

## CITY COUNCIL

Bruce T. Roundy, Mayor  
Jeffrey A. Tolley, Vice-Mayor  
Dennis Hoffman  
William "Billy" Irvin  
Chris Dobbs

## CITY OFFICIALS

Janet Wackerman  
City Clerk

Leticia Espinosa  
City Treasurer

# CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street  
ORLAND, CALIFORNIA 95963  
Telephone (530) 865-1600  
Fax (530) 865-1632



## CITY MANAGER

Peter R. Carr

## AGENDA REGULAR MEETING, ORLAND CITY COUNCIL

Monday, August 2, 2021

**This meeting will be conducted pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20 which suspends certain requirements of the Ralph M. Brown Act.**

**This City Council meeting will be held at Carnegie Center, 912 Third Street, Orland and teleconferenced using Zoom technology in compliance with current Executive Orders. All Councilmembers and City staff will be participating in person.**

**The public may participate in the meeting at Carnegie Center, by telephone or access the video via Zoom.**

**Please call: 1 (669) 900-9128 Webinar ID#: 818 3606 9890**

1. CALL TO ORDER – 6:00 P.M.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

### A. Citizen Comments:

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor. However, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. Please direct your comments to the Mayor or Vice Mayor. **(Oral communications will be limited to three minutes).**

## 5. CONSENT CALENDAR

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes for July 19, 2021.
- C. Adopt Resolution 2021-16, Approving and Adopting the Annual Appropriations Limit for Fiscal Year 2021-2022.

**Comments from the public are welcomed. The Mayor will announce the opportunity for comments related to each action item on the agenda. Please limit your comments to three minutes per topic, and one comment per person per topic. Once the public comment period is closed, please allow the Council the opportunity to continue its consideration of the item without interruption.**

## **6. ADMINISTRATIVE BUSINESS**

- A. Introduce first reading by title only and consider passage of Ordinance No. 2021-03 Amending Section 2.04.010 of the Orland Municipal Code Regarding Regular Council Meetings (Discussion/Action) – Greg Einhorn, City Attorney
- B. Development Considerations Adjacent to Irrigation Canals (Discussion/Direction) – Scott Friend, City Planner
- C. Verbal Update on Drought Conditions (Discussion/Direction)– Pete Carr, City Manager

## **7. CITY COUNCIL COMMUNICATIONS AND REPORTS**

## **8. ADJOURN**

**CERTIFICATION:** Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on July 29, 2021.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, in Orland or on the City's website at [www.cityoforland.com](http://www.cityoforland.com) where meeting minutes and audio recordings are also available.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 865-1601 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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**CITY MANAGER**

Peter R. Carr

## WARRANT LIST

August 2, 2021

Warrant	7/28/21	\$	94,310.09
Payroll Compensation	7/15/21	\$	127,860.06
PERS UAL Payment	7/13/21	\$	499,910.00
PERS	7/15/21	\$	2,293.26
PERS	7/20/21	\$	23,121.72
		\$	<u>747,495.13</u>

**APPROVED BY**

\_\_\_\_\_  
 Bruce T. Roundy, Mayor

\_\_\_\_\_  
 Jeffrey A. Tolley, Vice-Mayor

\_\_\_\_\_  
 Dennis Hoffman, Councilmember

\_\_\_\_\_  
 William "Billy" Irvin, Councilmember

\_\_\_\_\_  
 Chris Dobbs, Councilmember

REPORT.: Jul 28 21 Wednesday  
 RUN...: Jul 28 21 Time: 15:40  
 Run By.: Deysy Guerrero

CITY OF ORLAND  
 Cash Disbursement Detail Report  
 Check Listing for 07-21 thru 07-21 Bank Account.: 1001

PAGE: 001  
 ID #: PY-DP  
 CTL.: ORL

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
053995	07/28/21	AGU03	Rosa Aguilar	75.00	0000438	Rec/Park reservation refund
053996	07/28/21	AIR01	Airgas-USA, LLC	116.45	27591	MeasA FD/medical oxygen
053997	07/28/21	ALT01	Altec Industries Inc.	991.50	July 21	PW/misc supplies for #49
053998	07/28/21	AMA01	Amazon	888.64	7/10/21	LIB/BOOKS
053999	07/28/21	AME00	AMERICAN FAMILY LIFE	1135.21	518267	Supplemental Insurance
054000	07/28/21	ATT05	A T & T	150.72	16724083	MeasA FD/phones
054001	07/28/21	ATT06	A T & T	23.67 23.67 23.67 872.18 272.80	24054 32534 32541 7/13/21 7/20/21	PW/Heartland lift station PW/WH lift station PW/airport liftstation MULTI-DEPTS/PHONE PW/well communications
Check Total.....:				1215.99		
054002	07/28/21	ATT07	A T & T	33.39	07/7/21	PW/shop
054003	07/28/21	ATT09	AT&T MOBILITY	838.71	JUL-85804	PD/CELL PHONE SERVICE
054004	07/28/21	ATT10	AT&T MOBILITY (FIRST NET)	144.60	7/02/21	PW/cell phone usage
054005	07/28/21	BAS00	Basic Laboratory, Inc	758.40	072721	PW/lab svcs
054006	07/28/21	BOO00	BOOT BARN INC.	150.00 150.00	Romero 21 Vonasek21	PW/boots PW/boots
Check Total.....:				300.00		
054007	07/28/21	BWC00	W.B. Benbow	956.00	502	PW/SCADA software update;remote svcs
054008	07/28/21	CAB00	Cabreras Income Tax LLC	7500.00	#2	Business Assist Grant
054009	07/28/21	CAL14	Cal Signal Corp	375.00	8397	6th & South St stoplight check
054010	07/28/21	CEN01	Cengage Learning Inc.	469.79	6181	Lib/large print books
054011	07/28/21	CHA01	Justin Chaney	240.73	7132021	Meas A FD/tools for Chief truck
054012	07/28/21	COL11	COLANTUONO, HIGHSMITH& WH	4564.00	46147	Special Counsel Svcs for Sunny annexation
054013	07/28/21	COM09	Compost Solutions Inc	45.05	2390	Soil for downtown trees
054014	07/28/21	COR00	CORNING LUMBER CO., INC.	1006.93	072521	PW/shop & street supplies
054015	07/28/21	COR04	CORBIN WILLITS SYSTEMS	508.34	C107151	MULTI-DEPTS/MONTHLY SOFTWARE SUPPORT
054016	07/28/21	DOB01	CHRIS DOBBS	300.00	July 2021	Councilmember Stipend
054017	07/28/21	DOG00	Dog Waste Depot	163.28	423669	Parks/pet waste bags
054018	07/28/21	ECO01	ECORP CONSULTING, INC	9521.64	93920	Plan/consulting svcs
054019	07/28/21	EIS00	Employers Investigative S	7500.00	#1	Business Assist Grant
054020	07/28/21	FLE04	FLEMING, JOHN	1392.00	7/14-7/27	BD/Building Inspections
054021	07/28/21	FUL04	Full Moon Portable Sanita	120.00	1340	PW/green waste;City yard
054022	07/28/21	GOL05	GOLDEN STATE EMERGENCY VE	43.83	29205	MeasA FD/engine parts
054023	07/28/21	GON03	Loretta Gonsalves	417.00	7/27/21	Rec/Agua Aerobics
054024	07/28/21	GRA02	GRAINGER, INC.	6006.38	7/27/21	PW;Rec/supplies
054025	07/28/21	HOF00	DENNIS G. HOFFMAN	300.00	JULY 2021	CITY COUNCIL STIPENDS
054026	07/28/21	HUD02	RHONDA HUDSON	112.00	7/27/21	Rec/scorekeeper
054027	07/28/21	IRV00	BILLY IRVIN	300.00	JULY 2021	CITY COUNCIL STIPEND
054028	07/28/21	LIN00	LINCOLN AQUATICS	1918.88	SN065486	REC/CHLORINATION TABS
054029	07/28/21	LOV00	Loveskin Petite Spa & Bou	7500.00	#3	Business Assist Grant
054030	07/28/21	MAT04	MATSON & ISOM	105.00 3639.00	24794 78968	PD/Switch Renewal Monthly Billing May 2021
Check Total.....:				3744.00		
054031	07/28/21	MCM00	McMaster-Carr	186.25	6375	PW/sewer supplies



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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
054032	07/28/21	MIL00	MILLER GLASS, INC.	55.00	346507	PD/windshield repair #3
054033	07/28/21	MUN01	Municipal Code Corp.	275.00 900.00	359293 360973	ADMINISTRATIVE SUPPORT FEE ONLINE CODE HOSTING
Check Total.....:				1175.00		
054034	07/28/21	NEC00	NEC CLOUD COMMUNICATIONS	106.11	84002	Meas A FD/phone usage
054035	07/28/21	ORL12	Orland-Laurel Masonic Hal	400.00	AUG 2021	AC/RENT
054036	07/28/21	OSC00	OSCAR REDES	9.97	182779	BD/HAT
054037	07/28/21	PGE00	PG&E	9.86 189.03 8.11 22.69 74.45 424.28	070921 072121 072721 7/13/21 7/20/21 0426-6JUL	Rec/standby power PW/Rd MM lift station PW/Eva Dr well PW/Walker ST Pedestal PW/traffic control REC/RD 200 LIGHTS
Check Total.....:				728.42		
054038	07/28/21	QUI02	QUILL CORP.	493.31 235.93	17923365 17951515	MULTI-DEPTS/OFFICE SUPPLIES AND BUILDING MAINT MISC/OFFICE SUPPLIES
Check Total.....:				729.24		
054039	07/28/21	RAM06	Andy Ramirez	80.00	7/23/21	Rec/Coed Umpire
054040	07/28/21	ROM04	SANDY ROMANO	28.00	7/27/21	Rec/scorekeeper
054041	07/28/21	ROU00	BRUCE T. ROUNDY	300.00	JULY 2021	CITY COUNCIL STIPEND
054042	07/28/21	SIM01	SIMPLOT	185.87	45339	Parks/Rely
054043	07/28/21	SUN05	Sun Life Financial	4386.80	JUNE2021	GAP INSURANCE
054044	07/28/21	SWI02	Robert Swinhart	59.27	6/25/21	PW/boot reimbursement
054045	07/28/21	T&S01	T AND S DVBE, INC.	1247.65	1569;1758	PW/thermoplastic supplies
054046	07/28/21	TIA00	TIAA COMMERCIAL FINANCE,	299.87	7/26/21	MULTI-DEPTS/COPIER LEASE
054047	07/28/21	TOL04	JEFFREY TOLLEY	300.00	JULY 2021	CITY COUNCIL STIPEND
054048	07/28/21	TRA02	TRANSAMERICA	627.00	July 2021	Supplemental ins
054049	07/28/21	USA00	Underground Service Alert	587.01	7/20/21	PW/regulatory costs
054050	07/28/21	USA04	USA Blue Book	1067.36	336;026	PW/water parts
054051	07/28/21	VAC00	Mayte Vaca-Perez	5000.00	#4	Business Assist Grant
054052	07/28/21	VAL02	VALLEY ROCK PRODUCTS	490.55	1147791	PW/concrete sand & rock base
054053	07/28/21	VAN00	VANTAGE POINT TRANSFER AG	1675.86	071521	DEFERRED COMPENSATION PAY
054054	07/28/21	VER03	Verizon Wireless	228.06 78.63	62412 62413	PW/SCADA computer;iPads;PD laptop usage Rec;Pool/cell phone usage
Check Total.....:				306.69		
054055	07/28/21	VIP00	VIPS	1176.53	072621	Claim for theft of fireworks
054056	07/28/21	WAT03	Bill Wathen	650.00	15 games	Rec/umpire svcs
054057	07/28/21	WEL02	Wells Fargo Vendor Fin Se	199.34	7/17/2021	BLDG, PLAN/Copier Lease
054058	07/28/21	WEX00	WEX BANK	3395.55 49.97 1492.24 5467.96 193.12	1583 1583BD 1583FD 1583PD 1583REC	PW/fuel usage BD/fuel usage FD/fuel usage PD/fuel usage Rec/fuel usage
Check Total.....:				10598.84		
Cash Account Total.....:				94310.09		
Total Disbursements.....:				94310.09		
Cash Account Total.....:				.00		

REPORT.: 07/15/21  
 RUN....: 07/15/21 Time: 16:26  
 Run By.: Leticia Espinosa

CITY OF ORLAND  
 Warrant Register

Warrant Number	Date	Payroll Date	**Employee** Num	Name	Actual Period	Fiscal Period	Gross Amount
14214	07/15/21	07/14/21	CLO00	CLOYD, RILEY J	07-21	01-22	797.50
14215	07/15/21	07/14/21	CLO01	CLOYD, HANNAH	07-21	01-22	493.50
14216	07/15/21	07/14/21	COM01	COMBS, DANIEL T	07-21	01-22	674.25
14217	07/15/21	07/14/21	COM02	COMBS, ALLIE	07-21	01-22	126.00
14218	07/15/21	07/14/21	FIC00	FICHTER, QUENTIN	07-21	01-22	1529.27
14219	07/15/21	07/14/21	FOS00	FOSTER, EMILY	07-21	01-22	896.00
14220	07/15/21	07/14/21	KAR00	KARLE, CARSON	07-21	01-22	728.00
14221	07/15/21	07/14/21	KRA01	KRAEMER, KATHERINE	07-21	01-22	686.00
14222	07/15/21	07/14/21	LAN00	LANDEROS, LORENZO A	07-21	01-22	63.00
14223	07/15/21	07/14/21	ORO02	OROZCO, EVVEN	07-21	01-22	1018.50
14224	07/15/21	07/14/21	RUB00	RUBIO, JENNIFER	07-21	01-22	773.50
14225	07/15/21	07/14/21	SIL01	SILVA, SOPHIA MARIE	07-21	01-22	168.00
14226	07/15/21	07/14/21	TES00	TESTERMAN, RUBY	07-21	01-22	1064.00
14227	07/15/21	07/14/21	VLA01	VLACH, ETHAN	07-21	01-22	561.75
14228	07/15/21	07/14/21	WAT01	WATHEN, CELESTINA S	07-21	01-22	203.00
14229	07/15/21	07/14/21	WAT03	WATHEN, AIDEN	07-21	01-22	476.00
14230	07/15/21	07/14/21	WAT04	WATHEN, MIDASIA	07-21	01-22	35.00
Z03998	07/15/21	07/14/21	ALV00	ALVARADO, ENRIQUE	07-21	01-22	854.00
Z03999	07/15/21	07/14/21	ALV01	ALVA, MICHAELA	07-21	01-22	1676.30
Z04000	07/15/21	07/14/21	AND00	ANDRADE, EDGAR	07-21	01-22	2642.29
Z04001	07/15/21	07/14/21	BAL00	BALDRIDGE, THEA	07-21	01-22	570.50
Z04002	07/15/21	07/14/21	BEL00	BELTER, ANNIE	07-21	01-22	598.50
Z04003	07/15/21	07/14/21	CAR02	CARMON, GRANT E	07-21	01-22	3514.35
Z04004	07/15/21	07/14/21	CAR03	CARR, PETER R	07-21	01-22	5769.23
Z04005	07/15/21	07/14/21	CES00	CESSNA, KYLE A	07-21	01-22	5318.87
Z04006	07/15/21	07/14/21	CHA01	CHANEY, JUSTIN	07-21	01-22	3745.38
Z04007	07/15/21	07/14/21	CON00	CONTRERAS, ISAAC	07-21	01-22	406.00
Z04008	07/15/21	07/14/21	CRA00	CRANDALL, JEREMY	07-21	01-22	353.08
Z04009	07/15/21	07/14/21	ESP00	ESPINOSA, LETICIA	07-21	01-22	1927.65
Z04010	07/15/21	07/14/21	ESP01	ESPELAND, JACOB	07-21	01-22	987.00
Z04011	07/15/21	07/14/21	FEN03	FENSKE, JOSEPH H	07-21	01-22	2911.83
Z04012	07/15/21	07/14/21	FLO00	FLORES, JOSE D	07-21	01-22	2845.12
Z04013	07/15/21	07/14/21	FUL00	FULLMORE, KRISTOPHER	07-21	01-22	3160.97
Z04014	07/15/21	07/14/21	GAM00	GAMBOA, YADIRA	07-21	01-22	276.26
Z04015	07/15/21	07/14/21	GUE01	GUERRERO, DEYSY D	07-21	01-22	2398.81
Z04016	07/15/21	07/14/21	GUE02	GUERRERO, JORGE	07-21	01-22	2107.63
Z04017	07/15/21	07/14/21	HAR00	ZOLLERHARRIS, TRAVIS	07-21	01-22	1858.82
Z04018	07/15/21	07/14/21	JOH01	JOHNSON, SEAN KARL	07-21	01-22	4458.11
Z04019	07/15/21	07/14/21	KOC00	KOCHEMS, ALISON	07-21	01-22	367.50
Z04020	07/15/21	07/14/21	KOC01	KOCHEMS, EMMA	07-21	01-22	332.50
Z04021	07/15/21	07/14/21	LED00	LEDAY, JESSICA E	07-21	01-22	3231.64
Z04022	07/15/21	07/14/21	LOW00	LOWERY, KATHERINE	07-21	01-22	3566.77
Z04023	07/15/21	07/14/21	MAR02	MARTINDALE, RYAN EUGENE	07-21	01-22	2200.06
Z04024	07/15/21	07/14/21	MEJ00	APARICIO, LILIA MEJIA	07-21	01-22	2061.93
Z04025	07/15/21	07/14/21	MEZ00	MEZA, JODY L	07-21	01-22	3671.21
Z04026	07/15/21	07/14/21	MIL00	MILLS, DARYL A	07-21	01-22	3005.21
Z04027	07/15/21	07/14/21	MYE00	MYERS, KEVIN	07-21	01-22	621.30
Z04028	07/15/21	07/14/21	ORO03	OROZCO, ETHAN	07-21	01-22	364.00
Z04029	07/15/21	07/14/21	ORO04	OROZCO, JORDAN	07-21	01-22	504.00
Z04030	07/15/21	07/14/21	OVA00	OVARD, CONNOR	07-21	01-22	287.00
Z04031	07/15/21	07/14/21	PAI01	PAILLON, MICHAEL	07-21	01-22	2072.01
Z04032	07/15/21	07/14/21	PAN00	PANIAGUA, BLANCA A	07-21	01-22	659.30
Z04033	07/15/21	07/14/21	PEN01	PENDERGRASS, REBECCA A	07-21	01-22	2318.86
Z04034	07/15/21	07/14/21	PER00	PEREZ, MARGARITA T	07-21	01-22	1899.16
Z04035	07/15/21	07/14/21	PHI00	PHILLIPS, AMELIA	07-21	01-22	206.50
Z04036	07/15/21	07/14/21	PIN00	PINEDO, EDGAR ESTEBAN	07-21	01-22	2493.74
Z04037	07/15/21	07/14/21	POR00	PORRAS, ESTEL	07-21	01-22	1763.18
Z04038	07/15/21	07/14/21	PUN00	PUNZO, GUILLERMO	07-21	01-22	2055.57
Z04039	07/15/21	07/14/21	PUR01	PURCHASE, HEATHER	07-21	01-22	1415.49
Z04040	07/15/21	07/14/21	RIC01	RICE, GERALD W	07-21	01-22	2050.57
Z04041	07/15/21	07/14/21	ROD00	RODRIGUES, ANTHONY	07-21	01-22	3023.19
Z04042	07/15/21	07/14/21	ROE00	ROENSPIE, THOMAS LUKE	07-21	01-22	4260.45
Z04043	07/15/21	07/14/21	ROM00	ROMERO, ARNULFO	07-21	01-22	2666.06
Z04044	07/15/21	07/14/21	SCH03	SCHMITKE, JENNIFER	07-21	01-22	1740.42
Z04045	07/15/21	07/14/21	SOE00	SOETH, MATTHEW A	07-21	01-22	1224.00
Z04046	07/15/21	07/14/21	STE01	STEWART, ROY E	07-21	01-22	2798.04
Z04047	07/15/21	07/14/21	SUA02	SUAREZ, BRYAN E	07-21	01-22	2117.31
Z04048	07/15/21	07/14/21	SWI00	SWINHART, ROBERT	07-21	01-22	1802.95
Z04049	07/15/21	07/14/21	VAL00	VALENZUELA, BRENDA	07-21	01-22	316.54
Z04050	07/15/21	07/14/21	VLA00	VLACH, RAYMOND JOSEPH	07-21	01-22	4468.46
Z04051	07/15/21	07/14/21	VLA02	VLACH, ZOE	07-21	01-22	294.00
Z04052	07/15/21	07/14/21	VON00	VONASEK, EDWARD J	07-21	01-22	4266.98
Z04053	07/15/21	07/14/21	WAC00	WACKERMAN, JANET	07-21	01-22	3060.19
							127860.06

**MINUTES OF THE ORLAND CITY COUNCIL**  
**REGULAR MEETING HELD JULY 19, 2021**

**CALL TO ORDER**

Meeting called to order by Mayor Roundy at 6:00 p.m.

Meeting opened with the pledge of allegiance.

**ROLL CALL**

Councilmembers present:	Councilmembers Dennis Hoffman, Billy Irvin, Chris Dobbs, Vice Mayor Jeffrey A. Tolley and Mayor Bruce T. Roundy
Councilmembers absent:	None
Staff present	City Clerk/Administrative Services Manager Janet Wackerman, City Attorney Greg Einhorn, Public Works Director Ed Vonasek, Police Chief Joe Vlach, Fire Chief Justin Chaney, Accounting Manager Rebecca Pendergrass, and Deputy City Clerk/Public Works Admin Tech Jennifer Schmitke

**ORAL AND WRITTEN COMMUNICATIONS**

Citizen Comments: None

**CONSENT CALENDAR**

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes for July 6, 2021.
- C. Receive and file Arts Commission minutes of May 12, 2021
- D. Receive and file Library Commission minutes of May 10, 2021
- E. Adopt Resolution 2021-15 – United States Dept. of Agriculture, Rural Development Community Facilities Program.
- F. Authorize City Manager or designee to sign construction engineering contract with Rolls Anderson & Rolls Engineering for pedestrian Countdown Signal Heads and Pavement Markings project.

Upon motion made by Councilmember Hoffman and seconded by Vice Mayor Tolley, the consent calendar was approved. The motion carried 5-0.

**ADMINISTRATIVE BUSINESS**

**A. Request to Change day of City Council Meetings (Discussion/Action) – Justin Chaney, Fire Chief**

Chief Chaney asked the City Council for help coming up with a solution to the scheduling conflict for City Department Heads that are also Orland Volunteer Fire Department members. Chief Chaney stated the OVFD conducts two Monday evening meetings a month for active training and staff have missed necessary training in order to attend Council meetings. He also noted that training for all volunteers was crucial in order to learn new skills and improve upon existing ones, so that each fire fighter and the Fire Department as a whole will be better prepared to respond to emergency calls.

OVFD has discussed moving their trainings to Tuesdays but have found conflict with other fire departments and related agencies also holding trainings or meetings on Tuesdays. Chief Chaney stated the largest conflict with moving training/meeting nights would be trying to work around the 45 active volunteers' schedules.

Mayor Roundy opened the discussion up to the public to see if anyone had any questions, conflict, or comments on moving the day and/or time of City council meetings to accommodate OVFD.

Assistant Fire Chief, David Kelly, asked that Councilmembers consider changing the day of the Council meetings to help the volunteers who are also City staff members. He also stated that the Fire Department is successful because they learn and train as a team, which allows them to better respond to emergency calls. Assistant Fire Chief Kelly asked that the Council consider the importance of training together when deciding whether to move the day and/or time of the Council meetings. Vice Mayor Tolley thanked Assistant Fire Chief Kelly for attending the meeting and showing his support for the issue.

Byron Denton, citizen, called in about changing the meeting day. Mr. Denton stated that the Fire Department gives so much to the community, and he didn't see a conflict with changing the day or time of the Council meetings. He hopes the Council can do what it takes to help the OVFD.

Councilmembers held a discussion with Chief Chaney and staff about switching the time of the meeting to an earlier time or possibly switching the meeting day entirely. After the new meeting day of Tuesday was agreed upon, Councilmembers questioned if the meeting time should also be adjusted. After additional discussion, it was the consensus of those present that the meetings should start at 6:30 pm.

Action: Councilmember Hoffman moved, seconded by Councilmember Dobbs to change the City Council meeting day to the 1st and 3rd Tuesdays of every month and changing the meeting time to 6:30 pm. The motion carried unanimously by the following roll call vote:

AYES: Councilmembers Hoffman, Dobbs, Irvin, Vice Mayor Tolley and Mayor Roundy

NOES: None

ABSENT: None

ABSTAIN: None

*(Fire Chief Chaney left)*

## **B. Green Waste Operations Update (Discussion/Direction) – Ed Vonasek, Public Works Director**

Public Works Director Vonasek stated he is seeking direction from City Council regarding the City's green waste site and its operations. Director Vonasek informed Council that the site is currently open two days a week, staffed by a Public Works employee. The City received one bid from contractors for grinding material at the green waste site. The received bid was for grinding only (no haul away) for approximately \$600.00 an hour. The City will need to conduct additional research to find an alternative place to take the materials once they have been ground up.

Mayor Roundy opened the discussion to the Council. Councilmembers agreed that the City's green waste site needs to stay open. The Council requested additional information from Director Vonasek including, what days the green waste site should be open and what the expenses would be to keep it open.

Mayor Roundy opened the discussion up to the public. Mr. Denton stated his concern about the possibility of the green waste site closing and he is worried that if the site were to be closed, people would leave yard waste alongside the road and create extra work for the City's Public Works Department.

Mayor Roundy suggested the possible use of Measure A funds to cover the expenses of the Green Waste Site. City Attorney Greg Einhorn advised that Council will need to collect findings to justify using Measure A funds to keep the green waste site open. Director Vonasek stated he would assess the feasibility of continued green waste site operations by revisiting its costs/expenses, revenue, hours of operation and the possibility of utilizing Measure A funds and report back to Council.



**B. Verbal Update on Drought Conditions (Discussion/Direction) – Ed Vonasek, Public Works Director**

Public Works Director Vonasek reported to the Council that the City's wells are continuously being monitored every week. Director Vonasek stated that the City has continued to provide water to residents whose wells have gone dry. To date, 58,000 gallons have been sold, which is only .0008% of the water produced in the month of June (68,000,000 gallons). He added that this has not had any adverse effects on the City's water system.

Mayor Roundy stated another bottled water distribution event is being held at the Fire Department with the assistance of Glenn County Office of Emergency Services, OVFD and the VIPS on Wednesday, July 28<sup>th</sup> and one is being held in Elk Creek on August 23<sup>rd</sup> at their ice cream social event. Each household is allowed 10 cases of water, which were donated by Amazon. Mayor Roundy notified Council there are 103 wells currently dry in Glenn County. There is still a moratorium on new ag well applications within Glenn County.

*(Public Works Director Vonasek left)*

**C. Pension Obligation Bonds Update (Discussion/Direction) – Jeffery Small, Capital PFG**

Jeffery Small, Capital PFG, presented to Council two different pension obligation bond (POB) options. Option #1 included funding the unfunded accrued liability (UAL) at 95% while option #2 would fund the UAL at 90%. Both options included additional choices in the structuring of payments. Discussion was held, Mr. Small answered some clarifying questions for the Council and stated he would be at a future City Council meeting to seek further direction regarding the POB.

**CITY COUNCIL COMMUNICATIONS AND REPORTS**

Vice Mayor Tolley:

- Attended the Economic Development Commission meeting with Mayor Roundy, but it was cancelled due to a lack in quorum.

Councilmember Dobbs:

- Nothing to report

Councilmember Hoffman:

- Was out of town and unable to attend the Transportation Commission meeting.
- Will be attending the Waste Management meeting Thursday, July 22<sup>nd</sup>
- Honeybee Committee meets Wednesday, July 21<sup>st</sup> at 11 am.

Councilmember Irvin:

- Travelled to Greenville and noted the heavy smoke from surrounding fires.

Mayor Roundy:

- Art Commission putting on art show on August 7<sup>th</sup>.
- Many meetings were cancelled including LAFCO and the Transportation and Transit meetings.
- Was part of a forum with Todd Bishop and *The Dreamt Land* author Mark Arax. They discussed the water (or lack of) situation we are in currently facing.

Meeting adjourned at 8:00 p.m.

Jennifer Schmitke, Deputy City Clerk

Bruce T. Roundy, Mayor

**RESOLUTION NO. 2021-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND  
APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT  
FOR THE FISCAL YEAR 2021-2022**

**Whereas**, Article XIII B. of the California Constitution requires that an annual appropriations limit be set by the legislative body of all California agencies receiving tax proceeds; and

**Whereas**, the City of Orland has complied with all the provisions of Article XIII B. in determining the appropriations limit for fiscal year 2021-2022.

**NOW, THEREFORE, BE IT RESOLVED** that the appropriations subject to limitation in fiscal year 2021-2022 shall be \$ 15,360,326 in the City of Orland.

\* \* \* \* \*

Passed and adopted this 2<sup>nd</sup> day of August, 2021, by the City Council of the City of Orland by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Bruce T. Roundy, Mayor

\_\_\_\_\_  
Janet Wackerman, City Clerk

ROY R. SEILER

***CERTIFIED PUBLIC ACCOUNTANT***

201 C. North Tehama  
Willows, CA 95988

Phone: 530-934-8841

Fax: 530-934-8849

City of Orland,  
Orland, California

I have compiled the recap of Appropriations Limitations Worksheets for the City of Orland, for the 2021-2022 fiscal year. I have not audited or reviewed the accompanying statement and, accordingly, do not express an opinion or provide any assurance about whether the statement is in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

My responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

I am not independent with respect to the City of Orland

July 22, 2021  
***Roy R. Seiler, CPA***

**CITY OF ORLAND**  
**FISCAL YEAR 2021-2022**

**APPROPRIATIONS LIMIT GUIDELINES**

**WORKSHEET # 1**

**USERS' FEES VERSUS COSTS**  
**(Enterprise Funds)**

Program Areas

			Sewer	
	Water	Sewer	Industries	TOTAL

A. COSTS REASONABLE BORNE	1,041,165	1,033,514	111,929	2,186,608
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B. FEES:	1,759,100	1,257,900	81,929	3,098,929

TOTAL FEE REVENUE	1,759,100	1,257,900	81,929	3,098,929
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C. AMOUNT FEE EXCEEDS COST (i.e., TAX PROCEEDS)	717,935	224,386		942,321
--	---------	---------	--	---------

D. AMOUNT OF FEE REVENUE LESS THAN COST			-30,000	-30,000
--	--	--	---------	---------

E. Use the results to complete  
Worksheet #2

See Accompanying Accountant's Report



**CITY OF ORLAND**  
**FISCAL YEAR 2021-2022**

**APPROPRIATIONS LIMIT GUIDELINES**

**WORKSHEET #2**  
**CALCULATION OF PROCEEDS OF TAXES**

REVENUES	PROCEEDS OF TAXES	NON-PROCEEDS OF TAXES	TOTAL
<b>TAXES:</b>			
PROPERTY TAX	1,828,000		1,828,000
SALES & USE TAX	2,166,000		2,166,000
SALES & USE TAX, MEASURE A	1,050,000		1,050,000
UTILITY USERS TAX	210,000		210,000
TRANSIENT OCCUPANCY TAX	72,000		70,000
SPECIAL POLICE OR FIRE	0		0
OTHER TAXES	0		0
<b>FROM STATE:</b>			
OFF-HIGHWAY VEHICLES	0		0
GASOLINE TAX		320,000	320,000
HOMEOWNERS' RELIEF TAX			0
MANDATED COST REIMBURSE		0	0
POST REIMBURSEMENTS		0	0
PROP 172 - PUBLIC SAFETY	23,000		23,000
BUSINESS LICENSES	24,000		24,000
LIBRARY GRANTS	0		0
REAL PROP TRANSFER TAX		0	0
PUBLIC SAFETY GRANTS	0	148,000	148,000

See Accompanying Accountant's Report

**CITY OF ORLAND**  
FISCAL YEAR 2021-2022

APPROPRIATIONS LIMIT GUIDELINES

WORKSHEET #2  
CALCULATION OF PROCEEDS OF TAXES

REVENUES	PROCEEDS OF TAXES	NON-PROCEEDS OF TAXES	TOTAL
OTHER GOVERNMENTS:			
COUNTY LIBRARY ALLOCATION		78,000	78,000
COMMUNITY DEVELOPMENT		0	0
OTS GRANTS - FEDERAL		0	0
WILLOWS CA LIBRARY REIMBURSEMENTS	0	84,000	84,000
LOCALLY RAISED:			
SPECIAL BEN ASSESSMENTS			0
LOCAL LIBRARY FINES AND FEES			0
OTHER MISCELLANEOUS REVENUES			0
DONATIONS AND CONTRIBUTIONS			0
PARKS AND RECREATION FEES		55,000	55,000
DEVELOPMENT FEES	0	100,000	100,000
RENTS, ROYALTIES, PENALTIES		56,000	56,000
FINES AND FORFEITURES			0
USER FEES (From Worksheet # 1)	912,321		912,321
SUB-TOTAL (To Worksheet # 3)	6,285,321	841,000	7,126,321
INTEREST EARNINGS (From Worksheet # 3)	2,000	0	2,000
TOTAL REVENUE (Use for Worksheet #4)	6,287,321	841,000	7,128,321
TOTAL OF THESE FUNDS	6,287,321	841,000	7,128,321
OTHER FUNDS NOT INCLUDED			
Solar and Misc Income		17,500	
Fire Chief Allocation		144,000	
ARPA Allocation		200,000	
Green Waste Fee		18,000	
		379,500	379,500
GRAND TOTAL	6,287,321	1,600,000	7,507,821
Allocation of Interest Income, Worksheet #3	1,764		
Other Applicable Funds:			
Gas Tax	320,000		
Total Appropriations Subject to Limit	6,609,085		

See Accompanying Accountant's Report

**CITY OF ORLAND  
FISCAL YEAR 2021-2022**

**APPROPRIATIONS LIMIT GUIDELINES**

**WORKSHEET #3**

**INTEREST EARNINGS PRODUCED BY TAXES**

	<u>AMOUNT</u>	<u>SOURCES</u>
A. TAX PROCEEDS NOT INCLUDING INTEREST	6,285,321	(WORKSHEET #2)
B. MINUS EXCLUSIONS	0	(WORKSHEET #7)
C. NET INVESTED TAXES	6,285,321	(A-B)
D. TOTAL REVENUES NOT INCLUDING INTEREST	7,126,321	(WORKSHEET #2)
E. TAX PROCEEDS AS A PERCENT OF TOTAL	88.20%	
F. INTEREST EARNINGS, General Fund	2,000	
G. AMOUNT OF INTEREST EARNED FROM TAXES	1,764	(E*F)
H. AMOUNT OF INTEREST EARNED FROM NON-TAXES	236	(F-G)

See Accompanying Accountant's Report

**CITY OF ORLAND**  
**FISCAL YEAR 2021-2022**

**APPROPRIATIONS LIMIT GUIDELINES**

**WORKSHEET #4**

**APPROPRIATIONS SUBJECT TO LIMITATION**

	AMOUNT	SOURCES
A. PROCEEDS OF TAXES	6,609,085	(WORKSHEET #2)
B. EXCLUSIONS	0	(WORKSHEET #7)
C. APPROPRIATIONS SUBJECT TO LIMITATIONS	6,609,085	(A-B)
D. CURRENT YEAR LIMIT	15,360,326	(WORKSHEET #6)
E. OVER/(UNDER) LIMIT	-8,751,241	(C-D)

See Accompanying Accountant's Report



**CITY OF ORLAND**  
FISCAL YEAR 2021-2022

**APPROPRIATIONS LIMIT GUIDELINES**

**WORKSHEET #5**

**POPULATION INCREASE**

**LIMITATION COMPUTATION:**

		CITY		COUNTY	
		POPULATION	PERCENT	POPULATION	PERCENT
1996-1997	1/1/1995	5599		26219	
	1/1/1996	5632	0.59%	26487	1.02%
1997-1998	1/1/1996	5632		26487	
	1/1/1997	5668	0.63%	26813	1.23%
1998-1999	1/1/1997	5668		26813	
	1/1/1998	5767	1.84%	26966	0.70%
1999-2000	1/1/1998	5767		26966	
	1/1/1999	5796	0.05%	26943	-0.01%
2000-2001	1/1/1999	5796		26943	
	1/1/2000	6381	1.01%	26991	0.10%
2001-2002	1/1/2000	6381		26679	
	1/1/2001	6371	-0.16%	26713	0.13%
2002-2003	1/1/2001	6371		26713	
	1/1/2002	6161	-0.33%	27143	0.07%
2003-2004	1/1/2002	6319		26635	
	1/1/2003	6381	0.98%	26952	1.19%
2004-2005	1/1/2003	6458		27273	
	1/1/2004	6529	1.10%	27630	1.31%
2005-2006	1/1/2004	6544		27698	
	1/1/2005	6675	2.00%	28081	1.38%
2006-2007	1/1/2005	6692		28155	
	1/1/2006	6992	4.48%	28540	1.37%
2007-2008	1/1/2006	6949		28364	
	1/1/2007	7189	3.45%	28791	1.51%
2008-2009	1/1/2007	7169		28709	
	1/1/2008	7353	2.57%	29085	1.31%
2009-2010	1/1/2008	7322		28960	
	1/1/2009	7413	1.34%	29096	0.56%

See Accompanying Accountant's Report

**CITY OF ORLAND**  
**FISCAL YEAR 2021-2022**

**APPROPRIATIONS LIMIT GUIDELINES**

**WORKSHEET #5**

**POPULATION INCREASE**

**LIMITATION COMPUTATION:**

	CITY		COUNTY	
	POPULATION	PERCENT	POPULATION	PERCENT
2010-2011	1/1/2009 7413		29096	
	1/1/2010 7501	1.19%	29434	0.76%
2011-2012	1/1/2010 7287		28004	
	1/1/2011 7501	2.94%	28153	0.53%
2012-2013	1/1/2011 7458		27985	
	1/1/2012 7541	1.11%	28012	0.10%
2013-2014	1/1/2012 7569		28116	
	1/1/2013 7626	0.75%	28247	0.47%
2014-2015	1/1/2013 7597		28136	
	1/1/2014 7683	1.13%	28353	0.42%
2015-2016	1/1/2014 7777		28596	
	1/1/2015 7814	0.48%	28630	0.12%
2016-2017	1/1/2015 7672		28481	
	1/1/2016 7672	0.00%	28572	0.32%
2017-2018	1/1/2016 7705		28543	
	1/1/2017 7812	1.39%	28635	0.32%
2018-2019	1/1/2017 7844		28634	
	1/1/2018 7932	1.12%	28796	0.57%
2019-2020	1/1/2018 7998		28662	
	1/1/2020 8337	4.24%	29035	1.30%
2020-2021	1/1/2020 8113		28598	
	1/1/2020 8323	2.59%	29400	2.80%
2021-2022	1/1/2021 8374		29498	
	1/1/2021 8527	1.83%	29679	0.61%

See Accompanying Accountant's Report

**CITY OF ORLAND  
FISCAL YEAR 2021-2022**

**APPROPRIATIONS LIMIT GUIDELINES**

**WORKSHEET #6**

**APPROPRIATIONS LIMIT COMPUTATION**

	Amount	Source
<b>A. LAST YEAR'S LIMIT</b>	14,266,796	
<b>B. ADJUSTMENT FACTORS</b>		
1. Population Ratio	1.0183	Worksheet #5 State Finance or Assessor
2. Inflation Ratio	1.0573	
Total Adjustment Factor	1.0766	(B1 * B2)
<b>C. ANNUAL ADJUSTMENT</b>	1,093,530	(B*A)-A
<b>D. OTHER ADJUSTMENTS</b>		
1. Lost Responsibility	0	
2. Transfers to Private	0	
3. Transfers to Fees	0	
4. Assumed Responsibility	0	
Subtotal	0	
<b>E. TOTAL ADJUSTMENT</b>	1,093,530	(C+D)
<b>F. THIS YEAR'S APPROPRIATION LIMIT</b>	15,360,326	(A+E)
Subject Appropriation for GANN	6,609,085	(worksheet #4)
Appropriations Remaining or (over limit ) of Prop 4 GANN Appropriation	8,751,241	
Percentage Remaining or (over limit ) of Prop 4 GANN Appropriation	56.97%	
See Accompanying Accountant's Report		

**CITY OF ORLAND  
FISCAL YEAR 2021-2022**

**APPROPRIATIONS LIMIT GUIDELINES**

**WORKSHEET # 7**

**EXCLUDED APPROPRIATIONS**

<u>EXCLUSION CATEGORY</u>	<u>AMOUNT</u>
A. COURT ORDERS	<input type="text" value="0"/>
B. FEDERAL MANDATES	<input type="text" value="0"/>
C. QUALIFIED CAPITAL OUTLAY	<input type="text" value="0"/>
D. QUALIFIED DEBT SERVICE	<input type="text" value="0"/>
TOTAL EXCLUDABLE	<input type="text" value="0"/>



**CITY OF ORLAND  
CITY COUNCIL ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND  
AMENDING SECTION 2.04.010  
OF THE ORLAND MUNICIPAL CODE  
REGARDING REGULAR COUNCIL MEETINGS**

**WHEREAS**, the City Council of the City of Orland hereby intends to and does amend the days and the starting time of its regular meetings, such amendment for the benefit of Orland's citizens.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** The above-listed findings and statements of intent are true and correct.

**Section 2.** Section 2.04.010 of the Orland Municipal Code is amended as follows:

2.04.010 - Council meetings.

The regular meetings of the Orland City Council shall be held at six-thirty p.m. on the first and third ~~Monday~~ Tuesday in each month, in the Carnegie Community Center, in the City of Orland; provided, however, that when a first ~~and~~ or a third ~~Monday~~ Tuesday falls on a legal holiday, then the regular meeting for that date shall be held on the next business day not a holiday, following such legal holiday. The City Council may schedule closed session matters prior to or following that start time.

**Section 3. Severability.**

If any section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

**Section 4.** This Ordinance shall take effect thirty (30) days after passage and approval by the City Council.

**Section 5.** The City Clerk is directed to publish or post this Ordinance within 15 days following adoption indicating votes cast.

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the 2nd day of August, 2021, and was passed and adopted by the City Council of the City of Orland at a regular meeting thereof duly held on the 16th day of August, 2021, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Bruce Roundy, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Janet Wackerman, City Clerk

\_\_\_\_\_  
Gregory Einhorn, City Attorney



**CITY OF ORLAND**  
**CITY COUNCIL AGENDA ITEM #: 6.B.**  
**MEETING DATE: August 2, 2021**

**TO:** Honorable Mayor and Council

**FROM:** Peter R. Carr, City Manager  
Scott Friend, AICP, City Planner  
Paul Rabo, City Engineer  
Ed Vonasek, Public Works Director

**SUBJECT:** Discussion of potential policies regarding OUWUA/USBOR irrigation laterals in the City of Orland.

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**PURPOSE**

The City of Orland currently operates under and implements a Council-adopted policy requiring that all new development occurring on a site or parcel having an un-covered irrigation lateral canal on or adjacent to it, to place the ditch underground in a buried pipe. The implementation of this policy has and continues to make development in Orland more difficult, more time consuming and more expensive. The purpose of this staff report is to support a discussion with the City Council to modify the City's policy regarding the placement of irrigation canals, laterals and ditches underground and replace the policy with a new policy requiring that new development instead construct fencing along the canals in-lieu of placing the features underground.

This staff report supports and follows-up on the conversation and City Council direction that occurred and was given at the regular meeting of the City Council on April 19, 2021. At that meeting, City staff and Council Members engaged in a discussion concerning current issues and concerns regarding the treatment of OUWUA/USBOR irrigation laterals in the City and the implications of the City's treatment of irrigation laterals and canals to land development in Orland. This discussion led the Council to direct Staff to bring this matter back for further discussion to consider potential policy changes associated with the topic.

With this staff report, Staff will provide a brief background on canal/development issues and provide a series of policy options and recommendations and their associated pros and cons.

**BACKGROUND**

For multiple decades, the City of Orland has attempted to balance the desire of property owners and development interests in the City to develop private property with the needs, wants and desires of the United States Bureau of Reclamation (USBOR) and the Orland Unit Water Users Association (OUWUA) to operate and maintain a functioning system of irrigation canals and laterals in, through and beyond the City limits.

In August of 1990, the City Council adopted a policy that was endorsed by both OUWUA and USBOR that states the following:



*....the City of Orland requires the undergrounding of all U.S.I.D. canals with the development of any residential, commercial, or industrial properties adjacent to the canals or adjacent to the public right-of-way abutting canals.*

*(adopted via a unanimous vote of the Orland City Council on August 13, 1990)*

The adopted policy was a result of the City, OUWUA and USBOR agreeing that open irrigation laterals/canals/ditches abutting or passing through existing and proposed land that are proposed for development pose a real and actual potential health and safety hazard. At the time of its consideration, it was agreed by all parties the undergrounding of open irrigation laterals was a reasonable and appropriate measure to mitigate the safety and health hazards posed by the presence of the features (ditches/canals). Since the adoption of this policy, the City of Orland has required irrigation laterals through and adjacent to proposed developments to be placed underground in a pipe. While exceptions exist at various locations in the City (e.g. Whitehawk Subdivision, Fieldstone Subdivision) the City continues to require the adherence to this policy when and where the City has the ability to exercise its discretionary authority. Recent examples include the Linwood Subdivision (Phases I and II) and the Conditions of Development Approval applied to projects located south of Bryant Street and north and south of Road 15.

Since the adoption of the "undergrounding policy", landowners and potential developers have questioned the City about the need to place irrigation canals underground, the cost implications on new development, and have sought creative ways to proceed with the division and development of land impacted by the policy. With this report, staff is seeking to have a discussion with the City Council about the current policy and to engage the Council in a discussion concerning the cost and logistical implications of the City's current policy with an eye on the objective of a new canal adjacency policy that is more practical, balancing economic realities with security/operational and water delivery needs.

The primary contention of those seeking to develop land on which irrigation canals are located on or adjacent to is that the existing policy makes development either financially infeasible or fiscally difficult to the point of project termination. Additionally, this policy has had the effect of decreasing the regional competitiveness of the City relative to surrounding communities, extending project completion timelines and adding complexity and uncertainty in the development process.

Due in-part to the fact that staff are not developers of land themselves, staff offers no opinions as to the factual nature of the statements made to them in this regard. However, an examination of the built environment reveals that less development happens near irrigation canals and that significant undeveloped and under-utilized land exists inside the City limits but remains undeveloped in-part due to real and perceived issues associated with the covering of irrigation canals. Based upon the information available to the City, staff concurs that the placement of canals and laterals underground adds to the overall cost of a project, adds to the overall uncertainty associated with land development, and adds an additional factor or element of concern and exposure to development actions and projects.

The City's existing canal underground policy was adopted without options for alternatives to the placement of the canals and laterals underground. As such, any consideration of the use of fencing, bollards, cable railing, enhanced setbacks, placement of roadways between a canal and development, vegetative plantings, etc. cannot be considered as being compliant with the policy. The only option available to persons developing land is to place canals and laterals underground in a pipe and leaving a surface corridor open and unobstructed in the event that maintenance activities or access is needed.



## DIFFERING PERSPECTIVES

In researching policy recommendations, staff has identified a key issue is a conflict of interest regarding land use.

In or around 1954, the OUWUA assumed responsibility for the care, operation and maintenance of the irrigation canals and laterals in the City of Orland (project owned by USBOR prior to 1954). Since 1954, the Association has maintained that their main purpose and goal is to supply water to end users for agricultural purposes; not to accommodate future development. While OUWUA upholds that they want to support development, and while the end-result actions of the association generally result in the desired outcome, the process involved in achieving the goal remain a significant obstacle for the City.

With this report, city staff acknowledge and appreciate the perspective and opinion of the association and recognize that the position of the association has been reflective of the organizations mission statement. However, it is the opinion of city staff that the current policy of the City is not reflective of the ever-changing dynamic of the relationship between safety, agricultural water delivery, housing production and urban growth, evolving and changing environmental rules and regulations, and the public interest.

## DISCUSSION

It is and has been for many years the opinion of OUWUA that the most effective way of dealing with the health and safety issues arising due to the development of land is the undergrounding of open canals traversing populated or urbanized areas. To help achieve this, the Association has stated its opinion that the undergrounding of entire reaches of open canal are necessary to increase operational efficiencies and to avoid substantial "gaps" in the canal system. This position has terminated numerous viable projects in the City and has hampered the development of numerous parcels in the City due to both real and perceived ditch and canal related improvements. As noted above, the current policy option available to persons developing land is to place canals and laterals underground in a pipe and leaving a surface corridor open and unobstructed in the event that maintenance activities or access is needed.

While specific costs to place elements of the system underground are not readily available and are dependent upon site-specific and canal specific requirements, the current undergrounding policy of the City places a significant and often unnecessary cost burden on development in Orland as the cost to underground a canal is significant in comparison to the actual and overall land values in the City. Additionally, by maintaining the strict policy that all irrigation laterals/canals/ditches be placed underground, the actual effect has led to a "patchwork" land use pattern in which parcels of land adjacent to or abutting a canal remain undeveloped simply because the cost to underground serves as an infeasible barrier. The City of Orland strives to be a development friendly City and the current undergrounding policy can be counter to that position.

Many Cities throughout the region, State, and Country have irrigation canals/laterals that transverse through them. In most cases, the system operator along with the affect agencies adopt policies ranging from a "do nothing approach" to establishing setbacks and fencing requirements. Examples of these situations include:

### City of Bakersfield

*L. Lots Abutting Park Sites, Drilling Island, Oil Well Sites, and Canals. Where it is found to be necessary for orderly development, any lot which shares a common property line with a lot designed to serve as a park site, drilling island, oil well site or canal shall be separated by a masonry block wall, along said property line a minimum of six feet but not exceeding eight feet*

*in height as measured from highest adjacent finished grade. Timing of said wall installation to be determined by the advisory agency (Chapter 16.28 Design Standards - Section 16.28.170 Lots).*

#### City of Modesto

Modesto Irrigation District Canal or Substation next to a residential zone requires a 6-foot (minimum) solid masonry wall (Modesto Municipal Code - Title 10 Zoning Regulations § 10-4.406. Walls and Fences).

#### City of Grass Valley / Nevada Irrigation District

The canals that are within the City of Grass Valley are owned by Nevada Irrigation District (NID), and it is written in the Grass Valley City Development Code Section 17.50.020 that a project near an NID canal must submit an analysis and work with NID directly, as NID determines the setbacks and requirements around their canals since they usually have their own easement. [Page 37 and 38 of Standard Details https://www.nidwater.com/development-standards](https://www.nidwater.com/development-standards)

#### Grass Valley Development Code - Chapter 17.50 Creek and Riparian Resource Protection:

*"Projects adjacent to Nevada Irrigation District canals shall provide an analysis to establish appropriate protection measures based on factors of the canal abutting the project. These measures will include provisions for fencing, elimination of runoff into the canal, establishment of the appropriate setbacks, notification procedures for seepage issues, and other improvements to protect the canal."*

#### City of Lemoore

*"All lots adjacent to canals are to be 10,000 square foot lots and must have a 40-foot clearance between house and canal."* (Lemoore Municipal Code Section 9-9B-4: Special Development Standards for Specific Planned Unit Developments).

#### City of Waterford Municipal Code

16.11.030 Canals and water courses.

*A. The planning commission may require irrigation canals and similar watercourses to be placed in underground conduits or fenced, or otherwise improved in accordance with the standards of this title or the water purveyor, subject to the approval of the city engineer.*

*B. The subdivider shall, subject to riparian rights, dedicate a right-of-way for irrigation, storm drainage or riparian conservation purposes, conforming substantially to a minimum line ten feet from the high water limit of any natural watercourse (stream, river or creek), drainage channel or irrigation canal that traverses the subdivision, or to provide additional easements or both, to facilitate maintenance and protection of the water course or support open space and riparian wildlife habitat. (Ord. 08-01 §1, 2008).*

As noted above in this report, the purpose of this staff report and action is to advance the dialogue towards the modification of the City of Orland's current policy to require new development adjacent to irrigation lateral canals to place irrigation lateral canals underground at the time of development. The intent of this report and this action is not to "solve" or definitively resolve the related questions of "how", "when" or "where" or to seek to eliminate important elements of the conversation surrounding safety, efficient water delivery, alternative methods, etc..

Rather, the intention of the report is to request that the City Council formally reconsider its policy requiring the placement of irrigation lateral canals underground and direct staff to return to the Council at a later date with specific information concerning methods and application.

**CEQA ACTION(S) REQUESTED or REQUIRED**

None required or requested.

**FINANCIAL / BUDGET IMPACT**

None.

**RECOMMENDATION**

City staff recommends that the City Council modify the City's current policy requiring that all irrigation lateral canals/ditches located adjacent to or directly on a site to be developed for an urbanized purpose be placed underground and in a pipe. Staff recommends that the City Council rescind the policy and direct staff to return to the Council at a later date with specific information concerning methods and application for the treatment of irrigation canals/laterals/ditches that do not involve placing the element underground in a pipe.

**Existing Policy:**

*....the City of Orland requires the undergrounding of all U.S.I.D. canals with the development of any residential, commercial, or industrial properties adjacent to the canals or adjacent to the public right-of-way abutting canals.*

**Suggested Policy:**

*...the City of Orland requires that all U.S.I.D. canals and irrigation laterals, ditches, and canals existing at the time of this action and being adjacent to, abutting, or located directly on properties to be developed, be addressed at the time of the development of any residential, commercial, or industrial projects to ensure safety to both the facility and existing and future persons and to help ensure the continued delivery of irrigation water to association properties and properties in the project.*

**ATTACHMENT(S):**

None.