

ORDINANCE NO. 390

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SANTEE, CALIFORNIA TO
RESCIND AND REPLACE CHAPTER 15.58, ARTICLE VI
OF THE SANTEE MUNICIPAL CODE
RELATING TO SURFACE MINING AND RECLAMATION**

WHEREAS, the California Surface Mining and Reclamation Act of 1975, Chapter 9, of the Public Resources Code, requires reclamation of mined lands, and;

WHEREAS, the City of Santee adopted Chapter 15.58, of the Santee Municipal Code in October 1989, and;

WHEREAS, Chapter 15.58 contains Article VI pertaining to Surface Mining and Reclamation, and;

WHEREAS, significant amendments have occurred with the Act since its adoption in 1975.

NOW, THEREFORE, the City Council of the City of Santee does hereby rescind and replace Chapter 15.58, Article VI. Surface Mining and Reclamation, Sections 15.58.710 through 15.58.850 in their entirety with the following:

Article VI. Surface Mining and Reclamation

15.58.710 Purpose and Intent

- A. This article is provided pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, of the Public Resources Code and amendments thereto.
- B. The City recognizes that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
- C. The City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

ORDINANCE NO. 390

- D. The purpose and intent of this article is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA", Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:
1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
 2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
 3. Residual hazards to the public health and safety are eliminated.

15.58.715 Incorporation by Reference

The provisions of SMARA (PRC §2710 et seq.), PRC Section 2207, and State regulations CCR §3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this article by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this article are more restrictive than correlative State provisions, this article shall prevail.

15.58.720 Scope

- A. The provisions of this article shall apply to all lands within the City, public and private.
- B. Except as provided in this article, no person shall conduct surface mining operations unless a zoning permit, reclamation plan, and financial assurances for reclamation have first been approved by the City
- C. This article shall not apply to the following activities, subject to the above-referenced exceptions:
 1. Minor excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;

ORDINANCE NO. 390

2. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
 - a. All required permits for the construction, landscaping, or related land improvements have been approved by the City in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, §21000 et seq.).
 - b. The City's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.
 - c. The approved construction project is consistent with the general plan, applicable specific plan or zoning of the site.
 - d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
3. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:
 - a. The plant site is located on lands within a zoning category intended for the specific use and all other required City permits and approvals have been obtained.
 - b. None of the minerals being processed are being extracted onsite.
 - c. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976.
4. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

ORDINANCE NO. 390

5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
 6. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
- D. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement of zoning permit approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law.

15.58.725 Vested Rights

No person or corporation who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a zoning permit so long as the vested right continues in accordance with Section 17.04.110 of the Santee Municipal Code and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Article. However, where a person or corporation with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they shall obtain City approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and /or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

15.58.730 Applications and Reviews

- A. Any person, except as provided in Section 2776 of the California Surface Mining and Reclamation Act of 1975, who proposes to engage in surface mining operations as defined in this chapter shall, prior to the commencement of such operations, obtain: (1) a zoning permit, (2) a permit to mine, and (3) approval of a reclamation plan, in accordance with the provisions set forth in this article and as further provided in the California Surface Mining and Reclamation Act of 1975. A fee, as established for the permitted uses in the consolidated fee schedule, shall be paid to the City at the time of filing.

ORDINANCE NO. 390

- B. Applications for a zoning permit or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the Department of Development Services. Said application shall be filed in accord with this article and procedures as established by the Director of Development Services. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (§2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, as established at the discretion of the Director of Development Services. All applications for a zoning permit for surface mining shall be made, considered and granted or denied pursuant to Section 17.06.030 of Title 17 of this code. Such applications shall be accompanied by other data or information required by the Director of Development Services. All plans and specifications for the grading of the property shall be prepared by a registered civil engineer, sealed and signed in accordance with the Business and Professions Code.
- C. Application shall include all required environmental review forms and information prescribed by the Director of Development Services.
- D. Within thirty (30) days of acceptance of an application for a zoning permit for surface mining operations and/or a reclamation plan as complete, the Department of Development Services shall notify the State Department of Conservation of the filing of the application. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Department of Development Services shall also notify the State Department of Transportation that the application has been received.
- E. The Department of Development Services shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the City's environmental review guidelines.
- F. Upon completion of the environmental review procedure and filing of all documents required by the Director of Development Services, consideration of the zoning permit approval and reclamation plan for the proposed surface mine shall be scheduled for public hearing before the City Council, and pursuant to Section 2774 of the Public Resources Code.
- G. Prior to final approval of a reclamation plan, financial assurances (as provided in this Article), or any amendments to the reclamation plan or existing financial assurances, the Department of Development Services shall submit the plan, financial assurance, or amendments to the State Department of Conservation for review. City Council may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a zoning

ORDINANCE NO. 390

permit is being processed concurrently with the reclamation plan, City Council may also conceptually approve the zoning permit. However, City Council may defer action on the zoning permit until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the City Council may conditionally approve the zoning permit with the condition that the City Council shall not issue the zoning permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances. Pursuant to PRC §2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The Department of Development Services shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for City Council's approval. In particular, when the City's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared for the City Council shall be forwarded to the applicant.

- H. The City Council shall then take action to approve, conditionally approve, or deny the zoning permit and/or reclamation plan, and to approve the financial assurances pursuant to PRC §2770(d).
- I. By July 1 of each year, the Department of Development Services shall forward to the State Department of Conservation a copy of each newly approved zoning permit approved during the previous fiscal year for mining operations and/or a copy of the approved reclamation plan and approved financial assurances. The Department shall also include a copy of any zoning permit or reclamation plan amendments, as applicable.
- J. Where any requirement of the reclamation plan conflicts with any requirement of the approved zoning permit, the Director of Development Services and the City Engineer shall determine which requirement shall apply.

15.58.735 Standards for Reclamation

- A. All reclamation plans shall comply with the provisions of SMARA (§2772 and §2773) and State regulations (CCR §3500-3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards (CCR §3700-3713).

ORDINANCE NO. 390

- B. The City may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of City performance standards.
- C. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the reclamation plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

15.58.740 Financial Assurances

- A. To ensure reclamation will proceed in accordance with the approved reclamation plan, the City requires as a condition of approval security for the faithful performance of the reclamation. The applicant may pose security in the form of a surety bond, cash deposit, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City Attorney and the State Mining and Geology Board as specified in State regulations, and which the City reasonably determines is adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the City of Santee, the State Department of Conservation, and such other regulatory agencies the City deems necessary.
- B. Financial assurances will be required to ensure compliance with the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability, erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.
- C. Cost estimates for the financial assurance shall be submitted to the Department of Development Services for review and approval prior to the operator securing financial assurances. The Department of Development Services shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate. The City has the discretion to approve the financial assurance if it meets the requirements of this article, SMARA, and State regulations.

ORDINANCE NO. 390

- D. The amount of the financial assurance shall be based upon one hundred percent of the estimated cost of reclamation plus a ten percent contingency for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, all new lands to be disturbed by surface mining activities in the upcoming year and areas not successfully reclaimed pursuant to the approved reclamation plan. The estimate shall also include any maintenance of reclaimed areas as may be required. Cost estimates shall be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director of Development Services. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with establishing revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.
- E. In addition to the amount specified in subsection D, said security instrument shall provide that in the event suit is brought by the City and judgment recovered, the surety or financial institution shall pay, in addition to the sum specified, all costs incurred by the City in such suit including a reasonable attorney's fee to be fixed by the court.
- F. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
- G. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including any required maintenance and establishment period. Upon completion of the surface mining and reclamation of mined lands in accordance with the approved reclamation plan, including maintenance and establishment periods, all financial assurances shall be released, otherwise they shall remain in full force and effect.
- H. The amount of financial assurances required of a surface mining operation for any one year shall be reviewed annually by the City to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee

ORDINANCE NO. 390

may not claim credit for reclamation scheduled for completion during the coming year.

- I. When requested, revised estimates for the financial assurances shall be submitted to the Director of Development Services at the time of filing of the mine operator's annual mining operation report. The estimate shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation.

15.58.745 Findings for Approval

- A. Zoning Permit Approvals. In addition to any other findings required by the City Code, zoning permit approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.
- B. Reclamation Plans. For reclamation plans, the following findings shall be required:
 1. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;
 2. That the reclamation plan complies with applicable requirements of State regulations (CCR §3500-3505, and §3700-3713).
 3. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with the City's General Plan and any applicable specific plans, resource plan or element.
 4. That the reclamation plan has been reviewed pursuant to CEQA and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.
 5. That the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable specific plan or resource plan.

15.58.750 Modifications.

- A. An approved reclamation plan or any conditions thereof may be revised or modified in the same manner provided for a new zoning permit including the requirement for environmental impact review. All proposed modifications of an

ORDINANCE NO. 390

approved reclamation plan shall be consistent with Section 17.06.030 of Title 17 of this code.

- B. Minor amendments to the reclamation plan may be approved by the Director of Development Services pursuant to Section 17.04.060 of Title 17 of this code where the director determines that such approval will not result in a substantial change in the finished appearance of the mining site land form, will not increase the impacts on adjacent property, and is otherwise consistent with the intent of this chapter and the State Surface Mining and Reclamation Act.
- C. Notwithstanding the provisions of Section 17.06.030 of Title 17 of this code relative to any modification or revocation of a zoning permit, the city engineer may modify or add conditions relative to the conduct of grading for the same reasons as specified for grading permits in Article V of this chapter.

15.58.755 Agreements with city required--Borrow pits and quarries.

- A. No surface mining shall be conducted pursuant to a zoning permit or pursuant to vested nonconforming rights unless prior to commencement of grading an agreement has been entered into allowing city employees to enter the property to correct any landscaping or irrigation system deficiencies, any unsafe conditions, or breach of provisions of the zoning permit and/or reclamation plan. The agreement shall specifically authorize the city employees or any person authorized by the agreement to enter the property at any reasonable times for inspection or for the purpose of correcting any unsafe conditions resulting from the breach of any provision of the zoning permit or reclamation plan. Said agreement shall be executed by the permittee, the owner of the property and by holders, except government entities, of any lien upon the property which could ripen into a fee. The permittee shall provide acceptable evidence of title showing all existing legal and equitable interests in the property. The city engineer is authorized to execute and accept the agreement on behalf of the city. The agreement shall be recorded prior to the commencement of grading pursuant to a zoning permit or reclamation plan.
- B. The agreement required by this section shall be secured pursuant to Section 15.58.740 of this chapter to assure compliance with the agreement.

15.58.760 Public records.

Reclamation plans, reports, applications and other documents submitted pursuant to this article are public records unless it can be demonstrated to the satisfaction of the City that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The City shall identify such proprietary information as a separate part for each application. A

ORDINANCE NO. 390

copy of all permits, reclamation plans, reports, applications and other documents submitted pursuant to this article, including proprietary information, shall be furnished to the Director of the Department of Conservation by the City Department of Development Services. Proprietary information shall be made available to persons only when authorized by the mine operator and by the mine owner in accordance with Section 2778 of the California Surface Mining and Reclamation Act of 1975.

15.58.765 Interim Management Plans

- A. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department of Development Services a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all zoning permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms prescribed by the Department of Development Services, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review.
- B. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP. All financial assurances shall conform to Section 15.58.740 herein.
- C. Upon receipt of a complete proposed IMP, the City shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the City.
- D. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director of Development Services and the operator, the City shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Director of Development Services, to submit a revised IMP. The City shall approve or deny the revised IMP within sixty (60) days of receipt.
- E. The IMP may remain in effect for a period not to exceed five years, at which time the City may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

15.58.770 Inspections.

- A. As a condition of each zoning permit or reclamation plan, an inspection of the surface mining operation and reclamation activities shall be conducted by the Departments of Development Services within six months of receipt of the mine

ORDINANCE NO. 390

operator's Annual Report. Inspection shall be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as may be determined by the Director of Development Services. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. The Department of Development Services shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

- B. If, after conducting the annual inspection or otherwise confirmed by an inspection, the department finds the zoning permit or reclamation plan is not being followed and completed as approved, the mining operator shall be so notified and be given a reasonable time to comply, not to exceed ninety days. If, at the end of this period of time the zoning permit or reclamation plan is still not being followed and completed as approved, the Director of Development Services shall notify the mining operator involved and set the matter for public hearing in accordance with the procedures set out in Section 17.06.030 of Title 17 of this code for modification or revocation of a zoning permit. Failure to correctly comply with the terms or conditions of a reclamation plan shall be considered a violation of the application for zoning permit and an unlawful and public nuisance.
- C. At the hearing, it shall be determined whether or not the mining operator is complying with the zoning or reclamation plan. If it is found that the operator is not in compliance, the City Council shall determine if the permit shall be revoked or merely suspended until the operator either complies or obtains approval of a revised zoning permit or reclamation plan. If the City Council determines that the mining operator is making a reasonable effort to comply with the reclamation plan, an additional period of time, not to exceed one hundred eighty days, may be allowed for full compliance.

15.58.800 Successors in interest.

The applicant submitting the reclamation plan and financial assurances shall execute an agreement in a form acceptable to the City Attorney accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan and conditions of their zoning permit. Said agreement shall be recorded in the Office of the County Recorder and kept on file in the Office of the City Clerk.

Whenever any surface mining operation or portion of an operation subject to this chapter is sold, assigned, conveyed, exchanged or otherwise transferred, the applicant shall not be relieved of their obligations under the agreement until such time as their

ORDINANCE NO. 390

successor in interest shall execute a replacement agreement and post substitute securities agreeing to be bound by the provisions of the reclamation plan and conditions of their zoning permit.

15.58.810 Liability and responsibilities of permittee.

Neither the issuance of a zoning permit or reclamation plan under the provisions of this article, nor the compliance with any provisions or conditions thereof, shall relieve any person from any liability or responsibility resulting from grading operations as specified elsewhere in this chapter.

15.58.820 Violation--Misdemeanor.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed one thousand dollars or by imprisonment for a period not to exceed more than six months in the county jail or by both such fine and imprisonment.

15.58.830 Enforcement of provisions.

The provisions of this article shall be enforced by any authorized member of the Department of Development Services of the City or such other persons as may be designated by the City Council.

15.58.840 Arrests and citations.

The Director of Development Services and the City Engineer, each agent or deputy thereof who is assigned to duties which include the enforcement of this article and any peace officer shall have the power to make arrests for violations of those provisions of this article and state law which he/she has duty to enforce and to issue citations for such violations. Any person so arrested who does not demand to be taken before a magistrate may instead be cited in the manner prescribed in Chapter 5c (commencing with Section 853.5) of Title 3 Part 2 of the Penal Code.

15.58.850 Appeals.

Any person aggrieved by an act or determination of the city administrators in the exercise of the authority granted in this article shall have the right to appeal to the City Council. Any appeal must be filed on city-provided forms within thirty days after the rendering of the decision.

ORDINANCE NO. 390

INTRODUCED AND FIRST READ at a regular Meeting of the City Council of the City of Santee, California, held on the 11th day of August, 1999, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the 25th day of August, 1999, by the following vote to wit:

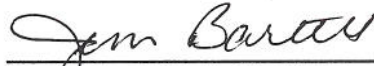
AYES: BARTELL, HOWARD, VOEPEL, RYAN

NOES: NONE

ABSTAIN: NONE

ABSENT: DALE

APPROVED:



JACK E. DALE, MAYOR

BY JIM BARTELL, VICE MAYOR

ATTEST:


RACHEL THALER, CITY CLERK

CERTIFICATE OF CITY CLERK

I, Rachel Thaler, City Clerk of the City of Santee, California, do hereby certify the foregoing to be a true and exact copy of Ord. 390 duly passed and adopted by the City Council of said City on the date thereon recited.


Dana J. Rominger
Deputy City Clerk