



AGENDA
RIO DELL CITY COUNCIL
REGULAR MEETING – 6:30 P.M.
TUESDAY, JUNE 17, 2014
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

- F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

1) 2014/0617.01 - Approve Minutes of the May 20, 2014 Regular Meeting (ACTION)	1
2) 2014/0617.02 - Approve Minutes of the June 3, 2014 Regular Meeting (ACTION)	14
3) 2014/0617.03 - Approve 1 year contract extensions with Rio Dell Employees' Association, Rio Dell Police Officers Association, City Clerk, Police Chief, Community Development Director, Water/Roadways Superintendent and Wastewater Superintendent from July 1, 2014 through June 30, 2015 (ACTION)	24
4) 2014/0617.04- Approve Resolution No. 1224-2014 Accepting the Deed from the County of Humboldt vacating and conveying a portion of Metropolitan Road to the City and authorizing the City Manager to execute the Certificate of Acceptance (ACTION)	38
5) 2014/0617.05 - Approve 1 year Memorandum of Understanding (MOU) with Eel River Disposal & Resource Recovery for a Green Waste Recycling Program and authorize the City Manager to sign (ACTION)	52
6) 2014/0617.06 - Approve Resolution No. 1226-2014 Adopting the Annual Gann Appropriations Limit for FY 2014-2015 (ACTION)	55
G. SPECIAL PRESENTATIONS	
H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS	
1) "SPECIAL CALL ITEMS" from Consent Calendar	
2) 2014/0617.07 - Approve Lease/Purchase Agreement for DocStar Document Management System (ACTION)	58
3) 2014/0603.08 - Approve Award of Bid for CDBG Ogle/Belleview Drainage Study (ACTION)	66
I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS	
1) 2014/0617.09- Introduce and conduct first reading (by title only) of Ordinance No. 321-2014 and Resolution No. 1220-2014 Establishing Residential Multifamily Zoning Designation, Section 17.20.035 of the Rio Dell Municipal Code; a Zone Reclassification Redesignating approximately 8.7 acres from Urban Residential (UR) to Residential Multi-Family; Redesignating the Downtown City Parking Lot from Town Center (TC) to Public Facility (PF); Establishing Emergency Shelters/Transitional Housing Regulations, Section 17.30.079 of the Rio Dell Municipal Code; and amending Section 17.10 of the Rio Dell Municipal Code, Definitions to include Emergency Shelters/Transitional Housing (ACTION)	67

- 2) 2014/0617.10 - Introduce and conduct first reading (by title only) of Ordinance No. 322-2014 amending Rio Dell Municipal Code Section 13.10.130 Noting when Wastewater Fees are due and transferring Wastewater Fee authority from RDMC to Resolution No. 1222-2014 (**ACTION**) 101
- 3) 2014/0617.11 - Approve Resolution No. 1222-2014 establishing Wastewater Fees and Charges Based on 70% Fixed Rate and 30% Volume Rate and annual adjustment based on the annual CPI index (**ACTION**) 156
- 4) 2014/0617.12 - Approve Resolution No. 1225-2014 Adopting 2014-2015 Fiscal Year Budget (**ACTION**) 184

J. REPORTS/STAFF COMMUNICATIONS

- 1. City Manager
- 2. Chief of Police
- 3. Finance Director - **Check Register for May 2014** 213
- 4. Community Development Director

K. COUNCIL REPORTS/COMMUNICATIONS

L. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS: **No Closed Session Items Scheduled**

M. ADJOURNMENT

*The next regular meeting will be on July 1, 2014
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL
REGULAR MEETING
MAY 20, 2014
MINUTES**

The closed session/regular meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Thompson.

ROLL CALL: Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson, and Woodall

Others Present: (Closed Session) City Manager Stretch, Water/Roadways Superintendent Jensen and City Attorney Gans

(Regular Meeting) City Manager Stretch, Chief of Police Hill, Finance Director Woodcox, Community Development Director Caldwell, Water/Roadways Superintendent Jensen City Clerk Dunham and City Attorney Gans

Absent: Wastewater Superintendent Chicora (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

Conference with Legal Counsel – Pending Litigation – Name of Case: City of Rio Dell v. SHN Consulting Engineers & Geologists, Inc. a California Corp. – Case No. DR130745

Conference with Legal Counsel – Anticipated Litigation – Consider initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Section 54956.9: (One potential case, facts and circumstances known to adverse parties): Access dispute, quiet title and prescriptive easement related to waterline maintenance and vehicular access along Old Ranch Road to City of Rio Dell Monument Springs Parcel (APN: 205-041-014). Potential adverse property owners along Old Ranch Road, include, without limitation, Cidoni, Coleman, Lewis and Humboldt Redwood Company

PUBLIC COMMENT REGARDING CLOSED SESSION

There was no one in the audience to comment on the closed session.

RECESS INTO CLOSED SESSION

The Council adjourned to closed session at 5:30 p.m.

ORAL ANNOUNCEMENTS

previous report and said she would like to see the program go forward. She recommended the item be tabled rather than eliminated.

Chief Hill explained initially the thought was that the program would be cost neutral however; as it went forward it was apparent that was not the case. He said he is exploring a different way of approaching parking enforcement and clarified that he is not abandoning the concept of parking enforcement but is concerned about the budget.

Consensus of the Council was to bring the matter back for further discussion.

SPECIAL PRESENTATIONS

Presentation by Michael O'Connor, CPA, R.J. Ricciardi, Inc. – FY 2012-2013 Audit

Michael O'Connor provided a presentation on the FY 2012-2013 Audit. He began by stating that in performing the audit of the basic financial statements of the City of Rio Dell for the fiscal year ended June 30, 2013, they did not identify any deficiencies in internal control that could be considered material weaknesses; as such the City received an unqualified opinion which is the best opinion that can be given.

He presented three (3) documents: *Basic Financial Statements; Management Report; and Single Audit Report* for the year ended June 30, 2013.

He continued with an overview of the Basic Financial Statements which consist of three (3) components: 1) government-wide financial statements; 2) fund financial statements; and 3) notes to the financial statements. He reported the analysis shows total assets to be \$30,636,033, total liabilities to be \$7,322,854 for a total net position at June 30, 2013 to be \$23,313,179.

He noted that the City's total revenue exceeded total expenditures by \$60,216 for the year.

Moving on to the Management Report, he then reviewed both current year and prior year recommendations. He stated that during the course of the audit, they noted that the City has not adopted a formal GASB 54 fund balance policy and recommended it be formalized and adopted by the City Council. He said there were four (4) recommendations made the prior year, all of which were implemented.

Councilmember Marks commented that ordinarily the auditor meets with the City Manager and a couple of City Councilmembers to address any concerns they may have and asked if that happened.

Mr. O'Connor stated that he spoke with the Mayor, the City Manager and the Finance Director while he was here and said he has an open door policy and welcomed the City Council members to contact him anytime they have questions.

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Councilmember Marks pointed out that some users have two (2) EDU's and that there are also several commercial accounts that have a residence included under one bill and asked if those residential uses will be billed the higher strength of the commercial use.

Alison replied that it would depend on how the account is set up in the billing system.

Discussion ensued regarding responsibility of the property owners to pay sewer bills for their tenants.

Councilmember Wilson said he understood the property owner would have the option of having the bill in his/her name or having it go to the tenant. He said BWA's recommendation is that the City only allow property owners to hold sewer accounts.

City Manager Stretch stated that the property owner would be the ultimate party responsible for paying the sewer bill however; the bill could be sent to the tenant with the understanding that if the tenant does not pay, the property owner is responsible. If the property owner does not pay, then the delinquency would become a lien against the property.

Councilmember Wilson presented the scenario of a tenant using one (1) ccf whereas a new tenant moves in and uses ten (10) ccf and asked if the rate would remain under the lower rate until a new average is established.

City Manager Stretch stated there is proposed language which allows adjustments based on changes with the account. He said the draft ordinance and resolution will have to come before the Council for approval before the rates can go into effect so changes can be made at that time if needed.

Councilmember Johnson thanked Ms. Lechowicz for providing the presentation and said it helped to clear up questions and concerns.

Mayor Thompson stated that there are approximately 1300 active sewer customers and an EDU count of 1448 so the number of customers not paying the base rate could equal to \$15,000 or \$20,000/yr. and said the exact number of customers paying the full base rate needs to be determined.

Alison explained that one (1) water meter could essentially serve one (1) motel with 50 rooms so it should not be counted as one (1) EDU. She said the idea behind the EDU count is to assign each customer a number based on wastewater flow. The difference is due to different customer classifications and multiple uses on one (1) meter. She stated for clarification that all customers will be paying the base rate whether the account is active or inactive.

Councilmember Marks pointed out that additional EDU's will spread the cost out over a larger number thus lowering the cost per EDU.

and said he is fine with a sewer rate of \$76.16 but does not support increases beyond that amount.

Councilmember Wilson said in reviewing the bill impacts as reflected in the study, 80% of residential customers will receive a decrease in their bill and of the 20% that will receive an increase, the maximum increase is \$32.50 with the 15 ccf cap. He said with regard to businesses, they have been getting away with paying the same flat rate as the low strength residential customers which is not equitable.

A public hearing was opened at 7:55 p.m. to receive public comment on the proposed rate structure.

Ranada Laughlin said at the last public hearing the Council talked about the 15 ccf cap and asked if those customers are essentially getting a free pass to use whatever amount of water they want which does not encourage water conservation. She said in researching rate structures the National Defense Resource Council says that rates can be reset once a year and that most agencies establish fixed charges between 10% and 30%.

Alice commented that a 70% fixed charge and 30% variable was chosen because the City's wastewater treatment plant is heavily capitalized.

Dave Griffith stated that his monthly bill for water and sewer is \$104.77 and asked if that is the minimum charge.

Councilmember Wilson responded that the minimum bill is currently \$102.40 and that he should actually see a reduction in his bill of over \$20.00 per month.

Michael Chase stated that water is one of our most precious commodities and if people are going to use the water, they need to pay for it.

Councilmember Johnson pointed out that what we are talking about is the amount of water that goes down the drain and not the water that is used outside.

Motion was made by Johnson/Marks to accept staff's recommendation on the proposed wastewater rate schedule and to continue the public hearing with submittal of the draft ordinance and resolution. Motion carried 5-0.

Mayor Thompson called for a brief recess at 8:01 p.m.

The regular meeting reconvened at 8:06 p.m.

subject to higher rates for the cost of the replacement of the 2" water line along ORR and including road improvements from Monument Road, funds for the annual maintenance of the

road and waterline and the cost of the City staff to drive the road to read water meters. Motion carried 5-0.

City Attorney Gans left the meeting at this time, 8:20 p.m.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Conduct second reading (by title only) and adopt Ordinance No. 316-2014 amending Commercial and Industrial Regulations by replacing the language "such as" with "similar to and including but not limited to" and to allow uses not compatible with the uses permitted in the zone with a Conditional Use Permit

Community Development Director Caldwell provided a staff report and explained this amendment is to simply clean-up the language in the Commercial and Industrial regulations by replacing "such as" with "similar to and including but not limited to." He said the amendment may not seem significant but hopefully it will help to encourage commercial development.

A public hearing was opened to receive public comment on the proposed ordinance amendment; there being no public comment, the public hearing closed.

Motion was made by Johnson/Woodall to conduct second reading (by title only) and adopt Ordinance No. 316-2014 amending Commercial and Industrial Regulations by replacing the language "such as" with "similar to and including but not limited to" and to allow uses not compatible with the uses permitted in the zone with a Conditional Use Permit. Motion carried 5-0.

Introduce and conduct first reading (by title only) of Ordinance No. 318-2014 Establishing Density Bonus Regulations, Section 17.30.073 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and said the State Density Bonus Law was first enacted by the State in 1979 and significant changes were made to that law in 2005 including a requirement that Cities and Counties adopt local regulations to provide density bonuses and other incentives to developers who commit to providing affordable housing units. He further explained the law establishes density bonus incentives to allow more dwelling units than otherwise allowed within the zone; modification to parking standards; reduction in site development standards or modification of zoning code or architectural requirements; waiver of development standards that would otherwise make the increased density physically impossible to construct; and an additional density bonus if a childcare facility is provided.

Community Development Director Caldwell stated that he modeled the City's regulations after the State model so if the provisions in State law are amended in the future, the City's regulations

Chief of Police Hill reported on recent activities in the police department and said Officer Harralson was scheduled to be back to work in 2 weeks; would be rescheduling officer training; said he had only met with one person from State Department of Fish & Game related to the river bar access issue so no round table meeting had been scheduled yet; and presented Police Statistics for the month of April.

Councilmember Marks stated that she had misspoken earlier when she said the \$3,000 was not included in the previous report related to parking citation enforcement and clarified that it was included in the report.

She asked how often citations are issued with regard to animals being pickup.

Chief Hill said almost never since often the animals are strays and the owner is unknown; if the owner is identified, they typically are required to pay the redemption fee and license the dog if it does not have a current license.

Finance Director Woodcox reported on recent activities in the finance department and she has been busy working with the City Manager on the budget; said with the auditors here they also began field work for the current year audit; and reported that staff was working on closeout of the Wastewater Treatment Plant Upgrade and Disposal Project.

Councilmember Johnson asked staff if there will be the need for another budget study session before bringing the final draft budget forward for approval.

City Manager Stretch said there would be at least one more budget study session although he did not have an anticipated date at this time.

Councilmember Marks said that she is aware staff is very busy but wanted to know when the Business License Ordinance update would be coming forward.

City Manager Stretch said the update is still on the list of projects but sees things extremely busy between now and July. He said staff will attempt to bring the draft ordinance forward as soon as it is possible.

Community Development Director Caldwell reported on recent activities in the planning department and stated that he had met with the architect and discussed the concept of moving the City Council Chambers to a newly constructed building on site and using the current space for additional office space; said he attended a workshop in Sacramento put on by the Sacramento Valley Association of Building Officials and that 3 of the 4 days were very beneficial; and said related to Nuisance Abatement he decided to make initial phone calls to residents rather than sending out the enforcement letter via certified mail and said this approach has been successful.

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

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growth so the market can bear the increases for upgrades and capitalization of the City's infrastructure for the long term.

Councilmember Marks asked Mr. Rich where he got the projected numbers regarding the rates.

Mayor Thompson stated that he was at the Pizza Factory with the Executive Director of HWMA and the subject of sewer rates came up. The following day he went back with the Prop 218 Wastewater Rate Study so Mr. Rich could see the calculations.

Councilmember Marks asked if he took into consideration that the Pizza Factory also includes a residence which constitutes 2 services on 1 meter. She said the Council talked about the need to address special situations like this during the Prop 218 Wastewater Rate Hearing at the last meeting.

CONSENT CALENDAR

Councilmember Marks asked that Item No. 7 be removed from the Consent Calendar for separate discussion.

Motion was made by Woodall/Johnson to approve the consent calendar including the approval of minutes of the May 6, 2014 regular meeting; approval of minutes of the May 13, 2014 special meeting; approval of annual rate adjustment to Eel River Disposal Garbage Rates and accept as an amendment to the City's Solid Waste and Recycling Franchise Agreement effective July 1, 2014; approval in concept of a Green Waste Recycling Pilot Program with Eel River Disposal and Resource Recovery; approval of Resolution No. 1223-2014 appointing representative and alternate to the SCORE Board of Directors; and authorizing the City Manager to engage the auditing services of R. J. Ricciardi to complete the 2013-2014 Fiscal Year Audit. Motion carried 5-0.

SPECIAL CALL ITEMS

(From Consent Calendar)

Approve 2014 Integrated Regional Water Management Drought Solicitation Project Application for City of Rio Dell and Scotia CSD Emergency Water Intertie in the amount of \$913,449

Councilmember Marks asked for an overview from the City Manager to show citizens the importance of the emergency water intertie.

City Manager Stretch explained special drought funds were recently made available which are funded by Prop 84 and with the application deadline of May 26, 2014, the City had its engineering firm, GHD Engineering put together a pre-application in the amount of \$913,449 for a water system intertie between Rio Dell and Scotia CSD for emergency purposes. He stated that either of the communities could have an emergency that leaves citizens without water and this

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Councilmember Wilson asked if prayers would be open to other religions provided they follow the guidelines.

Councilmember Johnson said he doesn't think they could offer up a Christian prayer and that's what the Supreme Court has allowed on the ruling of Greece, New York.

City Manager Stretch stated that the City Attorney mentioned those points about denigration in his response, and went on to say that the government must have a non-discrimination policy when soliciting people to pray so it did go beyond the Christian prayer.

Mayor Thompson called for public comment on the subject.

Ayala Talpai asked about the distinction between the separation of church and state.

Mayor Thompson commented that our country began with very different ideas than what we have today with regard to the separation between church and state.

Councilmember Wilson said one of the issues in the early development of our country which was pretty fully Christian, wasn't between say Muslim and a Christian but rather between the different Christian denominations. He said now things have evolved to something completely different with regard to the separation between church and state which he doesn't believe what was intended by our founding fathers.

Larry Arsenol maintained that this nation was founded to all religions, not just to Christians and said that he is fine with open prayer as long as it is not restricted to just Christian prayer.

Gary Chapman said with regard to the selection of someone to provide prayer, he suggested referring to the telephone book directory to identify institutions in the community and ask for individuals to volunteer. He said he believes the community is predominately Christian and since he is Christian himself he would not be offended with Christian prayer. He said historically, what started prayer in any governmental agency was controversy between individuals not being able to come to terms and quoted Benjamin Franklin as staying "before our next meeting, let's pray."

Alice Millington made the point that she had a friend who had brought a law suit against the City of Eureka and had attended their City Council meetings for a couple of years and during that time were not beginning their meetings with prayer. She said they might be doing it now; but had not been successful with it in the past.

Jeff Miller, Pastor of *The Journey* expressed his support for Councilmember Johnson's proposal and said it seems ridiculous to be fighting over a 15 second prayer when you are simply asking

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there is not only not enough money in the water capital fund but also not enough in the water operations fund. He commented that the water fees have never been properly set to fund water activities. As such, he said he has been in contact with Bartle Wells Associates who are the financial experts in this area, to put together a proposal for a Water Rate and Capacity Fee Study as previously done for wastewater. He said a rate adjustment is vital to keep operations going and to fully fund the City's capital improvement projects and equitably recover costs from outside City customers.

City Manager Stretch explained the cost to conduct the study as set forth in the proposal is not to exceed \$25,000; \$5,000 of which is to conduct the Water Capacity Fee Study. He noted that this fee was last increased to \$2,700 in 2002, and given that it has been 12 years, this fee should be analyzed and adjusted appropriately.

Councilmember Johnson commented that assuming Bartle Wells Associates are experts in the Prop 218 process, wondered if they could provide a proposal on subset rates for Old Ranch Road customers.

City Manager Stretch noted that data will be included in the study and also he has asked the City Engineer to put together an engineering evaluation and since a lot of the information has already been compiled he plans on negotiating a "not to exceed" proposal.

Councilmember Marks asked if there was a Water Capital Fund balance brought forward in this year's budget.

City Manager Stretch explained that it has been established that \$4.50 from each water bill be set aside for capital improvements which generates approximately \$77,000/year and that amount was carried over from the current budget to next year's budget.

Councilmember Wilson said it is a great idea to have Bartle Wells Associates do the study so there are solid numbers and said in the proposal they referred to theft of water and asked where the theft occurred and if anything was done about it.

City Manager Stretch explained there was water taken from the fire hydrant at the industrial park but it is unknown as to who took the water. He further explained that bulk water sales are allowed but only from a metered hydrant at the corporation yard and that the water must stay in Rio Dell or supplied to current out-of-city customers.

Larry Arsenol asked what the ongoing costs are to maintain the water activities.

City Manager Stretch reported the Water Operations Reserve had a beginning balance of \$114,500 from the prior year budget; with projected revenue of \$542,00 and projected expenditures of \$652,00, funds will have to be pulled from Reserves to maintain normal operations.

incentives to developers who commit to providing affordable housing units. He further explained the law establishes density bonus incentives to allow more dwelling units than otherwise allowed within the zone; modification to parking standards; reduction in site development standards or modification of zoning code or architectural requirements; waiver of development standards that would otherwise make the increased density physically impossible to construct; and an additional density bonus if a childcare facility is provided.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Johnson/Marks to conduct the second reading (by title only) and adopt Ordinance 318-2014 establishing Density Bonus Regulations Section 17.30.073 of the Rio Dell Municipal Code. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Stretch stated he had nothing to report at this time but wanted to read a note he received from a local citizen, Gigi Miller who complimented the City on how nice the main street looks. Having lived here for many years she said it is truly appreciated that Rio Dell is looking so much nicer than it used to and every department is doing the best it possibly can on a limited budget. She ended by stating that she was looking forward to future improvements.

Councilmember Wilson said it is nice to see local citizens taking pride in the community by picking up litter and helping to make our city a nicer place to live.

Councilmember Johnson asked staff what the status is regarding the Ogle/Belleview Drainage Study proposals. City Manager reported the approval for award of the bid will be on the next agenda for consideration.

Councilmember Marks asked for an update on the concept of combining green waste with the bio-solids. City Manager Stretch said he discussed the idea briefly with ERD but Wastewater Superintendent Chicora said that it wouldn't be a good blend. He said under the green waste program, ERD will pick up green waste every two weeks for an extra \$3.00/month on garbage bills and will be taking it to the City of Fortuna's corporation yard.

She also asked if the estimated \$430,000 needed for Water Capital is a solid number. City Manager Stretch explained that was the number the City Engineer brought forth when he updated the study but the City Council's direction was to add to the list a 10-year capitalization and add rolling stock. As such, he said Bartle Wells Associates will be bringing back a revised report after the Council comes to a consensus on what they want on the Capital Improvement Plan (CIP).

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for review. She said in researching the minutes there is no official record of that consensus and said rather than just a nod, any consensus of the Council needs to be more official so that it is reflected in the minutes.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:00 p.m. to the June 10, 2014 Special meeting.

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

**SECOND AMENDMENT TO CITY OF RIO DELL CITY CLERK
EMPLOYMENT AGREEMENT**

This Second Amendment to City of Rio Dell City Clerk Employment Agreement (hereinafter this "Second Amendment") is made and entered by and between the CITY OF RIO DELL, a municipal corporation of the State of California, hereinafter referred to as "Employer" and Karen Dunham, hereinafter referred to as "Employee" or "City Clerk", both of whom understand as follows:

RECITALS

A. WHEREAS, Employer and City Clerk have both executed that certain written agreement entitled City of Rio Dell City Clerk Employment Agreement (hereinafter the "City Clerk Agreement"), with both Employer's and City Clerk's execution date on May 20, 2012 and that First Amendment to City of Rio Dell City Clerk Employment Agreement with an execution date of August 16, 2012 (hereinafter the "First Amendment");

B. WHEREAS, Employer and City Clerk mutually intend to amend and modify the City Clerk Employment Agreement (as modified by the First Amendment) as stated in this Second Amendment; and

C. WHEREAS, the City Council for the City of Rio Dell approved the modifications to the City Clerk Employment Agreement recited in this Second Amendment at its duly noticed public meeting occurring on June 17, 2014.

NOW, THEREFORE, in consideration of the mutual covenants recited herein, Employer and the City Clerk agree to amend and modify the City Clerk Employment Agreement as follows:

AGREEMENT

1. Amendment to Section 2 of the City Clerk Employment Agreement.

The following underlined sentence appearing in Section 2 of the City Clerk Employment Agreement shall be deemed deleted:

"This Agreement shall remain in effect through June 30, 2014, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

In place of the forgoing sentence, the following italicized sentence shall be deemed substituted in its place and Section 2 of the City Clerk Employment Agreement

“This Agreement shall remain in effect through June 30, 2014, unless Employee’s term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee.”

In place of the forgoing sentence, the following italicized sentence shall be deemed substituted in its place and Section 2 of the Water and Roadways Superintendent Employment Agreement shall hereinafter be read and interpreted as if the following text appears in said Agreement:

“This Agreement shall remain in effect through June 30, 2015, unless Employee’s term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee.”

2. Continuation of Water and Roadways Superintendent Employment Agreement. Except as amended by this Second Amendment, all terms and conditions of the Water and Roadways Superintendent Employment Agreement, as amended by the First Amendment, shall remain and continue to govern the obligations of the parties to said Agreement, including the salary recited therein. In the event a revenue measure is placed on the November 4, 2014, ballot and is approved by the voters, the salary may be renegotiated between the Employer and Employee on or after January 1, 2015.

3. Second Amendment Execution. This Second Amendment may be executed in counterparts, all of which shall be taken together as one whole. A facsimile or electronically scanned signature shall be deemed to constitute an original signature.


EMPLOYEE



Randy Jensen
Water and Roadways Superintendent

Date: 6/12/14

EMPLOYER



City of Rio Dell
By: Jim Stretch, City Manager

Date: 6.12.14

**SECOND AMENDMENT TO CITY OF RIO DELL COMMUNITY
DEVELOPMENT DIRECTOR EMPLOYMENT AGREEMENT**

This Second Amendment to City of Rio Dell Community Development Director Employment Agreement (hereinafter this “Second Amendment”) is made and entered by and between the CITY OF RIO DELL, a municipal corporation of the State of California, hereinafter referred to as “Employer” and KEVIN CALDWELL, hereinafter referred to as “Employee” or “Community Development Director”, both of whom understand as follows:

RECITALS

A. WHEREAS, Employer and Community Development Director have both executed that certain written agreement entitled City of Rio Dell Community Development Director Employment Agreement (hereinafter the “Community Development Director Agreement”), with both Employer’s and Community Development Director’s execution date on July 27, 2012 and that First Amendment to City of Rio Dell Community Development Director Employment Agreement with an execution date of August 16, 2012 (hereinafter the “First Amendment”);

B. WHEREAS, Employer and Community Development Director mutually intend to amend and modify the Community Development Director Employment Agreement (as modified by the First Amendment) as stated in this Second Amendment; and

C. WHEREAS, the City Council for the City of Rio Dell approved the modifications to the Community Development Director Employment Agreement recited in this Second Amendment at its duly noticed public meeting occurring on June 17, 2014.

NOW, THEREFORE, in consideration of the mutual covenants recited herein, Employer and the Community Development Director agree to amend and modify the Community Development Director Employment Agreement as follows:

AGREEMENT

1. Amendment to Section 2 of the Community Development Director Employment Agreement.

The following underlined sentence appearing in Section 2 of the Community Development Director Employment Agreement shall be deemed deleted:

**SECOND AMENDMENT TO CITY OF RIO DELL CHIEF OF POLICE
EMPLOYMENT AGREEMENT**

This Second Amendment to City of Rio Dell Chief of Police Employment Agreement (hereinafter this "Second Amendment") is made and entered by and between the CITY OF RIO DELL, a municipal corporation of the State of California, hereinafter referred to as "Employer" and GRAHAM G. HILL, hereinafter referred to as "Employee" or "Chief of Police", both of whom understand as follows:

RECITALS

A. WHEREAS, Employer and Chief of Police have both executed that certain written agreement entitled City of Rio Dell Chief of Police Employment Agreement (hereinafter the "Chief of Police Agreement"), with both Employer's and Chief of Police's execution date on July 27, 2012 and that First Amendment to City of Rio Dell Chief of Police Employment Agreement with an execution date of August 7, 2012 (hereinafter the "First Amendment");

B. WHEREAS, Employer and Chief of Police mutually intend to amend and modify the Chief of Police Employment Agreement (as modified by the First Amendment) as stated in this Second Amendment; and

C. WHEREAS, the City Council for the City of Rio Dell approved the modifications to the Chief of Police Employment Agreement recited in this Second Amendment at its duly noticed public meeting occurring on June 17, 2014.

NOW, THEREFORE, in consideration of the mutual covenants recited herein, Employer and the Chief of Police agree to amend and modify the Chief of Police Employment Agreement as follows:

AGREEMENT

1. Amendment to Section 2 of the Chief of Police Employment Agreement.

The following underlined sentence appearing in Section 2 of the Chief of Police Employment Agreement shall be deemed deleted:

"This Agreement shall remain in effect through June 30, 2014, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

In place of the forgoing sentence, the following italicized sentence shall be deemed substituted in its place and Section 2 of the Chief of Police Employment

**SECOND AMENDMENT TO CITY OF RIO DELL WASTEWATER
SUPERINTENDENT EMPLOYMENT AGREEMENT**

This Second Amendment to City of Rio Dell Wastewater Superintendent Employment Agreement (hereinafter this “Second Amendment”) is made and entered by and between the CITY OF RIO DELL, a municipal corporation of the State of California, hereinafter referred to as “Employer” and John R. Chicora Jr., hereinafter referred to as “Employee” or “Wastewater Superintendent”, both of whom understand as follows:

RECITALS

A. WHEREAS, Employer and Wastewater Superintendent have both executed that certain written agreement entitled City of Rio Dell Wastewater Superintendent Employment Agreement (hereinafter referred to as the “Wastewater Superintendent’s Agreement”), with both Employer’s and Wastewater Superintendent’s execution date on May 21, 2012 and that First Amendment to City of Rio Dell Wastewater Superintendent Agreement with an execution date of August 16, 2012 (hereinafter the “First Amendment”);

B. WHEREAS, Employer and Wastewater Superintendent mutually intend to amend and modify the Wastewater Superintendent Employment Agreement (as modified by the First Amendment) as stated in this Second Amendment; and

C. WHEREAS, the City Council for the City of Rio Dell approved the modifications to the Wastewater Superintendent Employment Agreement recited in this Second Amendment at its duly noticed public meeting occurring on June 17, 2014.

NOW, THEREFORE, in consideration of the mutual covenants recited herein, Employer and the Wastewater Superintendent agree to amend and modify the Wastewater Superintendent’s Employment Agreement as follows:

AGREEMENT

1. Amendment to Section 2 of the Wastewater Superintendent Employment Agreement.

The following underlined sentence appearing in Section 2 of the Wastewater Superintendent Employment Agreement shall be deemed deleted:

“This Agreement shall remain in effect through June 30, 2014, unless Employee’s term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee.”

Memorandum of Understanding Contract Extension between the City of Rio Dell and the Rio Dell Police Officer's Association


July 1, 2014 to June 30, 2015

The City of Rio Dell and the Rio Dell Employees' Association hereby agree as follows:

1. The Memorandum of Understanding (MOU) between the City of Rio Dell and the Rio Dell Police Officer's Association, which is scheduled to expire on June 30, 2014, shall be extended from July 1, 2014 through June 30, 2015, and the salary ranges listed in existing MOU shall remain in effect.
2. In the event a revenue measure is placed on the November 4, 2014, ballot and is approved by the voters, there shall be an opportunity to reopen the contract for 2014-15 for the purpose of the negotiation of salaries, benefits and terms and conditions of employment between the City of Rio Dell and the Rio Dell Police Officer's Association, effective on or after January 1, 2015.

Dated: 6-13-14

City of Rio Dell

By: 

Name: JIM STRETCH, CIM

Dated: 6/15/14

Rio Dell Police Officers' Association

By: 

Name: JOHN BEAUCHEMIN

Attachments

Attachment 1: Grant Deed

Attachment 2: Board of Supervisors Resolution No. 14-34

Attachment 3: Resolution No. 1224-2014

Attachment 3: Certificate of Acceptance

Certificate of Acknowledgment

State of California)
County of Humboldt)

On May 23, 2014 before me, Ana G. Hartwell, Deputy Clerk of the Humboldt County Board of Supervisors, personally appeared REX BOHN, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



EXHIBIT A, PAGE 2

THENCE, FROM A TANGENT THAT BEARS N 33°26'26" W, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40 FEET, THROUGH AN ANGLE OF 86°06'12", A DISTANCE OF 60.11 FEET TO THE POINT OF CUSP OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 330 FEET (A RADIAL LINE THROUGH SAID POINT BEARS N 29°32'38" W);

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH AN ANGLE OF 21°43'09", A DISTANCE OF 125.09 FEET TO THE POINT OF BEGINNING.

ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN THE ABOVE DESCRIBED PARCEL B.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE GRID BASED ON THE CALIFORNIA CO-ORDINATE SYSTEM, ZONE 1. MULTIPLY DISTANCES SHOWN BY 1.0000932 TO OBTAIN GROUND DISTANCES.

ROTATE GRID BEARINGS REPORTED HERE COUNTER-CLOCKWISE 01°26'34" TO OBTAIN TRUE (GEODETIC) BEARINGS. SEE 68 SURVEYS, PAGES 131-135.

PARCEL C: METROPOLITAN ROAD EXTENSION (3G106)

BEING A PORTION OF THE LAND DESCRIBED AS THE "OLD COUNTY ROAD" WITHIN DETAILS 'B', 'C' AND 'D' AS SHOWN ON SHEET 4 OF THE RECORD OF SURVEY FOR THE CITY OF RIO DELL AS FILED MAY 3, 2011 IN BOOK 68 OF SURVEYS, PAGES 131 THROUGH 135 , HUMBOLDT COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE OLD COUNTY ROAD AND THE WEST FENCELINE OF THE BUNDESON PARCEL AS SHOWN ON DETAIL 'C' OF SAID RECORD OF SURVEY FOR THE CITY OF RIO DELL;

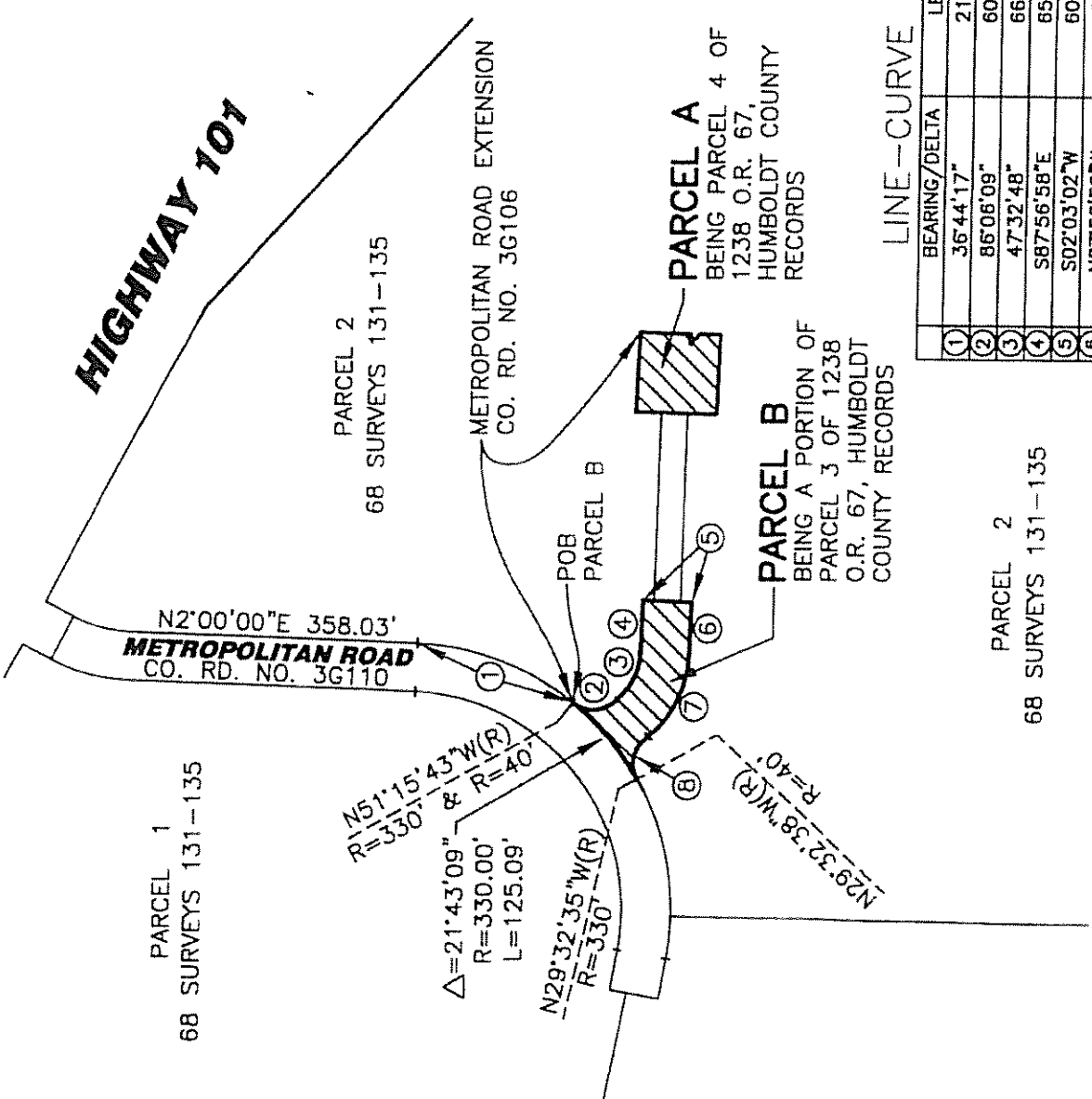
THENCE WESTERLY ALONG SAID SOUTH LINE NORTH 88°38'34" WEST 493.15 FEET;

THENCE NORTH 85°52'33" WEST 156.06 FEET TO A POINT ON THE SOUTHERLY LINE OF PARCEL 3 AS DESCRIBED IN THE RELINQUISHMENT OF HIGHWAY RIGHT OF WAY, RECORDED MAY 6, 1974 IN BOOK 1238, PAGE 67 OF OFFICIAL RECORDS OF HUMBOLDT COUNTY. SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 330.03 FEET. A RADIAL LINE THROUGH SAID POINT BEARS NORTH 12° 13' 33" WEST;

THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 14°21'08" AND AN ARC LENGTH OF 82.67 FEET TO THE NORTH LINE OF SAID "OLD COUNTY ROAD";

EXHIBIT A, PAGE 4

NOTE: IN THE EVENT THE INFORMATION SHOWN ON THIS PLAT DIFFERS FROM THAT SHOWN WITHIN THE ATTACHED LEGAL DESCRIPTION, THE LEGAL DESCRIPTION SHALL HOLD.



LINE-CURVE DATA TABLE

	BEARING/Delta	LENGTH	RADIUS
①	36°44'17"	211.60'	330'
②	86°08'09"	60.11'	40.00'
③	47°32'48"	66.39'	80.00'
④	S87°56'58"E	65.83'	
⑤	S02°03'02"W	60.00'	
⑥	N87°56'58"W	65.83'	
⑦	47°32'48"	116.18'	140.00'
⑧	86°06'12"	60.11'	40.00'

PARCEL 2
68 SURVEYS 131-135

**GUTIERREZ
LAND
SURVEYING**
826 MADRONE AVENUE, EUREKA, CA 95503

ROAD VACATION EXHIBIT
METROPOLITAN ROAD EXTENSION (3G106)
COUNTY OF HUMBOLDT, CALIFORNIA

JOB NO.: 10118.2
DATE: OCT 25, 2012
NAME: RD ABANDON
SCALE: 1"=200'

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of April 22, 2014

RESOLUTION NO. 14-34

**RESOLUTION TO SUMMARILY VACATE METROPOLITAN ROAD EXTENSION (3G106)
IN THE METROPOLITAN (RIO DELL) AREA**

WHEREAS, a county street for purposes of the Public Streets, Highways, and Service Easements Vacation Law (Streets and Highways Code § 8300 *et seq.*) includes all or part of, or any right in, a public highway, road, street, avenue, alley or lane (Streets and Highways Code § 8308); and

WHEREAS, the hereafter described Metropolitan Road Extension (3G106), a county road, is excess right-of-way not required for road purposes and that portion is surrounded by property under one ownership and does not continue through such ownership or end touching property of another, thereby meeting the requirements of Streets and Highways Code § 8334 (a) and (b); and

WHEREAS, there are no public utility facilities in place that are in use or would be affected by the vacation of said portion of the county road; and

WHEREAS, this summary vacation is made pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, § 8330 *et seq.*; and

WHEREAS, the vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code § 65402(a) and Resolution No. 72-69; and

WHEREAS, the vacation is in conformity with the General Plan; and

WHEREAS, the vacation will have no significant environmental effect and is exempt from the California Environmental Quality Act (CEQA) as per the provisions in the Guidelines for Implementation of CEQA, 14 California Code of Regulations §§ 15301 and 15305.

NOW, THEREFORE, BE IT RESOLVED that:

SECTION 1. The Board of Supervisors finds that all of the recitations made hereinabove are true and correct.

SECTION 2. The Metropolitan Road Extension (3G106), a county road, described in Exhibit A, which is attached hereto and made a part hereof by reference, is excess right-of-way not required for road purposes and that portion is surrounded by property under one ownership and does not continue through such ownership or end touching property of another.

SECTION 3. There are no public utility facilities in place that are in use or would be affected by the vacation of said portion of county road.

SECTION 4. The summary vacation is pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, and specifically § 8334 (a) and (b).

///

RESOLUTION NO. 1224 – 2014



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL ACCEPTING THE DEED FROM THE COUNTY OF HUMBOLDT CONVEYING A PORTION OF METROPOLITAN ROAD TO THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATE OF ACCEPTANCE:

WHEREAS as part of the City's wastewater treatment plant project the City made application to the County to abandon, vacate and convey a portion of old Metropolitan Road which traverses a portion of the City's effluent disposal fields to the City; and

WHEREAS although the City made application to the County in 2011, due to limited staff the County recently completed the formal process of vacating that portion of the Metropolitan Road extension; and

WHEREAS, the County determined that the Metropolitan Road extension, a County road, is excess right-of-way not required for road purposes and that portion is surrounded by property under one ownership and does not continue through such ownership or end touching property of another, thereby meeting the requirements of Streets and Highways Code § 8334 (a) and (b); and

WHEREAS the Board of Supervisors approved the vacation and grant deed at their meeting of April 22, 2014; and

WHEREAS the summary vacation was made pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, § 8330 *et seq.*; and

WHEREAS, the County determined that the vacation will not have a significant environmental effect and is exempt from the California Environmental Quality Act (CEQA) as per the provisions in the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15301 and 15305.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell accepts the Grant deed and authorizes the City Manager to execute Certificate of Acceptance.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



**City of Rio Dell
Certificate of Acceptance**

This is to certify that the interest in the real property conveyed by Deed from the County of Humboldt, a political subdivision of the State of California dated May 23, 2014 to the City of Rio Dell, a municipal corporation is hereby accepted by order of the undersigned officer on behalf of the City of Rio Dell pursuant to the authority conferred by Resolution No. 1202-2013, dated June 4, 2013.

Dated _____

**James R. Stretch, City Manager
City of Rio Dell**

State of California
County of Humboldt

On _____ before me, _____

personally appeared James R. Stretch who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF RIO DELL AND EEL RIVER DISPOSAL
COMPANY, INC. TO ESTABLISH THE CITY'S GREEN
WASTE CURBSIDE COLLECTION PROGRAM**

This Memorandum of Understanding is entered into as of June 1, 2014 between Eel River Disposal Company, Inc. ("ERD") and the City of Rio Dell ("City").

RECITALS

- A. WHEREAS, ERD holds the exclusive franchise from the City for the collection of solid waste and the exclusive right to collect recyclable materials placed at curbside (the "Franchise Agreement") and**
- B. WHEREAS, the Franchise Agreement defines recyclable materials to include yard trimmings ("Green Waste") and**
- C. WHEREAS, ERD and the City are interested in (1) gauging and generating interest in, (2) understanding the extent of the expected costs and (3) judging the value of the particular approaches of collecting Green Waste, and**


NOW, THEREFORE, the City and ERD agree to this Memorandum of Understanding to create a trial program for the collection of Green Waste within the City:

- 1. From as soon after such date as the City executes this Agreement that ERD can proceed to May 31, 2015, there will be a program for the collection and reuse of Green Waste.**
- 2. The program will involve the use of supplied specially designated sixty eight gallon Green Waste totes which will be picked up every other week during the Program. ERD will establish rules governing the location and placement of totes for pick up and the non-contamination of material. The Green Waste will be transported to the City of Fortuna's corporation yard. If this use of the material becomes unavailable or not fully available, the Program shall be suspended until ERD and the City can agree on a new delivery point and any other needed changes to the terms of the Program.**
- 3. The participants in the Program must specially sign up for the participation in the Program. Participants will pay \$ 3.00 per month for the service during the Program. The cost of the service will be added to the participant's current garbage or recycling service bill and is available to private residents, multifamily housing and businesses.**
- 4. The City, with the advice and review of ERD will provide Program publicity in a similar manner as the Single Stream Recycling Collection Program under the Franchise Agreement and ERD will also provide Green Waste publicity to its current customers along with its billing for service.**

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
June 17, 2014**

TO: Mayor and Members of the City Council
THROUGH:  Jim Stretch, City Manager
FROM: Brooke Woodcox, Finance Director
DATE: June 17, 2014
SUBJECT: Gann Appropriations Limits for the year 2014-2015

RECOMMENDATIONS

Adopt Resolution No. 1226 -2014 adopting the Gann Appropriations Limit for the year 2014-2015.

BACKGROUND AND DISCUSSION

Article XIII B of the California State Constitution, more commonly referred to as the Gann Initiative or Gann Appropriations Limit, was adopted by California voters in 1980 and placed limits on the amount of proceeds of taxes that state and local governmental agencies can appropriate and spend each year.

The limit is different for each agency and changes every year. The limit each year is based on the amount of tax proceeds that were authorized to be spent in Fiscal Year 1978-1979 in each agency and is modified for changes in inflation and population in each subsequent year. Inflationary adjustments are, by law, based on increases in the California per capita income or the increase in non-residential assessed valuation due to new construction. Population adjustments are based on city population growth or county population growth. The annual adjustment factors used in making this calculation are the cost of living adjustment-CPI based on the percentage change in California per capita income and the population adjustment based on the annual population change for the City.

The Appropriations Limit for fiscal year 2014-2015 is \$1,070,863.67. This is the maximum amount of tax proceeds the City will be able to appropriate and spend this fiscal year.

RESOLUTION NO. 1226-2014

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF RIO DELL
ADOPTING GANN APPROPRIATIONS LIMIT
FOR THE YEAR 2014-2015**

WHEREAS, the voters of the State of California in November 1979 approved Proposition 4, commonly known as the Gann Initiative; and

WHEREAS, the Proposition created Article XIII B of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of the government within the State; and

WHEREAS, these limits require a municipality to determine an appropriations limit each year in accordance with a formula set forth by state law; and

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Rio Dell hereby adopts the Gann Appropriations limit of \$1,070,863.67 for year 2014-2015.

I HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 17th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

On May 14, 2014, I participated in a DocStar demo presented by Jeff White of CBC along with other agencies at the River Lodge. Initially the thought was that we would be able to connect to the server at the police department and simply purchase two (2) additional user licenses, however; after speaking with Nylex, the City's computer consultants, their recommendation is that the software be installed on the server in the finance department because of certain security levels related to the police department. The DocStar System Software includes a monthly lease payment of \$138.00/month based on a 60 month lease and includes one (1) user license, one (1) year of DocStar Software (additional years are optional at \$269.25/year) and a six (6) month warranty on all parts and labor. The cost for one (1) additional license, which is what staff is recommending, is \$55.00/month for a total monthly charge of \$193.00 plus tax. At the end of six (6) months, a maintenance agreement is available for \$1,195.00/year however; CBS indicated that if we need additional formatting done, they are willing to provide assistance to us free of charge so a maintenance agreement may not be necessary. Initially, we anticipated an additional cost for the purchase of a Kodak i2400 scanner at \$650.00 however; it turns out that the Police Department has an extra scanner that they are willing to provide to City staff for this purpose.

Attachments:

DocStar Information Sheet
CBS Proposal

DocSTAR System Software

- Patented Authentidate function assures authenticity and date-of-creation.
- Built in third party verification by the United States Post Office.
- Multiple users can access the same document at the same time.
- Instantaneous retrieval of documents.
- Reclaim office space, eliminate lost or misplaced files, and reduce the need to store documents.

Includes: Database: SQL Express
 1 DocSTAR User License
 DocStar System Software
 1 Kodak i2400 Scanner
 One Year of DocSTAR Software (Additional years are optional, \$269.25)
 Six Month All Parts and Labor Warranty

Installation and Warranty

Coastal Business Systems, Inc. will provide professional services consisting of the following:

- Evaluation of your existing filing scheme
- Analysis of desired future retrieval needs
- Configuration of security features
- Implementation of template design (rules configuration)
- Key Operator and End user training

Annual Maintenance Agreement

Option #1

An annual maintenance agreement is an available option at \$1,195.00 per year. This agreement is available after the completion of your initial six (6) month all parts and labor warranty, which is included with the initial investment. **Preventative maintenance is scheduled every 90 days on the host.** This agreement covers all aspects of your DocSTAR System software.

Option #2

Maintenance and support may be purchased on a per hour rate. The current per hour rate is \$140.00.

Option #3

Time Blocks. Reduce the hourly rate by purchasing time blocks. Please see below for these options.

- 10 hours for \$1,100.00
- 20 hours for \$1,900.00
- 30 hours for \$2,400.00

Safe. Flexible. Accessible.

Guaranteed Authenticity...

- * With docSTAR Authentication, docSTAR time and date stamps every image, creating a "super original" that assures authenticity and date-of-creation at a level impossible for paper documents to achieve.

Flexible Solutions...

- * Flexible filing options can be combined or used separately to meet your needs.
- * Import software captures documents from most Windows programs — imports and stores image files from digital cameras and copiers, plus files converted from microfilm.
- * Handy annotation feature lets you add highlights, sticky notes or other annotations to any document without altering the original.

Safety from Disaster...

- * docSTAR's unique two-tier storage system with RAID (Redundant Array of Independent Disks) and optical media, provide unsurpassed safety from disaster.

Bulletproof Privacy Protection...

- * You may classify private or sensitive documents to allow access only to authorized users.

Documents on the Road...

- * Standard PCs linked on a LAN or WAN can scan, view, fax, print, or email documents stored on a shared docSTAR.
- * docSTAR offers the choice of **WebView** and **NetConnect** for accessing your documents over the Internet.
- * Export documents for viewing on a notebook or other PC — enabling you to take documents home, on the road, or anywhere you need them.

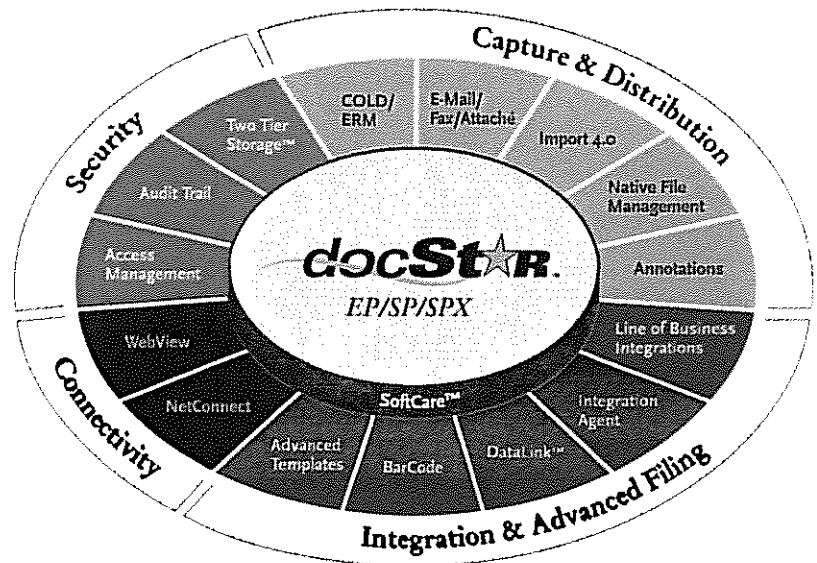
Less work. More profits.

docSTAR bolsters your bottom line by letting you:

- * Reclaim office space
- * Increase efficiency
- * Improve responsiveness to your customers
- * Eliminate the chaos of misplaced or lost files
- * Access documents instantly and easily from any PC, across a LAN, WAN or via the Internet

Yet what really sets docSTAR apart is its natural fit into your business operations. Your people will want to use docSTAR because it's easy to learn and use.

Plus, it eliminates costly integration woes, so you'll be up and running quickly and painlessly.




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675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: June 17, 2014

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim  Stretch, City Manager

Date: June 10, 2014

Subject: Establish Residential Multifamily Zoning and General Plan Designations and Rigby Avenue Urban Residential to Residential Multifamily and City Parking Lot Town Center to Public Facility General Plan Amendments and Zone Reclassifications and the establishment of Emergency Shelters/Transitional Housing Regulations.

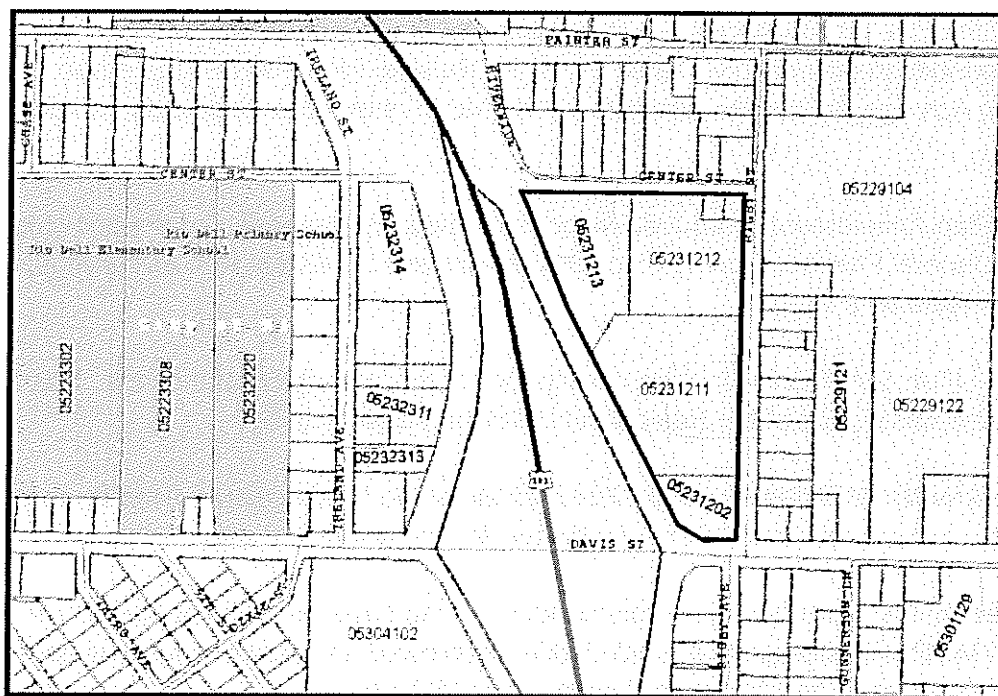
Recommendation:


That the City Council:

1. Introduce Ordinance No. 321-2014 and Resolution No. 1220-2014 and receive staff's report regarding recommending that the City:
 - A. Establish a Residential Multifamily (RM) Zoning and General Plan Designation; and
 - B. Redesignate approximately 8.7 acres from Urban Residential to Residential Multifamily; and
 - C. Redesignate the downtown City Parking Lot from Town Center to Public Facility; and
 - D. Amend Table 1-1 of the General Plan, Rio Dell Land Use Designation Acreage Distribution, to reflect the above mapping changes; and
 - E. Amend Table 1-2 of the General Plan to include the Residential Multifamily designation; and

sessions, at the Planning Commission and City Council hearings during the 2008 General Plan Update.

Staff is recommending that six (6) parcels along Rigby Avenue and Center Street be redesignated from Urban Residential (UR) to Residential Multifamily (RM). Below is a map identifying those parcels recommended to be redesignated from Urban Residential to Residential Multifamily.



 Area to be Redesignated

Staff has provided notice and a copy of the proposed development standards, included as **Attachment 1**, to the property owners of the parcels recommended to be redesignated. Only one property owner contacted the City and they indicated that they support the recommended changes.

C. City Parking Lot, Town Center to Public Facility: It was recently brought to staff's attention that the downtown City parking lot is currently designated Town Center. All other public lands within the City are designated Public Facility. Below is a copy of the land use description for the Public Facility designation:

***Public Facility (PF):** The Public Facility designation provides for lands that are reserved for civic, recreation and cultural uses. There is no minimum lot size or open space requirement.*

The City parking lot is .24 acres. Redesignating the parcel from Town Center to Public Facility requires that Table 1-1 Rio Dell Land Use Designation Acreage Distribution be revised to reflect the change. Currently there is about 25.1 acres designated Public Facility and about 10.7 acres

the Government Code as it relates to zoning for emergency homeless shelters and transitional and supportive housing. SB 2 mandates that cities and counties statewide to bring their zoning ordinances into conformance with the new state requirements.

The purpose of the SB 2 revisions was to support the needs of the homeless by removing barriers to and increasing opportunities for development and/or operation of emergency shelters and transitional and supportive housing facilities in California. The revised Government Code (State Law) now requires that:

- 1) All cities and counties must identify one or more specific zones where emergency shelters are principally permitted without the need for a conditional use permit or other discretionary action; and
- 2) Transitional and supportive housing must be explicitly identified as principally permitted residential uses and subject to the same development standards and permitting procedures as traditional residential uses.

As part of the 2010/2011 Housing Element update process, the City adopted a General Plan policy that emergency homeless shelters will be recognized as a principally permitted use in the Town Center zone. The Department of Housing and Community Development (HCD) required this policy as a condition of their certification of the Housing Element. HCD certified the current Housing Element on April 12, 2011. At that time the City informed HCD that the policy would be implemented in December of 2011. An emergency homeless shelter is defined by State law as:

"Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay."

The above definition is taken directly from the State's Health and Safety Code and this is the language that is proposed for the City's Zoning Regulations, Section 17.10 of the Rio Dell Municipal Code.

State law allows local jurisdictions to set the same operational standards for emergency shelters such that apply to residential or commercial development within the same zone except that the City may apply written, objective standards that include all of the items allowed by the State and listed in the Housing Element policy, limited to the following:

- 1) Maximum number of beds
- 2) Off-street parking based upon demonstrated need
- 3) Size and location of shelter
- 4) Proximity to other shelters
- 5) Length of stay
- 6) Security during hours when the shelter is open

These standards allowed by State Law will be incorporated into the proposed Ordinance and are included below:

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

The establishment of Emergency Shelters and Transitional Housing opportunities is consistent with Policies C-1 and C-2 of the Housing element. In addition, item B-4 of the Housing Element's Action Plan requires the City to enact regulations implementing SB 2.

With these recommended changes, staff believes the amendments are consistent with an overall comprehensive view of the General Plan.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

The proposed Urban Residential to Residential Multifamily redesignation will have little if any impact to the parcels and the surrounding properties. Five of the six parcels are already developed and there have been preliminary discussions with a local developer regarding the development of a twenty-six (26) unit senior housing project. Although there is a possibility of an agency establishing an Emergency Shelter/Transitional Housing on the vacant parcel, staff believes the recommended operational standards will minimize potential impacts to the area.

Redesignating the City Parking Lot from Town Center to Public Facility will not result in any on the ground changes. The parcel is currently used as a parking lot and will continue to be used as a parking lot.

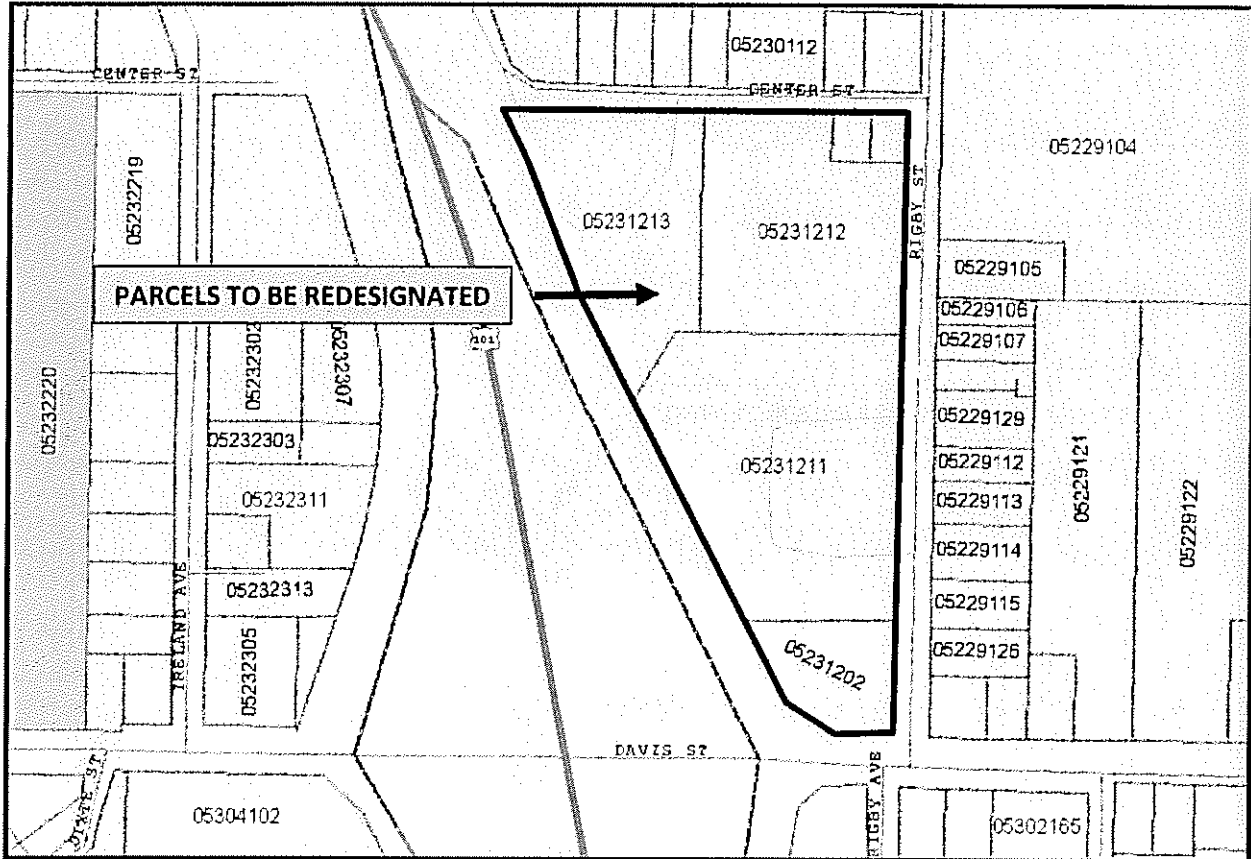
The other text amendments to Tables 1-1 and 1-2 of the General Plan are also very minor and there is no evidence or reason to believe that they would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Urban Residential to Residential Multifamily: All but one of the parcels to be redesignated from Urban Residential (UR) to Residential Multifamily (RM) is developed. Currently development of the vacant parcel is Categorically Exempt pursuant to Section 15332 (In-Fill Development) of the CEQA Guidelines. Based on Section 15332 of the CEQA Guidelines, the proposed amendments are Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

Town Center to Public Facility: The property is currently used for a public parking lot and will continue to be used as a public parking lot. There will be no change in the use of the property. Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for



**2014 Quarterly General Plan Amendments and Zone Reclassifications
Urban Residential to residential Multifamily**

Urban Residential to Residential Multifamily

17.20.035 Residential Multifamily or RM zone.

The purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses. The following regulations shall apply in all Residential Multifamily or RM zones:

(1) Principal Permitted Uses.

- (a) Detached single-family dwellings, multiple dwellings and dwelling groups;
- (b) Community Care Facility for six (6) or fewer individuals;
- (c) Family Day Care Home for twelve (12) or fewer children, including children who reside at the residence;
- (d) Emergency Shelters/Transitional Housing subject to the operational standards in Section 17.30.079;

(2) Uses Permitted with a Use Permit.

- (a) Mobilehome and Recreational Vehicle Parks;
- (b) Community Care Facility for seven (7) or more individuals;
- (c) Family Day Care Home for twelve (13) or more children, including children who reside at the residence;
- (d) Public and private non-commercial recreation facilities;
- (e) Churches, civic and cultural uses
- (f) Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone

(3) Other Regulations. See Table 17.20.140 for development standards for the Residential Multifamily (RM) zone.

Table 17.20.035
Development Standards for the Residential Multifamily or RM Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet, but not less than 600 square feet for each dwelling unit
Maximum Ground Coverage:	60%
Minimum Lot Width:	60 feet
Minimum Yards	
Front:	20 feet



**City of Rio Dell General Plan
Table 1-1 Rio Dell Land Use Designation Acreage Distribution**

Land Use Designation		City		SOI		Total	
		Acreage	%	Acreage	%	Acreage	%
R	Rural	334.0	21.2%	160	100%	494.0	28.6%
SL	Suburban Low	250.9	16.3%	0	0.0%	250.9	14.6%
SM	Suburban Medium	0	0.0%	0	0.0%	0	0.0%
SR	Suburban Residential	6.0	0.3%	0	0.0%	6.0	0.3%
UR	Urban Residential	361.0	22.8%	0	0.0%	361.0	21.0%
		352.3	22.3%			352.3	20.2%
RM	Residential Multifamily	8.7	.005%			8.7	.005%
TC	Town Center	40.7	0.8%	0	0.0%	10.7	0.6%
		10.5				10.5	
NC	Neighborhood Commercial	6.0	0.3%	0	0.0%	6.0	0.3%
CC	Community Commercial	33.0	2.1%	0	0.0%	33.0	1.9%
I	Industrial	0	0.0%	0	0.0%	0	0.0%
IC	Industrial Commercial	95.0	6.0%	0	0.0%	95.0	5.5%
NR	Natural Resources	183.0	11.6%	0	0.0%	183.0	10.5%
PF	Public Facility	25.1	1.6%	0	0.0%	25.1	1.4%
		24.9				24.9	
	Road Rights of Way/River	266.0	16.8%	0	0.0%	266.0	15.3%
Totals:		1578.9	100%	160	100%	1738.9	100%

2014 Quarterly General Plan Amendments and Zone Reclassifications
8.7 Acres Urban Residential to Residential Multifamily
.24 Acres City Parking Lot from Town Center to Public Facility

ORDINANCE NO. 321 – 2014



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL (1) ESTABLISHING A RESIDENTIAL MULTIFAMILY ZONING DESIGNATION, SECTION 17.20.035 OF THE RIO DELL MUNICIPAL CODE; (2) A ZONE RECLASSIFICATION REDESIGNATING APPROXIMATELY 8.7 ACRES FROM URBAN RESIDENTIAL TO RESIDENTIAL MULTIFAMILY; (3) A ZONE RECLASSIFICATION REDESIGNATING THE DOWNTOWN CITY PARKING LOT FROM TOWN CENTER TO PUBLIC FACILITY; (4) ESTABLISHING EMERGENCY SHELTERS/TRANSITIONAL HOUSING REGULATIONS, SECTION 17.30.079 OF THE RIO DELL MUNICIPAL CODE; (5) AMENDING SECTION 17.10 OF THE RIO DELL MUNICIPAL CODE, DEFINITIONS TO INCLUDE EMERGENCY SHELTERS/TRANSITIONAL HOUSING.

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS the California Department of Housing and Community Development (HCD) recently informed the City that the minimum density for multifamily development is required to be 15 units per acre; and

WHEREAS the City is required to establish a land use designation allowing up to 15 units per acre prior to the State's approval the updated Housing Element; and

WHEREAS the City does not currently have a residential multifamily land use designation; and

WHEREAS the Urban Residential designation does allow attached dwelling units (multifamily development) and a density of up to ten (10) units per acre; and

WHEREAS the Planning Commission recommended that six (6) parcels along Rigby Avenue and Center Street be redesignated from Urban Residential (UR) to Residential Multifamily (RM); and

WHEREAS the purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses; and

WHEREAS the Planning Commission recommended that the Residential Multifamily designation allow a density of up to fifteen (15) units per acre; and

WHEREAS the purpose of the recommended operational standards is to help minimize potential adverse impacts to surrounding property owners; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are in the public interest, are consistent and compatible with the General Plan and any implementation programs that may be affected, are not detrimental to the public health, safety and welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Establishment of Section 17.20.035 Residential Multifamily or RM Zone

The purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses. The following regulations shall apply in all Residential Multifamily or RM zones:

(1) Principal Permitted Uses.

(a) Detached single-family dwellings, multiple dwellings and dwelling groups;

(b) Community Care Facility for six (6) or fewer individuals;

(c) Family Day Care Home for twelve (12) or fewer children, including children who reside at the residence;

(d) Transitional housing and emergency shelters subject to the operational standards in Section 17.30.079;

(2) Uses Permitted with a Use Permit.

(a) Mobilehome and Recreational Vehicle Parks;

(b) Community Care Facility for seven (7) or more individuals;

stories.

Maximum Building Height: 45 feet

All new multifamily development is subject to the City's Design Review regulations, Section 17.25.050

The following Design Concepts apply to the review of residential multi-family development. The City encourages:

- ◆ Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.
- ◆ Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.
- ◆ Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.
- ◆ High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.
- ◆ The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.
- ◆ Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.
- ◆ Ensure that design provisions do not preclude the development of multifamily housing affordable to all income levels.

Section 2.

Zoning Map Amendments

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to redesignate Assessor Parcel Numbers (APN's) 052-312-002, -004, -005, -011, -012 & -013 as shown in Exhibit A from Urban Residential to Residential Multifamily.

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to redesignate Assessor Parcel Numbers (APN) 053-141-021 as shown in Exhibit B from Town Center to Public Facility.

(h) Screening. An outside waiting and recreation area adequate in size to serve the residents shall be fenced and screened from view.

(i) Individual Space. Each resident shall be provided a minimum of 50 gross square feet of living space (per 2013 California Building Code for the dormitories function of Table 1004.1.1), not including space within common areas.

(j) Security. Security shall be provided on site during hours of operation.

(k) Staffing. On-site management by at least one emergency shelter staff member shall be provided at all times while residents are present at the shelter.

(l) Lighting. Shelter lighting shall be provided on all exterior walls, and shall be directed downward.

4. Management

Prior to commencing operation, the emergency shelter/transitional housing provider must have a written management plan, approved by the community development director, confirming that the following items (at a minimum) are provided for:

(a) Staff training;

(b) Staff TB screening in compliance with Humboldt County Health Department standards;

(c) Resident identification process;

(d) Neighborhood outreach;

(e) Policies regarding pets;

(f) The timing and placement of outdoor activities;

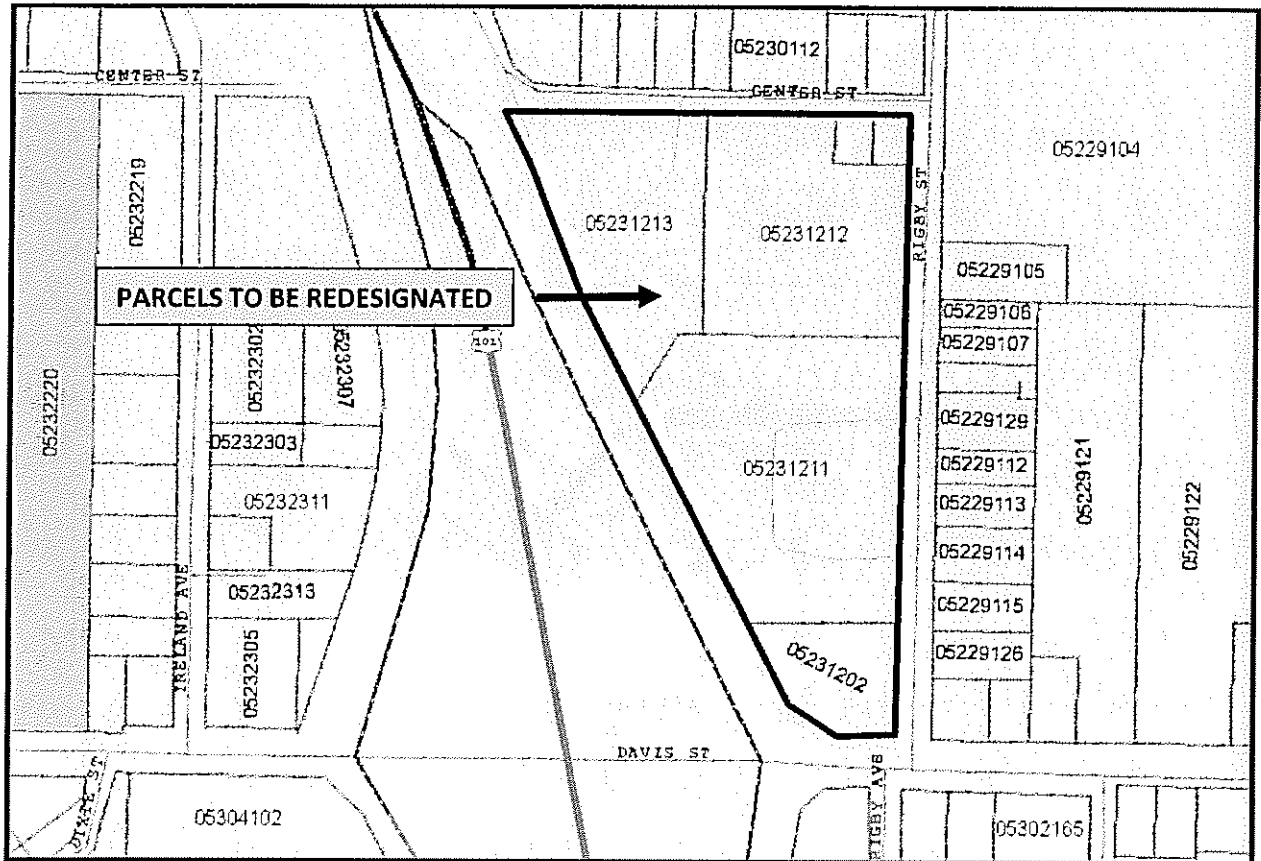
(g) Temporary storage of residents' personal belongings;

(h) Safety and security.

Section 4 Establishment of the definition of Emergency Shelter/Transitional Housing

Section 17.10.010, Definitions, of the Rio Dell Municipal Code is hereby amended to include the following definition:

“Emergency Shelter/Transitional Housing” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.



**2014 Quarterly General Plan Amendments and Zone Reclassifications
Urban Residential to residential Multifamily**

Urban Residential to Residential Multifamily

RESOLUTION NO. 1220 – 2014



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL (1) A GENERAL PLAN ESTABLISHING A RESIDENTIAL MULTIFAMILY GENERAL PLAN DESIGNATION; (2) A GENERAL PLAN AMENDMENT REDESIGNATING APPROXIMATELY 8.7 ACRES FROM URBAN RESIDENTIAL TO RESIDENTIAL MULTIFAMILY; (3) A GENERAL PLAN AMENDMENT REDESIGNATING THE DOWNTOWN CITY PARKING LOT FROM TOWN CENTER TO PUBLIC FACILITY; (4) A GENERAL PLAN AMENDMENT AMENDING TABLE 1-1 OF THE GENERAL PLAN, RIO DELL LAND USE DESIGNATION ACREAGE DISTRIBUTION, TO REFLECT THE MAPPING CHANGES; (5) A GENERAL PLAN AMENDMENT AMENDING TABLE 1-2 OF THE GENERAL PLAN TO INCLUDE THE RESIDENTIAL MULTIFAMILY DESIGNATION:

WHEREAS the California Department of Housing and Community Development (HCD) recently informed the City that the minimum density for multifamily development is required to be 15 units per acre; and

WHEREAS the City is required to establish a land use designation allowing up to 15 units per acre prior to the State's approval the updated Housing Element; and

WHEREAS the City does not currently have a residential multifamily land use designation; and

WHEREAS the Urban Residential designation does allow attached dwelling units (multifamily development) and a density of up to ten (10) units per acre; and

WHEREAS the Planning Commission recommended that six (6) parcels along Rigby Avenue and Center Street be redesignated from Urban Residential (UR) to Residential Multifamily (RM); and

WHEREAS the purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses; and

WHEREAS the Planning Commission recommended that the Residential Multifamily designation allow a density of up to fifteen (15) units per acre; and

WHEREAS the purpose of the recommended operational standards is to help minimize potential adverse impacts to surrounding property owners; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are in the public interest, are consistent and compatible with the General Plan and any implementation programs that may be affected, are not detrimental to the public health, safety and welfare; and

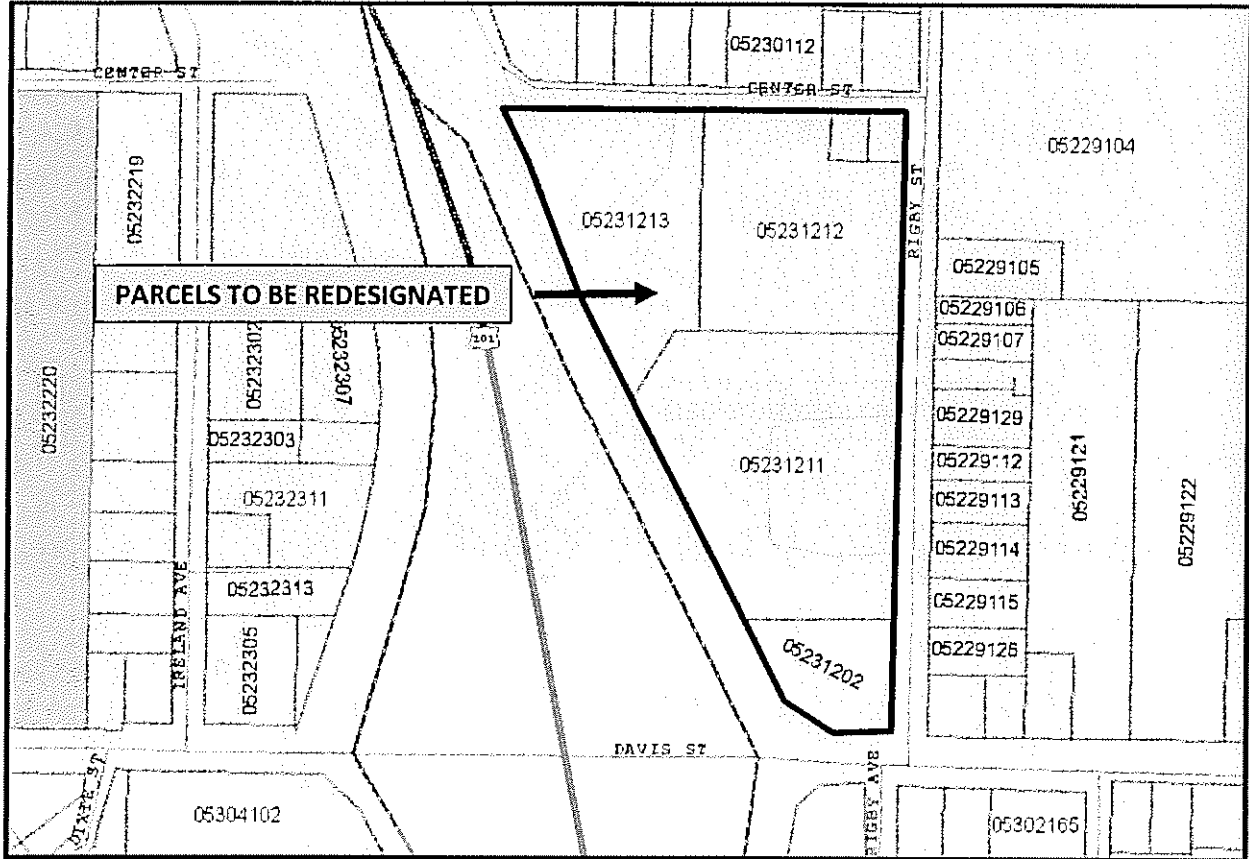
WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell finds that:

1. The proposed amendments are in the public interest; and
2. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
3. The proposed amendments are not detrimental to the public health, safety and welfare; and
4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA)

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of the City of Rio Dell approves the following General Plan Amendments to:

1. Establish a Residential Multifamily (RM) General Plan Land Use Designation; and
2. Redesignate approximately 8.7 acres from Urban Residential to Residential Multifamily as shown in Exhibit A; and
3. Redesignate the downtown City Parking Lot from Town Center to Public Facility as shown in Exhibit B; and
4. Amend Table 1-1 of the General Plan as shown in Exhibit C, Rio Dell Land Use Designation Acreage Distribution, to reflect the above mapping changes; and



**2014 Quarterly General Plan Amendments and Zone Reclassifications
Urban Residential to Residential Multifamily**

Urban Residential to Residential Multifamily



**City of Rio Dell General Plan
Table 1-1 Rio Dell Land Use Designation Acreage Distribution**

Land Use Designation		City		SOI		Total	
		Acreage	%	Acreage	%	Acreage	%
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SM	Suburban Medium	0	0.0%	0	0.0%	0	0.0%
SR	Suburban Residential	6.0	0.3%	0	0.0%	6.0	0.3%
UR	Urban Residential	361.0	22.8%	0	0.0%	361.0	21.0%
		352.3	22.3%			352.3	20.2%
RM	Residential Multifamily	8.7	.005%			8.7	.005%
TC	Town Center	10.7	0.8%	0	0.0%	10.7	0.6%
		10.5				10.5	
NC	Neighborhood Commercial	6.0	0.3%	0	0.0%	6.0	0.3%
CC	Community Commercial	33.0	2.1%	0	0.0%	33.0	1.9%
I	Industrial	0	0.0%	0	0.0%	0	0.0%
IC	Industrial Commercial	95.0	6.0%	0	0.0%	95.0	5.5%
NR	Natural Resources	183.0	11.6%	0	0.0%	183.0	10.5%
PF	Public Facility	25.1	1.6%	0	0.0%	25.1	1.4%
		24.9				24.9	
	Road Rights of Way/River	266.0	16.8%	0	0.0%	266.0	15.3%
Totals:		1578.9	100%	160	100%	1738.9	100%

2014 Quarterly General Plan Amendments and Zone Reclassifications
8.7 Acres Urban Residential to Residential Multifamily
.24 Acres City Parking Lot from Town Center to Public Facility



*Rio Dell City hall
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Rio Dell, CA 95562
(707) 764-3532
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June 17, 2104

TO: Rio Dell City Council
FROM: Jim  Stretch, City Manager

SUBJECT: Public Hearing and First Reading of Wastewater Ordinance 322-2014 concerning the removal of wastewater fees from the City Municipal Code Ordinance for placement in Resolution 1222-2014, and payment of new connection fees.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Introduction and first reading (by title only) of Ordinance 322-2014 to amend Rio Dell Municipal Code (RDMC) Section 13.10.130, noting when wastewater fees are due and transferring wastewater fee authority from the Code to Resolution 1222-2014, and
2. Open Public Hearing and receive public testimony on Ordinance 322-2014, and
3. Continue the public hearing for a Second Reading on Ordinance 322-2014 on July 1, 2014

BACKGROUND AND DISCUSSION

On May 20, 2014 the City Council by motion and unanimous vote accepted staff's recommendation on the proposed wastewater rate study as set forth in the May 14, 2014 rate study by Bartle Wells Associates. As you recall, the recommendation was to change the wastewater rates from a fixed \$76.16 /month to a rate structure of 70% fixed (\$47.01/month) and 30%/month determined by volume and strength of water usage, based on the survey month of the preceding December, January and February. The Council was ready to take an action on May 20, 2014, but the applicable Resolution and Ordinance was not prepared. The Council directed that the public hearing be continued and for staff to return with the necessary Resolution 1222-2104 and Ordinance 322-2014, which are presented this evening as separate items.

Ordinance 322-2014 proposes minor changes to Section 13.10,130 of the RDMC, deleting the fee language concerning fees for new sewer connection, in favor of establishing them in Resolution 1222-2014 also on the agenda this evening. This amendment is desirable because Resolutions are much easier to amend for whatever reason in the future.

The second minor amendment to Section 13.10.130 provides that connection fees are payable when the building permit application is filed, prior to construction.

ORDINANCE 322-2014

WHEREAS, the City of Rio Dell adopted Resolution 1222-2014 on June 24, 2014 to establish new wastewater fees based on volume, to be effective August 1, 2014, and

WHEREAS, Rio Dell Municipal Code Section 13.10.130 contains wastewater fees for new connections that are included in Resolution 1222-2014, thus making the Section obsolete, and

WHEREAS, the Rio Dell Municipal Code needs to be amended to establish that the City Council may adopt sewer fees and charges by Resolution from time to time as they deem appropriate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Rio Dell does hereby ordain as follows:

Section 1. Amendments

Chapter 13.10

SEWER RATES AND REGULATIONS

Sections:

Article I. In General

13.10.010 Definitions.

13.10.020 Department rules and regulations – Modifying rates.

13.10.030 Settlement of disputes between consumer and City.

13.10.040 Repealed.

13.10.050 Connections prohibited.

13.10.060 Distance of sewer or gas service from water service.

13.10.070 Repairs to sewer lines by the City.

13.10.080 Shutting off water.

13.10.280 Connection service pipe to system – Premises to be left as originally found upon completion of tests – Notice to City – Liability of plumber and customer.

13.10.290 Bill to be rendered after connection.

13.10.300 Liability of customer for damages to system.

13.10.310 Cutting off or interfering with sewer service.

13.10.320 Application for stopping sewer service bill to be rendered.

13.10.330 Nuisance abatement.

13.10.340 Sewage not to be discharged so as to result in contamination, pollution or nuisance.

13.10.350 Abatement of contamination.

13.10.360 Issuance of peremptory abatement order – Report to regional board – Prosecution of injunction proceedings.

13.10.370 Discharge of sewage or other waste resulting in contamination a misdemeanor.

13.10.380 Abatement procedures.

13.10.390 Liability.

13.10.400 Repealed.

Article V. General Sewer Use Regulations

13.10.410 Discharges – Criteria.

13.10.420 Prohibitions.

13.10.421 Dilution.

13.10.422 City's right of revision.

Article VI. Pretreatment of Wastewaters

13.10.425 Pretreatment and screening.

13.10.426 Pretreatment facilities.

13.10.427 Additional pretreatment measures.

- 13.10.449 Reports of changed conditions.
- 13.10.450 Reports of potential problems.
- 13.10.451 Reports from nonsignificant industrial users.
- 13.10.452 Notice of violation – Repeat sampling and reporting.
- 13.10.453 Notification of the discharge of hazardous waste.
- 13.10.454 Analytical requirements.
- 13.10.455 Sample collection – Determination of noncompliance.
- 13.10.456 Record keeping.

Article IX. Administration and Enforcement

- 13.10.457 Duties of City Manager.
- 13.10.458 Compliance monitoring.
- 13.10.459 Publication of industrial users in significant noncompliance.
- 13.10.460 Administrative enforcement remedies.
- 13.10.461 Judicial enforcement remedies.
- 13.10.462 Supplemental enforcement actions.
- 13.10.463 Remedies nonexclusive.
- 13.10.464 Affirmative defenses to discharge violations.
- 13.10.465 Penalty.
- 13.10.466 Appeals.

Article X. Sewer Lateral Inspection at Time of Sale

- 13.10.467 Transfer of property and testing.
- 13.10.468 Sewer lateral testing.
- 13.10.469 Failure of test.

“Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in RDMC 13.10.410 through 13.10.421. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five-day 20 degree centigrade expressed in terms of mass and concentration milligrams per liter (mg/l).

“Building” means any structure inhabited or used by human beings.

“Building sewer or lateral” means a sewer conveying wastewater from the premises of a user to the POTW.

“Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR, Chapter I, Subchapter N, Parts 405 – 471.

“City” means the City of Rio Dell, California, or the City Council of Rio Dell.

“City manager” or “manager” means the person designated by the City to manage the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

“City of Rio Dell sanitary sewer system” means the sanitary sewer system owned by the City of Rio Dell.

“Color” means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

“Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

“Consumer” means any person to whom the City supplies sewer service under a contract, either expressed or implied, to make payment therefor.

“Cost” means labor, material, transportation, expense, supervision, engineering and other necessary overhead expense.

“Council” means City Council or the City Manager acting under authority of the City Council.

“Department” means the Sewer Department of the City.

“Legal or equitable owner” means any owner of record, mortgagee, trustee or contract purchaser of real property.

“Main” means a sewer main in the sewer collection system of the City without regard to sizing.

“Medical waste” means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined in this section has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for

“Pretreatment standards” or “standards” means prohibitive discharge standards, categorical pretreatment standards, and local limits.

“Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in RDMC 13.10.410 and 13.10.420.

“Public sewer” means a sewer lying within a street or easement and which is controlled by or under the jurisdiction of the City.

“Publicly owned treatment works” or “POTW” means any devices or storage, treatment, recycling or reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. Also, the City’s jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works. Building sewers connecting building drains to the POTW are not public sewers although they may be partially located in a public right-of-way or easement.

“Septic tank wastes” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“Service connection or laterals” means the laying of pipes from the main to the property line inclusively.

“Sewage” means human excrement and gray water (household showers, dishwashing operations, and the like). A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

“Sewage facility” means all facilities for collecting, pumping, treating, and disposing of sewage.

“Significant industrial user” applies to industrial users subject to categorical pretreatment standards; any other industrial user that discharges an average of 25,000 gallons per day (gpd) or more of process wastewater, contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

“Slug load” means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in RDMC 13.10.410 and 13.10.420 or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

“Standard Industrial Classification (SIC) code” means a classification pursuant to the “Standard Industrial Classification Manual” issued by the U.S. Office of Management and Budget.

No person owning, occupying or having under his control any premises shall connect their vault, cesspool, privy, sewer or private drain with any waterway, watercourse or ditch in the City. [Ord. 286, 2012; Ord. 190 § 5, 1987.]

13.10.060 Distance of sewer or gas service from water service.

No ditch, water pipe, gas pipe or any other service shall be installed or maintained nearer than two feet in any direction to any sewer service pipe or main. [Ord. 286, 2012; Ord. 190 § 6, 1987.]

13.10.070 Repairs to sewer lines by the City.

The City shall, at its own expense, make all repairs necessary to sewer pipe lines connecting with mains. The City shall make no repair or do any work whatsoever on the sewer pipe line beyond the connection to private property. [Ord. 286, 2012; Ord. 190 § 7, 1987.]

13.10.080 Shutting off water.

The City reserves the right to shut off the water supply to any premises at any time, for the purpose of making sewer line repairs, extensions or other necessary purposes or for any infraction of this chapter or any overdue payment or delinquency of payment of any City utility service billing. [Ord. 286, 2012; Ord. 190 § 8, 1987.]

13.10.090 Right of entry of City employees for the purpose of making inspections.

Any authorized employee of the City shall have reasonable access to any premises with sewer service for the purpose of making inspections of the sewer system upon such premises. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents inspection by an authorized employee of the City, after service of notice of intention, shall have all water shut off to the said premises. [Ord. 286, 2012; Ord. 190 § 9, 1987.]

13.10.100 Turning water off or on in an emergency – Rendering sewer service inoperable.

The City shall have the right in an emergency to turn the water off or on without notice, but it shall be the duty of the Water Department to make a reasonable effort to notify all consumers that the water is to be turned off or on. [Ord. 286, 2012; Ord. 190 § 10, 1987.]

13.10.110 Unlawful use, injury, etc., of equipment.

It shall be unlawful for any person to open any manhole or to interfere in any manner with any street sewer service connection or any service pipe connected with mains or to tap any sewer service pipe, without paying the established costs therefor after having made written application therefor as provided by this chapter, or in any way to trespass upon the public property of the

Article II. Connections – Installation of Service

13.10.150 Installations and connections outside City limits.

Notwithstanding any other sections, the connection fees and installation charges for outside the City limits shall be 150 percent of those same fees and charges for inside the City limits. [Ord. 286, 2012; Ord. 190 § 15, 1987.]

13.10.160 Reconnection fees.

There shall be herewith established a reconnection fee for use when abandoned services are requested to be reactivated, or when a service has been disconnected because of failure to pay City utility bills, and are delinquent or for other reasons such as vandalism of City-owned property, system piping, etc. (refer to RDMC 13.10.250). The reconnection fee shall be \$200.00 plus the actual costs involved in the reconnection as will be billed by the City Manager or designee (refer to definition of “cost” in RDMC 13.10.010 and provisions of RDMC 13.10.250). [Ord. 286, 2012; Ord. 190 § 16, 1987.]

13.10.170 Prerequisites to multiple service connections.

No sewer shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property and each is conducting a separately established residence or business, a separate sewer line shall be required and installed for each occupancy.

Where there is a pre-existing multiple use sewer service, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual sewer. [Ord. 286, 2012; Ord. 190 § 17, 1987.]

13.10.180 Use of sewer by contractors and other persons engaged in construction work.

Contractors or any person desiring to use the sewer system in construction work where disposal must be made other than through a permanent sewer in each and every case must make written application for and obtain a written permit for the same from the Sewer Department before connecting with any main, and shall make the deposit required by the Sewer Department. Such permit shall be exhibited upon the work for which it has been issued during the full time the sewer is being used pursuant to such permit. [Ord. 286, 2012; Ord. 190 § 18, 1987.]

13.10.190 Supplying to other than occupant of premises.

It shall be unlawful for any person to provide sewer service to any other person other than the occupants of the premises of such consumer as provided through an approved collection system. [Ord. 286, 2012; Ord. 190 § 19, 1987.]

- (1) Permit Required. No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required.
- (2) Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and to the approval of the City Manager or designee.
- (3) Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.
- (4) Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Manager or designee, to meet all requirements of the City.
- (5) Cleanouts. Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. All cleanouts shall be maintained watertight.
- (6) Down Spouts/Roof Drains. Down spouts or roof drains shall not discharge rain water or storm runoff into the building lateral or any sewer connection.
- (7) Sewer Too Low. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the City Manager or designee, and discharged to the public sewer at the expense of the owner.
- (8) Connection to Public Sewer. The connection of the building sewer into the sewer system shall be made at the applicant's expense. The applicant shall extend the building sewer to the property line, at which point it shall be the responsibility of the City to connect the building sewer to the City system lateral. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Manager or designee.
- (9) Maintenance of Building Sewer. Building sewers shall be free of infiltration and be maintained by the owner of the property served thereby.
- (10) Public Sewer Construction – Permit Required. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required. The provision of this section requiring permits shall not be construed to apply to contractors' construction sewers and appurtenances under contracts awarded and entered into by the City.

Article III. Rates, Charges and Billing

13.10.230 Rates, charges and billings.

(1) Rates, charges and billings are established by resolution. All sewer billing shall be monthly to coincide with water billing, scheduled for posting and delivery on the first day of each month following water meter readings. Utility bills are due and payable from the first day of each month at the Rio Dell City Hall.

Utility bills not having been paid before the next following billing shall be considered to be delinquent and no further notice will be provided other than on the said next following billing reflecting that two months of service are outstanding.

Should water payment in full not be received within 10 calendar days from the said second billing, then shut-off notices shall be issued and the water service discontinued until payment of all outstanding billings is made in full (refer to RDMC 13.10.250); provided further, that no such shut-off will occur on a Friday unless specifically directed by the City Manager or designee.

(2) Sewer service billing shall be assessed against the person or persons who reside in or otherwise occupy the premises being served and identified as the person or persons having completed an application for sanitary sewer service as a nonowner resident of the premises, and after having deposited \$200.00 as surety against any sewer service charges sustained during the said nonowner occupancy or control of the said premises, whereupon the depositor shall receive a numbered receipt which shall be required to be presented at demand of all or any part of a refund of any balance of deposit remaining after any and all current sanitary sewer service charges are satisfied.

However, and notwithstanding the above, owners of real property rented, leased, occupied or in any manner controlled by nonowners shall be liable for any unpaid sewer service not paid by the said nonowners, with such unpaid amounts due and payable prior to any continued use of any said premises, and the water to such premises shall therefor also be discontinued in order to cause the sewer service to become inoperable pending settlement of outstanding utility bills. A list of delinquent accounts will be forwarded to the Humboldt County Auditor to be added to other taxes imposed on the delinquent parcel and collected in the same manner and to the same extent as such other taxes.

(3) In any case where customers are served by the Rio Dell sewer system, either inside or outside of the City limits, the customer shall pay rates as established by resolution. Customers outside City limits shall pay 150 percent of the total current rate established by resolution.

(a) Inside City limits, the same as subsection (1) of this section.

(b) Outside City limits, 150 percent of the total minimum rate in effect in subsection (1) of this section.

(3) Fees for reviewing and responding to accidental discharge procedures and construction.

(4) Fees for filing appeals.

(5) Other fees as the City may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City. [Ord. 286, 2012.]

Article IV. Services

13.10.260 To remain City property – Repairs by City.

All sewer pipes in public property are the property of the City and the City will maintain and repair them when in its judgment such repairs are needed. [Ord. 286, 2012; Ord. 190 § 26, 1987.]

13.10.270 One service to lot or parcel of land – Exception.

There shall be at least one sewer service on each lot or parcel of real property which is improved with a dwelling or building thereon; except where one building occupies more than one lot, then only one service for such building shall be required. [Ord. 286, 2012; Ord. 190 § 27, 1987.]

13.10.280 Connection service pipe to system – Premises to be left as originally found upon completion of tests – Notice to City – Liability of plumber and customer.

Any plumber or any other person connecting private sewer service pipe to the property side of a City sewer must leave the City system in as good condition as found, and shall notify the City at the time the connection is made. Any damage caused by the negligence or carelessness of any plumber or other person to any part of the connection must be paid by such plumber or person to the City on demand. [Ord. 286, 2012; Ord. 190 § 28, 1987.]

13.10.290 Bill to be rendered after connection.

The Sewer Department of the City may connect to any City sewer service pipe at any time it shall deem it expedient to do so, and render a corrected bill from the date of installation of such connection. [Ord. 286, 2012; Ord. 190 § 29, 1987.]

13.10.300 Liability of customer for damages to system.

After the sewer service is so connected, any damage resulting from malice, carelessness or negligence of the customer or any member of his family, or anyone employed by him, and any damage which may result from hot water or steam from a boiler, or otherwise, shall be paid for by such customer to the City on presentation of a bill therefor; and in case such bill is not paid, the water shall be shut off to the premises without further notice, and the same shall not be turned on until all charges are paid. [Ord. 286, 2012; Ord. 190 § 30, 1987.]

The local Health Officer of Humboldt County shall render to persons subject to such order all possible assistance in complying with the order including all possible assistance in securing any necessary funds for such purpose. [Ord. 286, 2012; Ord. 190 § 36, 1987.]

13.10.370 Discharge of sewage or other waste resulting in contamination a misdemeanor.

Any person who discharges sewage or other waste in any manner which results in contamination is guilty of a misdemeanor. Any person, firm or corporation who violates or refuses or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished upon conviction of a fine of not less than \$25.00 nor more than \$500.00 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. [Ord. 286, 2012; Ord. 190 § 37, 1987.]

13.10.380 Abatement procedures.

The procedure for abatement of a contamination, pollution, nuisance, or infiltration including but not limited to notice of such abatement, recordation of lis pendens, time and place of hearing, order of the Council, accounting of costs and receipts, hearing on account and proposed assessment, recordation of lien, and collection with ordinary taxes, shall follow essentially the same procedure as provided for in Chapter 8.10 RDMC, providing for the establishment of a procedure for the abatement of nuisances and making the cost of such abatement a special assessment upon a parcel of land so involved. [Ord. 286, 2012; Ord. 190 § 40, 1987.]

13.10.390 Liability.

This chapter shall not be construed as imposing upon the City of Rio Dell any liability or responsibility for damage resulting from the defective construction of any sanitary disposal system as herein provided, nor shall the City of Rio Dell or any official or employee thereof or the Humboldt County Health Officer be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. [Ord. 286, 2012; Ord. 190 § 42, 1987.]

13.10.400 Prohibited discharges of uncontaminated waters.

Repealed by Ord. 286. [Ord. 203, 1990; Ord. 190 § 46, 1987; Ord. 38 § 1, 1965.]

Article V. General Sewer Use Regulations

13.10.410 Discharges – Criteria.

It shall be unlawful for any person to discharge or cause to be discharged into any public sewer system which directly or indirectly connects to the City of Rio Dell sanitary sewer system any sewage if, in the determination of the City Manager or designee, such sewage may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment effluent quality, public or private property, or may otherwise endanger the public, local environment, or create a public nuisance. The City Manager or

(f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(g) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.

(h) Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with RDMC 13.10.430.

(i) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(j) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

(k) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the City Manager or designee, in compliance with applicable State or Federal regulations.

(l) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the City Manager or designee.

(m) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(n) Any medical wastes, except as specifically authorized in writing by the City Manager or designee in a wastewater discharge permit.

(o) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(p) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(q) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

(r) Any discharge of petroleum/mineral oil products is limited to 25 mg/l.

(s) Gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the sewerage system.

No person shall suffer or permit any premises belonging to or occupied by or under his control, any cellar, vault, cesspool, privy, sewer or private drain thereon, to become foul or offensive and detrimental to the health or public comfort. [Ord. 286, 2012.]

13.10.426 Pretreatment facilities.

Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this chapter within the time limitations specified by the EPA, the State, or the City Manager or designee, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the City for review, and must be approved by the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this chapter. [Ord. 286, 2012.]

13.10.427 Additional pretreatment measures.

(1) Whenever deemed necessary, the City Manager or designee may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

(2) Each person discharging into the POTW greater than 100,000 gallons per day shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to ensure equalization of flow over a 24-hour period.

(3) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(4) At no time shall any reading on a properly calibrated combustible gas detector at the point of discharge into the POTW, or at any point in the POTW, be more than 20 percent of the lower explosive limit (LEL) of the meter. [Ord. 286, 2012.]

13.10.428 Accidental discharge/slug control plans.

The City Manager or designee may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the City Manager or designee shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which provides, at a minimum, the following:

(1) Description of discharge practices including nonroutine batch discharges.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City Manager or designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City Manager or designee and shall be so located to be easily accessible for cleaning and inspection. All interception units shall be installed in accordance with the provisions of this chapter. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at their sole expense. New and existing users that are determined by the City Manager or designee to have a reasonable potential to adversely impact the POTW shall install a grease interceptor.

(1) Users that are required to have a grease interceptor may be required to connect fixtures or drains that have a reasonable potential to allow fats, oils, and grease to be discharged to the POTW to an appropriately sized grease interceptor.

(2) Users with garbage grinders shall discharge the garbage grinder to a grease interceptor with a minimum capacity of 1,000 gallons or remove the garbage grinder.

(3) Users with dishwashers shall discharge the dishwasher directly to the POTW or to a grease interceptor with a minimum capacity of 750 gallons.

(4) Accumulated grease and sediment shall be removed as required. At a minimum gravity grease interceptors and grease traps shall be cleaned when the combined depth of sediment and grease equals or exceeds 25 percent of the total depth of the sediment, water, and grease. For multiple chambered interceptors the measurement of sediment and grease is to be performed in the final interceptor chamber prior to discharge. All other grease interceptors shall be maintained in accordance with the manufacturer's specifications.

(5) Grease interceptors shall be kept free of nonfood waste including but not limited to grit, rocks, gravel, sand, eating utensils, cigarettes, trash, towels, and rags.

(6) The addition of chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used for purposes of grease reduction to a grease interceptor is specifically prohibited.

(7) If the City Manager or designee determines that a grease interceptor is not being adequately cleaned or maintained, a correction notice may be issued requiring the deficiency be corrected within seven working days. Maintenance programs including BMPs and defined cleaning frequencies may be mandated. Users that fail to adhere to a maintenance program may be required to install additional pretreatment devices.

(8) The City will develop and implement a fats, oils, and grease policy.

(9) Inspections and Sampling. The City Manager or any person designated by the City Manager may inspect the facilities of any user of the City of Rio Dell sanitary sewer system, or any facilities in any way or manner connected to the City of Rio Dell sanitary sewer system, to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of the premises where sewage or wastewater is created or

13.10.435 Wastewater survey.

When requested by the City Manager or designee, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager or designee is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter, or for imposing penalties as set out in RDMC 13.10.457 through 13.10.466. [Ord. 286, 2012.]

13.10.436 Wastewater discharge permit requirements.

(1) Requirement.

(a) It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the City Manager or designee. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the enforcement actions set out in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(b) The City Manager or designee may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(2) Existing Connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of the ordinance codified in this chapter and who wishes to continue such discharges in the future shall, within 45 days after said date, apply to the City for a wastewater discharge permit in accordance with RDMC 13.10.437, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of the ordinance codified in this chapter except in accordance with a wastewater discharge permit issued by the City.

(3) New Connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to discharging. An application for this wastewater discharge permit must be filed at least 45 days prior to the date upon which any discharge will begin.

(4) A zero discharge permit may be issued to industrial users generating process wastewaters who would normally be subject to either this section or subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR, Chapter I, Subpart N, but are not discharging said waste stream(s) to the system. Zero discharge permit holders are subject to all applicable regulations under local, State, or Federal laws. Pursuant to this chapter, a statement of zero discharge must be submitted to the City annually. [Ord. 286, 2012.]

13.10.437 Wastewater discharge permit application.

the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

(a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(b) A statement that the wastewater discharge permit is nontransferable.

(c) Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.

(d) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, or local law.

(e) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(f) Requirements to control slug discharges, if determined by the POTW to be necessary.

(2) Wastewater discharge permits may contain, but need not be limited to, the following:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(b) Limits on instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(d) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(f) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(c) To address change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) To address information indicating that permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(e) For a violation of any terms or conditions of the wastewater discharge permit;

(f) For misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application nor in any required reporting;

(g) To address revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the wastewater discharge permit; and

(2) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition. [Ord. 286, 2012.]

13.10.443 Transfer of permit.

Wastewater discharge permits may not be reassigned or transferred to a new owner. [Ord. 286, 2012.]

13.10.444 Revocation of permit.

(1) Wastewater discharge permits may be revoked for the following reasons:

(a) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide notification to the City of changed conditions pursuant to RDMC 13.10.449;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the City timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(d) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Measurement of Pollutants.

(i) Identify the categorical pretreatment standards applicable to each regulated process.

(ii) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operation and shall be analyzed in accordance with procedures set out in RDMC 13.10.454.

(iii) Sampling must be performed in accordance with procedures set out in RDMC 13.10.455.

(f) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirement.

(g) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in RDMC 13.10.446, and signed by an authorized representative as defined by RDMC 13.10.010.

(h) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with RDMC 13.10.437(2). [Ord. 286, 2012.]

13.10.446 Compliance schedule progress report.

The following conditions shall apply to the schedule required by RDMC 13.10.445. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the City Manager or designee no later than 14 days following each date in the schedule and the final date of compliance. The report shall include at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the City Manager or designee. [Ord. 286, 2012.]

(2) No industrial user shall implement the planned changed conditions until and unless the City Manager or designee has responded to the industrial user's notice.

(3) For purposes of this requirement, flow increases of 10 percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant. [Ord. 286, 2012.]

13.10.450 Reports of potential problems.

(1) In the case of any discharge including, but not limited to, accidental discharge of nonroutine, episodic nature, a noncustomary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective action taken by the industrial user.

(2) Within five days following such discharge, the industrial user shall, unless waived by the City Manager or designee, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.

(3) Failure to notify the City of potential problem discharges shall be deemed a separate violation of this chapter.

(4) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (1) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure. [Ord. 286, 2012.]

13.10.451 Reports from nonsignificant industrial users.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City Manager or designee may require. [Ord. 286, 2012.]

13.10.452 Notice of violation – Repeat sampling and reporting.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the City within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's location at least once a month, or if the

(1) Sample Collection.

(a) Except as indicated in subsections (1)(b) and (c) of this section, the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Manager or designee. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in RDMC 13.10.445 and 13.10.446 a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City Manager or designee may authorize a lower minimum. For the reports required by RDMC 13.10.448 the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(2) Determination of Noncompliance. The City Manager or designee may use a grab sample to determine noncompliance with pretreatment standards. [Ord. 286, 2012.]

13.10.456 Record keeping.

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the City Manager or designee. [Ord. 286, 2012.]

Article IX. Administration and Enforcement

13.10.457 Duties of City Manager.

Except as otherwise provided in this chapter, the City Manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other City personnel. [Ord. 286, 2012.]

this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Attorney may apply to the appropriate court for a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. [Ord. 286, 2012.]

13.10.459 Publication of industrial users in significant noncompliance.

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the significant industrial users and categorical industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term “significant noncompliance” shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the City’s exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation which the City determines will adversely affect the operation or implementation of the local pretreatment program. [Ord. 286, 2012.]

violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the person.

(5) Cease and Desist Orders.

(a) When the City Manager or designee finds that a person is violating this chapter, the person's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the person's past violations are likely to recur, the City Manager or designee may issue an order to the person directing it to cease and desist all such violations and directing the person to:

(i) Immediately comply with all requirements;

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(b) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the person.

(6) Administrative Fine.

(a) Notwithstanding any other section of this chapter, any person that is found to have violated any provision of this chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the person's next scheduled sewer service charge and the City Manager or designee shall have such other collection remedies as may be available for other service charges and fees.

(c) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10 percent of the unpaid balance and interest shall accrue thereafter at a rate of 0.5 percent per month. A lien against the individual person's property will be sought for unpaid charges, fines, and penalties.

(d) Persons desiring to dispute such fines must file a written request for the City Manager or designee to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the City Manager or designee shall convene a hearing on the matter within 30 days of receiving the request from the industrial user. In the event the person's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(iii) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(iv) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling;

(v) Violation of the pretreatment standards in RDMC 13.10.410 through 13.10.421 and RDMC 13.10.431.

(b) Any person notified of the suspension of the sewer and water service shall immediately stop or eliminate the contribution. Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (3) of this section why the proposed action should not be taken. In the event of the failure of the person to comply voluntarily with the suspension order, the City Manager or designee shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to any individuals or to the sanitary sewage system. The City Manager or designee shall reinstate the sewer and water service upon proof of the elimination of the noncomplying discharge. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 52, 54, 55, 1987.] Formerly 13.10.480 and 13.10.490.]

13.10.461 Judicial enforcement remedies.

(1) Injunctive Relief. Whenever the person has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the City may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate in restraining the continuance of such violation.

(2) Civil Penalties.

(a) Any person which has violated or continues to violate this chapter, any order, or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the City may assess a charge against the person for the cost of the work required to clean or repair the POTW and add such charge to the person's service charge.

(d) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a person. [Ord. 286, 2012.]

(iii) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

(A) A description of the indirect discharge and cause of noncompliance.

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(iv) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(v) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(vi) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Bypass.

(a) For the purposes of this section:

(i) "Bypass" shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

(ii) "Severe property damage" shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (2)(c) and (d) of this section.

(c) Bypass Notification.

(i) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least 10 days before the date of the bypass if possible.

upon conviction, be punished by a fine of not more than \$500.00 per violation per day or imprisonment for not more than one year or both.

(4) In the event of a second conviction, a person shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 57, 1987; Ord. 38 § 2, 1965. Formerly 13.10.510.]

13.10.466 Appeals.

Any user, permit applicant or permit holder affected by any decision, action or determination, including cease or desist orders made by the City Manager or designee in interpreting or implementing the provisions of this chapter, or any permit issued pursuant to the provisions of this chapter, may file with the City Manager or designee a written request for reconsideration within 10 days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the City Manager or designee is unsatisfactory to the person requesting reconsideration, the person may, within 10 days after notification of such City action, file a written appeal to the City Council. The written appeal shall be heard by the City Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within 10 days after the close of the meeting. The Manager's decision, action or determination shall remain in effect during the period of reconsideration. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 56, 1987. Formerly 13.10.500.]

Article X. Sewer Lateral Inspection at Time of Sale

13.10.467 Transfer of property and testing.

Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration.

This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.

An inspection card signed by an authorized City inspector must accompany title transfer proceedings. It is the responsibility of the property buyer or seller to repair, replace and conform to all infiltration requirements prior to transfer of property connected to the City sewer system.

Exceptions: This section shall not apply to:

(1) Condominium or cooperative apartment buildings;

and expense of the property owner. The maintenance of the backflow protective device shall be the sole obligation of the owner or the owner's successor in interest. The City shall be under no obligation to ascertain that the backflow protective device continues in operating condition. [Ord. 286, 2012.]

Section 2. Effective Date

This Ordinance becomes effective thirty (30) days after the date of approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the Rio Dell City Council on June 17, 2014 and furthermore the forgoing Ordinance was passed and adopted at a regular meeting of the City Council of the City of Rio Dell on July 1, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and forgoing to be a full, true and correct copy of Ordinance 322-2014 adopted by the City Council of the City of Rio Dell on July 2014.

Karen Dunham, City Clerk, City of Rio Dell

New Residential Account: New residential accounts will be billed based on the city-wide residential average until a usage history is established.

New Commercial Account: New commercial accounts at existing locations will be billed based on prior occupant's water consumption unless the new commercial operation is significantly different from the previous commercial operation.

- 3) Water Consumption Measurements. Water consumption is measured in units of one hundred cubic feet ("ccf"). One ccf equals 748 gallons.
- 4) Winter Water Consumption Rate. Each unit of winter water consumption is billed at the volume rate for the customer category/group. Sewer fixed minimum charges and volume rates are presented in the table below:

Sewer Fees and charges per Equivalent Dwelling Unit:

Customer class	Customer Class Description	Minimum Monthly (Fixed) Sewer Service Charge	Volume Rate (per ccf of winter water use)
Low Strength	See Exhibit A	\$47.01 per EDU	\$3.29 per ccf
Domestic Strength	See Exhibit A	\$47.01 per EDU	\$4.11 per ccf
Medium Strength	See Exhibit A	\$47.01 per EDU	\$6.17 per ccf
High Strength	See Exhibit A	\$47.01 per EDU	\$7.19 per ccf

EDU – equivalent dwelling unit

Ccf – hundred cubic feet

- 5) Residential Water Consumption Maximum. Single family residential and multifamily residential customers shall not be billed for monthly winter water consumption in excess of 15 units.
- 6) Customer Categories/Groups. Sewer customers are classified as low strength, domestic strength, medium strength, and high strength based on the content and strength of the discharge as established by industrial standards and California State Water Resources Control Board guidelines and as determined by the City Engineer.

BE IT RESOLVED that the rates stated in this Resolution will be effective August 1, 2014; and

BE IT RESOLVED that rates will be ~~increased by three percent~~ adjusted for inflation each year based on the Bureau of Labor Statistics, Consumer Price Index for All Urban Consumer, and effective July 1 of each fiscal year. The month of comparison from the index shall be the preceding January; and

BE IT FURTHER RESOLVED that these fees and charges apply to all connections to the City of Rio Dell's wastewater collection and treatment system, once they are purchased from the City, without regard to the actual status of the connection or if the premises are occupied or unoccupied; and

PASSED AND ADOPTED at a special council meeting of the City of Rio Dell held on June 17, 2014 by the following vote:

Ayes:

Noes:

Abstain:

Exhibit A

Strength Classifications into Low, Domestic, Medium, and High Strength Dischargers

Low Strength	<ul style="list-style-type: none"> Banks & Financial Institutions Barber Shops Hair Salon (hair cutting only) Dry Cleaners Laundromats Offices - Business and Professional Offices - Medical/Dental (without surgery) Post Offices Retail Stores Schools without cafeteria Car Wash
Domestic Strength	<ul style="list-style-type: none"> Residential - All Appliance Repair Auto Dealers - without Service Facilities Nail Salons Pet Groomers Bars & Taverns - without dining Camp Ground or RV Park Churches, Halls & Lodges Fire Stations Hotels, Motels, B&Bs, and Vacation Rentals (W/O restaurant) Libraries Rest Homes Shoe Repair Shops Theaters Warehouses Car Washes - Self Service High Tech Medical Manufacturing Light Manufacturing/Industrial Mobile Home Park Gas Station Gym or Health Club Schools with cafeteria Auto Dealers - with Service Facilities Machine Shops Service Stations, Garages, Auto Repair Shops
Medium Strength	<ul style="list-style-type: none"> Restaurants - W/O Dish Washer & Garbage Disposal Coffee Shops - W/O Dish Washer & Garbage Disposal Mini Marts - W/O Dish Washer & Garbage Disposal Mini Mart with Gas Pumps - W/O Dish Washer & Garbage Disposal Catering - W/O Dish Washer & Garbage Disposal Hotel/Motel with Restaurant Beauty Shops (hair cutting w/additional treatments) Hospitals - General, Convalescent & Veterinarian Medical Offices - with Surgery Dental Offices
High Strength	<ul style="list-style-type: none"> Restaurants - with Dish Washer or Garbage Disposal Coffee Shops - with Dish Washer or Garbage Disposal Catering - with Dish Washer or Garbage Disposal Bakeries Butcher Shops Fish Market/Shop Markets - with Dish Washer or Garbage Disposal Markets - with Bakeries or Butcher Shops Mini Marts - with Dish Washer or Garbage Disposal Wineries Cheese Makers Dairy Products (milk producers, yogurt, ice cream maker) Specialty Foods Manufacturing (e.g., olive oil maker) Ice Cream Shop Tasting Rooms Spa with Various Beauty Treatments Funeral Homes/ Mortuary

The average residential customer has a monthly wastewater flow of 5 hundred cubic feet (ccf) and would have a monthly bill of \$67.56 under the recommended rates, a decrease from the current monthly bill of \$76.16.

Fixed Charge			Volume Rate		Winter Water Use		Total Monthly Bill
\$47.01	+	(\$4.11	x	5)	=
			\$/ccf		ccf		\$67.56

Billing Procedures

BWA proposes changes to the City’s billing procedures such that only property owners can hold sewer accounts. Renters should no longer be permitted to open new sewer accounts. The property owner would be the ultimate party responsible for paying the sewer bill. If the property owner does not pay the sewer bill, the delinquency would become a lien against the property. Moreover, BWA recommends that all properties including vacant or inactive accounts be charged the fixed, EDU-based charge.

BWA also recommends that the City cap the billed volume at 15 hundred cubic feet of sewer flow for residential customers to account for high water use that may be due to outdoor irrigation, i.e. water use that does not flow into the sewer system. Commercial customers are not proposed to be capped.

Capacity Fee

BWA conducted an analysis of the City’s wastewater capacity fee and recommends increasing the current fee of \$950 to \$5,220 per equivalent dwelling unit. The recommended fee is a buy-in to the collection system and reflects the recently completed upgrades to the wastewater treatment plant. The recommended fee is moderate in comparison to other agencies in the region.

Rate Setting Legislation and Principles

In conducting this wastewater rate study, BWA adheres to the Proposition 218 requirements as described in this section. Subsequent sections provide the detailed, cost of service basis for BWA’s rate recommendation.

Proposition 218

Proposition 218, the “Right to Vote on Taxes Act”, was approved by California voters in November 1996 and is codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 establishes requirements for imposing or increasing property related taxes, assessments, fees and charges. For many years, there was no legal consensus on whether water and wastewater rates met the definition of “property related fees”. In July 2006, the California Supreme Court essentially confirmed that Proposition 218 applies to water and wastewater rates.

BWA recommends that the City follow the procedural requirements of Proposition 218 for all wastewater rate changes. These requirements include:

5. *Provide Incentive:* Rates provide price signals which serve as indicators to conserve water, reduce wastewater flow, and to use water efficiently.

Background

The City of Rio Dell (City) is located in Humboldt County and provides water and wastewater service to over 1,400 customers. The City currently charges all customers a fixed wastewater charge based on an equivalent dwelling unit (EDU) basis. Sometime ago, the City determined the wastewater flow and pollutant strength loading (loads) of the average residential customer. The average residential flow and loads is set as one EDU. Each commercial customer was assigned an EDU count based on the customer's flow and loads relative to a residential unit. The City engaged BWA to develop a new rate structure that includes a flat or fixed charge based on EDU count and a rate based on volume of wastewater discharged.

The City also engaged BWA to develop a new wastewater capacity fee. The City was successful in securing a Clean Water State Revolving Fund Grant and Loan for the upgrade of the wastewater treatment plant. The total cost of the improvement is \$10.7 million and the City received a grant (principal forgiveness) for \$6 million. Existing ratepayers and new connections will fund \$4.7 million in construction costs which will significantly affect the calculation of the capacity fee.

Wastewater Flow and Customer Projections

Customer Base

The City has approximately 1,400 residential and commercial wastewater customers recorded in the City's billing software. At any given time, some of the customers may have deactivated accounts. BWA analyzed the City's billing records and determined that the City's service area includes a number of rental units that have high turnover and revenues from these units may not be stable. Deactivated accounts are not currently charged the monthly rate.

Billing Procedures

BWA recommends that the City adjust its billing procedures to minimize delinquencies and lost revenue. The City has observed a trend of renters making their last month's rent payment and moving out of the City while neglecting to close their sewer account and pay their final sewer bill. These delinquencies result in lost revenue that is funded out of the sewer fund reserves.

BWA recommends that the City allow only property owners to hold sewer accounts. Renters should no longer be permitted to open new sewer accounts. The property owner would be the ultimate party responsible for paying the sewer bill. If the property owner does not pay the sewer bill, the delinquency would become a lien against the property. BWA recommends that as part of each renter's security deposit, the landlord/property owner collect funds for the payment of the renter's final sewer bill.

BWA calculated the new EDU count of commercial customers by allocating 60% of the cost of service to flow and 40% to strength. This allocation is commonly used by small wastewater agencies that do not have detailed cost information or engineering studies available. The calculation for each commercial customer's EDU count is:

$$\text{EDU count} = (\text{avg winter water use}/5 \text{ ccf}) \times (60\% + 40\% \times \text{strength factor})$$

The average residential winter water use and assumed wastewater flow is 5 hundred cubic feet (ccf) per month. Wastewater flows are often estimated using winter water consumption. During the winter, customers typically do not use water for outdoor irrigation. The flow of each commercial customer is scaled in comparison to the 5 ccf wastewater flow of the average residential customer.

The City's current EDU count was compared with the BWA recommended EDU count based on the equation above. Some customers received a decrease in their EDU count and some received an increase. The BWA recommended EDU count results in a net gain of 15 EDUs. Under the BWA EDU count with no rate structure changes, the wastewater service charge would be \$67.16 to collect the revenue requirement of \$1.17M, see Table 2.

Table 2
City of Rio Dell
Wastewater Rate and Capacity Fee Study
EDU Count

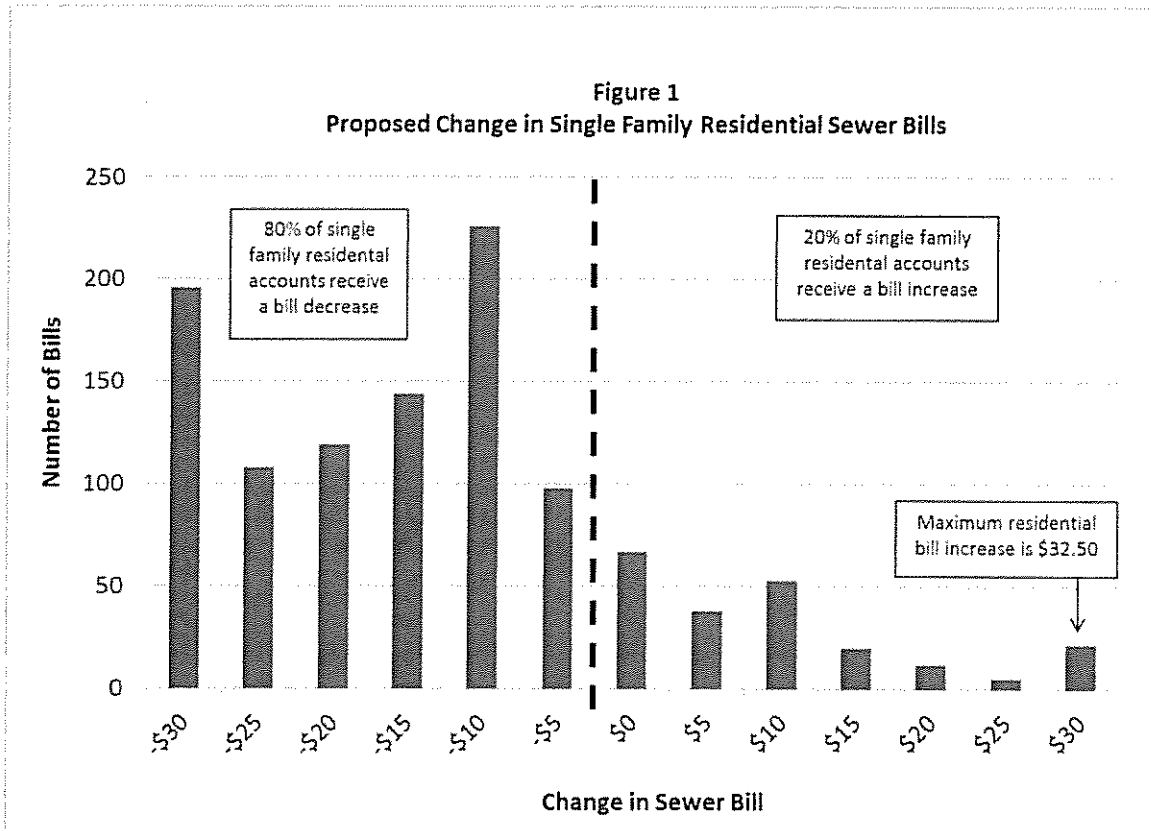
Customer Class	Current EDU Count	BWA Recommended EDU Count	Net Change
Low Domestic	17	15	(2)
Medium	1,402	1,414	12
High	3	4	1
	11	15	4
	1,433	1,448	15
Cost of Service (determined by City)	\$1,310,000	\$1,167,000	
Annual Cost per EDU	\$913.92	\$805.94	
Monthly Cost per EDU	\$76.16	\$67.16	

Rate Structure Alternative

In addition to updating the EDU count, BWA developed a rate structure alternative that adequately recovers the cost of providing service, is fair to the ratepayers, and includes a volumetric rate based on estimated wastewater flow. BWA developed a rate alternative in which revenues are allocated to fixed and volume rate components. Based on our experience with smaller wastewater systems, like the City's, fixed costs typically make up 50% to 90% of total costs and variable costs make up 10% to 50% of total costs. The fixed rate component is based on the EDU count described in the previous section and the volume rate is calculated based on an estimate of winter water use. Winter water use is based on

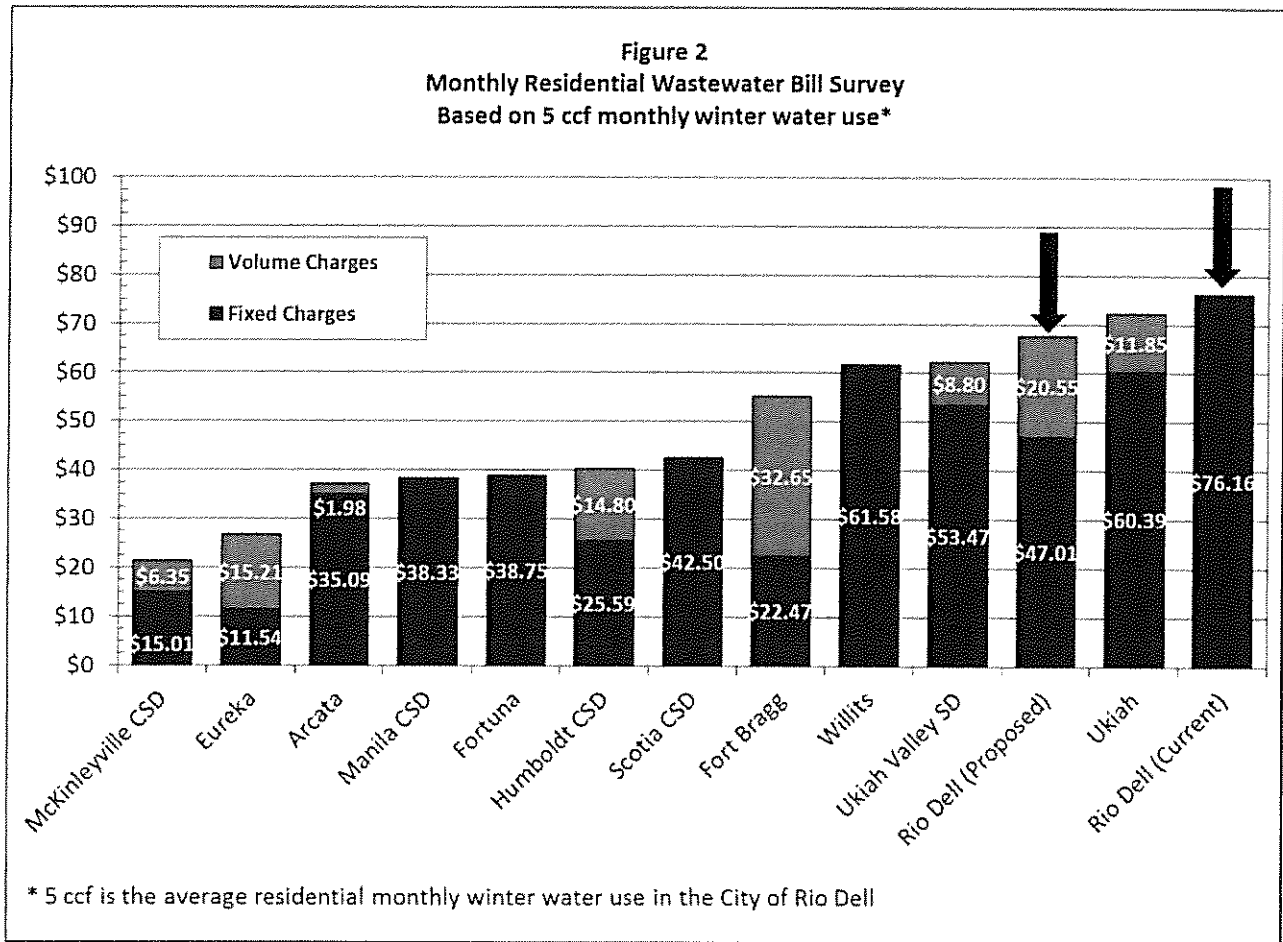
Bill Impacts

Transitioning to a volume rate, residential customers with 7 ccf of wastewater flow or less will receive reductions in their monthly wastewater bills. BWA analyzed the monthly bill distribution of single family residential customers, see Figure 1. Under the recommended rates about 80% of single family residential customers would receive a decrease and about 20% of single family residential customers would receive an increase in their monthly wastewater bills. The maximum residential monthly bill (15 ccf) increase is \$32.50.



Bill Survey

BWA conducted a bill survey to compare the current and proposed single family wastewater bill in the City of Rio Dell to other local agencies. Rio Dell currently has the highest sewer bill in the region, see Figure 2 and Table 5. Under BWA’s proposed sewer rate alternative, the average single family residential wastewater bill is reduced from \$76.16 to \$67.56 and is no longer the highest bill in the region.



Wastewater Capacity Fee

As part of the wastewater rate study, BWA also evaluated the City's wastewater capacity fee. The purpose of capacity fees is to recover the capital costs of facilities needed to serve growth and new customers. In establishing any fee or charge, achieving equity is one of the primary goals. In the case of capacity fees, this goal is often expressed as "growth should pay for growth". The fees must be reasonable and non-arbitrary and based on facility capital costs, user loads, and system capacity.

California Government Code Section 66013 contains the regulations regarding water and wastewater connection fees or capacity fees. It states that such fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fees or charges are imposed unless the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services is submitted to the electorate and approved by two-thirds vote. The calculations provided below demonstrate the reasonable cost of service of providing wastewater service to the City's customers.

Capacity Fee Methodology

BWA used a System Buy-in Method for calculating the City's wastewater capacity fee. The buy-in concept is based on the premise that new customers are entitled to service at the same price as existing customers. Existing customers, however, have already provided the facilities that will serve the new customers, including any costs of financing those facilities. Under this method, new customers pay an amount equal to the investment already made by existing customers in the facilities. This equity investment is divided by the number of customers (or customer equivalents) to determine the amount of payment required from the new customer to buy in to the utility at parity with existing customers. Once new customers have paid their fee, they become equivalent to existing customers and share the responsibility for existing facilities. When additional costs are incurred for system improvements, replacement, or expansion, all customers share the costs of such improvements.

This method is appropriate because new customers are buying into the existing collection system and into the wastewater treatment plant. The City recently upgraded its wastewater treatment plant to come into compliance with a cease and desist order from the Regional Water Quality Control Board and to expand capacity. The improvements to the treatment plant benefit both existing and new customers and the costs of the improvements should be shared by both groups of customers. The project will increase capacity of treatment plant from 0.3 million gallons per day (mgd) to 0.5 mgd average dry weather flow. The expanded capacity will serve growth in the community through buildout. The total cost of the wastewater treatment plant expansion and improvements is \$10.7 million. \$6 million of the construction cost is offset by a grant and the remaining cost of \$4.7 million will be financed through a loan from the Clean Water State Revolving Fund.

BWA calculated a buy-in cost to the City's collection system based on the replacement cost new less depreciation (RCNLD) value of existing facilities. This valuation method is based on the depreciated accounting book value of each asset escalated into current dollars based on the change in the Engineering News-Record (ENR) Construction Cost Index 20 Cities Average from each asset's original date. The ENR index is a widely-used index for determining construction cost inflation.

Capacity Fee Survey

The City's current wastewater capacity fee is \$950 per EDU, the lowest in the region. The recommended capacity fee of \$5,220 is competitive with other local agencies. BWA conducted a capacity fee survey of the typical fees for new single family connections and found that the fees range up to \$12,240 (Ukiah Valley Sanitation District), see Table 7 and Figure 3.

Table 7
City of Rio Dell
Wastewater Rate and Capacity Fee Study
Wastewater Capacity Fee Survey - Single Family Residential Home

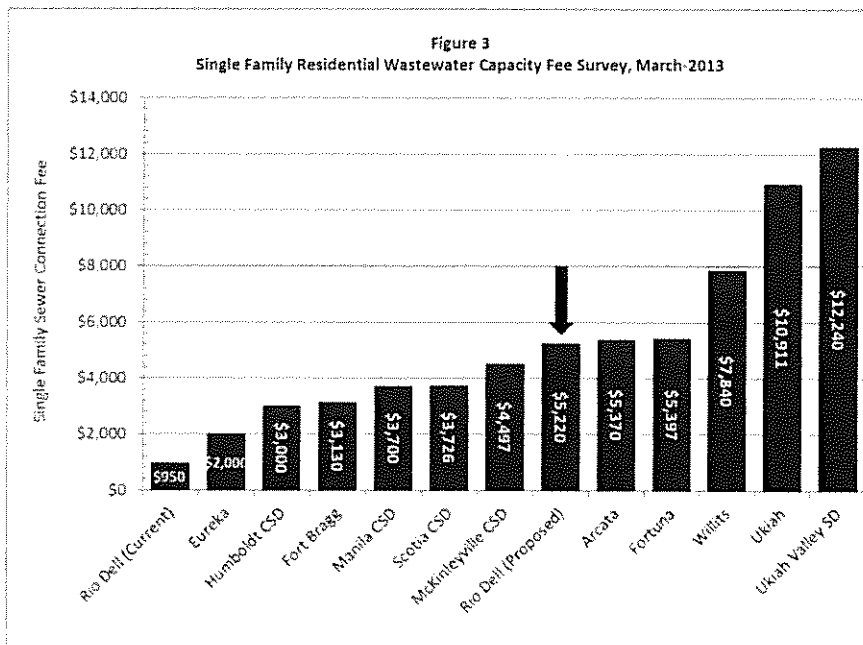
City of Rio Dell (Current)	950.00
City of Eureka	2,000.00
Humboldt Community Services District	3,000.00
City of Fort Bragg	3,129.59
Manila Community Services District ¹	3,700.00
Scotia Community Services District ²	3,726.00
McKinleyville Community Services District	4,497.00
City of Rio Dell (Proposed)	5,220.00
City of Arcata	5,370.00
City of Fortuna ³	5,397.00
City of Willits	7,840.00
City of Ukiah	10,911.00
Ukiah Valley Sanitation District ⁴	12,240.00

1 - District has a STEP sewer system.

2 - Typical capacity fee as shown in the District's Rules and Regulations, includes many sub-charges based on acreage.

3 - Assumes 17 fixture units for the typical home at a cost of 317.50 per fixture unit.

4 - Wastewater capacity fee for a two bedroom house.



Appendix A

Low Strength	<ul style="list-style-type: none"> Banks & Financial Institutions Barber Shops Hair Salon (hair cutting only) Dry Cleaners Laundromats Offices - Business and Professional Offices - Medical/Dental (without surgery) Post Offices Retail Stores Schools without cafeteria Car Wash
Domestic Strength	<ul style="list-style-type: none"> Residential - All Appliance Repair Auto Dealers - without Service Facilities Nail Salons Pet Groomers Bars & Taverns - without dining Camp Ground or RV Park Churches, Halls & Lodges Fire Stations Hotels, Motels, B&Bs, and Vacation Rentals (W/O restaurant) Libraries Rest Homes Shoe Repair Shops Theaters Warehouses Car Washes - Self Service High Tech Medical Manufacturing Light Manufacturing/Industrial Mobile Home Park Gas Station Gym or Health Club Schools with cafeteria Auto Dealers - with Service Facilities Machine Shops Service Stations, Garages, Auto Repair Shops
Medium Strength	<ul style="list-style-type: none"> Restaurants - W/O Dish Washer & Garbage Disposal Coffee Shops - W/O Dish Washer & Garbage Disposal Mini Marts - W/O Dish Washer & Garbage Disposal Mini Mart with Gas Pumps - W/O Dish Washer & Garbage Disposal Catering - W/O Dish Washer & Garbage Disposal Hotel/Motel with Restaurant Beauty Shops (hair cutting w/additional treatments) Hospitals - General, Convalescent & Veterinarian Medical Offices - with Surgery Dental Offices
High Strength	<ul style="list-style-type: none"> Restaurants - with Dish Washer or Garbage Disposal Coffee Shops - with Dish Washer or Garbage Disposal Catering - with Dish Washer or Garbage Disposal Bakeries Butcher Shops Fish Market/Shop Markets - with Dish Washer or Garbage Disposal Markets - with Bakeries or Butcher Shops Mini Marts - with Dish Washer or Garbage Disposal Wineries Cheese Makers Dairy Products (milk producers, yogurt, ice cream maker) Specialty Foods Manufacturing (e.g., olive oil maker) Ice Cream Shop Tasting Rooms Spa with Various Beauty Treatments Funeral Homes/ Mortuary

Fund		Revenues	Expenditures	Transfers	Reserve Allocation
60	Water Operations	539,541	671,941	132,400	-200
61	Water Debt Service	140,724	136,000	-166,984	-162,260
62	Water Capital	77,000	45,000	34,584	66,784
74	Recycling		15,033		-15,033
93	Spay Neuter Fund		2868		-2868
Total		3,082,851	3,216,775	0	-133,923

BACKGROUND AND DISCUSSION

City Staff have been working on the budget process since March. Each City Department has developed a budget proposal that has been recommended by the City Manager and reviewed by the City Council. Work session on the 2014-15 budget occurred on May 9 and June 10, 2014.

A few changes have been made to the budget since the June 10, 2014 meeting, as found in attachment "A" The net change to budget is an increase of appropriations in the amount of \$---

A deviation from the City Council minimum reserve policy of 15% has been noted for several funds in Resolution 1225-2014.

At this time all recommendations, suggestions, and corrections noted have been implemented into the proposed draft, and the staff recommendation is for the City Council to approve Resolution 1225-2014 adopting the 2014-2015 Fiscal Year Operating and Capital Budget.

BE IT FURTHER RESOLVED, that the staffing is adopted and funded in the 2014-2015 Operations Budget as follows:

Job Title	2010 2011 FTE	2011 2012 FTE	2012 2013 FTE	2013 2014 FTE	2014 2015 FTE
ACCOUNTANT I/II		1	1	1	
ADMINISTRATIVE ASSISTANT	1				
CHIEF OF POLICE	1	1	1	1	1
CITY CLERK	1	1	1	1	1
CITY MANAGER /PUBLIC WORKS DIRECTOR	1	1	0.75	0.75	1
COMMUNITY DEVELOPMENT DIRECTOR		1	1	1	.80
FINANCE DIRECTOR	1	1	1	1	1
FISCAL ASSISTANT I/II	2	2	1	1	1
POLICE CORPORAL	1				
POLICE OFFICER	5	3	3	3	3
POLICE RECORDS TECHNICIAN	1				
POLICE SERGEANT	1	1	1	1	1
PUBLIC WORKS LEADMAN	1	1			
PW ADMINISTRATIVE TECHNICIAN	1	1			
SENIOR FISCAL ASSISTANT	1		1	1	1
UTILITY WORKER I/II	3	4	3	3	3
WATER/WASTEWATER PLANT OPERATOR			1	1	1
WASTEWATER SUPERINTENDENT	1	1	1	1	1
WATER & ROADWAYS SUPERINTENDENT	1	1	1	1	1
PUBLIC WORKS DIRECTOR	1				
TOTAL	24	20	17.75	17.75	16.80

BE IT FURTHER RESOLVED, as follows:

Section 1.

It is the intention of the City Council in approving and adopting an annual budget to provide financial guidance for routine operations of City business and for the purpose of providing information to the general public.

Section 2.

The adopted annual City budget will be implemented and maintained in accordance with City

2014-15 FINAL BUDGET ADJUSTMENTS
Attachment A

1. Add \$16,000 expenditure to City Manager budget (02-5115) for Matson/Vallerga agreements for city hall improvements and planning.
 2. Add \$3,000 of revenue for police department training reimbursement from POST
 3. Add \$18,920 expenditure to Capital budget (14-5115) for school property acquisition and expenses, and Davis St. survey at Edwards Drive and intersection with Eel River -- Charged to general fund (\$9,845), streets (\$1,775) and \$7,300 from Park & Rec. Reserve.
 4. Add \$15,000 expenditure to Capital Project budget (14-5115) for boundary, streets, and drainage ditch survey by Kelly O'Hern in the area of the Eel River Industrial Park/Northwestern Ave.
 5. Remove (\$3,240) from City Council budget (12-5115) for Access Humboldt contract (already in City Manager budget)
 6. Add \$10,000 expenditure to Capital Project budget under the Water fund for repairs to waer line on Old Ranch Road.
 7. Add \$10,000 revenue to Water fund for reimbursement from Old Ranch Road customers for water line replacement.
-
6. Reduce Finance Department budget expenditures by (\$65,199) for staff reduction of Accountant I position.

<u>FINANCE</u>	<u>Account</u>	<u>Amount</u>
	5000 Full Time Salaries	(43,153)
	5030 Overtime Salaries	(200)
	5035 Benefit - ICMA City 45	(4,315)
	5040 Benefit - Health Insur:	(11,544)
	5042 Benefit - Life Insuranc	(96)
	5044 Benefit - Dental/Visio	(1,720)
	5045 Worker Comp. Ins.	(438)
	5050 FICA/MEDI	(3,301)
	5055 Unemployment Ins.	(432)
		<u>(65,199)</u>

2014-15 FINAL BUDGET ADJUSTMENTS
Attachment A

10. Increase Water Operations Revenue by a total of \$11,898.

REVENUE - WATER	Account	Amount
Library	4610 Water - Service	427
Streets	4610 Water - Service	515
Streets	4610 Water - Service	632
Fire Department	4610 Water - Service	339
Streets	4610 Water - Service	456
Streets	4610 Water - Service	324
Streets	4610 Water - Service	2,506
Streets	4610 Water - Service	515
Fire Department	4610 Water - Service	5,478
Streets	4610 Water - Service	383
Rio Dell City Hall		
Bdg. & Pln.	4610 Water - Service	49
City Manager	4610 Water - Service	39
Finance	4610 Water - Service	88
Police Departme	4610 Water - Service	147
		11,898

11. Increase Wastewater Operations Revenue by a total of \$2,471.

REVENUE - SEWER	Account	Amount
Library	4510 Sewer	702
Fire Department	4510 Sewer	564
Fire Department	4510 Sewer	1,304
Rio Dell City Hall		
Bldg. & Pln.	4510 Sewer	91
City Manager	4510 Sewer	73
Finance	4510 Sewer	165
Police Departme	4510 Sewer	275
		2,471

CITY OF RIO DELLA CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0002743	5/08/2014	[0576] 101 AUTO PARTS	GASKET MATERIAL STA-BIL	92.28
0002744	5/08/2014	[3108] ACCUFUND, INC.	5" HOLE SAW; SEALER UPGRADE FROM VERSION 4430 TO 4470 AND DESIGN	437.50
0002745	5/08/2014	[5235] ADVANTAGE FINANCIAL SERVICES	MONTHLY PAYMENT FOR DOCSTAR 3.12 SOFTWARE PAC	148.35
0002821	5/29/2014	[5235] ADVANTAGE FINANCIAL SERVICES	MONTHLY PAYMENT FOR DOCSTAR 3.12 SOFTWARE PAC	148.35
0002783	5/15/2014	[5443] AIRGAS USA, LLC	CYLINDER RENTAL	16.64
0002784	5/15/2014	[2247] ANTHEM BLUE CROSS	HEALTH INSURANCE FOR JUNE	20,484.00
0002785	5/15/2014	[2225] AQUA SIERRA CONTROLS, INC	PROGRAMMING LABOR	320.00
0002805	5/22/2014	[4905] ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS	SAN FRANCISCO BAY AREA CHAPTER MEMBERSHIP DUE	150.00
0002746	5/08/2014	[3975] AT&T - 5709	PHONE EXPENSES FOR APRIL 2014	538.99
0002822	5/29/2014	[2237] BANK OF AMERICA BUSINESS CARD	STATE OF CA SECRETARY OF STATE - MUNICIPAL WA	1,583.86
0002786	5/15/2014	[5584] BAY AREA NEWS GROUP	GOTOMYPC MONTHLY PAYMENT	
0002806	5/22/2014	[3604] STEPHANIE N BEAUCHAINE	AMAZON.COM - 20"X36" CLEAR DESK PAD	
0002747	5/08/2014	[4893] BOW WOW PET WASTE PRODUCTS	REFUND PAYPAL - 2014 FULL-DAY SEMINAR FOR 201	
0002748	5/08/2014	[4892] KEVIN T CALDWELL	NORMAC INC: 6 - HUNTER MP1000, 90-120 ROTATOR ROP ADVERTISING; HUG-A-BUNNY; EUREKA TIMES-ST	40.00
0002807	5/22/2014	[5562] CALIF STATE LANDS COMMISSION	FINANCE CONSULTANT - MILEAGE, PER DIEM & LODG	515.49
0002749	5/08/2014	[3355] CALIFORNIA DEPT. OF PUBLIC HEALTH	6 CASES OF 1000 SINGLE PULL BAGS MILEAGE, PER DIEM & LODGING REIMBURSEMENT FOR	252.00
0002781	5/08/2014	[3355] CALIFORNIA DEPT. OF PUBLIC HEALTH	STAFF COSTS JANUARY 2013 THRU DECEMBER 2013 - WATER DISTRIBUTION OPERATOR APPLICATION FOR E	1,908.04
0002750	5/08/2014	[2261] CALIFORNIA STATE DISB UNIT	WATER DISTRIBUTION OPERATOR APPLICATION FOR E	50.00
0002787	5/15/2014	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT CASE #200000001183524 FOR PPE 4/1	81.69
0002823	5/29/2014	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT CASE #200000001183524 FOR PPE 5/2	81.69
0002824	5/29/2014	[2277] CAMPTON ELECTRIC SUPPLY	GARNISHMENT CASE #200000001183524 FOR PPE 5/1	81.69
0002788	5/15/2014	[5330] CAPITAL ONE COMMERCIAL	36 - 3/4 90D ELBOWS, 40 PVC CONDUIT, 16 - 3/4 9 - 3/4 FSS PVC BOXES, 12 - DUPLEX RECPT HIGHLIGHTERS, PADS, TAPE, POST- IT NOTES, CUP	484.62
				82.43

CITY OF RIO DELLL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0002751	5/08/2014	[2285] CC MARKET (1)	40# CRUSHED ICE FOR SEWER LAB SAMPLES	39.98
0002808	5/22/2014	[2285] CC MARKET (1)	BIRTHDAY CAKE FOR APRIL 2014	4.99
0002752	5/08/2014	[2293] CITY OF FORTUNA	20 LB CRUSHED ICE FOR WASTE WATER SAMPLES	1,542.00
0002753	5/08/2014	[2303] COAST CENTRAL CREDIT UNION	POLICE DISPATCH SERVICES FOR MAY 2014	120.00
0002789	5/15/2014	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 04/18/2014	120.00
0002825	5/29/2014	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 5/2/2014	120.00
0002790	5/15/2014	[2283] COASTAL BUSINESS SYSTEMS	POA DUES FOR PPE 5/16/2014	120.00
0002809	5/22/2014	[4491] CODE PUBLISHING, INC	COPIER MAINTENANCE AGREEMENT FROM 11/20/2013	525.00
0002754	5/08/2014	[2411] DEARBORN NATIONAL LIFE INSURANCE COMPANY	RIO DELLL MUNICIPAL CODE WEB HOSTING: MAY 2014	350.00
0002826	5/29/2014	[2411] DEARBORN NATIONAL LIFE INSURANCE COMPANY	LIFE INSURANCE FOR MAY 2014	264.00
0002755	5/08/2014	[5127] DELTA DENTAL	LIFE INSURANCE FOR JUNE 2014	248.00
0002827	5/29/2014	[2340] DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	DENTAL INSURANCE FOR JUNE 2014	2,252.20
0002756	5/08/2014	[4382] DOCUSTATION	BLOOD ALCOHOL ANALYSIS FOR APRIL 2014	70.00
0002738	5/01/2014	[2366] EEL RIVER DISPOSAL INC	MONTHLY MAINTENANCE AND COPY CHARGES FOR APRI	716.02
0002810	5/22/2014	[2366] EEL RIVER DISPOSAL INC	GARBAGE BAGS FOR APRIL 2014	663.40
0002791	5/15/2014	[2383] EUREKA OXYGEN CO., INC	7.8 TONS DEBRIS FROM RIO DELLL CLEAN UP DAY	871.49
0002757	5/08/2014	[2365] EUREKA READYMIX	NOZZLE, CENTERFIRE	16.52
0002758	5/08/2014	[2386] EUREKA RUBBER STAMP CO.	3.17 TONS 3/4" BASE ROCK	169.92
0002759	5/08/2014	[2393] FASTENAL COMPANY	3.70 TONS 3/4" BASE ROCK	
0002811	5/22/2014	[2394] FEDEX	4.45 TONS SAND	
0002760	5/08/2014	[2396] FERNBRIDGE TRACTOR & EQUIPMENT CO., INC.	3.75 TONS 3/4" BASE ROCK	
0002812	5/22/2014	[2405] FORTUNA ACE HARDWARE	TWO NAME PLATES	29.31
0002740	5/07/2014	[2414] FRANCHISE TAX BOARD	400 PURAFIT EAR PLUGS	73.14
0002741	5/07/2014	[2414] FRANCHISE TAX BOARD	MAIL WASTE WATER SAMPLES TO FAIRFIELD	720.55
0002742	5/07/2014	[2414] FRANCHISE TAX BOARD	2003 WORKHORSE TR 180	1,010.02
0002792	5/15/2014	[4855] FRESHWATER ENVIRONMENTAL SERVICES	JD MOWER BLADE	
0002761	5/08/2014	[5241] GE CAPITAL	CWF-UV LOW VOC CLEAR GAL	34.10
			2 - SPRINKLER POP UP 2.5" HALF	
			SOS CERT PENALTY: NONPROFITCORP # 0576899 FOR	50.00
			CALIFORNIA EXEMPT ORGANIZATION ANNUAL INFORMA	10.00
			CALIFORNIA EXEMPT ORGANIZATION ANNUAL INFORMA	65.00
			CONSULTING: WATER CONSERVATION MEETINGS & DAT	1,760.00
			XEROX COPIER RENTAL PAYMENT FOR MAY 2014	475.49

CITY OF RIO DELLL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0002762	5/08/2014	[0000] GHD, INC	TAC MEETINGS PROFESSIONAL SERVICES FOR WATER PROFESSIONAL SERVICES FOR TRAFFIC SAFETY MEET	1,134.00
0002763	5/08/2014	[2501] HAJOCA CORPORATION	RETURN 1 2X6 FULL CIRCLE RED CLAMP 40' PVC BOE PLASTIC PIPE	374.21
0002813	5/22/2014	[4451] HARBOR FREIGHT TOOLS	4X20.80 PVC GRAY PE PLASTIC PIPE 25' PVC DISCHARGE HOSE, SS SUB DIRTY WATER PU	233.21
0002814	5/22/2014	[4885] HDR ENGINEERING, INC.	ENGINEERING SERVICES THRU MAY 3, 2014 FOR WWT	8,614.00
0002828	5/29/2014	[2521] LEAGUE OF CALIF. CITIES	LOCAL ROADS & STREETS NEEDS ASSESSMENT CITY HALL ADA ALTERATIONS	150.00
0002829	5/29/2014	[4502] MATSON & VALLERGA ARCHITECTS, INC	MASTER PLANNING STUDY CITY HALL & POLICE DEPA	3,165.00
0002764	5/08/2014	[2546] MERCER FRASER CO., INC.	7.09 TONS 1/2" SC 250 ASPHALT CONCRETE PROFESSIONAL SERVICES FOR APRIL 2014	678.33
0002765	5/08/2014	[4908] MITCHELL BRISSE DELANEY & VRIEZE	PROFESSIONAL SERVICES FOR APRIL 2014 PROFESSIONAL SERVICES FOR APRIL 2014 PROFESSIONAL SERVICES FOR APRIL 2014 PROFESSIONAL SERVICES FOR APRIL 2014 PROFESSIONAL SERVICES FOR APRIL 2014 PROFESSIONAL SERVICES FOR APRIL 2014 REVIEW LOAN TRACKER QUESTIONS, MODIFICATIONS	3,625.64
0002793	5/15/2014	[2795] NALLEY & ASSOCIATES	MONTHLY CLEANING SERVICE FOR APRIL 2014 TESTING - AMMONIA NITROGEN WITHOUT DISTILLATI	307.50
0002766	5/08/2014	[2410] NORTH COAST CLEANING SERVICES, INC.	TESTING - AMMONIA NITROGEN WITHOUT DISTILLATI	471.00
0002767	5/08/2014	[2569] NORTH COAST LABORATORIES, INC.	TESTING - AMMONIA NITROGEN WITHOUT DISTILLATI	280.00
0002830	5/29/2014	[2569] NORTH COAST LABORATORIES, INC.	TESTING - AMMONIA NITROGEN WITHOUT DISTILLATI	35.00
0002768	5/08/2014	[4393] NYLEX.NET	MONTHLY MAINTENANCE: APRIL 15TH THROUGH MAY 1	900.00
0002815	5/22/2014	[2603] PG&E	UTILITY EXPENSES FOR APRIL 2014	13,723.31
0002816	5/22/2014	[3343] PITNEY BOWES RESERVE ACCOUNT	POSTAGE PURCHASE FOR RESERVE	400.00
0002794	5/15/2014	[4338] QUILL CORPORATION	SAMSUNG PRINTER TONER CARTRIDGE	78.46
0002795	5/15/2014	[3029] REDWOOD COFFEE SERVICE	COFFEE	63.00
0002782	5/09/2014	[5581] REDWOOD MARINE, INC.	2011 FOREST RIVER TRAILER	3,202.73
0002831	5/29/2014	[2655] RENNER PETROLEUM	200 GAL DYED DF2	788.64
0002789	5/08/2014	[2659] RIO DELLL PETTY CASH	CHOKER CHAIN, PROPANE, FUEL FOR CITY CAR PRINT RETURN ADDRESS ON CITY ENVELOPES	80.82
0002796	5/15/2014	[4643] SCOTIA PRINTING		80.63

CITY OF RIO DELLE CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0002770	5/08/2014	[2742] SCOTIA TRUE VALUE HARDWARE	2 - 60# CONCRETE MIX; 3 - 35 YD GORILLA TAPE COUPLING AND CONNECTOR MISC HARDWARE	158.02
0002797	5/15/2014	[2742] SCOTIA TRUE VALUE HARDWARE	2 - CLEAR MAIL TAPE, 50PK 42 GAL CONTRACTOR B 1" GALV CAP 1" GALV PLUG	19.76
0002817	5/22/2014	[2742] SCOTIA TRUE VALUE HARDWARE	4 - 1/4" WIRE ROPE CLIPS 4 PK 9V BATTERIES COUPLINGS, ELBOWS NIPPLES & PLUGS	403.75
0002832	5/29/2014	[2742] SCOTIA TRUE VALUE HARDWARE	2 - 10 PK FAB/SOD STAPLE GALV NIPPLE & COUPLING 64 OZ ARMOR ALL CAR WASH; 100 OZ LIQUID CAR W	62.24
0002798	5/15/2014	[5376] SCOTTY'S CUTTERS EDGE	COUPLINGS, DURAFRAME TRANSPLANTER, 3 TUBES BROWN LATEX CAULKING	64.46
0002799	5/15/2014	[2694] SHELL OIL CO.	RETURN 2 TUBES BROWN LATEX CAULKING 19" CUB CADET MOWER BLADE HD STAPLE GUN, 2 - 1250 PK STAPLES BLADES & SPARK PLUGS	3,359.53
0002771	5/08/2014	[4525] SHERLOCK RECORDS MGMT	PD FUEL EXPENSES FOR APRIL 2014	121.20
0002818	5/22/2014	[5294] DANIEL J SMITH	PW FUEL EXPENSES FOR APRIL 2014 PW FUEL EXPENSES FOR MAY 2014 PW FUEL EXPENSES FOR MAY 2014 STORAGE SERVICES FOR APRIL 2014 SCOTIA TRUE VALUE: CLOTHING ALLOWANCE - 2 PAI	24.92
0002772	5/08/2014	[2709] STAPLES DEPT. 00-04079109	CHEERRY WOOD COAT RACK FOR CITY MANAGER'S OFFI	118.32
0002833	5/29/2014	[2709] STAPLES DEPT. 00-04079109	1 BOX FILE FOLDERS WITH POCKET XEROX COLOR TONER CARTRIDGES, POST-IT NOTES, 2 CANON TONER CARTRIDGES, MAGIC MARKER, WHITE	563.35
0002773	5/08/2014	[2710] STARPAGE	2 HP TONER CARTRIDGES, STAPLES 36 X 48 DRY ERASE BOARD	12.95
0002800	5/15/2014	[4662] JAMES R STRETCH	PAGING SERVICES FOR MAY 2014 CLAIM FOR INSURANCE COVERAGE 1/1/2014 THRU 6/	1,990.08
0002774	5/08/2014	[2319] SUDDENLINK COMMUNICATIONS	BROADBAND SERVICES FOR MAY 2014	244.04
0002801	5/15/2014	[2319] SUDDENLINK COMMUNICATIONS	INTERNET SERVICE FROM 5/10/14 TO 6/9/14	134.95
0002834	5/29/2014	[2319] SUDDENLINK COMMUNICATIONS	MONTHLY BROADBAND SERVICES FOR JUNE 2014	244.04
0002839	5/30/2014	[2719] SWRCB OFFICE OF OPERATOR CERT	WWTP OPERATOR GRADE I RENEWAL CERTIFICATE	170.00
0002819	5/22/2014	[3511] T & T VALVE & INSTRUMENT, INC.	4 - 4" BUTTERFLY VALVES AND 1 - " BUTTERLY V	5,726.52

CITY OF RIO DELLE CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0002835	5/29/2014	[2641] THE RADAR SHOP	ON SITE RADAR RE-CERTIFICATIONS WITH CERTIFIC	198.00
0002775	5/08/2014	[5579] TIMBERLAND RESOURCE CONSULTANTS	PROFESSIONAL FORESTER: TIMBER CRUISE, PROGRAM	1,674.00
0002802	5/15/2014	[5579] TIMBERLAND RESOURCE CONSULTANTS	COMPLETED CRUISE REPORT	566.00
0002776	5/08/2014	[4151] TIMES PRINTING COMPANY	BUSINESS CARDS FOR FINANCE DIRECTOR	159.34
0002820	5/29/2014	[2757] US POSTMASTER	POSTAGE FOR MAY 2014 FOR UTILITY BILLING	346.02
0002777	5/08/2014	[2750] USA BLUEBOOK	WIKA SUBMERSIBLE TRANSMITTER 0-25 PSI 70" CAB	1,028.07
0002778	5/08/2014	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	WIKA SUBMERSIBLE TRANSMITTER 0-25 PSI 70' CAB	6,924.16
0002803	5/15/2014	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 4/18/2014	6,924.16
0002836	5/29/2014	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 5/2/14	6,807.11
0002779	5/08/2014	[5166] VSP-VISION SERVICE PLAN	RETIREMENT FOR PPE 5/16/2014	417.77
0002837	5/29/2014	[5166] VSP-VISION SERVICE PLAN	VISION INSURANCE FOR MAY 2014	417.77
0002739	5/01/2014	[5547] WAHLUND CONSTRUCTION, INC./SEQUOIA CONSTRUCTION SPECIALTIES	VISION INSURANCE FOR JUNE 2014	15,000.00
0002804	5/15/2014	[0167] ALICE WALL	WWTF FINAL RETENTION	12.30
0002838	5/29/2014	[5232] RICHARD WIDDOES	CUSTOMER DEPOSIT REFUND	91.91
0002780	5/08/2014	[2779] WILDWOOD SAW	STIHL FS 110R TRIMMER	584.31
			REPLACE CARBURETOR ON STIHL FS 110 TRIMMER	
			Total Checks/Deposits	133,584.24