

ORDINANCE NO. 2531

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF CHICO, CALIFORNIA, ADDING CHAPTER 14.90 TITLED
“SMALL CELL WIRELESS FACILITIES” TO TITLE 14 “STREETS
AND SIDEWALKS” OF THE CHICO MUNICIPAL CODE TO
ESTABLISH LOCAL REGULATIONS FOR
SMALL CELL WIRELESS FACILITIES**

WHEREAS, the City of Chico (“City”) is a Charter City, incorporated under the laws of the State of California, and has the power to make and enforce within its jurisdictional limits all local, police, sanitary, and other ordinances and regulations (Art VI, Sec. 609, Charter of the City of Chico); and

WHEREAS, Art. VI, Sec. 610, Charter of the City of Chico authorizes the adoption of an emergency ordinance for the immediate preservation of the public peace, health or safety; and

WHEREAS, significant changes in federal and state law that affect local authority over wireless communications facilities (“WCFs”) have occurred, including but not limited to the following:

1. On November 18, 2009, the Federal Communications Commission (“FCC”) adopted a declaratory ruling (the “2009 Shot Clock”), which established presumptively reasonable timeframes for State and local governments to act on applications for WCFs.
2. On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act ("Section 6409(a)"), which mandated that state and local governments approve certain modifications and collocations to existing WCFs known as eligible facilities requests.
3. On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how state and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within sixty (60) days, and also further restricted generally applicable procedural rules under the 2009 Shot Clock.

- 1 4. On October 9, 2015, California adopted Assembly Bill No. 57, which deemed approved
2 any wireless communications facilities applications when the local reviewing authority
3 fails to act within the 2009 Shot Clock timeframes.
- 4 5. On August 2, 2018, the FCC adopted a declaratory ruling that formally prohibited
5 express and de facto moratoria for all telecommunications services and facilities under 47
6 U.S.C. § 253(a).
- 7 6. On September 26, 2018, the FCC adopted a declaratory ruling and report and order
8 (hereafter, the "FCC Ruling") that (i) creates a new regulatory classification for small
9 wireless facilities, (ii) requires state and local governments to process applications for
10 small wireless facilities within sixty (60) days or ninety (90) days, (iii) establishes a
11 national standard for an effective prohibition, (iv) provides that a failure to act within the
12 applicable timeframe presumptively constitutes an effective prohibition, and (v) limits the
13 fees that can be charged for the facilities.

14 WHEREAS, in addition to the changes described above, new Federal laws and regulations
15 that drastically alter local authority over WCFs are currently pending, including without limitation,
16 the following;

- 17 1. On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No.
18 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced
19 above, but may also adopt other rulings and/or orders that further limit local authority
20 over wireless facility deployment.
- 21 2. On June 28, 2018, United States Senator, John Thune introduced and referred to the
22 Senate Committee on Commerce, Science and Transportation the "STREAMLINE Small
23 Cell Deployment Act" (S. 3157) that, among other things, would apply specifically to
24 small cell WCFs and require local governments to review applications based on the
25 objective standards, shorten the 2009 Shot Clock timeframes, and provide a "deemed
26 granted" remedy for failure to act within the applicable 2009 Shot Clock.

27 WHEREAS, given the rapid and significant changes in federal and state law, the prohibition
28 of enacting moratoria to amend local policies in response to such changes and the significant adverse

1 consequences for noncompliance with federal and state law, the City Council desires to add Chapter
2 14.90 of the Chico Municipal Code, entitled “SMALL CELL WIRELESS FACILITIES” (the
3 “Ordinance”), attached hereto and incorporated by this reference, to allow greater flexibility and
4 responsiveness to the new federal and state laws while still preserving the City's traditional authority
5 over its municipal affairs; and

6 WHEREAS, Art. IV, Sec. 612 of the Charter of the City of Chico authorizes the adoption of
7 an emergency measure (“Emergency Ordinance”) being effective immediately for the preservation
8 of the public peace, welfare, health or safety, with four (4) affirmative votes for a period not to
9 exceed six (6) months; and

10 WHEREAS, the Chico City Council finds that this Emergency Ordinance is necessary for the
11 preservation of the public welfare, health and safety of residents living within the City of Chico and
12 find an urgency to approve said Emergency Ordinance immediately.

13 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHICO:

14 SECTION 1. Emergency Findings.

15 The City Council of the City of Chico hereby determines and finds as follows:

16 A. The facts set forth in the above Recitals of this Emergency Ordinance are true and
17 correct, and incorporated into this Emergency Ordinance as substantive findings.

18 B. This Emergency Ordinance is adopted as an emergency measure pursuant to Art. VI,
19 Sec. 612 of the Charter of the City of Chico for the immediate preservation of the public health,
20 safety, and welfare, and is adopted and justified based on the following:

- 21 1. In recent years, wireless providers have approached the City of Chico, along with
22 other local governments, for permits to install infrastructure for small cell facilities
23 in the public rights-of-way to support the demand for wireless services.
- 24 2. The recent FCC Ruling’s purpose is to remove as many regulatory barriers as
25 possible to ensure that all communities across the country have access to wireless
26 service.
- 27 3. The new aesthetic standards imposed by the FCC Ruling became effective April
28 15, 2019, and require that cities publish these standards in advance. The City

1 needs to have aesthetic standards in place before they can be implemented.
2 Currently, telecommunication providers that submit applications for permits to
3 install infrastructure for small cell facilities are not required to adhere to any
4 aesthetic standards imposed by the City until an ordinance establishing such is
5 adopted. Aesthetic standards are necessary for the deployment of small wireless
6 facilities to address local concerns about traffic and pedestrian safety, land use
7 conflicts and incompatibilities including excessive height of poles and towers;
8 creation of visual and aesthetic blights arising from excessive size, heights, noise
9 or lack of camouflaging of wireless facilities including the associated pedestals,
10 meters, equipment and power generators, and protection and preservation of public
11 property, all of which may negatively impact the unique quality and character of
12 the City and the public health, safety and welfare thereof.

13 4. Currently, multiple providers have inquired about submitting an applications for
14 permits to install small cell facilities infrastructure.

15 5. Based on the foregoing, there is a current and immediate threat to the public
16 health, safety, and welfare, and an emergency ordinance is warranted and
17 necessary to protect the public against potential negative health, safety, and
18 welfare impacts.

19 SECTION 2. To address wireless telecommunication facilities located in the public right-
20 of-way, the following new Chapter 14.90 “SMALL CELL WIRELESS FACILITIES” is added to
21 Title 14 of the Chico Municipal Code as follows:

22 **Title 14, Chapter 14.90 Small Cell Wireless Facilities**

23 **14.90.010 – Purpose**

24 The purpose and intent of this chapter is to provide a uniform and comprehensive set of
25 regulations and standards for the permitting, development, siting, installation, design, operation
26 and maintenance of small wireless telecommunications facilities (“Small Cell Facilities” or
27 “SWF”) in the City of Chico’s (“City”) public right-of-way (“PROW”). These regulations are
28 intended to prescribe clear and reasonable criteria to assess and process applications in a

1 consistent and expeditious manner, while reducing the impacts associated with wireless
2 telecommunications facilities. The City recognizes the importance of Small Cell Facilities to
3 provide high-quality communications service to the residents and businesses within the City, and
4 the City also recognizes its obligation to comply with applicable federal and state laws. This
5 chapter shall be constructed and applied in consistency with the provisions of state and federal
6 laws, and the rules and regulations of the Federal Communications Commission (“FCC”) and the
7 California Public Utilities Commission (“PUC”). In the event of any inconsistency between any
8 such laws, rules and regulations and this chapter, the laws, rules and regulations shall control.

9 **14.90.020 – Definitions.**

- 10 A. Permittee – means any person or entity granted a wireless telecommunications facility permit
11 pursuant to this chapter.
- 12 B. City – means the City of Chico.
- 13 C. Code – means the City of Chico Municipal Code.
- 14 D. Facility(ies) - means wireless telecommunications facility(ies) or “Small Cell Facilities” as
15 defined below.
- 16 E. FCC – means the Federal Communications Commission.
- 17 F. FCC shot clock – means the presumptively reasonable time frame within which the City
18 generally must act on a given application for a Small Cell Facilities permit, as defined by the
19 FCC and as may be amended from time to time.
- 20 G. Public right-of-way (or PROW) – means a strip of land acquired by reservation, dedication,
21 prescription, condemnation, or easement that allows for the passage of people and goods. The
22 public right-of-way includes, but is not limited to, streets, curbs, gutters, sidewalks, roadway
23 medians, and parking strips. The public right-of-way does not include lands owned,
24 controlled or operated by the City for uses unrelated to streets or the passage of people and
25 goods, such as, without limitation, parks, City hall and community center lands, City yards,
26 and lands supporting reservoirs, water towers, police or fire facilities and non-publicly
27 accessible utilities.
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1 H. Public Works director (or “director”) – means the director of public works, or his/her
2 designee.

3 I. Small cell – A low-powered antenna (node) that has a range of ten (10) meters to two
4 kilometers. The nodes of a small cell may or may not be connected by fiber. Small, for
5 purposes of small cell, refers to the area covered, not the size of the facility. Small cell
6 includes, but is not limited to, devices generally known as microcells, picocells and
7 femtocells.

8 J. Small Wireless Facility(ies) (or “SWF”) - as defined by the FCC in 47 C.F.R. 1.6002(l) as
9 amended or superseded, which defines the term as facilities that meet each of the following
10 conditions:

11 (1) The facilities—

12 (i) Are mounted on structures 50 feet or less in height including their antennas as
13 defined in § 1.1320(d); or

14 (ii) Are mounted on structures no more than 10 percent taller than other adjacent
15 structures; or

16 (iii) Do not extend existing structures on which they are located to a height of more
17 than 50 feet or by more than 10 percent, whichever is greater;

18 (2) Each antenna associated with the deployment, excluding associated antenna equipment
19 (as defined in the definition of “antenna” in § 1.1320(d)), is no more than three cubic feet in
20 volume;

21 (3) All other wireless equipment associated with the structure, including the wireless
22 equipment associated with the antenna and any pre-existing associated equipment on the
23 structure, is no more than 28 cubic feet in volume;

24 (4) The facilities do not require antenna structure registration under part 17 of this chapter;

25 (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

26 (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the
27 applicable safety standards specified in § 1.1307(b).

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K. Minor Linear Encroachment Permit - 1-5 site locations submitted on a single application.
Fees per the current adopted fee schedule on the date of permit application.

L. Major Linear Encroachment Permit – 6-10 site locations submitted on a single application.
Fees per the current adopted fee schedule on the date of permit application.

M. Small Cell Site License – A license for each small cell site with annual renewal and fee per the renewal year’s adopted fee schedule.

N. “Wireless telecommunications facility” – means equipment and network components such as antennas, accessory equipment, support structures, and emergency power systems that are integral to providing wireless telecommunications services. . (as defined in Gov. Code Section 65850.6). Exceptions: The term — “wireless telecommunications facility” does not apply to the following:

1. Government-owned and operated telecommunications facilities.
2. Emergency medical care provider-owned and operated telecommunications facilities.
3. Mobile services providing public information coverage of news events of a temporary nature.
4. Any wireless telecommunications facilities exempted from this code by federal law or state law.

14.90.030 - Applicability

A. This chapter applies to the siting, construction or modification of any and all Small Cell Facilities proposed to be located in the PROW. Small Cell Facilities (or “SWF”) located in the PROW shall be governed by this Chapter 14.90 rather than the City’s Zoning Code.

B. Nothing in this chapter shall validate any existing illegal or unpermitted Small Cell Facilities. All existing SWFs shall comply with and receive a wireless encroachment permit, when applicable, to be considered legal and conforming.

C. Notwithstanding any other provision of this chapter as provided herein, all small wireless facilities are subject to a permit as provided in this chapter. This chapter may be amended by city council resolution.

1 D. This chapter does not apply to the following:

- 2 1. Amateur radio facilities;
- 3 2. OTARD antennas;
- 4 3. Facilities owned and operated by the City for its use or for public safety purposes;
- 5 4. Any entity legally entitled to an exemption pursuant to state or federal law or governing
6 franchise agreement, excepting that to the extent such the terms of state or federal law, or
7 franchise agreement, are preemptive of the terms of this chapter, then the terms of this
8 chapter shall be severable to the extent of such preemption and all remaining regulations
9 shall remain in full force and effect.
- 10 5. Installation of a cell on wheels or a similar structure for a temporary period in connection
11 with an emergency or event at the discretion of the public works director, but no longer
12 than required for the emergency or event, provided that installation does not involve
13 excavation, movement, or removal of existing facilities.

14 E. Except as otherwise provided by state or federal law, any use of the PROW authorized
15 pursuant to this chapter will be subordinate to the City's use and use by the public.

16 **14.90.040 - Administration**

17 Unless otherwise directed by resolution, the public works director of the City shall be responsible
18 for administering this chapter. As part of the administration of this chapter, the public works
19 director may:

- 20 A. Interpret the provisions of this chapter;
- 21 B. Develop and implement standards governing the placement and modification of wireless
22 telecommunications facilities consistent with the requirements of this chapter, including
23 regulations governing collocation and resolution of conflicting applications for placement of
24 wireless facilities;
- 25 C. Develop and implement acceptable design, location and development standards for wireless
26 telecommunications facilities in the PROW, taking into account the zoning districts bounding
27 the PROW;

- 1 D. Develop forms and procedures for submission of applications for placement or modification
2 of wireless facilities, and proposed changes to any support structure consistent with this
3 chapter;
- 4 E. Collect, as a condition of the completeness of any application, any fee established by this
5 chapter;
- 6 F. Establish deadlines for submission of information related to an application, and extend or
7 shorten deadlines where appropriate and consistent with federal laws and regulations;
- 8 G. Issue any notices of incompleteness, requests for information, or conduct or commission such
9 studies as may be required to determine whether a permit should be issued;
- 10 H. Require, as part of, and as a condition of completeness of any application, that an applicant
11 for a wireless encroachment permit send notice to members of the public that may be affected
12 by the placement or modification of the wireless facility and proposed changes to any support
13 structure;
- 14 I. Subject to appeal as provided herein, determine whether to approve, approve subject to
15 conditions, or deny an application; and
- 16 J. Take such other steps as may be required to timely act upon applications for placement of
17 wireless telecommunications facilities, including issuing written decisions and entering into
18 agreements to mutually extend the time for action on an application.

19 **14.90.050 – Small Wireless Facilities Design and Development Guidelines.**

- 20 A. Small wireless facilities are subject to those design and development standards and
21 conditions of approval set forth in this chapter.
- 22 B. Asset Availability. Mountings to support structures in the PROW are limited to Standard
23 Steel Streetlight poles (CalTrans Standard Type) and Utility poles:
- 24 1. SL-15,
25 2. SL-21,
26 3. Non-standard pole types available by special approval only, or
27 4. Utility poles with Public Utilities Commission approval only
- 28 C. The City Prohibits SWFs to be installed on the following support assets/structures:

- 1 1. Poles with existing electronic/communication devices,
- 2 2. Traffic signal poles,
- 3 3. Ornamental streetlight and pedestrian light poles, and
- 4 4. The City has the right to withhold certain locations for its own use

5 D. Asset Location.

- 6 1. Prior to submitting a permit application, it is strongly encouraged that the applicant
7 submit to the City a list of the asset locations they intend to use for mounting SWFs.
8 Applicant shall verify that each proposed asset in the field falls within the asset
9 availability criteria outlined above before submitting it to Public Works for review.
- 10 2. Applicant shall comply with Cal OSHA Title 8, Section 2946 for separation from power
11 lines.
- 12 3. Applicants can submit up to ten (10) asset locations per week. The applicant must ensure
13 prioritization of site location submittals.
- 14 4. The City shall have two (2) weeks or (10 working days) whichever is longer to review the
15 proposed locations and confer with the applicant regarding the proposed locations prior to
16 the submission of a permit application.
- 17 5. Asset locations can be reserved with a nonrefundable ten percent (10%) deposit of the
18 encroachment permit due to the City upon the request for asset review submittal. Deposit
19 shall be applied to the permit if the applicant chooses to proceed.
- 20 6. Reserved asset locations are held for up to four (4) weeks (20 working days) from written
21 notification by City of availability to the applicant.

22 E. Design Requirements

- 23 1. All installations shall comply with City small wireless facilities policies, standard details
24 and specifications, standard plans, adopted codes, and shall meet all relevant state and
25 federal regulations and rules.
- 26 2. Small cell devices:
 - 27 a. Shall be installed on pole structures or underground; ground-level installation is not
28 permitted except by special approval.

- b. Shall not cause any interference with the operation of City facilities, including signs, banners, festoon circuits, and miscellaneous lighting.
- c. A maximum of two (2) added equipment enclosures are allowed on a single pole, including antenna shroud, PG&E meter and disconnect switch.
- d. The dimensions of each equipment enclosure shall adhere to the installation preferences for accessory equipment as stated in the City's small wireless facilities policies. .
- e. Antenna shroud, if applicable, shall not interfere with the mast arm.
- f. Enclosures shall not impact existing signs or banners.
- g. Devices and associated equipment shall be UL listed and FCC certified.
- h. Devices shall not emit audible sounds beyond 55 decibels ("dB").
- i. Finish and color of device/enclosure shall match existing asset.
- j. Identification and warning labels shall be installed on all devices as required by codes and standards. At least one warning label shall face towards the street.

3. Pole

- a. Manufacturer's written approval for all pole modification is required. Modification shall not void manufacturer's warranty.
- b. Structural analysis including current and proposed equipment is required. Analysis shall be per latest California Building Code, and AASHTO LTS-6 Standard Specifications for Structural Supports for Highway Sign, Luminaires, and Traffic Signals.
 - i. Risk level 3
 - ii. Structural Analysis shall be performed by a California licensed civil/structural engineer and submitted to the City for review and approval.
- c. Poles showing signs of damage or corrosion as identified by City inspector must be replaced in kind.
- d. New foundation may be required when installing new street light pole.

- 1 e. Minimum foundation shall be per City of Chico Standard details. A larger foundation
2 may be approved if required per structural analysis.
- 3 f. If applicant desires a stronger pole to support the devices, replacement pole shall:
4 i. Meet current City standards or be reviewed and approved by City.
5 ii. Pole height/mast arm: to be reviewed and approved by City.
6 iii. Foundation per current City of Chico Standards or larger as required by
7 structural analysis.
8 iv. Luminaires on replacement pole shall be re-installed from existing pole,
9 except as per 5.A.4 below.
10 v. Pole number labels, if incorrect or missing, shall be corrected.

11 F. Wiring

- 12 1. External conduit attachment to the pole is not permitted.
13 2. No visible wires, cables, or conduit.
14 3. Splicing is permitted after the street light fuse disconnect.

15 G. Electric Service

- 16 1. If sharing service with City facility, for each location, applicant shall:
17 a. Survey and document all loads connected to circuit involved, including any non-
18 streetlight load. Circuit tracing shall be completed using proper circuit tracing
19 equipment.
20 b. Conduct load analysis to evaluate loading level and voltage drop. Calculations shall
21 be completed by an electrical engineer and submitted to the City for review and
22 approval.
23 c. Reserve at minimum forty percent (40%) of circuit load capacity (not breaker rating)
24 for City's use.
25 d. Replacement of light fixtures to LEDs is allowed to free up capacity in the circuit,
26 replacement shall be reviewed and approved by the City's Department of Public
27 Works.

28 H. Metering

- 1 1. Service metering arrangement shall be reviewed and accepted by City.
- 2 2. Applicant shall submit proof of approved service metering arrangements from PG&E (i.e.
- 3 Absolving Service Agreement) to the City prior to acceptance.

4 I. Communication/Backhaul Service

- 5 1. Applicant shall secure their own communication/backhaul arrangements independent of
- 6 City facilities. A separate Major Encroachment Permit for fiber optic installations will be
- 7 required.

8 **14.90.060 – Small Wireless Facility Permit Processing Guidelines.**

9 A. Permit Application Submittal

- 10 1. Permit applications shall be bundled by type of work (e.g. pole replacement, non-pole
- 11 replacement, festoon circuits, etc.) to help streamline permit review.
- 12 2. Streetlight locations that are on the same electrical service should be bundled into one (1)
- 13 permit application.

14 3. Application Requirements and Contents

- 15 a. The applicant shall submit one (1) paper copy (unless noted otherwise) and one (1)
- 16 electronic copy of any application, amendments, or supplements to a permit
- 17 application, or responses to requests for information regarding a permit, in
- 18 accordance with the provisions of this section. The electronic copy shall be in PDF
- 19 format unless noted otherwise.
- 20 b. At a minimum, the content of the application shall include the following:
 - 21 i. Application Checklist: With each item attached
 - 22 ii. Payment of appropriate fees
 - 23 iii. Minor Linear Encroachment Permit - 1-5 site locations submitted on a single
 - 24 application, Major Linear Encroachment Permit – 6-10 site locations
 - 25 submitted on a single application
 - 26 iv. Approval letter from pole manufacturer for proposed pole modifications.
 - 27 v. Three (3) copies of construction drawings (11” x 17”)
 - 28

- vi. One (1) copy of the structural analysis report, signed and stamped by a California licensed civil/structural engineer
 - vii. Supporting documentation used for structural analysis
 - viii. Voltage drop calculations in Excel format with formula included in the cells
 - ix. Photo simulation of streetlight pole before and after small cell installation
 - x. RF-EME Report
 - xi. Material specifications and manufacturer's information for equipment to be installed
 - xii. Certificate of insurance documents
 - xiii. CPCN- Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the PROW. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
 - xiv. Additional information may be required per the Director of Public Works.
- c. A complete description of the proposed wireless telecommunications facility and any and all work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility, and dimensioned drawings with specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and a dimensioned map identifying and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. "Before" and "After" 360-degree photo simulations must also be provided.

4. Re-Submittals

- a. At a minimum, the content of the re-submission of an application shall include the following:
 - i. Three (3) copies of construction drawings (11" x 17")

- 1 ii. One (1) copy of the structural analysis report, signed and stamped by a
2 California licensed civil/structural engineer
3 iii. Responses to previous round of comments. For utilities and electrical review,
4 the applicant shall provide their response to the comments electronically in
5 Excel format. Otherwise, all responses to comments shall be provided
6 pursuant to this chapter.

7 5. Submittals for Final Permit Approval

- 8 a. Two (2) copies of construction drawings (24" x 36")
9 b. Responses to previous round of comments (refer to 4.a.iii)

10 B. Permit Fees Submitted with Application(s). Application fee(s) shall be required for all
11 permit applications and the City shall impose an annual **Small Cell Site License** fee for each
12 location, as established by City Council resolution and in accordance with California
13 Government Code Section 50030. Notwithstanding the foregoing, no application fee shall be
14 refundable, in whole or in part, to an applicant for a permit pursuant to this chapter.

15 C. Review Timeline. The City acknowledges and understands that it must comply with federal
16 and state shot clocks which mandate time periods in which the City must approve or deny a
17 proposed Small Cell Facilities permit application. City As such, the City encourages
18 applicants to provide the City written notice of the expiration of any shot clock no later than
19 twenty (20) days prior to the expiration.

20 D. Costs. Reasonable costs of City staff, consultant and attorney time (including that of the City
21 attorney) pertaining to the review, and processing directly attributable to a permit pursuant to
22 this chapter shall be reimbursable to the City. To this end, the public works and/or planning
23 director, as applicable, may require applicants to enter a trust/deposit reimbursement
24 agreement, in a form approved by the City attorney, or other established trust/deposit
25 accounting mechanism for purposes of obtaining an applicant deposit from which the direct
26 costs of City processing of an application may be drawn from. Permit application costs per
27 current City of Chico Fee Schedule at date of application submittal.
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1 E. Applications Deemed Withdrawn. To promote efficient review and timely decisions, any
2 application governed under this chapter will be automatically deemed withdrawn by the
3 applicant when the applicant fails to tender a substantive response to the City on any
4 application within thirty (30) calendar days after the application is deemed incomplete in a
5 written notice to the applicant. The public works director (as applicable) may, in his/her
6 discretion, grant a written extension for up to an additional thirty (30) calendar days when the
7 applicant submits a written request prior to the ninetieth (90th) day that shows good cause to
8 grant the extension.

9 F. Waiver of Applications Superseded by Submission of New Project. If an applicant submits a
10 Permit application, but substantially revises the proposed facility during the application
11 process prior to any decision on such application, the substantially revised application shall
12 be deemed a new application for all processing purposes, including federal shot clocks, and
13 the prior submittals deemed waived and superseded by the substantially revised application.
14 For purposes of this subparagraph, “substantially revised” means that the project as initially-
15 proposed has been alternately proposed for a location 300 feet or more from the original
16 proposal or constitutes a substantial change, as determined by the City, in the dimensions or
17 equipment that was proposed in the original Small Cell Facilities application.

18 G. Rejection for Incompleteness. Each permit application will be processed, and notices of
19 incompleteness provided, in conformity with state, local, and federal law. A notice of
20 incompleteness shall be provided within ten (10) calendar days after the application is
21 submitted. In such event, the shot clock shall reset once the applicant submits the
22 supplemental information requested by the City.

23 H. Construction Requirements

- 24 1. Once the permit is approved, the permittee must provide notice prior to construction:
- 25 a. The written notices and a map showing the construction areas and including dates
26 work will be performed shall be submitted to the Public Works Inspector listed on the
27 first page of the permit.

28 2. Pole Replacement

1 a. If the Public Works Inspector identifies damage or corrosion of the existing streetlight
2 pole, the City will require revised plans and replacement of the pole and/or
3 foundation.

4 3. Traffic Control

5 a. Temporary traffic control plans shall be reviewed and approved by the Public Works
6 Inspector prior to permit issuance and prior to start of construction.

7 4. The Public Works Inspector and Building Department Inspector shall conduct the
8 following inspections to determine compliance, inspection request shall be submitted to
9 the Public Works Department 48 hours prior to inspection:

- 10 a. Electrical inspection
- 11 b. Code inspection
- 12 c. Traffic control inspection
- 13 d. Construction inspection

14 6. Preferred method of conduit installation shall be behind curb if applicable.

15 I. Records. At the completion of construction, permittee shall submit the following:

- 16 1. As-builts
- 17 2. Streetlight Datasheet (will be provided with approved permit package)
- 18 3. Photograph of pole with devices installed (digital file identified by pole number)

19 **14.90.070– Operation, License and Maintenance.**

20 All small cell wireless telecommunications facilities must comply at all times with the following
21 operation, license and maintenance standards:

22 A. The permittee shall at all times maintain compliance with all applicable federal, state and
23 local laws, regulations and other rules, including, without limitation, those applying to use of
24 the PROW. The permittee shall ensure that all equipment and other improvements to be
25 constructed and/or installed in connection with the approved permit are maintained in a
26 manner that is not detrimental or injurious to the public health, safety, and general welfare
27 and that the aesthetic appearance is continuously preserved, and substantially the same as
28 shown in the approved plans at all times relevant to the permit.

- 1 B. Permittee shall obtain a license for each location and pay the appropriate fees established in
2 the most current fee schedule.
- 3 C. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by
4 the permittee, owner, operator or any designated maintenance agent at its sole cost within
5 forty-eight (48) hours:
- 6 1. After discovery of the need by the permittee, owner, operator or any designated
7 maintenance agent; or
- 8 2. After permittee, owner, operator or any designated maintenance agent receives
9 notification from the City.
- 10 D. Insurance. The permittee shall obtain and maintain throughout the term of the permit and
11 subsequent small cell site license a type and amount of insurance as specified by City's risk
12 management office. The relevant policy(ies) shall name the City, its elected/appointed
13 officials, commission members, officers, representatives, agents, and employees as additional
14 insured. The permittee shall use its best efforts to provide thirty (30) days prior notice to the
15 public works director of the cancellation or material modification of any applicable insurance
16 policy.
- 17 E. Indemnities. The permittee and, if applicable, the owner of the property upon which the
18 wireless facility is installed shall defend, indemnify and hold harmless the City, its agents,
19 officers, officials, and employees from: (i) any and all damages, liabilities, injuries, losses,
20 costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus,
21 and other actions or proceedings brought against the City or its agents, officers, officials, or
22 employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of
23 the permit, and (ii) any and all damages, liabilities, injuries, losses, costs, and expenses, and
24 any and all claims, demands, law suits, or causes of action and other actions or proceedings
25 of any kind or form, whether for personal injury, death or property damage, arising out of or
26 in connection with the activities or performance of the permittee or, if applicable, the private
27 property owner or any of each one's agents, employees, licensees, contractors,
28 subcontractors, or independent contractors. In the event the City becomes aware of any such

1 actions or claims the City shall promptly notify the permittee and, if applicable, the private
2 property owner and shall reasonably cooperate in the defense. The City shall have the right
3 to approve, which approval shall not be unreasonably withheld, the legal counsel providing
4 the City's defense, and the property owner and/or permittee (as applicable) shall reimburse
5 the City for any costs and expenses directly and necessarily incurred by the City in the course
6 of defending such claims.

7 F. Performance Bond. Prior to issuance of an encroachment permit, the permittee shall file with
8 the City, and shall maintain in good standing throughout the term of the equipment
9 occupancy, a performance bond or other surety or another form of security for the removal of
10 the facility in the event that the use is abandoned, or the permit expires, or is revoked, or is
11 otherwise terminated. The security shall be in the amount equal to one-hundred percent
12 (100%) of the cost of removal of the facility as specified in the application for the permit or
13 as that amount may be modified by the public works director in in the permit based on the
14 characteristics of the installation. The permittee shall reimburse the City for staff time
15 associated with the processing and tracking of the bond, based on the hourly rate adopted by
16 the City Council. Reimbursement shall be paid when the security is posted and during each
17 administrative review.

18 G. Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to
19 avoid undue adverse impacts to adjacent properties and/or uses that may arise from the
20 construction, operation, maintenance, modification, and removal of the facility. All facilities,
21 including each piece of equipment, shall be located and placed in a manner so as to not
22 interfere with the use of the PROW, impede the flow of vehicular or pedestrian traffic, impair
23 the primary use and purpose of poles/signs/traffic signals or other infrastructure, interfere
24 with outdoor dining areas or emergency facilities, or otherwise obstruct the accessibility of
25 the PROW.

26 H. Contact Information. Each permittee of a wireless telecommunications facility shall provide
27 the public works director with the name, address and twenty-four hour (24-hour) local or toll-
28 free contact phone number of the permittee, the owner, the operator and the agent responsible

1 for the maintenance of the facility (contact information). Contact information shall be
2 updated within seven (7) days of any change.

3 I. All facilities, including, but not limited to, telecommunication towers, poles, accessory
4 equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the
5 facility site shall be maintained in good condition, including ensuring the facilities are
6 reasonably free of:

- 7 1. Subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to City
8 streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals,
9 improvements of any kind or nature, or utility lines and systems, underground utility line
10 and systems (water, sewer, storm drains, gas, oil, electrical, etc.) that result from any
11 activities performed in connection with the installation and/or maintenance of a wireless
12 facility in the public right-of-way;
- 13 2. General dirt and grease;
- 14 3. Chipped, faded, peeling, and cracked paint;
- 15 4. Rust and corrosion;
- 16 5. Cracks, dents, and discoloration;
- 17 6. Missing, discolored or damaged artificial foliage or other camouflage;
- 18 7. Graffiti, bills, stickers, advertisements, litter and debris. All graffiti on facilities must
19 be removed at the sole expense of the permittee within forty-eight (48) hours after
20 notification from the City;
- 21 8. Broken and misshapen structural parts; and
- 22 9. Any damage from any cause.

23 J. All trees, foliage or other landscaping elements approved as part of the facility shall be
24 maintained in a neat, safe and good condition at all times, and the permittee, owner and
25 operator of the facility shall be responsible for replacing any damaged, dead or decayed
26 landscaping. No amendment to any approved landscaping plan may be made until it is
27 submitted to and approved by the public works director.

28 K. Any changes in equipment shall require a new permit.

1 L. Each facility shall be operated and maintained to comply at all conditions of approval. The
2 permittee, when directed by the City, must perform an inspection of the facility and submit a
3 report to the public works director on the condition of the facility to include any identified
4 concerns and corrective action taken. Additionally, as the City performs maintenance on
5 City-owned infrastructure, additional maintenance concerns may be identified. These will be
6 reported to the permittee. The City shall give the permittee thirty (30) days to correct the
7 identified maintenance concerns after which the City reserves the right to take any action it
8 deems necessary, which could include revocation of the permit or license. The burden is on
9 the permittee to demonstrate that it complies with the requirements herein. Prior to issuance
10 of a permit under this chapter, the owner of the facility shall sign an affidavit attesting to
11 understanding the City's requirement for performance of annual inspections, reporting and
12 license renewal.

13 M. All facilities permitted pursuant to this chapter shall comply with the Americans with
14 Disabilities Act.

15 N. The permittee is responsible for obtaining power to the facility and for the cost of electrical
16 usage.

17 O. Failure to comply with the City's adopted noise standard after written notice and reasonable
18 opportunity to cure have been given shall be grounds for the City to revoke the permit or
19 license.

20 P. Interference.

21 1. The permittee shall not move, alter, temporarily relocate, change, or interfere with any
22 existing structure, improvement, or property without the prior consent of the owner of
23 that structure, improvement, or property. No structure, improvement, or property owned
24 by the City shall be moved to accommodate a permitted activity or encroachment, unless
25 the City determines that such movement will not adversely affect the City or any
26 surrounding businesses or residents, and the permittee pays all costs and expenses related
27 to the relocation of the City's structure, improvement, or property. Prior to
28 commencement of any work pursuant to an encroachment permit, the permittee shall

1 provide the City with documentation establishing to the City's satisfaction that the
2 permittee has the legal right to use or interfere with any other structure, improvement, or
3 property within the PROW or City utility easement to be affected by the permittee's
4 facilities.

5 2. The facility shall not damage or interfere in any way with City property, the City's
6 operations or the operations of prior-existing, third-party installations. The City will
7 reasonably cooperate with the permittee and/or carrier to carry out such activities as are
8 necessary to correct the interference.

9 a. Signal Interference. The permittee shall correct any such interference within twenty-
10 four (24) hours of written notification of the interference. Upon the expiration of the
11 twenty-four-hour (24-hour) cure period and until the cause of the interference is
12 eliminated, the permittee shall cease operation of any facility causing such
13 interference until such interference is cured.

14 b. Physical Interference. The City shall give the permittee thirty (30) days to correct the
15 interference after which the City reserves the right to take any action it deems
16 necessary, which could include revocation of the permit.

17 3. The City at all times reserves the right to take any action it deems necessary, in its sole
18 discretion, to repair, maintain, alter, or improve the sites. Such actions may temporarily
19 interfere with the operation of the facility. The City will in all cases, other than
20 emergencies, give the applicant thirty (30) days written notification of such planned,
21 nonemergency actions. The City is not responsible for loss of use.

22 4. Radio Frequency Exposure Compliance. All facilities must comply with all standards
23 and regulations of the FCC and any other state or federal government agency with the
24 authority to regulate radio frequency exposure standards. After transmitter and antenna
25 system optimization, but prior to unattended operations of the facility, the permittee or its
26 representative must conduct on-site post-installation radio frequency emissions testing to
27 demonstrate actual compliance with the FCC Office of Engineering and Technology
28 Bulletin 65 Radio Frequency emissions safety rules for general population/uncontrolled

1 radio frequency exposure in all sectors. For this testing, the transmitter shall be operating
2 at maximum operating power, and the testing shall occur outwards to a distance where
3 the radio frequency emissions no longer exceed the uncontrolled/general population limit.

4 a. Testing of any equipment shall take place on weekdays only, and only between the
5 hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall
6 on a weekday. In addition, testing is prohibited on weekend days.

7 5. Records. The permittee must maintain complete and accurate copies of all permits and
8 other regulatory approvals issued in connection with the facility, which includes without
9 limitation this approval, the approved plans and photo simulations incorporated into this
10 approval, all conditions associated with this approval and any ministerial permits or
11 approvals issued in connection with this approval. In the event that the permittee does
12 not maintain such records as required in this condition or fails to produce true and
13 complete copies of such records within a reasonable time after a written request from the
14 City, any ambiguities or uncertainties that would be resolved through an inspection of the
15 missing records will be construed against the permittee.

16 6. Attorney's Fees. In the event the City determines that it is necessary to take legal action
17 to enforce any of these conditions, or to revoke a permit, and such legal action is taken,
18 the permittee shall be required to pay any and all costs of such legal action, including
19 reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a
20 final judgment or is amicably resolved, unless the City should otherwise agree with
21 permittee to waive said fees or any part thereof. The foregoing shall not apply if the
22 permittee prevails in the enforcement proceeding.

23 **14.90.080- No Dangerous Conditions or Obstructions Allowed.**

24 No person shall install, use or maintain any small cell wireless telecommunications facility that
25 in whole or in part rests upon, in or over any PROW, when such installation, use or maintenance
26 endangers or is reasonably likely to endanger the safety of persons or property, or when such site
27 or location is used for public utility purposes, public transportation purposes or other
28 governmental use, or when such facility unreasonably interferes with or unreasonably impedes

1 the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the
2 ingress into or egress from any residence or place of business, the use of poles, posts, traffic
3 signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or
4 other objects permitted at or near said location.

5 **14.90.090 – Non-Exclusive Grant.**

6 A. No permit or approval granted under this chapter shall confer any exclusive right, privilege,
7 license or franchise to occupy or use the PROW of the City for any purpose whatsoever.
8 Further, no approval shall be construed as a warranty of title.

9 B. No possessory interest is created by a wireless telecommunications facility permit. However,
10 to the extent that a possessory interest is deemed created by a governmental entity with
11 taxation authority, the permittee acknowledge that the City has given to the applicant notice
12 pursuant to California Revenue and Taxation Code Section 107.6, that the use or occupancy
13 of any public property pursuant to a permit may create a possessory interest which may be
14 subject to the payment of property taxes levied upon such interest. Wireless
15 telecommunications facility operators shall be solely liable for, and shall pay and discharge
16 prior to delinquency, any and all possessory interest taxes or other taxes, fees, and
17 assessments levied against their right to possession, occupancy, or use of any public property
18 pursuant to any right of possession, occupancy, or use created by the permit.

19 C. The permission granted by a permit shall not in any event constitute an easement on or an
20 encumbrance against the PROW. No right, title, or interest (including franchise interest) in
21 the PROW, or any part thereof, shall vest or accrue in permittee by reason of a wireless
22 encroachment permit or the issuance of any other permit or exercise of any privilege given
23 thereby.

24 **14.90.100 – Legal Nonconforming Wireless Telecommunications Facilities.**

25 A. Legal nonconforming wireless telecommunications facilities are those facilities that existed
26 but did not conform to this chapter on the date this chapter became effective.

27 B. Legal nonconforming wireless telecommunications facilities shall, within ten (10) years from
28 the date this chapter became effective, be brought into conformity with all requirements of

1 this article; provided, however, that should the owner desire to expand or modify the facility,
2 intensify the use, or make some other change in a conditional use, the owner shall comply
3 with all applicable provisions of this code at such time, to the extent the City can require such
4 compliance under federal and state law.

- 5 C. An aggrieved person may file an appeal to the City Council of any decision of the public
6 works director or other deciding body made pursuant to this Section. In the event of an
7 appeal alleging that the ten-year (10-year) amortization period is not reasonable as applied to
8 a particular property, the City Council may consider the amount of investment or original
9 cost, present actual or depreciated value, dates of construction, amortization for tax purposes,
10 salvage value, remaining useful life, the length and remaining term of the lease under which
11 it is maintained (if any), and the harm to the public if the structure remains standing beyond
12 the prescribed amortization period, and set an amortization period accordingly for the
13 specific property.

14 **14.90.110 – Permit Term**

- 15 A. Permit Term. A permit for a Small Cell Facilities shall be valid for a period of ten (10) years,
16 unless Government Code Section 65964 is amended to allow for a shorter period or the permit
17 lapses or is revoked sooner pursuant to another provision of this Code. At the end of ten (10)
18 years from the date of issuance, such permit shall automatically expire.
- 19 B. Renewal. A permittee may apply for a new permit within 180 days prior to expiration. Said
20 application and proposal shall comply with the City’s current Code requirements for wireless
21 telecommunications facilities.

22 **14.90.120 – Abandonment**

- 23 A. A wireless telecommunications facility is considered abandoned and shall be promptly
24 removed as provided herein if it ceases to provide wireless telecommunications services for
25 ninety (90) or more consecutive days unless the permittee has obtained prior written approval
26 from the public works director which shall not be unreasonably denied. If there are two (2) or
27 more users of a single facility, then this provision shall not become effective until all users
28 cease using the facility.

1 B. The operator of a facility shall notify the public works director in writing of its intent to
2 abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites)
3 within ten (10) days of ceasing or abandoning use. Notwithstanding any other provision
4 herein, the operator of the facility shall provide written notice to the public works director of
5 any discontinuation of operations of thirty (30) days or more.

6 C. Failure to inform the public works director of cessation or discontinuation of operations of
7 any existing facility as required by this section shall constitute a violation of any approvals
8 and be grounds for:

- 9 1. Litigation;
- 10 2. Revocation or modification of the permit;
- 11 3. Acting on any bond or other assurance required by this article or conditions of approval of
12 the permit;
- 13 4. Removal of the facilities by the City in accordance with the procedures established under
14 this code for abatement of a public nuisance at the owner's expense; and/or
- 15 5. Any other remedies permitted under this code or by law.

16 **14.90.130 – Removal and Restoration Upon Permit Expiration, Revocation or**
17 **Abandonment**

18 A. Upon the expiration date of the permit, including any extensions, earlier termination or
19 revocation of the Small Cell Facility permit or abandonment of the facility, the permittee,
20 owner or operator shall remove its wireless telecommunications facility and restore the site to
21 the condition it was in prior to the granting of the permit, except for retaining the landscaping
22 improvements and any other improvements at the discretion of the City. Removal shall be in
23 accordance with proper health and safety requirements and all ordinances, rules, and
24 regulations of the City. Expired, terminated or revoked wireless telecommunications facility
25 equipment shall be removed from the site at no cost or expense to the City.

26 B. Failure of the permittee, owner or operator to promptly remove its facility and restore the
27 property within ninety (90) days after expiration, earlier termination or revocation of the
28 Small Cell Facilities permit, or abandonment of the facility, shall be a violation of this Code.

1 Upon a showing of good cause, an extension may be granted by the public works director
2 where circumstances are beyond the control of the permittee after expiration. Further failure
3 to abide by the timeline provided in this Section shall be grounds for:

- 4 1. Prosecution;
- 5 2. Acting on any security instrument required by this chapter or conditions of approval of
6 permit;
- 7 3. Removal of the facilities by the City in accordance with the procedures established under
8 this code for abatement of a public nuisance at the owner's expense; and/or
- 9 4. Any other remedies permitted under this code or by law.

10 C. Removal – Exigent Circumstances. In the event the director of public works or City engineer
11 determines that the condition or placement of a wireless telecommunications facility located
12 in the PROW constitutes a dangerous condition, obstruction of the PROW, or an imminent
13 threat to public safety, or determines other exigent circumstances require immediate
14 corrective action (collectively, — “exigent circumstances”), such director or City engineer
15 may cause the facility to be removed summarily and immediately without advance notice or a
16 hearing. Written notice of the removal shall include the basis for the removal and shall be
17 served upon the permittee and person who owns the facility within five business days of
18 removal and all property removed shall be preserved for the owner's pick-up as feasible. If
19 the owner cannot be identified following reasonable effort or if the owner fails to pick-up the
20 property within sixty (60) days, the facility shall be treated as abandoned property.

21 D. Removal of Facilities by City. In the event the City removes a wireless telecommunications
22 facility in accordance with nuisance abatement procedures or summary removal, any such
23 removal shall be without any liability to the City for any damage to such facility that may
24 result from reasonable efforts of removal. In addition to the procedures for recovering costs of
25 nuisance abatement, the City may collect such costs from the performance bond posted and to
26 the extent such costs exceed the amount of the performance bond, collect those excess costs in
27 accordance with this Code. Unless otherwise provided herein, the City has no obligation to
28 store such facility. Neither the permittee, owner nor operator shall have any claim if the City

1 destroys any such facility not timely removed by the permittee, owner or operator after notice,
2 or removal by the City due to exigent circumstances.

3 **14.90.140 – Effect on Other Ordinances**

4 Compliance with the provisions of this chapter shall not relieve a person from complying with
5 any other applicable provision of this Code. In the event of a conflict between any provision of
6 this chapter and other sections of this Code, this chapter shall control.

7 **14.90.150 – State or Federal Law**

8 The implementation of this chapter and decisions on applications for placement of Small Cell
9 Facilities in the PROW shall, at a minimum, ensure that the requirements of this chapter are
10 satisfied, unless it is determined that the applicant has established that denial of an application
11 would, within the meaning of federal law, prohibit or effectively prohibit the provision of
12 personal wireless services, or otherwise violate applicable laws or regulations. If that
13 determination is made, the requirements of this Chapter may be waived, but only to the minimum
14 extent required to avoid the prohibition or violation.

15 SECTION 3. Authority. This Ordinance is enacted pursuant to the City of Chico’s general
16 police powers, Article II of the Charter of the City of Chico, Article VI of the Charter of the City of
17 Chico and Article XI of the California Constitution.

18 SECTION 4. This Emergency Ordinance is consistent with the City’s General Plan,
19 Municipal Code, and applicable federal and state law.

20 SECTION 5. This Emergency Ordinance will not be detrimental to the public interest,
21 health, safety, convenience or welfare.

22 SECTION 6. CEQA. The City Council, on the basis of the whole record and exercising
23 independent judgment, finds that this Ordinance is not subject to environmental review pursuant to
24 Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementation of the California
25 Environmental Quality Act (CEQA). Sections 15060(c)(2) and 15060(c)(3) pertain to activities that
26 will not result in a direct or reasonably foreseeable indirect change to the environment and that are
27 not defined as a project under Section 15378.
28

1 SECTION 7. Amendment by Resolution. All requirements under this chapter for the
2 deployment of small wireless facilities are subject to and may be amended by city council resolution
3 from time to time.

4 SECTION 8. Severability. If any section, subsection, line, sentence, clause, phrase, or word
5 of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied,
6 by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the
7 remaining portions of this Ordinance. The City Council of the City of Chico hereby declares that it
8 would have passed this Ordinance, and each and every individual section, subsection, line, sentence,
9 clause, phrase, or word without regard to any such decision.

10 SECTION 9. Effective Date. The Ordinance shall take effect immediately upon its
11 adoption.

12 SECTION 10. Certification. The City Clerk shall certify to the passage and adoption of this
13 Ordinance and shall cause the same to be published or posted in the manner required by law.

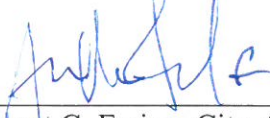
14 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at
15 its meeting held on July 2, _____, 2019, by the following vote:

16 AYES: Huber, Morgan, Reynolds, Schwab, Brown, Stone
17 NOES: Ory
18 ABSENT: None
19 ABSTAINED: None
20 DISQUALIFIED: None

23 **ATTEST:**

24 
25 _____
26 Deborah R. Presson, City Clerk

APPROVE AS TO FORM:

27 
28 _____
Vincent C. Ewing, City Attorney*
*Pursuant to The Charter of the City of Chico,
Section 906(E)