond Capacity (MG)	Total Disposal Pond Capacity (MG)
1'	4.61	19.62
3'	13.83	28.84
5'	23.05	38.07

Selected Project– System Upgrades

Sanitary Sewer Improvements

- 5,245 linear feet of pipe replacement
- 25 manhole replacements
- 1,200 linear feet of pipe abandonment

Storm Drain Reconnection

- 1,200 linear feet of new pipe
- 9 manhole installations
- 2 drain inlet installations

Aeration and Equipment

- 8 aerators, 1 blower, and electrical panel
- Install new flow meters

Life Cycle Cost: \$6,033,900

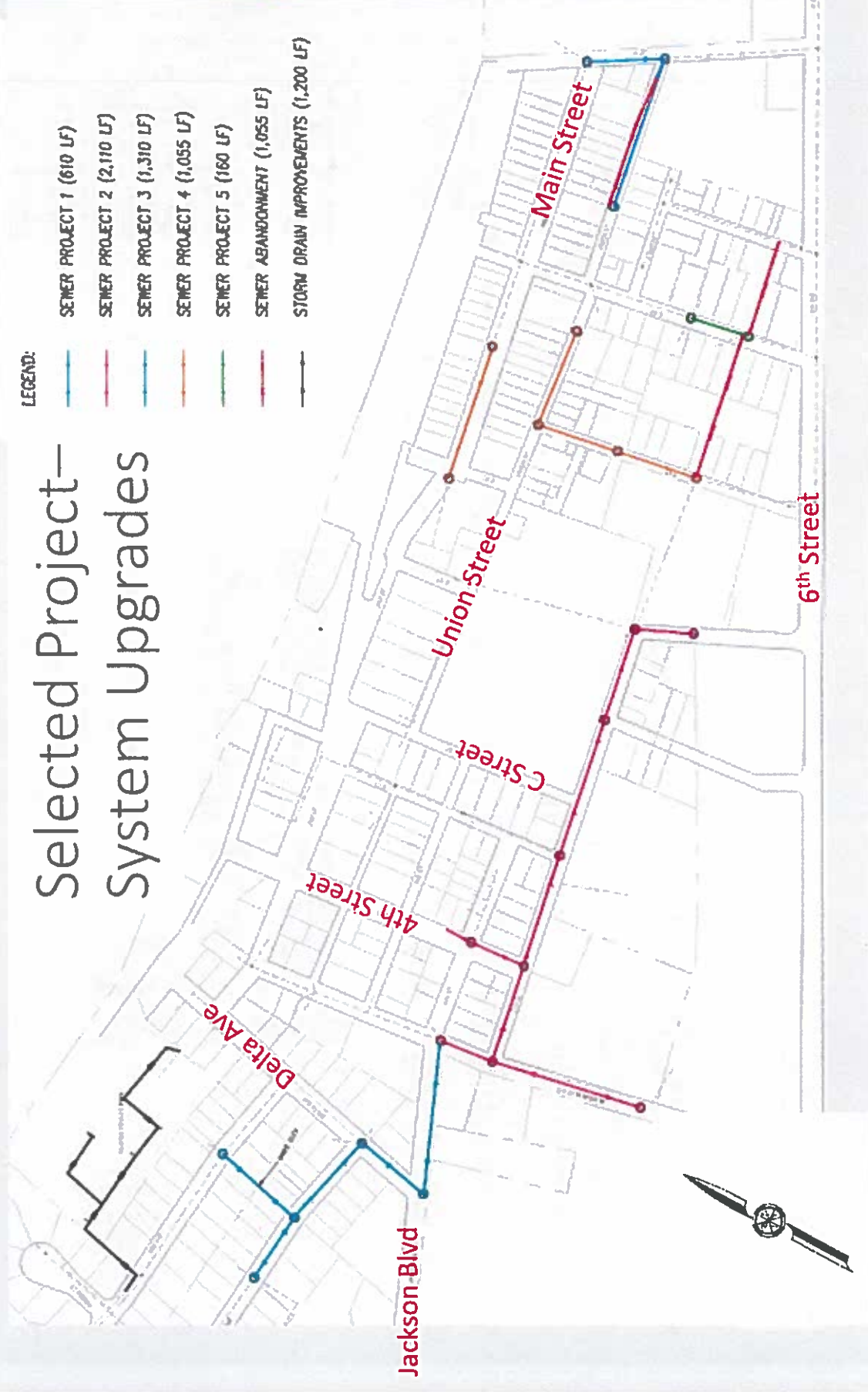
Project Milestone	Estimated Completion Date
Planning Documents	1/31/2023
Plans and Specifications	1/31/2025
Bid Advertisement	3/14/2025
Issue Notice to Proceed	6/30/2025
Complete Construction	10/31/2025

Project or Equipment	Life Cycle (years)	Capital Cost	Maintenance Cost	Life Cycle Cost
Project Construction	50	\$4,743,000	-	\$4,743,000
SS and SD Manhole Inspections	2	-	\$19,200	\$19,200
CCTV Gravity Sewer Pipe	2	-	\$76,700	\$76,700
Generator	25	-	\$612,000	\$612,000
Blowers			\$146,000	\$146,000
Aerator	20	-	\$437,000	\$437,000
Total				\$6,033,900

Selected Project— System Upgrades

LEGEND:

- SEWER PROJECT 1 (610 LF)
- SEWER PROJECT 2 (2,110 LF)
- SEWER PROJECT 3 (1,310 LF)
- SEWER PROJECT 4 (1,055 LF)
- SEWER PROJECT 5 (160 LF)
- SEWER ABANDONMENT (1,055 LF)
- STORM DRAIN IMPROVEMENTS (1,200 LF)



Next Steps

- Feasibility Study – *Needs to be finalized*
- Preliminary Design and Environmental – *30% Plans in progress, Environmental Consultant has received notice to proceed*
- Fiscal Sustainability Plan – *Sanitary Sewer Management Plan being scoped*
- CWSRF Construction Application – *Submit by 1/31/23*



City of Isleton

City Council Staff Report

DATE: July 12, 2022

ITEM#: 8.A

CATEGORY: New Business

ORDINANCE 2022-05 CHAPTER 5.52 - FLOOD DAMAGE PREVENTION REPEALING ORDINANCE 2015-04 AN ORDINANCE ESTABLISHING FLOOD DAMAGE PREVENTION REGULATIONS AND REPEALING ORDINANCES 291 AND 350; FIRST READING

SUMMARY

On February 24, 2022 Department of Water Resources (DWR) on behalf of Federal Emergency Management (FEMA) conducted a Community Assistance Contact meeting with staff. This meeting evaluated how the City manages its floodplain management program under the National Flood Insurance Program (NFIP) and the California Building Code (CBC).

The FEMA Assistance Review identified what is needed to be corrected to meet the minimum requirements of the NFIP and the CBC. A summary of DWR's findings is attached.

DISCUSSION

Staff is requesting City Council to review DWR's findings that is attached and approve Ordinance 2022-05 Chapter 5.52 – Flood Damage Prevention Repealing Ordinance 2015-04 An Ordinance establishing Flood Damage Prevention Regulations and Repealing Ordinances 2931 and 350.

FISCAL IMPACT

There is no fiscal impact associated with this report.

RECOMMENDATION

City Council introduce for first reading Ordinance 2022-05 Chapter 5.52 – Flood Damage Prevention Repealing Ordinance 2015-04 An Ordinance establishing Flood Damage Prevention Regulations and Repealing Ordinances 2931 and 350.

ATTACHMENTS

- A. Ordinance 2022-05 Chapter 5.52 – Flood Damage Prevention Repealing Ordinance 2015-04 An Ordinance establishing Flood Damage Prevention Regulations and Repealing Ordinances 2931 and 350.
- B. Ordinance 2015-04 An Ordinance establishing Flood Damage Prevention Regulations and Repealing Ordinances 2931 and 350.
- C. Department of Water Resources letter dated March 14, 2022
- D. National Flood Insurance Program Federal Emergency Management Agency Community Assistance Contact Report Section III- Findings, Part B- Narrative

Prepared by: Diana O'Brien, Administrative Assistant

Reviewed by: Charles Bergson, City Manager

Submitted by: Yvonne Zepeda, Dep. City Clerk

ORDINANCE NO. 2022-05

ORDINANCE 2022-05 CHAPTER 5.52 - FLOOD DAMAGE PREVENTION REPEALING ORDINANCE 2015-04 AN ORDINANCE ESTABLISHING FLOOD DAMAGE PREVENTION REGULATIONS AND REPEALING ORDINANCES 291 AND 350

CHAPTER 5.52 - FLOOD DAMAGE PREVENTION

5.52.010 - Intent

The National Flood Insurance Act of 1968, as amended, requires that as a condition for continued eligibility in the National Flood Insurance Program, local governmental units adopt flood plain management regulations which meet federal requirement. It is the intent of the city that this chapter shall establish flood plain regulations satisfying such federal requirements.

5.52.020 - Authorization

The legislature of the state has in California Government Code sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

5.52.030 - Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

5.52.040 - Methods of reducing flood losses

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion of flood heights or velocities;
- B. Requiring that uses vulnerable to flood, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

5.52.050 - Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- A. Agricultural Structure means a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses. [LR1]
- B. [LR2] Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for variance.
- BC. Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").
- CD. Basement means any area of the building having its floor subgrade (below ground level) on all sides.
- DE. Breakaway walls are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which are not part of the structural support of the building and which are designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
 - 1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - 2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

- EF.** *Development* means any man-made change, improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation and storage of equipment or materials.
- FG.** *Encroachment* means the advance or infringement of uses, plant growth, fill excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- GH.** *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of flood waters;
 2. The unusual and rapid accumulation or runoff of surface waters from any source; and/or
 3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of anticipated cyclical levels or suddenly caused by an unusually high level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.
- HI.** *Flood boundary and floodway map* means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
- IJ.** *Flood insurance rate map (FIRM)* means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- JK.** *Flood insurance study* means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the flood boundary and floodway map, and the water surface elevation of the base flood.
- KL.** *Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of "flooding").
- LM.** *Floodplain administrator* is the individual appointed to administer and enforce the floodplain management regulations.
- MN.** *Floodplain management* means the operation of any overall program of corrective and preventative measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, included but not limited to emergency preparedness plans, flood control works and flood management regulations, and or open space plans.
- NO.** *Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power which control developments in flood-prone areas. This term

describes such federal, state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FP. *Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FQ. *Fraud and victimization* as related to section 5.52.260, conditions for variances, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the (community governing body) will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

FR. *Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

RS. *Governing body* is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

ST. *Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

TU. *Historic structure* means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings in the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a stated inventory of historic places in state with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved stated program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

UV. *Lowest floor* means the lowest floor of the lowest enclosed area, "including basement" (see basement definition).

1. An unfinished flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided, that such enclosure is not built so as to render the structure on violation of the application non-elevation design requirements of this chapter, including, but not limited to:
 - a. The wet floodproofing standards in section F5.1.C.3.
 - b. The anchoring standards in section 5.1.A.
 - c. The construction materials and methods standards in section 5.1.B.
 - d. The standards for utilities in section 5.2.
2. For residential structures, all subgrade-enclosed areas are prohibited as they are considered to be basements (see "basement" definition). This prohibition includes below-grade garages and storage areas.

¶W. *Manufactured home* means a structure, transportable in one or more section, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. The term "manufactured home" does not include a "recreational vehicle."

¶X. *Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

¶Y. *Mean sea level* means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

¶Z. *New construction* means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community, and includes any subsequent improvement to such structures.

¶AA. *One hundred year flood or 100-year flood* means a flood which has a one (1) percent annual probability of being equaled or exceeded. It is identical to the "base flood," which will be the term used throughout this chapter.

¶AB. *Person* means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

¶BC. *Public safety and nuisance* as related to section 5.52.260, conditions for variances, of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

¶CD. *Recreational vehicle* means a vehicle which is

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

DDDD. *Remedy a violation* means to bring a structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damage, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to structure or other development.

EEEE. *Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

FFFF. *Special flood hazard area (SFHA)* means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, A1-30, AE or A99.

GGHH. *Start of construction* includes substantial improvement, and means that the date the building permit was issued, provided the actual start of construction, repair, construction, placement, or other improvements was within 180 of the permit date. The actual start means either the first pouring of slab or footings, the installation of piles, the construction of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

HHII. *Structure* means a walled and roofed building including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

IJJJ. *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

JKKK. *Substantial improvement* means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged, and is being restored, before the damage occurred.

For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the

building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

~~KKLL~~. *Variance* means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

~~LLMM~~. *Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

5.52.060 - Applicable lands

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

5.52.070 - Basis for establishing the areas of special flood hazard

The areas of special flood hazard, identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study for City of Isleton dated July 2, 1987, with an accompanying flood insurance rate map," and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator.

5.52.080 - Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

5.52.090 - Abrogation and greater restrictions

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

5.52.100 - Interpretation

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

5.52.110 - Disclosure of liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

5.52.120 - Establishment of development permit

A development permit shall be obtained before construction or development begins within any area of special flood hazards, established in 5.52.070. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- C. All appropriate certificates listed in subsection 5.52.170.A of this chapter; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5.52.130 - Designation of floodplain administrator

The city building inspector is hereby appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

5.52.140 - Floodplain administrator—Permit review

The floodplain administrator shall:

- A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
- B. Determining that the site is reasonably safe from flooding;
- C. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purpose of this chapter "adversely affects" means combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than a foot at any point.

5.52.150 - Floodplain administrator—Use of other base flood data

When base flood elevation data has not provided in accordance with section 5.52.070, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal Insurance Administration; and submit evidence of such notification to the Federal Insurance Administration.

5.52.160 - Floodplain administrator—Watercourse alteration or relocation

The floodplain administrator shall:

- A. Notify adjacent communities and the state department of water resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration; and submit evidence of such notification to the Federal Insurance Administration;
- B. Require that the flood carrying capacity of the altered or relocation of a watercourse is maintained.
- C. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

5.52.170 - Floodplain administrator—Other duties and responsibilities

The floodplain administrator shall:

- A. Obtain and maintain for public inspection and make available as needed:
 - 1. The certification required in subsection 5.52.200.A (lowest floor elevation);
 - 2. The certification required in subsection 5.52.200.C.1 or 5.52.200.C.2 (wet flood proofing standard);
 - 3. The certified elevation required in subsection 5.52.220.B (subdivision standards);
- B. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal in interpretation as provided in chapter 6.0.
- C. Take action to remedy violations of this chapter as specified in section 5.52.270 herein.

5.52.175 – Inspections

- A. Inspections, in general. Development for which a permit for floodplain development is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

- B. Inspections of development other than buildings and structures. The Floodplain Administrator shall make or cause to be made, inspections of all development other than buildings and structures that is authorized by issuance of a permit for floodplain development under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine when development is undertaken without issuance of a permit.
- C. Inspections of manufactured homes installations. The Floodplain Administrator shall make or cause to be made, inspections of installation and replacement of manufactured homes in flood hazard areas authorized by issuance of a permit for floodplain development under these regulations. Upon installation of a manufactured home and receipt of the elevation certification required in Section 304-1 of these regulations the Floodplain Administrator shall inspect the installation or have the installation inspected.
- D. Buildings and structures. The Building Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit, in accordance with the building code:
- (1) Lowest floor elevation. Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in the building code shall be prepared by a licensed land surveyor or registered civil engineer and submitted to the building official.
 - (2) Final inspection. Prior to the final inspection, certification of the elevation required in the building code shall be prepared by a licensed land surveyor or registered civil engineer and submitted to the building official.

5.52.180 - Standards of construction—Anchoring

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All manufactured homes shall meet the anchoring standards of section 5.52.230.

5.52.190 - Standards of construction—Construction materials and methods

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.52.200 - Standards of construction—Elevation and floodproofing

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation plus 1 foot[LR3]. Nonresidential structures may meet the standards in subsection 5.52.200.B. Upon completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor. Such certification or verification shall be provided to the floodplain administrator.
- B. Nonresidential construction shall either be elevated in conformance with subsection 5.52.200.A or together with attendant utility and sanitary facilities:
 - 1. Be floodproofed so that below the base flood level plus 1 foot, the structure is watertight with walls substantially impermeable to the passage of water;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - 3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.
- C. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to the flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
 - 2. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
- D. Manufactured homes shall also meet the standards in section 5.52.230.

5.52.210 - Standards for utilities

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.52.220 - Standards for subdivision

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

- B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimized flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

5.52.230 - Standards for manufactured homes

All new and replacement manufactured homes and additions to manufactured homes shall:

- A. Be elevated so that the lowest floor is at or above the base flood elevation; and
- B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

5.52.240 - Standards for recreational vehicles

- A. All recreational vehicles placed on sites within zones A1-30, AH and AE on the community's flood insurance rate map will either:
 - 1. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
 - 2. Meet the permit requirements of section 5.52.230 of this chapter and the elevation and anchoring requirements for manufactured homes in subsection 5.52.230.A.
- B. Recreational vehicles placed on sites within zones V1-30, V and VE on the community's flood insurance rate map will meet the requirements of section 5.42.240.A and section 5.7.

5.52.250 - Appeal board

- A. The planning commission of the city shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
- C. Any person aggrieved by the decision of the planning commission may appeal to the city council as provided in the city zoning ordinance for appeals to the city council.
- D. In passing upon such application, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections 5.52.250.D.1—11 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- F. Upon consideration of the factors of section 5.52.250 and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- G. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

5.52.260 - Conditions for variances

- A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict existing local laws or ordinances.
- E. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of subsections 5.52.260.A—D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- G. Agricultural structures. A variance is authorized to be issued for the construction or substantial improvement of agricultural structures that are not elevated or dry floodproofed, provided the requirements of this section are satisfied and:
- (1) A determination has been made that the proposed agricultural structure:
 - (a) Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
 - (b) Has low damage potential.
 - (c) Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water reactive materials.
 - (d) Complies with the wet floodproofing construction requirements of Section 5.52.250.G.2, below.
 - (2) Wet floodproofing construction requirements.
 - (a) Anchored to resist flotation, collapse, and lateral movement.
 - (b) When enclosed by walls, walls have flood openings that comply with the flood opening requirements of ASCE 24, Chapter 2.
 - (c) Flood damage-resistant materials are used below the base flood elevation.
 - (d) Mechanical, electrical, and utility equipment are elevated above the base flood elevation plus 1 foot.

5.52.270 - Violations

- A. Violations of the provisions of this chapter by failure to comply with any of its requirements shall constitute a misdemeanor and shall be punishable as described in section 19 of the California Penal Code.
- B. The city may bring an action in a court of competent jurisdiction to enjoin a violation of any provisions of this chapter.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Isleton 12th day of July, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Eric Pene, Mayor

ATTEST:

Yvonne Zepeda, Deputy City Clerk

ORDINANCE NO. 2015-04

AN ORDINANCE ESTABLISHING FLOOD DAMAGE PREVENTION REGULATIONS AND REPEALING ORDINANCES 291 AND 350

1.1 STATUTORY AUTHORIZATION.

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Isleton does hereby adopt the following floodplain management regulations.

1.2 FINDINGS OF FACT.

A. The flood hazard areas of the City of Isleton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, flood proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

1.3 STATEMENT OF PURPOSE. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects
- C. Minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"A zone" - see **"Special flood hazard area"**. **"Accessory structure"** means a structure that is either:

1. Solely for the parking of no more than 2 cars; or
2. A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Building" - see "Structure".

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see **"Flooding."**

"Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see **"Basement"** definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard as set forth in this ordinance
 - b. The anchoring standards as set forth in this ordinance
 - c. The construction materials and methods standards as set forth in this ordinance; and
 - d. The standards for utilities as set forth in this ordinance.
- 0.2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see **"Basement"** definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the date of adoption of this ordinance.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood" - see **"Base flood."**

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. **"Sheet flow area"** - see **"Area of shallow flooding."**

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or

not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

SECTION 3.0 GENERAL PROVISIONS

1. 3.1 LANDS TO WHICH THIS ORDINANCE APPLIES. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Isleton.

2. 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for the City of Isleton", with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's) and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator.

3. 3.3 COMPLIANCE. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

4. 3.4 ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. 3.5 INTERPRETATION. In the interpretation and application of this ordinance, all provisions shall be: A. Considered as minimum requirements; B. Liberally construed in favor of the governing body; and C. Deemed neither to limit nor repeal any other powers granted under state statutes.

7. 3.6 WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

8. 3.7 SEVERABILITY. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Manager is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review.

Review all development permits to determine:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Isleton; and
5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Notification of Other Agencies.

1. Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

C. Documentation of Floodplain Development.

1. Certification as required by this ordinance (lowest floor elevations);
2. Certification as required by this ordinance (elevation or floodproofing of nonresidential structures); Certification as required by this ordinance (wet floodproofing standard); Certification of elevation as required by this ordinance

(subdivisions and other proposed development standards);
Certification required as by this ordinance (floodway
encroachments)

3. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

4. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation

5. Remedial Action: Take action to remedy violations of this ordinance.

4.3 DEVELOPMENT PERMIT

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in this ordinance. Application for a development permit shall be made on forms furnished by the City of Isleton. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1 .Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

2. Proposed locations of water supply, sanitary sewer, and other utilities;

3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

4. Location of the regulatory floodway when applicable;

5. Base flood elevation information

6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in this ordinance.

C. For a crawl-space foundation, location and total net area of foundation openings as required in this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in this ordinance.

4.4 APPEALS

The City Council of the City of Isleton shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods.

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed as per the guidelines of the FEMA Flood Damage-Resistant Materials Requirements Technical Bulletin

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. With adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing

1. Residential construction.

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. Elevated to a minimum of 1 foot above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with **Section 5.1.C.1** or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under **Section 5.1.C.1**, so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered civil engineer or architect that the standards of **Section 5.1 C.2.a & b** are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

a. For non-engineered openings:

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

5. Garages and low cost accessory structures.

Attached garages.

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 5.1.C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 5.1.B.

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

Detached garages and accessory structures.

- “Accessory structures” used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 2, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

- a) Use of the accessory structure must be limited to parking or limited storage;

- b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

- c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

- d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

- e) The accessory structure must comply with floodplain encroachment provisions in Section 5.6; and

- f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 5.1.C.3.

- Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.1.

5.2 STANDARDS FOR UTILITIES.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

5.3 STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
 - Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - a.Lowest floor elevation.
 - b.Pad elevation.
 - c.Lowest adjacent grade.

A. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

B. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

5.4 STANDARDS FOR MANUFACTURED HOMES.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing

manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's Flood Insurance Rate Map that are not subject to the provisions of this ordinance will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

5.5 STANDARDS FOR RECREATIONAL VEHICLES. A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the permit requirements of this ordinance and the elevation and anchoring requirements for manufactured homes in this ordinance.

5.6 FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Isleton.

B. Within an adopted regulatory floodway, the City of Isleton shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If Sections 5.6.A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 5.

6.1. Non-conversion of Enclosed Areas Below the Lowest Floor.

To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;

2. Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the City of Isleton. The agreement shall be recorded with the County of Sacramento County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
3. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

SECTION 7.0 EFFECTIVE DATE. The Ordinance shall take effect thirty (30) days following its passage.

SECTION 8.0 POSTING. The Ordinance shall be typed and posted in 3 conspicuous places in the City of Isleton, Namely: City Hall, Post Office and DE Jacks Country Store.

PASSED AND ADOPTED this 22nd of July 2015, by the following vote to wit:


AYES: Council Members: Mayor Bettencourt, Vice Mayor Jankovitz, Bulahan, Pene

NOES: Council Member: Samano

ABSENT: None

ABSTAIN: None

ATTEST:


Yvonne Zepeda, CITY CLERK


Mark Bettencourt, MAYOR

DEPARTMENT OF WATER RESOURCES

SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 3
FRESNO, CA 93726-6913



March 14, 2022

Honorable Eric Pene
Mayor of the City of Isleton
101 2nd Street
Post Office Box 716
Isleton, California 95641

Dear Mayor Pene:

We appreciate the professional courtesy and cooperation extended to the California Department of Water Resources (DWR) and Robert Lampa of my staff during the Community Assistance Contact (CAC) meeting with the City of Isleton staff on February 24, 2022.

The CAC was conducted by DWR on behalf of the Federal Emergency Management Agency (FEMA) to evaluate how the city is administering its floodplain management program under the National Flood Insurance Program (NFIP) and the California Building Code (CBC). The CAC provides an opportunity to discuss the most current information on the NFIP and any concerns the city has about the NFIP.

The purpose of the CAC is to provide a means to establish or re-establish contact with an NFIP community including technical assistance and providing the resources to help understand NFIP regulations. During the CAC process, deficiencies are identified that need to be corrected to meet the minimum requirements of the NFIP and the CBC. A summary of DWR's findings is documented in the enclosed CAC report.

In conducting the CAC, DWR has found that the city is effectively administering its floodplain management program. However, the CAC revealed deficiencies with the city's floodplain management regulations that need to be addressed. DWR requests you provide the following **within 30 days from the receipt of this report**:

- A draft copy of the city's floodplain management ordinance that addresses the deficient items identified in the Findings section of the enclosed CAC report.

This is also listed in the Community Action Needed section of the CAC report. A copy of the report is enclosed for your records. We hope that the meeting was useful and informative to the city's floodplain management staff.

Honorable Eric Pene
Page 2
March 14, 2022

If you have any questions concerning the report or require further information, please contact Robert Lampa, at (916) 204-2576 or by email at Robert.Lampa@water.ca.gov.

Sincerely,

Kelly Soule

Kelly Soule
State NFIP Coordinator

Enclosures

Cc (email):

Mr. Charles Bergson, City Manager
City of Isleton
cbergson@cityofisleton.com

Ms. Diana O'Brien, Administrative Assistant
City of Isleton
dianaobrien@cityofisleton.com

Ms. Patricia Rippe, Senior Floodplain Management Specialist
Federal Emergency Management Agency, Region IX
Patricia.Rippe@fema.dhs.gov

Ms. Antoinette Stein, Community Planner
Federal Emergency Management Agency, Region IX
Antoinette.stein@fema.dhs.gov

Mr. Mike Mierzwa, State Floodplain Manager
Division of Flood Management
Department of Water Resources
Michael.Mierzwa@water.ca.gov

Ms. Anntonette Duncan, NFIP CAP-SSSE Administrator
Division of Flood Management
Department of Water Resources
Anntonette.Duncan@water.ca.gov

FEDERAL EMERGENCY MANAGEMENT AGENCY COMMUNITY ASSISTANCE CONTACT (CAC) REPORT

SECTION I

1. NAME OF COMMUNITY: City of Isleton	2. STATE: California	3. COMMUNITY ID NUMBER: 060265	4. COUNTY: Sacramento County
5. VISIT CONDUCTED BY: Robert C. Lampa	6. AGENCY: Department of Water Resources		7. DATE OF CAC: February 24, 2022

SECTION II

8. NAME OF LOCAL OFFICIAL: Charles Bergson	9. TELEPHONE NUMBER: (916) 777-7770
10. ADDRESS OF LOCAL OFFICIAL: 101 2 nd Street, Isleton, California 95641	

SECTION III - FINDINGS PART A

QUESTIONS - Select appropriate response	RESPONSE		
	Serious	Minor	None
1. Are there problems with the community's floodplain management regulations?		X	
2. Are there problems with the community's administrative/enforcement procedures?			X
3. Are there engineering or other problems with the maps or Flood Insurance Study?			X
4. Are there any other problems in the community's floodplain management program?			X
5. Are there problems with the Biennial Report data?	_____ YES	_____ X _____ NO	
6. Are there any programmatic issues or problems identified?	_____ YES	_____ X _____ NO	
7. Have structures been identified as being in violation? (Check appropriate category below.)			
_____ A potential violation or violations has/have been identified.			
_____ X _____ No violations have been identified.			
_____ Actions are being taken on the part of the community to remedy the violation(s) identified during the CAC.			

**National Flood Insurance Program
Community Assistance Contact Report
Section III- Findings
Part B- Narrative**

City of Isleton, California

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA) and enables property owners in participating communities to purchase insurance as protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. In California, approximately 99 percent of communities participate in the NFIP. The NFIP is based on a mutual agreement between the Federal Government and local communities. Communities that participate agree to regulate development in mapped flood hazard areas according to certain criteria and standards. The partnership includes flood hazard maps, flood insurance, and regulations. Communities who choose to participate in the NFIP will have to meet the minimal requirements and adopt and enforce flood management ordinances into their community. A Community Assistance Contact (CAC) is a scheduled visit, usually by phone or brief visit to an NFIP community to evaluate the effectiveness of local floodplain management practices and to offer assistance if needed.

This report describes the findings of the CAC meeting on February 24, 2022, and recommends corrective action where deficiencies were identified. The recommendations, when implemented, will enable the City of Isleton to comply with the NFIP requirements as specified in Title 44, Code of Federal Regulations. The findings in the CAC report are intended to help improve community compliance and enforcement of NFIP regulations including structures constructed or substantially improved in Special Flood Hazard Areas (SFHAs). The report is not intended to be a comprehensive examination of the city's implementation of the NFIP.

Background

The city was founded in 1874 and has a population of 804 based on the 2010 census. The city's area is 7.46 square miles and receives an average rainfall of 18 inches per year (U.S. Climate Data).

The city's SFHAs are identified in the current Flood Insurance Rate Map (FIRM) effective August 16, 2012, and "Flood Insurance Study for Sacramento County, California and Incorporated Areas", dated July 19, 2018. FIRMs are available to the public free of charge through the FEMA Flood Map Service Center at: <https://msc.fema.gov/portal/home>.

The city's FIRM identifies the following flood zones within its jurisdictional boundaries:

- **Flood Zone AE** is an SFHA of high risk. This area corresponds to the one percent annual chance floodplains. Base Flood Elevations (BFEs) derived from hydraulic analyses are shown within this zone, either at cross section locations or as static whole-foot elevations that apply throughout the zone. Mandatory flood insurance purchase and floodplain management requirements apply.

The city joined the NFIP on December 1, 1978. As of January 2, 2022, there are 97 flood insurance policies in force in the community that carry a total value of \$22,225,900 in coverage with an annual premium cost of \$262,194. The last CAC conducted for the city occurred in the year 2000 and a Community Assistance Visit was completed in 2010.

Floodplain Management Regulations

To participate in the NFIP, communities must have enforceable floodplain management regulations that are consistent with the requirements in Title 44, Code of Federal Regulations (CFR), Chapter I, Subchapter B, Parts 59 and 60 for land management and use. The city adopted its floodplain management regulations in Ordinance 2015-04 on July 22, 2015.

The Department of Water Resources (DWR) reviewed the community's floodplain management regulations using a California Code-Coordinated Ordinance Master Review Checklist to identify any deficiencies. Based on this review, it was determined that the community's regulations **need to be updated** to meet the minimum NFIP requirements pursuant to 44 CFR and California Building Codes (CBCs).

To assist with the revision, please refer to the following link to 44 CFR for the full language of the requirements (<https://www.ecfr.gov/current/title-44#0>). In addition, a copy of the FEMA-approved 2020 Model Floodplain Management Ordinance and CAC report will be emailed to city staff along with the checklist enclosed with this report. Specific deadlines and additional details are discussed in the Community Action Needed section of this report.

Mapping

City staff were not familiar with the FEMA Map Service Center or the FEMA National Flood Hazard Layer available online. DWR referred to the websites during the meeting and the links were provided to the city. City staff asked when the FIRM maps will be revised since it has been a long time. FEMA was in attendance at the meeting and asked if there were any current issues or major changes in the community. The city responded that it just wants to know if any revisions will be made that may help the community with flood insurance. FEMA encourages this dialogue between the parties in the CAC meeting, which helps determine the community's needs. DWR also reached out to the FEMA Mapping Department and their response is that there is no map update planned for the city, but DWR and the U.S. Army Corps of Engineers are starting a flood

frequency analysis project for the California Delta to better understand the elevations of major floods like the one-percent annual chance event.

The city is protected by what are known as State Plan of Flood Control levees as well as non-project levees. Brannan-Andrus Levee Maintenance District, with limited financial assistance from DWR, operates and maintains the levee system(s) protecting the city. The city is one of several communities participating in the California DWR Small Communities Flood Risk Reduction Program.

Flooding History and Floodplain Development

Flood conditions in the City of Isleton are influenced by Pacific Ocean tides, and strong onshore winds, as well as high outflow from streams originating in the foothills or higher areas of the Sierra Nevada. Specifically, the city may flood when the levees protecting Andrus, Brannan, and Twitchell Islands are either overtopped or fail as a result of the separate or coincidental occurrence of higher high tides and high outflow through the delta.

The designated Floodplain Administrator for the city is the City Manager. Permit applications for development are reviewed by the Building Department, Fire Department, Public Works, and the City Engineer. When the development is within a SFHA, permit applications are routed to the City Engineer and the Floodplain Administrator for floodplain review. The city does not use a separate floodplain use permit. The Building Official reviews and approves the elevation certificates (ECs) for compliance and completion. The city requires elevation documentation (elevation certificates) during the development process for all applications. When violations are discovered by the city, a letter of violation is issued. Additionally, legal notification is sent as necessary. All floodplain management compliance files are retained by the Building Department.

Local Hazard Mitigation Plan (LHMP)

The community is a part of the LHMP prepared by Sacramento County.

CAC Findings

The following findings were identified through the CAC which may require follow-up action by the community. These actions are outlined in the Community Action Needed section of this report.

1. DWR reviewed the city's floodplain ordinance and determined that there are missing minimum NFIP requirements pursuant to 44 CFR and CBCs. Please refer to 44 CFR for the full language of the requirements (<https://www.ecfr.gov/current/title-44#0>) and the FEMA-approved 2020 Model Floodplain Management Ordinance that will be emailed to the city. The table below lists the deficiencies identified in the city's floodplain management

ordinance and the actions required to correct these deficiencies. The California Floodplain Management model ordinance crosswalk (checklist) is also provided with this report. Specific deadlines and additional details are discussed in the Community Action Needed section of this report.

ACTION	LANGUAGE
1. <i>Recommendation:</i> <i>Review and adopt model code language Article 106</i>	Inspections Include Section 106.1 – Section 106.4
2. <i>Requirement:</i> <i>Review and adopt 44 CFR 65.3 & model code language Section 103-4(11)</i>	Requirement to submit new technical data. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRMs when the analyses indicate changes in BFEs, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available.
3. <i>Recommendation:</i> <i>Review and adopt model code language Section 107-8</i>	Agricultural Structures A variance is authorized to be issued for the construction or substantial improvement of agricultural structures that are not elevated or dry floodproofed, provided the requirements of this section are satisfied and: (Include subsections 1 and 2).

2. During the ordinance review, DWR noticed that the language in the online Municode ordinance and the signed flood ordinance are inconsistent. The items highlighted in yellow on the checklist identify the discrepancies (seven total). One example is to assure that all other State and federal permits are obtained. Language is found in the signed and adopted ordinance but not in the Municode. Also on the checklist, the items highlighted in orange are only recommendations and the items highlighted in red are requirements.
3. The city was unfamiliar with the DWR 2020 Model Ordinance and crosswalk. The DWR Model Ordinance provides sample language for floodplain management regulations that are compliant with the NFIP standards. The DWR crosswalk provides a checklist of minimum NFIP regulatory requirements. DWR provided a copy of these resources via email after the CAC meeting.
4. The city expressed interest in the Community Rating System which would help lower the cost of insurance for the city. The city mentioned that they sent a letter of interest to FEMA Region IX Headquarters in Oakland in the year 2017. However, the city has not received a response. FEMA said that they will follow-up and attempt to track down the letter, and will then follow up with the city.

5. In December 2021, the city adopted the Delta Region Geological Hazard Abatement District (GHAD). A GHAD is an independent, local-level public agency that oversees geologic hazard prevention, mitigation, abatement, and control. Floods are included in the definition of a “geologic hazard.” Benefits of a GHAD include offering lower cost of flood insurance, safer floodplains, more effective emergency response, greater protection of public safety, and property and affordable adaptive infrastructure improvements.

Community Action Needed:

The following Community Action will contribute to the success of the city’s floodplain management program and compliance with the NFIP. It is the responsibility of the city to read, understand, and implement the NFIP requirements as specified in 44 CFR. **Please provide DWR a draft of the updated ordinance before it is presented to your governing body within 30 days of the date of this report before initiating the process to adopt a final version.**

DWR requests that the city identify the missing NFIP requirements in the existing regulations, which are outlined in the CAC Findings section of this report. If the city is unable to identify the missing NFIP criteria, the floodplain ordinance must be amended. DWR reviewed the city’s floodplain management ordinance in January 2022 and determined that there is a need for an update to meet the minimum NFIP requirements as specified in Title 44, Code of Federal Regulations, Sections 59.22 and 60.3. In addition, DWR also checked if the ordinance met the CBC requirements. DWR used the FEMA-approved 2020 Model Floodplain Management Ordinance and a California Code-Coordinated Ordinance Master Review Checklist to identify any deficiencies. A copy of the 2020 model ordinance has been emailed to the city and a checklist containing comments is provided with this report.

Meeting Participants:

Mr. Charles Bergson, City Manager
City of Isleton
cbergson@cityofisleton.com

Ms. Diana O'Brien, Administrative Assistant
City of Isleton
dianaobrien@cityofisleton.com

Ms. Antoinette Stein, Community Planner
Federal Emergency Management Agency, Region IX
Antoinette.stein@fema.dhs.gov

Ms. Anntonette Duncan, NFIP CAP-SSSE Administrator
California Department of Water Resources
Anntonette.Duncan@water.ca.gov

Mr. Daniel Burgett, NFIP Floodplain Management Specialist
California Department of Water Resources
Daniel.Burgett@water.ca.gov

Mr. Robert Lampa, NFIP Floodplain Management Specialist
California Department of Water Resources
Robert.Lampa@water.ca.gov

City of Isleton

City Council
Staff Report

DATE: July 12, 2022

ITEM#: 8.B

CATEGORY: New Business

RESOLUTION APPROVING DELINQUENT CAL-WASTE CHARGES FOR THE 2021/2022 FISCAL YEAR AND AUTHORIZING THE DEPUTY CITY CLERK TO FILE SAME WITH THE COUNTY AUDITOR

SUMMARY

RESOLUTION APPROVING DELINQUENT CAL-WASTE CHARGES FOR THE 2021/2022 FISCAL YEAR AND AUTHORIZING THE DEPUTY CITY CLERK TO FILE SAME WITH THE COUNTY AUDITOR

SUBJECT/DISCUSSION

Pursuant to the provisions of Section 5473(a) of the Health and Safety Code a report on delinquent Refuse and Recycling charges has been prepared by the Finance Director and presented to the City Clerk containing a list of Refuse and Recycling charge delinquencies as of June 30, 2022 for the period commencing on concluding on July 1, 2021. As part of its contract with Cal Waste, the City is to place delinquent charges on the property tax rolls. Cal Waste has agreed to pay the City 20% of the process of these charges for City administration.

FISCAL IMPACT:

The City will receive 20% of the delinquent charges. Last year the City received over \$1,600.

RECOMMENDATION

Conduct a Public Hearing and to direct staff to file the 2021/2022 Fiscal Year Delinquent Cal-Waste Charges.

ATTACHMENTS:

Resolution No. 23-22
Exhibit A

Reviewed by: Charles Bergson, City Manager



Prepared and Submitted by: Yvonne Zepeda, City Clerk

RESOLUTION NO. 23-22

RESOLUTION APPROVING DELINQUENT CAL-WASTE CHARGES FOR THE 2021/2022 FISCAL YEAR AND AUTHORIZING THE DEPUTY CITY CLERK TO FILE SAME WITH THE COUNTY AUDITOR

WHEREAS, the Deputy City Clerk by the adoption of Resolution 1236 elected, under the provisions of Section 5473 and 5473(a) of Health and Safety Code, to authorize the collection of delinquent Refuse and Recycling service charges on the tax roll; and

WHEREAS, pursuant to the provisions of Section 5473(a) of the Health and Safety Code a report on delinquent Refuse and Recycling charges has been prepared by the Finance Director and presented to the Deputy City Clerk containing a list of Refuse and Recycling charge delinquencies as of June 30, 2022 for the period commencing on July 1, 2021, concluding on June 30, 2022; and

WHEREAS, under the provision of Section 5473.1 of the Health and Safety Code, the City caused a notice of a public hearing on said report to be published in the manner required by Section 6066 of Government Code; and

WHEREAS, at its July 12, 2022 Council meeting on said date the City Council conducted the Public Hearing on said report at which time no protests were received; and

WHEREAS, at the conclusion thereof the City Council closed the hearing on the report; and

WHEREAS, the City Council desires to confirm and approve said report so that the delinquencies listed in said report may be collected on the tax rolls of Sacramento County in the manner provided for by law; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISLETON AS FOLLOWS:

1. The City Council does hereby approve and confirm, in accordance with all appropriate state laws, in all respects, the report of the delinquent Refuse and Recycling charges for the 2021/2022 fiscal year as presented to it by the Deputy City Clerk, which report is attached hereto as Exhibit "A".

2. The Deputy City Clerk is hereby authorized and directed to file a copy of said report with the Auditor Controller of Sacramento or such other officer of Sacramento County who is authorized by law to receive a statement endorsed thereon by the Deputy City Clerk stating that the

report has been adopted by the City Council, by adoption of this Resolution and said report, is being transmitted to the County of Sacramento for collection on the tax roll as provided in Sections 5473, 5473.4 and 5473(a) of the Health and Safety Code.

PASSED AND ADOPTED, this 12th day of July 2022 by the following roll call vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Eric Pene, Mayor

ATTEST:

Yvonne Zepeda, Deputy City Clerk

EXHIBIT A

NOTICE OF PUBLIC HEARING OF REPORT ON ISLETON DELINQUENT CAL-WASTE CHARGES COVERING July 1, 2021 THROUGH JUNE 30, 2022

July 12, 2022 @ 6:30 p.m.

Isleton Community Center 208 Jackson Blvd.

Isleton, California 95641

ALTERNATE 1: Report of Delinquent Refuse and Recycling Charges as of June 30, 2022 covering fiscal year 2021/2022 has been filed with the Deputy City Clerk.

ALTERNATE 2: Based upon the Report of Delinquent Refuse and Recycling Charges as of June 30, 2022 covering fiscal year 2021/2022 the following accounts are delinquent.

July 2021 to June 2022

" 2021-2022

SCTR AMTS "	APN #
\$137.65	157-0034-017-0000
\$35.48	157-0232-012-0000
\$411.98	157-0034-016-0000
\$312.40	157-0233-004-0000
\$411.99	157-0062-007-0000
\$411.99	157-0052-025-0000
\$310.68	157-0052-022-0000
\$305.61	157-0015-006-0000
\$349.10	157-0016-004-0000
\$131.02	157-0231-011-0000
\$459.57	157-0231-006-0000
\$411.99	157-0232-007-0000
\$152.15	157-0055-002-0000
\$343.88	157-0025-002-0000
\$111.69	157-0051-016-0000
\$411.99	157-0231-015-0000
\$417.99	157-0062-004-0000
\$411.99	157-0053-010-0000
\$122.37	157-0062-004-0000
\$411.99	157-0062-006-0000
\$196.68	157-0072-005-0000
\$412.49	157-0040-056-0000
\$127.16	157-0073-026-0000
\$138.86	157-0032-016-0000
\$308.35	157-0231-022-0000
\$163.27	157-0051-016-0000
\$403.92	157-0231-003-0000
\$109.92	157-0033-006-0000
\$138.86	157-0232-008-0000
\$8,073.02	

City of Isleton

City Council
Staff Report

DATE: July 12, 2022
ITEM#: 8.C
CATEGORY: New Business

CITY INVESTMENT POLICY

SUBJECT:

The City is considering an Investment Policy.

DISCUSSION:

A city investment policy sets forth the investment and operational policies for the management of the public funds of the City and is confirmed annually by City Council.

The policy is designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with those of comparable funds and financial market indexes. Most agencies have investment policies - there is no policy presently for the City. The City's auditors have requested a copy of such a policy and many grant and loan agencies also require that the agency has an established investment policy.

The City's Investment Policy requires that the Treasurer submit a monthly treasurer's report to the City Manager and City Council.

The attached draft policy is an adaption from the city of Rio Vista's investment policy. This policy is being introduced to the Council for discussion and direction.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

RECOMMENDATION:

It is recommended that the City Council receive and provide direction on the proposed City Investment Policy.

Reviewed by Charles Bergson, City Manager

Prepared and Submitted by Yvonne Zepeda, Deputy City Clerk

**City of Isleton, California
Statement of Investment Policy**

1.0 Policy:

It is the policy of the City of Isleton to invest public funds in a manner which will provide the highest return with the maximum security while meeting the daily cash flow demands of the city and conforming to all state and local statutes governing the investment of public funds.

2.0 Scope:

It is intended that this policy cover all funds and investment activities under the direct authority of the City.

3.0 Prudence:

Investments shall be made with judgment and care--under circumstances then prevailing--which persons of prudence, discretion, and intelligence exercise in the management of financial affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

3.1 The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with the written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 Objective:

The primary objectives, in priority order, of the City’s investment activities shall be:

4.1 Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that the potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

4.2 Liquidity: The City’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.

4.3 Return on investment: The City’s investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City’s investment risk constraints and the cash flow characteristics of the portfolio.

5.0 Delegation of Authority:

Authority to manage the City's investment program is derived from Government Code Section 53635. Management responsibility for the investment program is hereby delegated to the City Treasurer, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include reference to: safekeeping, wire transfer agreements, collateral/depository agreements and banking service contracts. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the City Treasurer. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

6.0 Ethics and Conflicts of Interest:

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officers shall disclose to the City Treasurer any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the City's portfolio. Employees and officers shall subordinate their personal investment transactions to those of the City, and particularly with regard to the time of purchases and sales.

7.0 Strategy

Strategy refers to the plan to manage financial resources in the most advantageous manner.

1. **Economic Forecasts.** Obtain economic forecasts from economists and financial experts through bankers and broker/dealers in order to assist in the formulation of investment plans.
2. **Implementing Investment Strategy.** Execute investment transactions, which conform to current and anticipated cash requirements, interest rate trends, and stated investment strategy.
3. **Rapport.** Maintain a close working relationship with the departments of the City to anticipate and accommodate disbursements of City funds. It is essential for good cash control that such large expenditures be anticipated, estimated as to dollar amount and communicated to the City Treasurer for liquidity planning purposes.
4. **Preserve Portfolio Value.** Develop yield standards in order to maintain earnings near the market and to preserve the value of the portfolio.

A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the City invests.

8.0 Authorized and Suitable Investments:

The City is empowered by statute to invest in the following types of securities:

DRAFT

1. Local Agency Investment Fund (LAIF). LAIF is managed by the State of California Treasurer's office with total investments from any one individual agency not to exceed \$40 million or the maximum as amended from time to time. No more than fifteen (15) transactions per month per account are allowed by LAIF. A minimum transaction is \$10,000.00. Funds are available on demand.

2. Securities of the U.S. Government. Securities of the U.S. Government include U.S. Treasury Bills, Notes, and Bonds.

U.S. Treasury Bills (T-Bills) are obligations of the U.S. Government with a maturity of one year or less. They are non-interest bearing and sold on a discount basis. The face amount is paid at maturity.

U.S. Treasury Notes are issued by the U.S. Treasury with maturities from two to ten years. They are issued in coupon form and many issues are also available in registered form. Interest is payable at six month intervals until maturity.

U.S. Treasury Bonds are issued by the U.S. treasury with maturities of ten to thirty years.

3. Securities of U.S. Government Agencies. The City may invest funds in debt securities of the following U.S. Government sponsored agencies.

- a. Government National Mortgage Association (Ginnie Mae)
- b. Federal National Mortgage Association (Fannie Mae)
- c. Federal Home Loan Mortgage Corporation (Freddie Macs)
- d. Federal Home Loan Bank

4. Time Certificates of Deposit (TCD). TCDs shall be made only with banks and savings and loan institutions, which are insured by the FDIC. A standard form Contract for deposit is required for each TCD. Unless collateralized by eligible securities as provided in sections 53651 and 53652 of the California Government Code and allows for liquidation without penalty, the maximum amount of Certificates of Deposit to be placed with any single institution shall be \$100,000.00.

5. Medium Term Notes. These notes have a maximum maturity of five years to be eligible for investment by the City, notes must be rated "A" or better by Standard and Poor's or by Moody's rating services. Purchase of medium term notes may not exceed 30% of the City's surplus funds.

6. Passbook Savings Account Demand Deposits. Savings accounts shall be maintained only with banks and savings and loan institutions, which are insured by the FDIC.

7. Money Market Account. Money Market accounts shall be maintained only with banks and savings and loan institutions, which are insured by the FDIC.

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9.0 Safekeeping and Custody:

All security transactions entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis. A third party custodian designated by the City Treasurer and evidenced by safekeeping receipts will hold securities.

10.0 Diversification:

The City will diversify its investments by security type and institution. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the City's total investment portfolio will be invested in a single security type or with a single financial institution.

11.0 Maximum Maturities:

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. The City will attempt to operate a portfolio with an average life of three years or less. This is to ensure liquidity and the ability to move with changing markets and interest rate movements.

No investments shall be made with maturities greater than five (5) years without specific Council approval not less than three (3) months prior to the investment. At no point will investments with maturities greater than five (5) years exceed 10% of the portfolio value.

12.0 Internal Control:

The Finance Department is responsible for establishing and maintaining an internal control structure designed to prevent losses of public funds arising from fraud, employee error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City of Isleton. Controls deemed most important include: clear delegation of authority to subordinate staff members, separation of transaction authority from accounting and record keeping, supervisory control of employee actions, written confirmation of all transactions, minimizing the number of authorized investment officials, documentation of transactions and strategies, custodial safekeeping, avoidance of bearer-form securities, specific limitations regarding securities losses and remedial actions, proper review and approval of brokerage accounts and investment transactions, and control of collusion.

An external auditor will perform an annual independent audit. In performing the annual fiscal audit, the auditors consider the City's internal control structure to determine the scope of the audit procedures for the purpose of rendering an opinion on the financial statements. While their purpose is not to provide assurances on the internal control structure, they do advise on matters that come to their attention and describe them in a separate memorandum. This consideration of the City's internal control structure will not necessarily disclose all weaknesses in the internal control structure; however it does provide a measure of assurance regarding the adequacy of the controls.

13.0 Performance Standards:

The investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles, taking into account the City's investment risk constraints and cash flow needs.

13.1 Market Yield (Benchmark): The City's investment strategy is passive. Passive investment portfolio management generally indicates that the City Treasurer will purchase an instrument and hold it through maturity, and then reinvest the monies. Although the City's investment strategy is passive, this will not restrict the City Treasurer from evaluating when sale or switching of an investment instrument is prudent prior to maturity. Given this strategy, the basis used by the Treasurer to determine whether market yields are being achieved shall be the comparative yields from the Local Agency Investment Fund (LAIF).

14.0 Reporting:

Quarterly, the Treasurer will issue a report for Council's review of the City's current investment portfolio, detailing securities, purchase and maturity dates, and face and market values.

15.0 Investment Planning Committee:

An investment planning and review committee shall be formed consisting the City Treasurer and two City Councilpersons to be appointed by the Mayor with Council approval. The City Treasurer shall chair the committee. The purpose of the committee shall be to forecast the City's potential surplus funds available for investment and to review and suggest appropriate areas of investment to the City Treasurer. The committee shall meet semi annually. The City Treasurer can call for special committee meetings if deemed necessary. The City Treasurer shall prepare the minutes of the Investment Committee meeting and shall file the minutes with the City Clerk.

16.0 Investment Policy Adoption:

The City's investment policy shall be adopted by resolution of the City Council. The policy shall be reviewed on an annual basis by the City Council and approve any modifications made to the policy.

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