



RIO DELL CITY COUNCIL
VIRTUAL MEETING AGENDA
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, OCTOBER 5, 2021
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME** - 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 and available on the City's website at cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

**SPECIAL PUBLIC HEALTH EMERGENCY ALTERATIONS TO MEETING FORMAT
CORONAVIRUS (COVID-19)**

Due to the unprecedented public health threats posed by COVID-19 and the resultant need for social distancing, changes to the City Council meeting format are required. Executive Order N-25-20 and N-29-20 from Governor Gavin Newsom allow for telephonic Council meetings of the City Council and waives in-person accessibility for Council meetings, provided that there are other means for the public to participate. Therefore, and effective immediately, and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the Rio Dell City Council will only be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink channels on Cable TV.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note the agenda item the comment is directed to (example: Public Comments for items not on the agenda). Your comments will be read out loud, for up to three minutes.

Meetings can be viewed on Access Humboldt's website at <https://www.accesshumboldt.net/>. Suddenlink Channels 10, 11 & 12 or Access Humboldt's YouTube Channel at <https://www.youtube.com/user/accesshumboldt>.

Zoom Public Comment:

When the Mayor announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number **1-888-475-4499**, enter meeting ID **987 154 0944** and press star (*) 9 on your phone – this will raise your hand. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
 - 1) 2021/1005.01 - **Conference with Legal Counsel** – Anticipated
Litigation – Significant Exposure to Litigation Pursuant
to Gov’t Code §54956.9(d)(2), (e)(1): One Potential Case
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION
- F. RECONVENE INTO OPEN SESSION – 6:30 P.M.
- G. ORAL ANNOUNCEMENTS REGARDING CLOSED SESSION
- H. PLEDGE OF ALLEGIANCE
- I. CEREMONIAL MATTERS
- J. 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 allowed under the Ralph M. Brown Act. 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 2/3 of the Council 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.

K. 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 Councilmembers 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 following action on the remaining consent calendar items.

- 1) 2021/1005.02 - Approve Minutes of the September 21, 2021 Regular Meeting **(ACTION)**

2) 2021/1005.03 - Adopt Resolution No 1505-2021 Declaring the Need for Virtual City Council and Commission Meetings During Declared State of Emergency Pursuant to Government Code Section 54953 (AB 361) **(ACTION)** 8

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

M. REPORTS/STAFF COMMUNICATIONS

1) 2021/1005.04 - City Manager/Staff Update **(RECEIVE & FILE)** 27

N. SPECIAL PRESENTATIONS/STUDY SESSIONS

O. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

1) 2021/1005.05 - Unmet Transit Needs Public Hearing **(DISCUSSION/POSSIBLE ACTION)** 33

2) 2021/1005.06 - Senate Bill 307 Related to Rail Rights-of-Way North of Willits Along the Old North Coast Rail Authority Line **(DISCUSSION/POSSIBLE ACTION)** 37

3) 2021/1005.07 - Review 5-Year Streets Plan and Authorize City Manager to Execute Agreements with GHD and Whitchurch Engineering for 2022 Streets Projects totaling \$87,000 **(DISCUSSION/POSSIBLE ACTION)** 51

4) 2021/1005.08 - Appointment of Two Members of the City Council to an Ad Hoc Committee Related to the Development of a Façade Improvement Program **(DISCUSSION/POSSIBLE ACTION)** 60

5) 2021/1005.09 - Discussion on Crossing Guard Sentry Box Located on the Corner of Wildwood and Center **(DISCUSSION/POSSIBLE ACTION)** 61

6) 2021/1005.10 - Discussion on City's Horse Regulations **(DISCUSSION/POSSIBLE ACTION)** 62

P. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2021/1005.11 - Introduction/First Reading (by title only) of Ordinance No. 387-2021 Amending Section 2.60.030(4) of the Rio Dell Municipal Code Changing the Meeting Time for Regular Planning Commission Meetings
(DISCUSSION/POSSIBLE ACTION)

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Q. COUNCIL REPORTS/COMMUNICATIONS

R. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, October 19, 2021 at 6:30 p.m.*

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 21, 2021**

The regular "virtual" meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Garnes.

ROLL CALL: Present: Mayor Garnes, Mayor Pro Tem Johnson, Councilmembers Carter, Wilson and Woodall

Others Present: City Manager Knopp, Finance Director Dillingham, Chief of Police Conner, Water/Roadways Superintendent Jensen, Wastewater Superintendent Taylor, and City Clerk Dunham

Absent: Community Development Director Caldwell

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment on matters not on the agenda.

City Clerk Dunham read one public comment related to the "Coal Train Disaster" (included as Attachment 1 to these minutes).

CONSENT CALENDAR

Mayor Garnes asked if any councilmember, staff or member of the public, would like to remove any item from the consent calendar for separate discussion.

Mayor Pro Tem Johnson removed the September 7, 2021 minutes from the consent calendar for separate discussion.

Motion was made by Johnson/Woodall to approve the consent calendar including approval of Resolution No. 1503-2021 awarding the 2021 Street Striping Bid to Apply-A-Line, LLC, approval of Resolution No. 1502-2021 amending the City's Credit Card Policy repealing Resolution No. 1195-2013, and to receive and file the check register for August. Motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Minutes of the September 7, 2021 Regular Meeting

Mayor Pro Tem Johnson removed the minutes to allow for a separate vote on the approval due to his absence from the September 7, 2021 meeting.

Motion was made by Wilson/Woodall to approve the minutes of September 7, 2021 as submitted. Motion carried 4-0; 1 abstention (Johnson).

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided a brief staff update and said that staff intended to have material related to the 2022 streets projects but the item was pushed back to the October 5th meeting at such time there will be presentations from the GHD, the City's engineer and Whitchurch Engineering, including an update from staff on the 2022 streets projects.

Mayor Pro Tem Johnson mentioned that there was no staff update from the Police Department included in the report.

City Manager Knopp indicated that Chief Conner was on vacation over the past couple of weeks which was the reason for not submitting a police department update.

Councilmember Wilson had a question for Community Development Director Caldwell who was not present, related to an ordinance regarding horses on sidewalks. He noted that doggie bags are provided for dogs but horses make a much bigger mess. He asked staff to look into the city codes and report back at the next meeting.

SPECIAL PRESENTATIONS/STUDY SESSIONS

Discussion on Clean California Grant

City Manager Knopp provided a staff report and said that Governor Newsom, with the latest budget launched the Clean California, \$1.1 billion initiative to revitalize California's streets and public spaces through litter abatement and local beautification projects. According to the current data from the Clean California program, Rio Dell could be competitive for the grant, meeting the criteria as a disadvantaged community with no match required.

He noted that there is a relatively tight timeline to submit the application and reviewed potential eligible projects which included the Eel River Trail and/or Gateway Enhancements.

He recommended the City Council refer the item to the Beautification, Walkability and Pride Committee to identify and select a project and meet in consultation with the City Manager before returning to the Council with an action item to pursue the Clean California Grant.

Councilmember Carter asked how much of the program focuses on litter.

City Manager Knopp commented that there are different aspects to the grant including public education to look for litter collection, some of it is employment programs for litter collection, and there is a section that does call for beautification projects which is the transformation of public spaces to essentially beautify the spaces to deter littering. There does need to be some connection to underutilized spaces prone to littering and is probably the closest there is to a straight beautification grant application.

Councilmember Woodall said that the Beautification, Walkability and Pride Committee is a great committee to give it to and was excited to hopefully see something get done.

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Mayor Pro Tem Johnson and Councilmember Wilson agreed with the concept.

Mayor Garnes indicated that the Beautification, Walkability and Pride Committee would be meeting soon after Councilmember Carter returns from the League of California Cities Conference. She said that there was a workshop on the grant program scheduled for October 7, 2021 and that she would be asking all of the committee members to register and attend that meeting from 10-12. She thought that it would be beneficial for the committee members to understand what is or is not allowed under the grant program.

Mayor Garnes called for public comment on the proposed grant. No public comment was received.

Motion was made by Woodall/Johnson to refer the item to the Beautification, Walkability and Pride Committee to identify and select a project, meet in consultation with the City Manager and return to the City Council in November with an action item to pursue the Clean California Grant. Motion carried 5-0.

Update on 2021 Drought

City Manager Knopp provided a presentation on the 2021 Drought and said that the City Council declared a Drought Emergency on June 22, 2021 at a Stage 1 level calling for voluntary reductions in water use. He presented a table of "*Rio Dell Infiltration Gallery Production in Million Gallons*" for the months of July-September in 2020 compared to those same three months in 2021. The results showed a net reduction in overall water use of 15.4% after calling for voluntary reduction. He noted that this is also a unique year with access to the Metropolitan wells so when you add in well production, so far this year, the total draw on surface waters on the Eel River has been reduced by 23.5% compared to 2020. He noted that it is one of the advantages of the new facilities which is the ability to scale back some of the water use on the Eel River.

He referred to the charts on page 24 of the agenda packet which he said are unfortunately inaccurate because the Scotia gauge was recalibrated on September 16, 2021. Comparative photos were presented of the Eel River from the Eagle Prairie Bridge and the City's infiltration gallery in 2014 compared to 2021. For this year, the photos showed that the infiltration gallery was totally covered with water, unlike in 2014.

Water/Roadways Superintendent Jensen added that the City is in much better shape than it was in 2014, mostly due to a shift in the river channel moving over the infiltration gallery. He said that they have been operating the plant at a slower rate but longer hours which pulls in less sediment. He said that they were running the Metropolitan Wells fairly steady last month then they noticed that the wells were depleting by a tenth of a foot every two days so decided to hold off running them and to use them for emergency situations or when the infiltration gallery is unable to meet the demand. He reported that the wells are holding steady according to the depth gauges and the recent rain has increased the river flow slightly.

Councilmember Wilson said that it is interesting to see how the river channel shifted and was glad to hear that the water situation is better than in 2014.

Councilmember Woodall said that with the increase in the river level with the recent rain, asked if that means that the City would not be required to impose Stage 2 conservation measures.

Water/Roadways Superintendent said that his understanding is that the City would be holding off on moving to Stage 2 for the time being but would keep an eye on the situation and possibly bring something back at the next meeting.

Mayor Pro Tem Johnson commented that with customers scaling back 15% on usage, it also means that the revenue for the water fund is scaled back. He asked if staff had a handle on how the water funds are doing.

City Manager Knopp commented that the revenue is something that staff has been looking at and explained that with the volumetric charge, it covers some of the variable expenses with water production itself. If you are producing and filtering less water you are also going to have some level of savings because you are not using the same amount of power to process it. As such, it is not a straight 15% loss of revenue.

Finance Director Dillingham said that she had not looked at the billing as far as how much was billed out for water but pointed out that the water fund overall is in good shape so she is certain it could handle the reduction in usage. As far as the upcoming rate study, this is the type of thing they will be looking at.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Resolution No. 1504-2021 Declaring a Stage 2 Drought Related Water Storage Emergency (Mandatory Reductions)

City Manager Knopp provided an update on the drought situation and noted that over the weekend the City had some additional rains and in looking at the gauge now, we are at 48.6 CFS (cubic feet per second). He explained that the existing Water Shortage Contingency Plans calls for Stage 2, mandatory water reduction measures at 30 CFS or below. He noted that the gauge has been steadily rising which could be due to a number of factors including dam releases. He said that they did recalibrate the gauge on September 16, 2021 so this is relatively accurate information. He said that the normal CFS over the past 108 years would be around 100 CFS so even at 48.6, the river is well below normal levels and puts the City in a potential severe drought situation. As such, it is wise to hold off running the wells as much as possible in case the weather continues to remain dry.

Staff recommended the Council take no action on this item at this time since the gauge is not below the 30 CSF.

Mayor Garnes stated that she is happy with the Metropolitan wells and very appreciative what staff and the Council has done in getting the grant to secure a secondary water source. She

said that there are no words to say how grateful the City is to have the wells back up and running.

Mayor called for public comment. No public was received.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson reported on the last HCAOG meeting and said that there was new information presented about the Highway 101/Indianola Corridor Project. Bids were received in July, 2021 and all three bids were approximately 10-20% over the engineers estimate and all three had bid protests. He noted that this is certainly a red flag for Caltrans and the nature of the bid protests were from the desire of Caltrans to have the embankment at Indianola for the bridge to be a design build. This caused grief for the bidders so Caltrans has rejected all bids and will be going out and doing geotechnical work and doing some borings and will design the build and rebid the project around February 2022 with an award by the end of May 2022.

He commented that this is a project that has been on the forefront for Rio Dell and its one that the City has been instrumental in pushing forward.

He also reported that the City has had a long-standing adhoc committee to interface with the Rio Dell School and the committee needs to bring back a conclusion. He suggested scheduling a committee meeting.

An adhoc committee meeting was scheduled for Thursday, September 23rd at 10:00 a.m. with committee members Knopp, Johnson and Woodall.

Councilmember Carter reported that she was in Sacramento attending the League of California Cities Annual Conference and that she would be attending some great sessions and would report back at the next meeting.

Councilmember Wilson reported that he would be attending a Redwood Coast Energy Authority (RCEA) meeting on Thursday.

He said that with regard to the public comment regarding the coal train, Senator McGuire introduced a bill opposing it and asked if the City Council should take a stand on the issue. He suggested the item be placed on the next agenda for discussion.

Consensus of the Council was to place the item on the October 5, 2021 agenda.

Councilmember Woodall announced that there would be a Nuisance Advisory Committee meeting tomorrow at 3:00 p.m. and anyone interested in participating could contact City Hall for the Zoom call-in numbers.

She also reported that she went on a ride-along with Mary, the new Community Service Officer and said that it was very interesting, extending her thanks to Mary.

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Mayor Garnes reported that she attended her first Seismic Safety Commission meeting on September 9th which was very interesting. She said that it involves a lot of reading, some of which only an engineer would understand but said that she would do everything possible to add to the commission.

ADJOURNMENT

Motion was made by Johnson/Wilson to adjourn the meeting at 7:10 p.m. to the October 5, 2021. regular meeting. Motion carried 5-0.

Attest:

Debra Garnes, Mayor

Karen Dunham, City Clerk

Karen Dunham

From: Public Comment
Sent: Tuesday, September 21, 2021 9:39 AM
To: Karen Dunham
Subject: FW: Public comment on coal train disaster

From: vesper1951 <vesper1951@protonmail.com>
Sent: Tuesday, September 21, 2021 9:30 AM
To: Public Comment <publiccomment@cityofriodell.ca.gov>
Subject: Public comment on coal train disaster

To the Rio Dell City Council:

This City Council must act immediately regarding the Coal Train Disaster headed straight for Rio Dell. We are under attack from big coal interests and the City Council has done nothing. Nothing! We have endangered species in the river. We have no water! coal trains produce coal dust an explosive contaminant known to have killed thousands upon thousands of coal miners through a black lung disease. We already have a disease in the community called covid, now we are just expected to roll over and allow this coal into our community? It is time to lay down on these tracks and prevent any coal train from coming here. The city Council must declare the coal train a public disaster and immediately use disaster powers to remove the remaining elements of the train tracks from bluffs. It is time for direct action. I am not calling for violence. I am calling upon the five of you to protect this community. Disclose right now, disclose right now if you were at the Rex Bohn meeting with these coal barons. Did you take money from them? Were you promised a free supply? A cut of the profits? Disclose immediately your interests in east asian coal consumers. Are you working with the midwest tribe? If these are not problems for you, why will you not act? Why will you not stop this disaster? Act now, act quickly and act with the interests of Rio Dell. Stop the Coal Train Disaster! Stop it now! Stop it!

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH: Kyle Knopp, City Manager

DATE: October 5, 2021

SUBJECT: **Brown Act Executive Order and AB 361**

RECOMMENDATION

Adopt Resolution No. 1505-2021 declaring the need for virtual City Council and Commission meetings during declared State of Emergency pursuant to Government Code Section 54953 (AB 361).

BACKGROUND AND DISCUSSION

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variant surged in California, the legislature took action to extend the COVID-19 exceptions to the Brown Act's teleconference requirements, subject to additional safeguards. AB 361, signed by Governor Newsom on September 16, 2021 enacted until January 1, 2024, authorizes local agencies to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state of local health officials have imposed or recommended measures to promote social distancing during a proclaimed state of emergency.

A local agency that holds a meeting under these circumstances is required by AB 361 to comply with certain requirements, in addition to giving notice of the meeting and posting agendas as required under the Brown Act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

Pursuant to AB 361 local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body need not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a service disruption can be challenged under the Brown Act's existing challenge provisions).
- Not require comments to be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real time.
- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.
- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period had elapsed.

AB 361 also provides that, if the state of emergency remains active for more than 30 days, a local agency must make the following findings by majority vote every

30 days to continue using the bill's exemption to the Brown Act teleconferencing rules:

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist: The state of emergency continues to directly impact the ability of members to meet safely in person, or State or local officials continue to impose or recommend social distancing measures.

The goal of AB 361 is "to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options" consistent with Executive Order N-29-20. The bill contains an urgency clause which became effective upon signing with a sunset date of January 1, 2024.

Attachments:

AB 361



RESOLUTION NO. 1505-2021

**RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RIO DELL DECLARING THE NEED FOR VIRTUAL CITY COUNCIL AND
COMMISSION MEETINGS DURING DECLARED STATE OF EMERGENCY
PURSUANT TO GOVERNMENT CODE SECTION 54953 (AB 361)**

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom meetings for all City Council and Commission meetings; and

WHEREAS, on March 27, 2020, the City Council adopted Resolution No. 1449-2020 declaring a local emergency due to COVID-19; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which placed an end date of September 30, 2021, for agencies throughout the state and requiring local agencies to observe all the usual Brown Act requirements as they existed prior to the issuance of the orders; and

WHEREAS, since issuing Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, on August 6, 2021, in response to the Delta variant, the Humboldt County Health Department ordered all individuals to wear masks when inside public spaces and maintain social distancing; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Brown Act Orders; and

WHEREAS, the City cannot maintain social distancing requirements for the public, staff, Councilmembers, and Commissioners in their respective meeting locations; and

WHEREAS, because of the rise in cases due to the Delta variant, the City is concerned about the health and safety of all individuals who intend to attend Council and Commission meetings.

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

1. In compliance with AB 361, and in order to continue to teleconference without the usual teleconference requirements of the Brown Act, the City Council makes the following findings:
 - a. The City Council has reconsidered the circumstances of the state of emergency; and
 - b. The state of local emergency continues to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and
 - c. County of Humboldt Health Department orders require all individuals in public spaces to maintain social distancing; however, the City cannot maintain social distancing requirements for the Councilmembers, Commissioners, staff and the public in the meeting spaces.
2. City Council and Commission meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, in order to better ensure the health and safety of the public.
3. The City Council will revisit the need to conduct meetings remotely within 30 days of the adoption of the resolution.

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk of the City of Rio Dell, certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on October 5, 2021 and was adopted thereafter by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Karen Dunham, City Clerk



AB-361 Open meetings: state and local agencies: teleconferences. (2021-2022)

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Date Published: 09/17/2021 09:00 PM

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials

have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in

connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

- (A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.
- (B) Each teleconference location be accessible to the public.
- (C) Members of the public may address the legislative body at each teleconference conference location.
- (D) Post agendas at all teleconference locations.
- (E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.
- (c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.
- (d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:
- (1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.
 - (2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).
- (e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:
- (1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.
 - (2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.
- (f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.
- (g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all

otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5

(commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.



Staff Highlights – 2021-10-05

City Council

City Manager

Scheduled a sidewalk assessment survey for the week of October 11th. The survey will focus on the downtown area from Davis Street to the Eagle Prairie Bridge and the cost can be reimbursed through the City's Risk provider, SCORE.

Met with prospective contractors & RCEA for the City Hall Solar/Generator/Battery project.

Multiple discussions and drafting of Façade Improvement Program.

Todd property appraisal underway with site inspected in the second half of October and results anticipated sometime in November.

Street sweeping scheduled for October 15th.

City Clerk

Processed seven (7) Building Permit Applications:

- 400 Third Ave. – New Manufactured Home
- 935 Webb Lane – Windows & Siding
- 156 Meadowbridge Lane – Re-Roof Residence
- 145 Douglas St. – Garage with Attached Carport
- 165 ½ s. Sequoia Ave. – 100 Amp Electrical and Outlets
- 112 Douglas St. – Water Line
- 2370 Rio Vista Lane – PV Solar

Processed One (1) Encroachment Permit

Friesen Design Build – Driveway Approach – 400 Third Ave.

Misc:

Completed Public Records Request related to building

City Attorney

Human Resources, Risk & Training



Finance Department

Public Works Water

Replaced/ installed new registers and Ert's before next meter reading.

Water Leak on Douglas

Maintenance on Wells Filtration system

Replace Chemical Pump at Water Treatment Plant

Work on Scada

Public Works Wastewater

Annual Biosolids Testing for salmonella, fecal coliform and metals

Routine Collection System cleaning and monitoring.

Editing GIS maps with GHD to update system

Working with Larry Walker and associates on NPDES Permit.

Plant tour for the operation staff of Shelter Cove. Questions about the solids drying system.

Quarterly HAA5 effluent testing.

Found and removed sewer plug in manhole by 1041 Riverside Dr.

Sewer lateral test at 1174 Riverside

Investigated a sink hole 538 3rd Ave. It appeared to be an improperly abandoned septic tank. On the property owners.

Tesla update: Crews on site connecting wire and will soon tie in to the Corp yard main service panel.

Public Works Streets, Buildings and Grounds

Weekly safety meeting.

Cleaned and organized shop.

Took old landfill/recycling bins to the Eel River Transportation & Salvage.

Refilled dog bag dispensers.



Removed Brush from hydrant by Belleview/Woodland Dr intersection.

Weeded Pacific/Orchard St hill.

Weeded/ mowed Belleview strip next to highway.

Picked up trash on Blue Slide Rd.

Cleaned out Ditch along Belleview and Wildwood

Cleaned cob webs off of City Hall building.

Mowed City Hall, Wildwood/Painter and at the west side of Eeloa Ave.

Tree Maintenance throughout town

Public Works City Engineer

Public Works Capital Projects

Police Department

The Department had the following statistics for the period of August 31, 2021, to September 28, 2021. This period of time saw slightly below average numbers across all of the metrics. This is primarily due to reduced staffing stemming from vacation and injury. The summation of Calls for Service may be greater than the total as multiple officers can now be assigned to the same call for service. There may also be administrative calls for service that are not documented below.

Officer	Calls for Service	Reports	Arrests
Conner	3	0	0
Beauchaine	25	1	0
Landry	111	18	9
Mitchell	114	16	5
Burns	86	9	6
Johnson	115	12	7
Fielder	7	0	0
Clark	59	0	N/A
Totals	459	56	27
Averages	15.8 per day	14.0 per week	6.8 per week
2021 Yearly Average	17.5 per day	15.4 per week	8.0 per week

Calls for Service at 355 Center Street

Type	Date	Time	Location	Primary Unit	Case #
CUSTODY	09/03/2021	14:41:54	355 CENTER ST	6S1	



FI	09/03/2021	15:54:57	355 CENTER ST	6S1	
415	09/04/2021	20:56:34	355 CENTER ST	R618	
CIVILP	09/06/2021	12:13:05	355 CENTER ST	R614	
415V	09/06/2021	13:47:59	355 CENTER ST	R614	
SUSC	09/06/2021	18:36:50	355 CENTER ST	R618	
415	09/07/2021	01:47:07	355 CENTER ST	R618	
CIVILP	09/18/2021	14:47:40	355 CENTER ST	6S2	
415FAM	09/18/2021	17:54:05	355 CENTER ST	R618	
415	09/22/2021	21:43:25	355 CENTER ST	R615	21-0000542
415	09/24/2021	03:07:10	355 CENTER ST	R615	
PARK	09/24/2021	18:38:42	355 CENTER ST	R618	
415	09/25/2021	19:29:57	355 CENTER ST	R618	
WELFARE	09/26/2021	15:55:33	355 CENTER ST	R614	

415V – Verbal argument or disturbance
WELFARE – Welfare check on a person
CUSTODY – Child custody issue
FI – Field Interview or pedestrian contact
415 – Disturbance
SUSC – Suspicious circumstances
CIVILP – Civil issue
415FAM – Family argument
PARK – Parking issue

R615 – Officer Liam Burns
R618 – Officer Conan Johnson
6S2 – Corporal Landry
6S1 – Sergeant Beauchaine
R614 – Officer Logan Mitchell

During the period of August 31 to September 28, 2021, there were 35 calls for service related to animal control issues. Five dogs and four cats were transported to Miranda's Rescue. On September 21, 2021, Officer Mitchell and CSO Clark responded to the riverbar for a herd of wandering cows. They were unable to locate the steers, but did locate evidence of their presence. The cows have been observed several times since then and photographs taken, but the owners have not yet been determined. It is not believed that the cows reside within the City limits. So far, the wandering bovines have stayed along the river and not become a traffic hazard. The Sheriff's Department and the brand inspector from the Agriculture Department have been contacted and it is hoped the cows can be returned to their proper pasture shortly.

Chief Conner took a much-needed vacation

Sergeant Beauchaine returned to full duty on September 23, 2021



On September 10, 2021, Corporal Landry was informed of a driver who might have been impaired at a local business. The car was gone by the time she arrived, but employees gave her the car's license plate number and pointed in the direction of travel. Corporal Landry was able to get behind the car as it took the southbound onramp in Scotia. She paced the car at a speed of 40-45 mph, eventually stopping the car near the intersection of Main and Hwy 101. The driver first claimed that she had smoked a joint recently, but Corporal Landry saw numerous nitrous oxide cannisters in the car. The driver then admitted to using several nitrous oxide "whippets" including while Corporal Landry was following her. She was taken into custody for driving while under the influence of a drug. Her car was searched, prior to being towed, and over 100 empty nitrous oxide cannisters were located.

On September 16, 2021, Officer Burns responded to an address on Davis where a verbal argument was taking place. Officer Burns contacted two men, both in wheelchairs, and both highly intoxicated. One of the men was the ex-husband of the woman who lived at the location. The ex-husband and the current boyfriend were the ones yelling at each other. The ex-husband was arrested for being drunk in public and for violating a domestic violence restraining order. As his compatriot was too intoxicated to even call a cab for a ride back to Eureka, he was taken into custody also. Officer Burns was only able to transport one wheelchair in his patrol car, so Chief Conner returned the second chair the following day on his way home from work.

On September 18, 2021, a resident on Ash came home to find the front door of her apartment locked when it had not been in that state when she left. She entered her home through the backdoor and found a woman hiding in a bedroom closet. The woman fled when confronted. Officer Johnson responded to the burglary call and was able to locate the intruder later that evening. She did not deny that she had been in the apartment, but claimed that she was good friends with the man who lived there and he had told her she could come inside anytime she wanted. She had been hiding because there was bad blood between her and the woman who resided there. Officer Johnson cited the woman for burglary and she was released. He later contacted the male resident of the property. He denied more than a single prior contact with the intruder when he had fed her a sandwich s she was hungry. He claimed that he had never told her she could enter the house. The couple agreed that maybe the man should move out, however.

On September 27, 2021, Officer Mitchell responded to call in which a man had allegedly broken the window of a house. Officer Mitchell located the man in a field off of Painter Street. The man had a catheter and drainage bag in addition to being highly intoxicated. He had been dropped off at his girlfriend's house only to find that she already had a gentleman caller. An argument soon ensued, which led to the broken window. The man was arrested for being drunk in public. He was not excited about spending several hours in jail and did what he could to prolong his booking, including partially removing the catheter in the back seat of the car. The jail would not accept him without a medical clearance from the hospital. This was eventually taken care of after additional drunken unpleasantness and assistance from the Eureka Police Department. Only then was the man able to sleep off his intoxication in the drunk tank.

Code Enforcement



During the period of August 31, to September 28, 2021, the Department opened nine new cases and closed six dealing with junk or inoperable vehicles. All six of the closed cases had the vehicles moved by their owners. There were sixteen open cases at the end of this reporting period.

During the period August 31 to September 28, 2021, the Department opened five new code enforcement cases and closed seventeen. Four of the new cases dealt with dogs, either barking, running at large, or both. The remaining new case was a fence height violation. Of the seventeen closed cases, nine were for excessive vegetation, three were for solid waste, two were for building code violations, one was for a drug house, one was for illegal camping and the last was for a fence height violation. Four of the cases were determined to be unfounded while the remainder were abated by the owner of the property. There were fifty-seven open cases at the end of this reporting period.

Community Development Department

Electrical Pre-Site inspection 165 Sequoia Street

Walk-in tub Inspection 75 Fern Street

Complete Roscoe Staff Report, Resolution, Notices

Complete Pancoast Staff Report, Resolution, Notices

Final Roof Inspection 186 River Street

Solar Inspection 528 Third Avenue

Giacomini Solar Plan Check

Review Animal/Horse Regulations, prepare Staff Report

Attend virtual meeting with Interwest and Whitchurch Engineering regarding Plan Check comments for Northwestern Flower Company.

Todd Property RFO/RFP Voluntary Site meeting

Review Electrical Code related to Solar 120% rule, email to Mike Stone - NEMA

Review Well Regulations, discuss with City Manager

Discuss Facade Improvement Program with City Manager

Attend APA Wall Bracing Webinar

Prepare Staff Report, Ordinance Planning Commission meeting time change

Intergovernmental

Humboldt-Rio Dell Business Park

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH: Kyle Knopp, City Manager

DATE: October 5, 2021

SUBJECT: **Unmet Transit Needs Public Hearing**

RECOMMENDATION

Open the public hearing and receive input on any unmet transit needs in the community. Close the public hearing and make a motion to direct staff to send a letter to Humboldt County Association of Governments (HCAOG) relaying the comments made during the public hearing regarding unmet transit needs.

Stevie Luther from HCAOG will be available via Zoom to answer any questions.

BACKGROUND AND DISCUSSION

Each year, as established by the California Transportation Development Act (TDA), the Humboldt County Association of Governments (HCAOG) is required to conduct a citizen participation process to identify an "unmet transit needs" within Humboldt County. This process is required prior to allocations of TDA funding the following fiscal year. All comments deemed to meet the definition of an unmet transit need will then be analyzed to determine if the need is "reasonable to meet."

In addition to the County unmet transit needs hearing, HCAOG recommends each entity conduct a separate hearing to receive comments specific to their jurisdiction.

HCAOG's Social Services Transportation Advisory Council leads the public participation process and considers all public testimony and input, determines if the suggestions meet the adopted definition of an unmet transit need and applies adopted criteria to determine if the need is "reasonable to meet". At the end of the process, the Social Services Transportation Advisory Council will forward their findings to the HCAOG board for consideration.

TDA funds must be allocated first to unmet transit needs, which are found to be reasonable to meet within a jurisdiction, before any remaining funds can be allocated for non-transit purposes, such as bicycle and pedestrian facilities or streets and roads.

Attachments:

Unmet Transit Needs Definition and Reasonable to Meet Criteria
Notice of Public Hearing

UNMET TRANSIT NEEDS DEFINITION & REASONABLE TO MEET CRITERIA

Unmet transit needs are, at a minimum:

- (1) Trips requested from residents who do not have access to public transportation, specialized transportation, or private transport services or resources for the purpose of traveling to medical care, shopping, social/recreational activities, education/training, and employment; or
- (2) Proposed public transportation, specialized transportation, or private transport services identified in the following, but not limited to: a Transportation Development Plan, Regional Transportation Plan, Coordinated Public Transit–Human Services Transportation Plan.

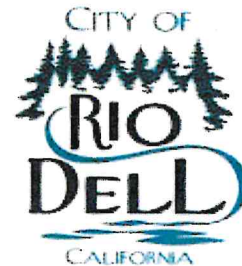
HCAOG Plans can be found at: <http://hcaog.net/library>

Additionally, unmet transit needs do not include:

- ❖ Improvements funded or scheduled for implementation in the next fiscal year. Two potential new services that will be reevaluated this year are:
 - Express bus service between McKinleyville and Eureka during peak hours
 - Late Night Weekday Service on the Regional Transit System
- ❖ Minor operational improvements or changes such as bus stops, schedules, and minor route changes. Minor operational improvements are changes to service which do not affect the operating cost of the transit service either by requiring additional staff and/or additional vehicle hours of service or miles of service.
- ❖ Trips for primary or secondary school transportation
- ❖ Sidewalk improvements or street and road needs

Reasonable to meet criteria:

- (1) To be considered “reasonable to meet”, a service must be operationally feasible and financially sustainable, as defined below:
 - a) The service must have adequate roadways, and must be safe to operate.
 - b) Enough money should be available from identified sources of funding to pay for the marginal operating costs of the service continuously for three years.
- (2) The service must be projected to meet a minimum “marginal farebox-return-ratio” of 10 percent within 2 years. If multiple competing services are requested, other factors may also be considered such as estimated subsidy per passenger trip and passengers per vehicle hour of service. For new service, ridership and farebox-return-ratio thresholds will be considered.
- (3) Pursuant to the requirements of TDA Statutes (Public Utilities Code Section 99401.5c, a determination of needs that are “reasonable to meet” shall not be made by comparing unmet transit needs with the need for streets and roads, for the allocation of TDA funds.
- (4) Once a service is determined to be “reasonable to meet” and is implemented, it can be expected that the ridership in the first 1-2 years of the new service will be less than the projected optimal ridership. Ridership should be evaluated at 6-month intervals to determine if service is meeting performance standards adopted by the transit provider, and specifically, whether the service meets a minimum 10 percent marginal farebox-return-ratio. If the service is being adequately promoted and fails to be within 60 percent of the identified standards after six months, 90 percent with the first year, or 100 percent within two years, the service may be cancelled and deemed “no longer reasonable to meet.” An exception to this rule is when a community or group is willing to participate in sharing the ongoing cost of the new service.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Rio Dell City Council will hold a "Virtual" Zoom Public Hearing on **Tuesday, October 5, 2021 at 6:30 p.m.** or soon thereafter.

THE PURPOSE OF THE PUBLIC HEARING WILL BE TO DISUCSS:

1) UNMET TRANSIT NEEDS

The Public Hearing will give citizens the opportunity to make their comments known. Due to unprecedented public health threats posed by COVID-19 the resultant need for social distancing, changes to the City Council agenda format are required. The City Council will only be holding "virtual" meetings. Public comments can be submitted via email at publiccomment@cityofriodell.ca.gov or by calling the toll-free number at **1-888-474-4499**. Enter meeting ID **987-154-0944** and listen for the prompts to join the meeting.

All members of the community are encouraged to attend.

Karen Dunham, CMC
City Clerk
Posted 9/15/21



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

October 5, 2021

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action on Senate Bill 307 Related to Rail Rights-of-Way North of Willits Along the Old North Coast Rail Authority Line

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive brief presentation, discuss and choose to:

1. Support SB 307,
2. Oppose SB 307,
3. Request additional information; or
4. Take no action.

BACKGROUND AND DISCUSSION

At the Council September 21, 2021 Council Meeting, it was requested by Councilmember Wilson and agreed by the Council that an item be placed on the agenda for discussion related to SB 307, a bill submitted by Senator McGuire that aims to prevent the rehabilitation of the old North Coast Rail Authority (NCRA) line for train service. This legislation is in response to what has been described as a proposal for trains carrying coal to rehabilitate and use the line. Such a proposal runs in contrast and contradiction to current efforts to convert the NCRA right of way into The Great Redwood Trail, a recreational hiking/biking path that would stretch from Humboldt County to Sonoma County.

Staff has included the SB 307 bill as it is currently written in addition to some media reports that may help provide background to the issue. Efforts to reach out to the train line proponent have not been successful.

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SB-307 North Coast Railroad Authority: County of Humboldt: state moneys. (2021-2022)

As Amends the Law Today

SECTION 1. *Section 93006 is added to the Government Code, to read:*

93006. (a) *State moneys shall not be used to initiate or operate rail service on the North Coast Railroad Authority's, or Great Redwood Trail Agency's, rail rights-of-way north of the City of Willits or for a project that is designed to rehabilitate, modernize, maintain, or repair an existing operation or facility, including a rail terminal, a railyard, a rail facility, and rail infrastructure, on the North Coast Railroad Authority's, or Great Redwood Trail Agency's, rail rights-of-way north of the City of Willits.*

(b) *State moneys, including proceeds from the sale of general obligation bonds, shall not be spent for any new bulk coal terminal project within the County of Humboldt.*

(c) *For purposes of this section, "new bulk coal terminal" means a terminal that stores, handles, or transports coal in bulk to a degree or significance that is categorized as having the potential for significant impacts in an environmental document prepared pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) as a result of the storage, handling, or transport of coal in bulk.*

SEC. 2. *The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique geological and environmental conditions existing in and around the North Coast Rail Authority's rail rights-of-way north of the City of Willits and in the County of Humboldt.*

Mike McGuire bill could stop coal plan in its tracks

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State Sen. Mike McGuire introduced legislation this week to block a new initiative to bring a coal train to Humboldt County. The newly formed North Coast Railroad Company, LLC recently filed a pleading with the Surface Transportation Board in opposition of the North Coast Railroad Authority’s request to railbank approximately 320 miles of rail line to build the proposed Great Redwood Trail. (Will Houston — The Times-Standard file)

By [Isabella Vanderheiden](mailto:ivanderheiden@times-standard.com) | ivanderheiden@times-standard.com | Times-Standard
September 22, 2021 at 2:35 p.m.

State Sen. Mike McGuire introduced new legislation to block a proposal to restore the defunct North Coast railroad in an attempt to export coal overseas from Montana, Utah and Wyoming through the Port of Humboldt Bay.

McGuire called the proposal “one of the largest environmental threats the North Coast has seen in decades.”

“This toxic coal train would run through the heart of so many thriving communities and along the Russian and Eel rivers, which are the main source of drinking water for nearly 1 million residents,” McGuire said in a prepared statement. “This dangerous proposal must be stopped,

which is why we have introduced Senate Bill 307. This critical bill will ban any state funding from being invested to improve the rail line for coal shipments north of Willits and it bans any state funding to build out a potential coal storage terminal at the Port of Humboldt. No way, no how are we going to let this happen.”

[SB 307](#) would “prohibit spending state monies for any new bulk coal terminal project, as defined, within the County of Humboldt,” according to the text of the bill.

“California should do everything it can to put a stop to anything that supports the use of coal, and tampering with the plans for this trail, which will go through some beautiful North Coast country, is not welcomed,” said Assemblymember Jim Wood (D-Santa Rosa).

The newly formed North Coast Railroad Company, LLC filed a complaint with the Surface Transportation Board on Aug. 16 in opposition to the North Coast Railroad Authority’s request to railbank the dilapidated rail line that runs approximately 320 miles between Marin and Humboldt counties, to build the proposed Great Redwood Trail.

The 14-page filing asserts the railroad authority “failed to satisfy the strict standards for (a motion of exemption)” to railbank the rail line.

According to federal law, a proposal to submit an offer of financial assistance “should take priority over a trail use proposal because of the strong Congressional intent to preserve rail service wherever possible.”

Mitch Stogner, executive director of the North Coast Railroad Authority, doubled down on his commitment to move forward with the Great Redwood Trail.

“SB 307 is a reasonable response to the absurd notion that a shadow company representing undisclosed interests is going to try and run hundreds of carloads of coal every day through the North Coast and ship them overseas,” Stogner said. “This anonymous company claims they have detailed plans for the tracks, but have not once contacted NCRA who owns the right-of-way, or anyone else with any knowledge of the dilapidated state of the line. NCRA is continuing the railbanking process and remains dedicated to creating the Great Redwood Trail.”

McGuire also reported significant progress on [SB 69](#), which would shift the right-of-way from the railroad authority to the Great Redwood Trail Agency and to Sonoma Marin Area Rail Transit. The bill was approved in the Assembly by a vote of 71-0 and then in the Senate by 38-0. The bill now awaits Gov. Gavin Newsom’s signature.

More information on the bills can be found at leginfo.legislature.ca.gov.

Isabella Vanderheiden can be reached at 707-441-0504.

[Isabella Vanderheiden](#) | Reporter

Isabella Vanderheiden covers Humboldt County government, environment and cannabis news for the Times-Standard. Isabella earned a bachelor's degree in Journalism from Humboldt State University and has written for several Humboldt County news outlets. She can be reached at 707-441-0504.

ivanderheiden@times-standard.com

[RYAN BURNS / TUESDAY, SEPT. 28 @ 3:15 P.M. / BUSINESS, ENVIRONMENT, GOVERNMENT, RAILROAD](#)

Consultant in NCRA Rail Takeover Bid Says Project Has Been Misrepresented, But Document Reveals Coal Connections and Wiyot Tribe Involvement

UPDATE, Sept. 29: The day after this story was published, executives from the Wiyot Tribe sent statements regarding the issues discussed in this story. Those statements [can be found here](#).

###

Original post:



The former railroad through the Eel River Canyon has been defunct for decades. Sections have fallen into the river along with abandoned rail cars. | Photos courtesy FOER.

PREVIOUSLY: [Aiming to Ship Coal Out of Humboldt Bay, Shadowy Corporation Makes Bid to Take Over NCRA Line](#)

###

Justin Wight, an independent consultant working for the recently formed North Coast Railroad Company, LLC, says the corporation's plans have been misrepresented.

“It’s not as it has been made to appear to most people,” he told the *Outpost* in a phone interview Monday.

Wight suggested that the company, whose agents and officers remain entirely unknown, may not necessarily intend to ship coal along the long-dilapidated rail line between Humboldt Bay and San Francisco Bay, though neither would he rule out coal as the planned cargo. He said a non-disclosure agreement prevents him from revealing the particulars.

“The reality is that the final business plan hasn’t been struck and there are active discussions with literally dozens and dozens of shippers from throughout the western United States,” he said. “I’m not at liberty to disclose any more than that.”

As [previously reported](#), North Coast Railroad Co., LLC, has filed an Offer of Financial Assistance (OFA) with the Surface Transportation Board in an unexpected bid to take over the 320-mile right-of-way. If successful, the company’s gambit would effectively torpedo ongoing plans to develop [The Great Redwood Trail](#) along that route by railbanking the public throughway.

Our conversation with Wight came on the heels of [a story in the Salt Lake Tribune](#) that reveals details of a March conference call between government officials in Utah, Wiyot Tribal Administrator Michelle Vassel, two representatives of the coal industry and Wight himself.

An [email obtained by the Tribune](#) provides a rundown of “key highlights” from that conversation. The message, sent by Chris Mitton, strategic projects manager for the [Utah Inland Port Authority](#) to Jill Flygare, that agency’s chief operating officer, says Wight was seeking up to \$1 billion in loans from the U.S. Department of Transportation in order to rehabilitate the rail line and employ terminals on Humboldt Bay “for the export of minerals.”

Atop the email’s list of key highlights is this: “The Wiyot Nation is ‘fully committed to this project... .’”

Vassel previously denied to the *Outpost* that the tribe had received or accepted any proposals related to coal, and U.S. Rep. Jared Huffman said she’d told him the same thing, “unequivocally” denying that the tribe would support this rail line takeover effort.

The email suggests otherwise. “Both Justin [Wight] and Michelle [Vassel] stated there is strong local support for revitalizing the harbor and port operations,” it says. “Michelle mentioned she would expect some, but not overwhelming opposition to the project.”

Numerous calls and emails to Vassel over the past few weeks have not been returned.

Humboldt County Supervisor Rex Bohn previously told the *Outpost* that several Wiyot Tribal representatives attended a meeting at Shamus T Bones roughly six months ago. The meeting involved project representatives and government officials, including Wight and pro-coal Utah State Senator David Hinkins, Bohn said.

While Vassel has not confirmed the tribe's participation in that meeting, former Wiyot Tribal Chair Cheryl Seidner did so, saying she and other Wiyot members met with Wight and his business partners more than once.

"They were looking for someone with access to a harbor because they were landlocked," Seidner said. "They were also Native American, and of course we'd like to help other individuals, so we said we'd meet."

One of the coal industry representatives who participated in the March conference call was [Conrad "CJ" Stewart](#), energy director for the Crow Nation, a southern Montana tribe that has [collaborated with the Navajo Transitional Energy Company, Inc.](#) on efforts to mine more than a billion tons of coal from the Powder River Basin. The other was Brian Somers, president of the Utah Mining Association.

Hinkins, the Utah senator, told the *Outpost* that representatives of the Crow Tribe invited him to come to Humboldt County to meet with members of the Wiyot Tribe, which was working with the Crow and Navajo interests.

The Utah Inland Port Authority email says, "The Crow tribe is looking for any new export channel or new use for their mineral resources." The Crow Reservation has estimated coal deposits of [17.1 billion tons](#). While domestic coal demand has shrunk in recent years, U.S. coal exports reached [a two-year high in June](#), fueled largely by an explosion in demand from China, India and Japan.

The main impediment standing between these massive domestic coal supplies and massive demand overseas is pushback in West Coast port communities where residents and politicians have taken a stand against enabling more burning of the climate-warming mineral. This resistance has frustrated both Stewart and Somers, who have spoken out against such efforts.

Somers, for example, [told the L.A. Times last year](#), "We believe that these coastal states are using their local authorities for land-use planning to essentially block interstate commerce."

Despite this context and the direct involvement of both Stewart and Somers, Wight maintained that coal may not be the motivating factor for NCRCo.

"As is often the case in business development ... you talk to everyone and you try to see what's going to make the most sense for the most places," he said. "There have also been discussions around everything from aggregate [gravel] that could help build the Bay Area to waste [garbage] removal. There have been literally dozens of conversations with dozens of companies for hauling at least 25 different things."

Wight said the interests behind North Coast Railroad Co., LLC, will be made "abundantly" clear sometime in the next week or two. Asked what's happening at that point he said it concerns proceedings with the Surface Transportation Board.

An [Aug. 16 filing with that agency](#), submitted by a pair of Chicago lawyers on behalf of NCRCo., said the company is “capitalized to the tune of \$1.2 billion.” Is that money from federal loans, as suggested by the Utah Inland Port Authority email? Wight said he’s not at liberty to disclose the funding sources but they are “numerous.”

The Utah port authority, for its part, appears to have backed out. Flygare told the *Tribune* that after agency officials looked into it they determined the project was not viable, and the UIPA “has no current or future plans to export coal from Humboldt Bay.”

Alicia Hamann, executive director of Friends of the Eel River, has [spoken out](#) against the environmental destruction she says would result from attempting to rebuild the North Coast Railroad through the geologically unstable Eel River canyon, especially for the purpose of shipping coal, and she’s not convinced by Wight’s claim of there being a wide variety of potential cargoes.

“Rebuilding the rail line through the fragile Eel River canyon would cost billions,” she said. “Only coal could possibly generate the volume of shipping you’d need to finance that bill, and only then in really high-volume scenarios.”

The North Coast Railroad Authority (NCRA), the public agency that currently owns the right-of-way in question, estimates the cost of restoring the line at \$2.4 billion, with hundreds of millions more needed for maintenance of what has [been described as](#) the most expensive stretch of railway in the United States to maintain. Billions more would be required to upgrade Humboldt Bay Harbor infrastructure, according to NCRA Executive Director Mitch Stogner.

The email obtained by the *Tribune* says Wight assured Utah officials that shipping wouldn’t be a problem:

There are existing federal navigation channels that can be utilized for the export of minerals and Justin [Wight] is not concerned about that piece for exporting. The terminals identified for use are on the north side of the bay and are “well away from the environmentally sensitive areas.” Justin did not view this as an area of concern.

Jennifer Kalt, executive director of Humboldt Baykeeper, scoffed at that quote.

“There’s no such thing as anywhere on the shoreline of Humboldt Bay that’s away from environmentally sensitive areas,” she said. “The devastation that a project like this would bring to the bay is just mind-boggling to even consider.”

Wight said he was misquoted. “Let me be very clear about one thing: that quote is misattributed,” he said. “That may have been something that was discussed by someone; it’s definitely not something I ever said.”

He also argued that the project has been misrepresented in media reports to date.

“I think it’s unfortunate that the narrative has kind of been shaped the way it has thus far because some of the people involved in this project have won literally international as well as national environmental and sustainability awards.” he said. “In fact, one of the goals of this project is actually to facilitate the cleanup of the Eel River and its restoration, so it’s rather ironic that there are people who think this is going to be a nightmare for the river”

Hamann isn’t buying Wight’s statement about river restoration. “Claiming that [this project] would somehow benefit the Eel River is as obvious and absurd a lie as the claim that we can burn that coal without cooking the planet,” she said.

The NCRA board of directors spent two decades trying to drum up financial backing and commercial shipping interests willing to restore the crumbled railway through the Eel River canyon, and the agency’s attorney, Charles Montagne, is skeptical of this new venture.

“It would be extraordinarily unusual for a company engaged in as much discussion as [Wight] claims to have engaged in without talking at any point with anyone associated with NCRA,” Montagne said. “No one from the NCRCo. camp has been in touch with my client or given any information to the STB to corroborate anything that this man is saying.”

State Senator Mike McGuire, who has led the effort to develop the Great Redwood Trail, last week [introduced legislation](#) explicitly designed to thwart this rail takeover effort. Senate Bill 307 would block any state funding from going to rebuilding the rail line or building an export coal terminal at the Port of Humboldt Bay.

“The evidence is overwhelming — this secretive company is trying to be clever by hiding behind an anonymous LLC,” McGuire said in comments provided to the *Outpost*. “It’s obvious they are tied to Big Coal, and it’s obvious they are trying to pull a fast one over on the North Coast. Let me be clear: It’s not going to work. No way, no how.”

McGuire called the company’s efforts to date “incredibly offensive” and challenged backers to reveal themselves.

“If their proposal is so good, come forward and talk directly to the community,” he said. “Stop lurking in the shadows. Show us your plan. Face the people you propose to do business with.”

Those people would need to include the board of commissioners of the Humboldt Bay Harbor District, which is already preparing to take action to block their plan. Harbor Commissioner Stephen Kullmann said he’s not sure if the board will pass an ordinance or take some other approach, but he’s working on something that will have “as much teeth as possible,” he said.

Kullmann said the mysterious project backers “seem to have the idea that they can do it without any local buy-in, that they can force their will through. I highly doubt they’ll be able to do that.”

McGuire reiterated his determination to block the project. “We will fight this at every level and make damn sure this ridiculous idea goes away,” he said.



Another washed-out section of rail infrastructure in the Eel River Canyon.

[RYAN BURNS / WEDNESDAY, SEPT. 29 @ 2:09 P.M. / TRIBES](#)

‘Coal Does Not Align With Our Values’: Wiyot Tribe Executives Say Proposals Did Not Specify Cargo, Council Would Not Support Project

PREVIOUSLY:

- [Consultant in NCRA Rail Takeover Bid Says Project Has Been Misrepresented, But Document Reveals Coal Connections and Wiyot Tribe Involvement](#)
- [Aiming to Ship Coal Out of Humboldt Bay, Shadowy Corporation Makes Bid to Take Over NCRA Line](#)

###

After numerous attempts to reach Wiyot Tribal Administrator Michelle Vassel and Tribal Chair Ted Hernandez for comment in recent weeks, the *Outpost* received an email Wednesday afternoon with statements from both Vassel and Wiyot Tribal Secretary Marnie Atkins concerning the efforts by North Coast Railroad Company, LLC, to take over the rail line between Humboldt Bay and the San Francisco Bay Area.

Both statements are reproduced in full below.

From Vassel:

I do not believe the Wiyot Tribal Council would ever support a coal-related project nor do I believe that our local community would allow a project based in coal to flourish.

Consider the actions of the Wiyot Tribe over the past 10, 100 or 1000 years, coal does not align with our values. The Tribal Council did entertain a potential project related to the restoration of the rail line. We evaluate a lot of potential projects, this one, like many before it, was not pursued by the Tribe.

The Tribe’s highest priority is the removal of the two dams on the Eel River and restoration of the river. Part of our evaluation of this project centers around the health of the Eel River. When we were considering the rail project, we thought about whether we could use proceeds from the rail project towards restoring the Eel River.

To gain more insight into the feasibility of this idea, I contacted our Eel River allies “Friends of the Eel” to discuss their thoughts on it. Friends of the Eel put us in touch with Mike McGuire’s office in relation to the Great Redwood Trail and that was the first time coal was mentioned.

I have been repeatedly contacted by Mike McGuire’s staff, Jason Liles, who informed me Monday night about the memo quoted in the *Salt Lake Tribune*. I do not know any one of the

names associated with the memo, and I am not quoted in the memo as stating the Tribe is “fully committed.”

There is a statement in the memo that reads, “The Wiyot Nation is “fully committed to this project... ,” which is not attributed to me. From my recollection about this call, it was a presentation about Humboldt Bay and potential port development. The Tribe participates in meetings like this every day. We review permits, we review concepts, we review economic development projects. We carefully consider each project and conduct due diligence efforts to ensure that any potential project aligns with the Tribe’s commitment to the health and wellbeing of Wiyot people and their ancestral lands.

At the call that I attended, there was never a discussion about what supplies would be transported over the rail. Once it was determined that this project could cost upwards of a billion dollars to restore the railway, the Tribe decided to no longer pursue the project.

And from Atkins:

As I am sure you are aware, the Tribe has and will explore all options of economic development to support its tribal citizens, government, and myriad of tribal initiatives.

Another point that seems to go unnoticed is the fact that our Tribal Administrator, Michelle Vassel, has given clarifying statements that the Wiyot Tribe is not involved in a coal train. She also confirmed that we have been approached by people who wish to rehabilitate the railway but there was never a specific discussion about what would be transported on the railway.

Further, she is quoted as making statements that there would not be a lot of opposition to rehabilitating the railway so that people, supplies, and goods could be transported along it — not coal.

Again, there was never a specific discussion about what supplies, and goods would be transported along the rail with the Tribe. Instead, there was excitement about the prospect of opening our “Redwood Curtain” to the rest of the State to bring more economic opportunities to the region and to affordably deliver goods and supplies to the people of Humboldt, Del Norte, Mendocino, and Trinity counties. Not coal, but a train to help us gain valuable resources and jobs to make it more affordable to live here.

These types of economic explorations are not nefarious or shadowy. Nor do they go against the Tribe’s commitment to the health and well-being of our ancestral lands, waterways, air, plants, animals, and humans that inhabit our aboriginal territory.

Once we discovered the high price tag and lack of feasibility of rehabilitating the railway, we decided to no longer consider it as an option for economic development.

The Wiyot Tribe has always been an advocate and ally to our ancestral lands, waterways, air, plants, animals, and humans who inhabit our aboriginal territory. We have completed multi-million-dollar environmental restoration projects around *Wigi* (Humboldt Bay) and along our

waterways. We partner and ally with local organizations (several are cc'd on this email) who can, hopefully, speak to our commitment (or be reminded of) to these lands and all that they encompass.

It is difficult to imagine that having a conversation with a group of people seeking to rehabilitate a railway would demolish the goodwill and ongoing stewardship efforts we have demonstrated over the past 40+ years — some years were more involved than others and depended upon the willingness of local organizations to invite us to the table.

Sometimes people would rather believe the sensational over the factual and I suppose this is something that the Tribe will have to overcome and work to mend relationships with our current and future partners.

*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*



October 5, 2021

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action to Review 5-Year Streets Plan and Approve Two Separate Agreements with City Engineering Firm GHD and Whitchurch Engineering Related to 2022 Street Projects in the Total Amount of \$87,600

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the City Manager to execute agreements with GHD and Whitchurch Engineering for 2022 Street Projects. Provide any additional direction related to the proposed scope for 2022.

BACKGROUND AND DISCUSSION

During the priority setting session for the FY 2020-21 Budget, the Council identified "Street Planning & Implementation" as the top priority. In August of 2020 the City Council adopted a preliminary 5-year streets plan, targeting streets where underground infrastructure was not anticipated to need replacement in the near future. The Council also identified a target of \$450,000 in annual streets spending to move the plan forward.

The summer of 2021 saw the first year of the implementation of this program. Significant surface improvements were made to Eeloa, Butcher, Townsend, Painter, Rio Dell, River, Ogle & Spring streets. Significant drainage and wastewater enhancements were conducted at Ogle, Spring and Rio Dell streets.

For 2022, the streets program is recommended to include improvements to the drainage at Ogle, overlay/grinding of Riverside, Cherry and Orchard. Additionally the plan currently includes preventative maintenance using the regional slurry seal program on various streets. Finally, preliminary design/assessment work needs to be performed on Blue Slide and the Northwestern Avenue / US101 interface for future projects.

Current best estimates place street expenditures at around \$700,000 for the upcoming construction season in 2022. Better figures will result with the work proposed to be completed by GHD and Whitchurch. For 2021, the anticipated final amount is estimated at \$464,902, however some preparation work for the 2022 slurry seal still needs to be completed.

Funds are available in the budget for the combined total engineering work of up to \$87,600.

Attachments:

Spreadsheet update on 5-year Streets Improvement Plan
GHD proposal
Whitchurch Engineering proposal

///

CITY OF RIO DELL 5-Year Streets Improvement Plan - Update October 2021

Scope	Location	2021	2022	2023	2024	2025	Unknown	Total	Status
Culvert and Drainage Assessment; Repair	Blue Slide & Upper Monument, other.	\$6,500	\$50,000					\$56,500	Proposed start in 2022
Repair	Miller Court	\$40,000						\$40,000	Completed
Maintenance Pave with Grindouts	Dixie Overlay & DI	\$56,000						\$56,000	Completed
Maintenance Pave with Grindouts	River, Ogle, Spring Loop	\$95,000						\$95,000	Completed
Asphalt grindouts and patch repairs - Prep for Sealing	Eeloa, Blue Slide, Northwestern, Misc.	\$100,000						\$100,000	Partially Completed - 2021 Contractor unable to schedule. Anticipate smaller patch repair project soon.
Eeloa ADA Sidewalk Repair		\$10,000						\$10,000	Cancelled
Maintenance Pave with Grindouts	Butcher, Rio Dell, Painter	\$90,000						\$90,000	Completed
DI Upgrades	Edwards		\$20,000					\$20,000	Proposed 2022
Slurry Seal	Avenues, Various		\$100,000					\$100,000	Proposed 2022
Ogle / Belleview Drainage. Access. Construction.			\$10,000	\$175,000				\$185,000	Proposed 2022
Drainage plan - prep	Riverside: Miller to Eagle Prarie			\$50,000				\$50,000	Proposed 2022
Slurry Seal	Blue Slide and Monument			\$60,000				\$60,000	Planning
Grind And Pave	Riverside: Miller to Eagle Prarie				\$150,000			\$150,000	Proposed 2022
Grind And Pave & DI's	Cherry Orchard Loop				\$150,000			\$150,000	Proposed 2022
Slurry Seal	Wildwood & Remainder					\$120,000		\$120,000	Planning
Patch and Slurry	Riverside North					\$100,000		\$100,000	Planning
Northwestern: Plan & Elevate Roadway	Northwestern				\$30,000	\$120,000		\$150,000	Planning
US 101 & Northwestern Interface	Northwestern	\$30,000					\$200,000	\$230,000	Proposed start planning in 2022
Pacific Planning / Grant	Pacific						\$50,000	\$50,000	Planning
Total		\$427,500	\$180,000	\$285,000	\$330,000	\$340,000	\$250,000	\$1,812,500	
Anticipated Actual (Not within a fiscal-year)		\$464,902	\$700,000 Est.	tbd	tbd	tbd	tbd	tbd	

718 3rd St
Eureka, CA 95501
USA
www.ghd.com



1 October 2021

Kyle Knopp
City Manager
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

RE: Proposal for 2022 Rio Dell Road Improvement Plans

Dear Kyle

GHD is pleased to provide you a proposal for your upcoming 2022 Road Improvement Projects in Rio Dell, California. The following proposal is based on our understanding of the projects and our experience gained from successfully completing similar work. We would welcome a discussion on any aspect of this proposal. We can refine our scope, assumptions, and related fee to better meet the needs and goals of the City of Rio Dell, if you so desire.

Our understanding is that the City of Rio Dell would like to complete road improvement projects in various locations within the City limits, with the overall goal of GHD generating bid ready documents to complete each project during the 2022 calendar year. Our approach includes dividing the 2022 Road Improvement projects into three distinct tasks as follows:

- **In Town Improvements:** This task includes generating the improvement plans for portions of Riverside Drive, Edwards Drive, and Cherry/Orchard Lane. The improvement plans for these areas will generally include road rehabilitation, ADA ramps and sidewalk improvements, and stormwater infrastructure modifications/improvements identified by City staff.
- **Blue Slide Road Improvements:** This task includes the geological concerns the City has for Blue Slide Road near the County jurisdictional boundary at the northwest corner of Rio Dell. Our approach to this task is to complete a preliminary site assessment with a subcontracted geotechnical expert. Data collected during the preliminary site assessment will be used to complete a field review and alternative solutions analysis technical memorandum, which will inform the City on the best approach to providing a long-term solution at this location.
- **Northwestern Intersection Improvements:** This task includes work toward developing improvement plans for the Highway 101 and Northwestern Avenue interface. The basis of the highway designs for this portion of the project are the recommended highway improvements found in the Rio Dell Business Park traffic study (completed by W-Trans in December 2018). We understand the City desires the road to be designed to be 24 feet wide and built to industrial traffic rating standards. We further understand the City seeks to reduce flooding in this area by raising portions of the road by approximately three feet in elevation. Our approach to this task is to complete a conceptual design and implementation plan technical memorandum. The technical memorandum will provide a conceptual level set of plans, and will also provide the City with an implementation plan and preliminary cost to complete the project.

SCOPE OF SERVICES

The following tasks define our proposed scope of services:

Task 1 – In Town Improvement Plans

The construction drawings for Riverside Drive, Edwards Drive, and Cherry/Orchard Lane will be prepared based on the standards of practice in the industry and Caltrans Highway Design Manual design criteria, as applicable. GHD will also prepare Technical Specifications, Special Provisions, a detailed construction cost estimate and bid schedule for bidding purposes to hire a contractor to construct the project.

The design plans will be developed on 22" x 34" sheets that allow scaled reduction to 11" x 17" sheets. The project will be designed using English Standard units in AutoCAD at an appropriate scale utilizing AutoCAD standards, including project folder structures, layer names, line styles and font resources, color tables, etc. These documents will be signed and stamped by a licensed California Engineer.

Deliverables: GHD will provide the design plans, technical specifications, bid schedule, and engineer's opinion of probable costs as electronic PDFs.

Task 2 – Blue Slide Road Preliminary Assessment

GHD will subcontract with SHN Consulting, Inc. to provide geotechnical expertise during a single site visit to the Blue Slide area of concern. Based on the information obtained during the site visit, GHD will provide a field review and alternatives analysis technical memorandum. The technical memorandum will describe the finding of the field visit, and will provide a high-level analysis of potential alternatives towards addressing the concerns at the Blue Slide location.

Deliverables: GHD will provide the field review and alternatives analysis technical memorandum as an electronic pdf.

Task 3 – Northwestern Intersection Conceptual Design

GHD will generate conceptual plans based on the 2018 traffic study, and the desired Northwestern improvements identified by City staff. GHD will utilize readily available public data (from LiDar, Google maps, Humboldt County GIS, etc.) to create the background and boundaries for the conceptual plans.

The implementation plan generated for the project will identify key requirements and constraints towards completing the project including but not limited to environmental requirements, required special studies, Caltrans requirements, and regional drainage constraints. The technical memorandum will also include conceptual level costs for completing the project.

Deliverables: GHD will provide the Conceptual Design Plans, and the Conceptual Design and Implementation Plan Technical Memorandum as electronic pdfs.

ASSUMPTIONS AND EXCLUSIONS

This proposal is based on the following assumptions:

- This scope of services does not include anything not specifically identified in the tasks above;
- The fee for this scope of work is based on the level of effort required for the project as a whole and not upon each individual task/subtask.

COMPENSATION

The projected fees associated with each task are provided in the following table. The services described herein will be performed on a time and materials (T&M), as needed, basis up to the maximum total fee noted in the following table.

Task Description	Estimated Fee
Task 1 – In Town Improvement Plans	\$8,600
Task 2 – Blue Slide Road Preliminary Assessment	\$5,500
Task 3 – Northwestern Intersection Conceptual Design	\$22,500
Estimated time and materials, as needed, not to exceed	\$36,600

Additional services that are not included in this proposal or which are requested by the City can be provided on a time-and-materials basis in accordance with the current fee schedule in effect at the time the work is completed, or by a negotiated fee. We welcome the opportunity to work with you on this significant project. Should you have any questions, please do not hesitate to contact us.

Regards,



Nathan Sanger, P.E.
Project Manager
707.267.5243
nathansanger@ghd.com

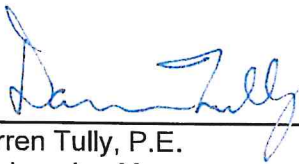
CONSULTING SERVICES AGREEMENT

This agreement made this 15th day of September, 2021 by and between City of Rio Dell, hereinafter called the Client, and Whitchurch Engineering, Inc., hereinafter called the Consultant, whereas the Client desires to retain a Consultant to provide Civil Engineering services for a drainage project located at and between Ogle and Belleview Avenues in the City of Rio Dell.

Now, therefore, the agreement witnesseth, that for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed that the Consultant shall furnish engineering services and the Client shall make payment for same in accordance with the terms and conditions set forth in Exhibit A which is attached and is hereby made a part hereof. In witness whereof, the parties to these presents have hereunto caused these presents to be executed in Fortuna, California the day and year first above mentioned.

City of Rio Dell
C/O City manager Kyle Knopp
675 Wildwood Avenue
Rio Dell, CA. 95562
Phone: (707) 764-3532
Email: knoppk@cityofriodell.ca.gov

Date



Darren Tully, P.E.
Engineering Manager
RCE# 73755

9/15/2021

Date

EXHIBIT A

TERMS AND CONDITIONS

1. The following services shall be provided:

A. Scope of Work

- a. Spot Survey (Stations from Whitchurch Engineering 30% Design of Stormwater upgrades report 2015)
 - i. Travel to site and conduct spot elevation survey
 - ii. From station 45+50 to 51+50 along Ogle Ave
 - iii. From station 15+50 to 19+00 along Belleview
 - iv. Along western edge of County parcel to established conveyance channel to Eel River
- b. Construction Drawings for areas topographic surveyed in part A.
 - i. Existing and proposed grades
 - ii. Show new swales and drainage features
 - iii. Size pipes, swales and drainage inlets for 25-year storm events
 - iv. Provide material quantities
- c. Project Specifications
 - i. Limited to construction of drainage improvements
 - ii. To adhere to Construction Specifications Institute format
- d. New Easement Creation between Ogle and Belleview Avenue
 - i. Work with Surveyor subcontractor to create easement language
 - ii. Acquire Title Reports (Assuming 2)
 - iii. Contact property owners regarding City's need for easement
 - iv. Assist City with easement negotiations and acquire notarized signatures
 - v. Surveyor subcontractor to record final easement once all parties have signed

2. Items not included in our proposal:

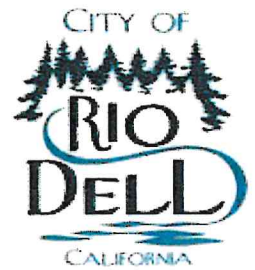
- Permit fees
- SWPPP
- Easement Guarantee
- Notary/Recorder fees
- Bid assistance/award
- Construction Inspections
- Any other item(s) not specifically mentioned in item A – Scope of Work.
- Geotechnical, Environmental Studies or Reports
- Stormwater Pollution Pretreatment Designs
- Detention/Retention Design
- City Easement Monetary Negotiations
- Construction Assistance
- Federal, State, County Agency Permits

3. We estimate the fee for this scope of work to be approximately **\$51,000.00**. Estimate is valid for 60-days from the agreement date in paragraph one.

All services will be performed on a time & materials basis billed at the rates outlined below:

- Senior Engineer	\$ 115 - 220 /hr	- Project Engineer	\$ 75 - 115 /hr
- Surveyor	\$ 85 - 150 /hr	- Survey Tech	\$ 75 - 110 /hr
- Drafting/Technical	\$ 55 - 95 /hr	- Administration	\$ 45 - 80 /hr
- Designer	\$ 75 - 120 /hr	- Survey Equipment	\$ 300 per day
- Subject Matter Expert	\$ 90 - 225 /hr	- Materials	Cost plus 20%
- Sub-consultants	Cost plus 20%	- Mileage	\$0.85/mile

4. Additional services which fall outside the scope of work will be performed at Client's request and billed at the above rates.
5. The Client shall pay all fees to public agencies required as a result of services performed under this agreement.
6. Either party may terminate contract by written notice. If for any reason our services are terminated, fees for services rendered to date shall be computed on a time and expense basis as outlined above.
7. Whitchurch Engineering, Inc. is not responsible for services provided by other professional firms who have or will perform services for this project and will be held harmless therefrom.
8. The Consultant will perform his services in accordance with generally accepted professional engineering practices for the intended use of the project but makes no warranty, either express or implied.
9. The Client shall not hold the Consultant responsible for damages or delays in performance caused by acts of God, strikes, lockouts, accidents or other events beyond the control of the Engineer.
10. All documents created by the Consultant shall remain the property of the Consultant.
11. In the event that litigation be instituted under the terms and conditions of this agreement, the same is to be brought and tried in the judicial jurisdiction of the court of the County of Humboldt and client waives the right to have the suit brought, or tried in, or removed to any other county or judicial jurisdiction.
12. This agreement shall be governed by the laws of the State of California.
13. Job cost will be billed at monthly increments. All accounts are due within thirty days of the date of receipt of invoice unless prior arrangements have been made. Whitchurch Engineering, Inc reserves the right to stop work on any accounts not paid within 30-days and the account shall bear a finance charge of 1 and ½ % per month, which is an annual percentage rate of 18%.
14. Information created or gathered in performance of these services may be used for promotional purposes. Proprietary and personal information will not be shared.



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

October 5, 2021

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Appointment of an Ad Hoc Committee Related to the Development of a Façade Improvement Program for the City of Rio Dell

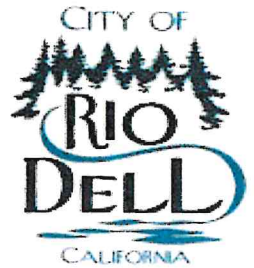
IT IS RECOMMENDED THAT THE CITY COUNCIL:

Appoint two members of the Council to the Ad Hoc Committee

BACKGROUND AND DISCUSSION

As part of the City's Economic Development Plan and the current Immediate Action Plan (IAP) the Council adopted the development of a Façade Improvement Program as a high priority. Staff have gathered enough information to begin working with a Council Ad Hoc Committee to prepare a proposal and presentation to the full Council. The Ad Hoc Committee will help refine and develop the proposal prior to presentation to the Council.

///



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October 5, 2021

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action Related to Crossing Guard Sentry Box Located on the Corner of Wildwood and Center

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff.

BACKGROUND AND DISCUSSION

The corner of Wildwood and Center Streets is home to a red Sentry Box (a small weather shelter for an individual) that is deteriorating. The Sentry box was originally used for a school crossing guard, however it has fallen into disuse with the electronic crossing guard system that traverses Wildwood Avenue. Ownership of the box is unclear but is ultimately a City responsibility, being within the right-of-way. Staff will propose to see it repaired, or if the council so desires, to seek its removal.

///

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



For Meeting of: October 5, 2021

Consent Item; Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: September 27, 2021

Subject: Horse Regulations

Recommendation:

That the City Council:

1. Receive staff's report regarding the City's horse regulations; and
2. Open the public hearing, receive public input and deliberate; and
3. Close the public hearing; and
4. Provide direction to staff if necessary,

Discussion

At your meeting of September 21, 2021, the Council requested that staff review any local regulations related to horses on streets. Chapter 6, Animal Care and Control, Section 6.05.120(1) of the Rio Dell Municipal Code (RDMC) does contain provisions related to horses on public streets, sidewalks and alleys. Below is a copy of the provision.

6.05.120 Horses, poultry, other.

(1) Horses. No person shall drive, ride, lead or tie an animal on any sidewalk or allow any animal attached to any vehicle to stand across or on any crossing of any street or sidewalk or allow any animal to stand upon a public street or alley without being securely tied or under the control of its owner or manager, or stake out any animal in the public streets or parks for the purpose of allowing the animal to graze or any other purpose.

Of course, one the issues associated with horses on public streets, is the potential deposit of fecal matter. It is not addressed in the City' horse regulations. However, Section 6.05.050(22) of Chapter 6 of the RDMC does address dog fecal matter.

6.05.050 Prohibitions

(22) Fecal Matter. No owner shall permit his dog to deposit fecal matter on property, other than his or her own, unless such owner shall cause the fecal matter to be removed immediately and properly disposed of.

Staff has included a copy of Chapter 6, Animal Care and Control as Attachment 1 for your review.

Attachment 1: Chapter 6, Animal Care and Control

Chapter 6.05 ANIMAL CARE AND CONTROL

Rio Dell Municipal Code

Sections:

[6.05.010 Purpose.](#)

[6.05.020 Jurisdiction.](#)

[6.05.030 Definitions.](#)

[6.05.040 Administration.](#)

[6.05.050 Prohibitions.](#)

[6.05.060 Licenses – General.](#)

[6.05.070 Licenses – Dogs.](#)

[6.05.080 Licenses – Kennel.](#)

[6.05.090 Impoundment.](#)

[6.05.100 Rabies.](#)

[6.05.110 Regulation of vicious animals.](#)

[6.05.120 Horses, poultry, other.](#)

[6.05.130 Service dogs.](#)

6.05.010 Purpose.

The purpose of this chapter is to preserve the health and safety of persons and animals within the City of Rio Dell, and additionally:

- (1) To provide for the regulation of the licensing of dogs and kennels;
- (2) To prevent the running at large of dogs within the City limits of the City of Rio Dell;

(3) To establish certain standards, rules, regulations, fees, penalties, and procedures as authorized by law;

(4) Provide for pet population control. [Ord. 287, 2012.]

6.05.020 Jurisdiction.

The provisions of this chapter shall apply to the incorporated territory of the City of Rio Dell. [Ord. 287, 2012.]

6.05.030 Definitions.

“At large” shall mean an animal that is off the property of the owner and not under restraint.

Chief Animal Control Officer. The “Chief Animal Control Officer” shall mean the Chief of Police.

“Dog” shall mean any domesticated animal of the canine family, excluding domesticated coyotes, foxes, dingoes, wolves, or other wild species of the same, as well as hybrids thereof, which are defined separately.

“Enclosure” means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering the dog within the enclosure. The enclosure shall be securely locked and have secure sides, top, and bottom sufficient to prevent the animal from escaping.

“Habitually to make loud noise” shall mean a dog or other animal, with the exception of a domesticated cat, that barks, bays, cries, howls, or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of continuous barking for 15 minutes or more, or intermittent barking for 30 minutes or more during any 24-hour period. A dog shall not be deemed a “barking dog” for purposes of this section if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked.

Hearing Entity/Officer. For the purposes of this chapter, the “hearing entity or officer” shall be the Chief of Police or his/her designee.

“Kennel” shall mean any enclosure, premises, building, structure, lot or area, except where reasonably necessary to support an agricultural use (i.e., contain herding dogs), where four or more dogs or other small domesticated animals, which are not sick or injured and are 10 weeks in age or older, are boarded for compensation, cared for, trained for compensation, kept for sale, or bred for sale, or four or more dogs or other small domesticated animals that are 10

weeks of age or older which are kept and maintained as pets, "rescue animals," or for any other noncommercial purpose.

"Owner" shall mean a person who possesses, has title to, or an interest in, harbors, or has control, custody, or possession of an animal and the verb forms of "to own" shall include all these shades of meaning.

Owner or Keeper's Property. For purposes of defining potentially dangerous, vicious and public nuisance dogs, the "owner or keeper's property" includes that property over which the owner or keeper has the exclusive possession and use.

"Person" shall mean any person, firm, company, corporation, partnership, or association.

Potentially Dangerous Dog. A "potentially dangerous dog" shall mean any of the following:

(1) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.

(2) Any dog which, when unprovoked, bites a person causing less severe injury than as defined within the definition of a "vicious dog."

(3) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

Public Nuisance Dog. A "public nuisance dog" shall mean any dog which gives offense to human senses or substantially interferes with the rights of persons, other than its owner or keeper, to the enjoyment of life or property. The term shall include, but not be limited to, any dog which:

(1) On three separate occasions within a 36-month period has been cited, or impounded for being off its owner's or keeper's property in violation of this chapter or any other applicable law.

(2) Causes damage to the property of anyone other than its owner or keeper.

(3) Harasses or intimidates persons on public property or private property other than that owned or under control of its owner or keeper.

(4) Repeatedly chases vehicles that are not on its owner's property.

(5) Makes disturbing noises such as barking, howling, whining, or other utterances to the annoyance, disturbance, or discomfort of neighbors or others in the vicinity of the property where the dog is maintained.

(6) Has been allowed by its owner or keeper to produce odors which annoy, disturb or cause discomfort to persons in the vicinity of the property of where the dog is maintained.

(7) Is one of a number of dogs or other animals maintained on the property owned or controlled by its owner or keeper so as to be offensive to persons or dangerous to the public health, safety or welfare.

(8) Has, when unprovoked, bitten any person who is lawfully on the owner's or keeper's property causing minor injury.

"Severe injury" means any physical injury to a human being that results in muscle tears, broken bones, or disfiguring lacerations or requires multiple sutures or corrective cosmetic surgery.

"Vaccination" shall mean the inoculation of a dog with canine anti-rabies vaccine approved by and in the manner prescribed by the Department of Public Health of the State of California, and/or additional vaccinations as required by law.

"Veterinarian" shall mean a person licensed by the State of California to practice veterinary medicine.

Vicious Dog. A "vicious dog" shall mean any of the following:

(1) Any dog owned or harbored for the purpose of dog fighting;

(2) Any dog seized under California Penal Code Section 599aa and upon sustaining of a conviction of the owner or keeper under California Penal Code Section 597.5(a);

(3) Any dog which, when unprovoked, in an aggressive manner inflicts severe injury or kills a human being; or

(4) Any dog previously determined to be a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in the definition contained in this chapter of a "potentially dangerous dog," or is maintained in violation of this chapter. [Ord. 287, 2012.]

6.05.040 Administration.

(1) Chief of Police. The Chief of Police is responsible for animal control services as provided by this chapter, and shall oversee all animal control activities, including:

- (a) Supervise and direct animal control officers in the performance of their duties;
- (b) Administer the dog licensing and kennel licensing provisions of this chapter;
- (c) Collect or facilitate the collection of all fees associated with animal control and turn those fees over to the Rio Dell Finance Department;
- (d) Administer and enforce all provisions of this chapter;
- (e) Take up and impound all animals found to be in violation of the provisions of this chapter;
- (f) To cooperate with the County Health Officer in the administration and enforcement of the rabid and dangerous animal provisions of this chapter;
- (g) To facilitate the removal and disposal of the carcass of any dog found in or on any street, alley, or other public place, except state highways;
- (h) To keep and maintain records in accordance with state law and policy.

(2) Establishment of a Public Pound.

(a) A public pound is authorized and may be established and shall be located at such place in the City of Rio Dell as shall be fixed from time to time by the Rio Dell City Council. The public pound, or any authorized branches thereof, shall provide suitable buildings and enclosures to adequately keep and safely hold all dogs, cats or other animals subject to be impounded by the provisions of this chapter.

(b) The City Council, at their discretion, may enter into a contract with a qualified facility to carry out the duties of housing, care, feeding, redemption, and other associated activities as defined therein.

(3) Animal Control Officer. Police officers are designated as animal control officers and will carry out functions of this chapter at the direction of the Chief of Police. Other members of the Police Department may be assigned animal control duties.

Upon approval of the City Council, the Police Department may employ an individual for the sole purpose of enforcing this chapter in the capacity of animal control officer.

(4) Authority to Carry Firearms. The Chief of Police may authorize animal control officers to carry a firearm when acting in the course and scope of their employment pursuant to the provisions of California Penal Code Section 26025(b).

(5) Pursuit on Private Property. Animal control officers, when in pursuit of an animal at large, shall have the authority to enter private property to apprehend such animals.

(6) Fees and Penalties. The Animal Control Division shall charge, receive and collect fees and penalties for the performance of services in the amounts, at the times, and in the manner specified herein or by resolution of the City of Rio Dell City Council. [Ord. 287, 2012.]

6.05.050 Prohibitions.

(1) Animals Running at Large. No owner shall permit his animal, wild or domestic, except a domestic cat, to run at large within the City limits of Rio Dell.

Whenever the Chief Animal Control Officer or other authorized personnel thereof take up, assume control over, herd, or otherwise respond to a situation involving any animal which is at large, and which is not impounded pursuant to this chapter, the owner or other person responsible for the care or restraint of such animal shall pay, and be charged and liable for, a fee not to exceed the actual costs incurred by the City of Rio Dell in taking up, assuming control over, herding, or otherwise responding to the at large animal.

(2) Dogs on Leashes. It shall be unlawful for any person to suffer or permit any dog, harbored, or controlled by him/her to be on any public street, alley, lane, park, or place of whatever nature open to and used by the public in the incorporated areas of the City unless such dog is securely leashed and the leash is held continuously in the hand of a responsible person capable of controlling such dog, unless the dog is securely confined in a vehicle.

(3) Trespassing. No owner shall permit his/her animal, except a domestic cat, to trespass on any property, public or private, without the consent of the owner of the property.

(4) Property Damage. No person shall knowingly permit their animal, including a domestic cat, to damage the private property of another person, or public property.

(5) Noise. No owner shall permit his animal, except a domestic cat, habitually to make loud noise or act in such a manner as to constitute a public nuisance.

(6) Female Dogs in Heat. No owner of any unspayed female dog shall permit such dog to stray or run at large in the City limits of Rio Dell while such female dog is in the copulating season.

(7) Proper Care. No owner or person in charge of an animal shall permit such animal to go without proper food, water, care, shelter, or attention.

(8) Unlicensed Dogs. No owner shall have a dog required to be licensed within the City of Rio Dell unless such dog has been licensed pursuant to the provisions of this chapter.

(9) Tags and Collars. No owner shall fail, neglect, or refuse to attach, by means of a collar, harness, or other device, any tag issued pursuant to this chapter to the licensed dog, nor shall any owner fail, neglect, or refuse to keep such tag attached to such dog at all times while the license is in force.

(10) Replacement of Tags. No owner shall fail to apply for a new license within 10 days after the date of the loss of the license tag.

(11) Improper Tags. No person shall permit to be attached or kept upon any dog any license tag provided for by this chapter except for a tag issued for that dog pursuant to this chapter, nor shall any owner permit to be attached to or kept in his possession, any counterfeit or imitation of any tag provided for by this chapter.

(12) Removal of Tags. No person without authorization from the owner shall remove from any dog any collar, harness, or other device to which a current license tag is attached; nor shall any such person remove a current license tag from any such collar, harness, or other device.

(13) Unlicensed Kennels. No owner shall maintain, conduct, or operate, or cause to be maintained or operated, any unlicensed dog kennel.

(14) Kennel Standards. No person shall fail, neglect, or refuse to maintain a kennel:

(a) So as to prevent dogs contained therein from running at large;

(b) So the location of the kennel does not violate the zoning ordinance;

(c) So the kennel does not violate building codes or sanitary laws;

(d) So the kennel premises are maintained in a clean and sanitary condition;

(e) So the dogs therein are not subject to cruelty, suffering, or abuse;

(f) So the kennel does not constitute a public nuisance;

(g) So the keeping and maintenance of the kennel will not be detrimental to the peace, health, or safety of persons in the immediate vicinity;

(h) Without possessing evidence that each dog in the kennel has been vaccinated in accordance with the provisions of this chapter.

(15) Kennels after License Revocation. No person shall operate or maintain a kennel within one year after the revocation of a kennel license.

(16) Taking Dogs from Kennels. No person shall take a dog off the premises of a kennel except under control of a leash; nor shall any owner of a kennel or his agent or employee run or take dogs off the premises of a kennel or permit dogs to be run or be taken therefrom except as provided in this chapter.

(17) Vaccinations. No owner shall have a dog within the City limits of Rio Dell unless such dog has been vaccinated against rabies pursuant to the provisions of this chapter.

(18) Reports. Any person having knowledge of an animal of the categories that constitute an animal that is or may be rabid as defined in this chapter shall notify the Chief of Police or his/her designee or agent immediately.

(19) Isolation or Quarantine. No person shall violate any of the conditions of isolation or quarantine prescribed by the Chief Animal Control Officer, his or her agent, or the County Health Officer.

(20) Epidemic Regulations. No person shall violate any rules or regulations promulgated pursuant to the provisions of this chapter based upon a determination or declaration of a rabies epidemic or unusually dangerous health situation.

(21) Interference with Enforcement. No person shall interfere with, oppose, or resist the Chief Animal Control Officer or his or her agents, under the provisions of this chapter, to take up and impound animals while such officer or agent thereof is engaged in the performance of any act authorized by the provisions of this chapter.

(22) Fecal Matter. No owner shall permit his dog to deposit fecal matter on property, other than his or her own, unless such owner shall cause the fecal matter to be removed immediately and properly disposed of.

(23) Limitations. It is unlawful for any person or persons to own, harbor or maintain at any parcel more than three dogs or cats four months of age or older, except as provided for within this chapter.

(24) Violations – Misdemeanors, Infractions.

(a) The following ordinance violations shall constitute a misdemeanor:

(i) Unauthorized removal of tags/license;

(ii) Maintaining an unlicensed kennel;

(iii) Maintaining substandard kennel(s);

(iv) Operating a kennel with a revoked kennel license;

(v) Not adhering to vaccination requirements;

(vi) Violations of epidemic regulations;

(vii) Interference with the enforcement of this chapter;

(viii) Any violations of this code relating to vicious or potentially dangerous dogs.

(b) All other violations shall constitute an infraction.

(25) Separate Offenses. Every person violating any provision of this chapter shall be deemed guilty of a separate offense for each calendar day during which such violation continues and shall be punishable therefor as provided.

(26) Promises to Appear – Notices to Appear. If any person is arrested for any such violation, and such person is not immediately taken before a magistrate, the arresting officer, pursuant to the provisions of California Penal Code Section 853.6, shall prepare, in duplicate, a written notice to appear in court. Such written notice shall contain the name and address of such person and the offense charged and shall set forth the time when and the place where such person shall appear in court. The time set in the notice to appear shall be at least 21 days after such arrest. The place set forth in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail. [Ord. 287, 2012.]

6.05.060 Licenses – General.

(1) Effect of Licenses. The issuance of any license or permit to keep an animal as provided for in this chapter shall be prima facie evidence that the owner has satisfied the basic licensing requirements pursuant to the provisions of this chapter, but such issuance shall be given no evidentiary weight to indicate that the owner has conformed to zoning regulations, building regulations, health and safety regulations, or to any other applicable rule, regulation, or statute unless, pursuant to the issuance, official written approval has been given by the office or agency responsible for the administration of the rule, regulation, or statute in question. If such approval has been given, it shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation, or statute in question.

(2) Exemptions from Licensing. The licensing regulations of this chapter shall not be applicable to the following owners who use animals for diagnostic purposes or research, the use having been approved by the Board of Public Health of the State of California pursuant to the provisions of California Health and Safety Code Section 1666; owners who use animals for teaching purposes in recognized educational institutions; owners of establishments which treat or board animals and which are owned and operated by veterinarians licensed by the State of California; and owners of pet shops, circuses, animal exhibits, and other enterprises maintaining animals which have been granted business licenses or event licenses by the City of Rio Dell. [Ord. 287, 2012.]

6.05.070 Licenses – Dogs.

(1) Dog Licenses. Every owner of a dog required to be licensed shall procure an animal license for such dog in accordance with the procedure set forth in this chapter.

(2) Dogs Required to Be Licensed. A dog required to be licensed shall be a dog that:

(a) Is over the age of four months; and

(b) Is not in a licensed kennel; and

(c) Has not been in a licensed kennel within 48 hours; and

(d) Has been in the City limits of the City of Rio Dell for 10 days.

(3) Time of Applications, Durations of Licenses, Renewal Notices.

(a) Applications for dog licenses shall be made on or before the first day the dog is required to be licensed pursuant to this chapter. Before any dog is released to a new owner, a completed application form, together with the license fee, shall be submitted by such person.

(b) A license which is initially issued in accordance with this section shall be valid for a period of one year from the application date or until the expiration of the rabies vaccination certificate, whichever is less. The license may be extended up to the expiration date of the rabies vaccination certificate for a fee that is equal to one-half of the full fee for each year or partial year following the first. There are no refunds of dog license fees should the dog die or be moved outside of the City of Rio Dell. The Rio Dell Police Department will make every effort to notify, via mail, the owners of previously licensed dogs, approximately 30 days prior to expiration, that license fees are due.

(4) Preparation of Forms and Tags. The Chief of Police is hereby authorized and directed to have prepared suitable application forms for dog licenses as provided in this section and license tags to be issued to the owners of dogs.

(5) License Applications. The license application shall bear the name (if any), age, sex, color, breed, previous rabies vaccination date, and subsequent revaccination date of the dog for which the license is applied.

(6) Fee. The amount of the annual dog license fee shall be set by resolution of the City Council of the City of Rio Dell; provided, however, if a certificate is presented from a licensed veterinarian that the dog has been either spayed or neutered, or if the veterinarian has on file an affidavit stating that the animal has been spayed or neutered and that examination by the veterinarian discloses no evidence to the contrary, the fee shall be one-half the regular set fee.

(7) Penalties.

(a) The owner of any dog required to be licensed who fails to procure and pay for such license as required by this chapter shall pay, in addition to the established license fee, a penalty as established by the City Council of the City of Rio Dell.

(b) The owner of any dog required to be licensed pursuant to this chapter for the year immediately preceding the year in which an application for a dog license is filed who failed to obtain a license for such dog for such year shall pay, in addition to any other license fee or penalty, a penalty set by resolution by the City Council of the City of Rio Dell.

(8) Exceptions from Penalties. The penalty provided for in this chapter for failing to license a dog shall not apply to the owner of a dog required to be licensed which has not been subject to the licensing requirement for more than 30 days; or in the case of a dog that had not been licensed during the preceding year, the penalty shall not apply if the dog had not been subject to the licensing requirement for 30 days the immediately preceding year.

(9) Seeing Eye Dogs.

(a) No fee or penalty shall be collected or received for any dog license issued for a Seeing Eye dog owned by a blind or partially blind person.

(b) If a person presents written verification from Guide Dogs for the Blind, Inc., that they are raising a Seeing Eye puppy and will deliver it to Guide Dogs for the Blind, Inc., when it is approximately one year old, no fee or penalty shall be collected or received for any dog licensed issued for a Seeing Eye puppy.

(10) Law Enforcement Dogs. If a dog is owned and used exclusively for law enforcement purposes by a public safety agency, no fee or penalty shall be collected or received.

(11) Issuance – Filing. A license shall be issued after the submission of a completed application form, a license fee, and a rabies vaccination certificate issued pursuant to the provisions of this chapter, establishing the dog in question has been vaccinated in accordance with the requirements of the State Department of Health. The license shall be issued to the owner, or the owner's agent, at the time of application, provided the application is complete and meets the requirements as set forth in this chapter.

(12) License Tags. License tags shall be metallic, shall be numbered serially, and shall have a stamp thereon bearing the name of the City of Rio Dell.

(13) Lost Tags. As often as any license is lost, the owner, within 10 days thereafter, shall procure another tag for which such owner shall pay a fee set by resolution by the City Council of the City of Rio Dell. [Ord. 369 § 1, 2018; Ord. 287, 2012.]

6.05.080 Licenses – Kennel.

(1) Kennel License. Every person owning or controlling a kennel shall procure an annual kennel license on or before June 1st of each year in accordance with the procedure set forth in this chapter, which kennel license shall be a license for all dogs kept therein. A kennel license is in addition to the requirement of a business license (if applicable).

(2) Preparation of Forms and Certificates. The Chief of Police is hereby authorized and directed to have prepared suitable application forms for kennel licenses and kennel license certificates as provided in this chapter.

(3) Contents of Application Forms. The application for a kennel license shall set forth the name and address of the applicant, the location, including the address, of the kennel, a description of the facility for housing the dogs, and the number and description of the dogs kept in the kennel.

(4) Fees. The kennel license fee shall be set by resolution by the City Council of the City of Rio Dell.

(5) Penalties.

(a) The owner of any kennel who fails to procure and pay for such license until after June 1st of any year, or fails to procure a license at the time they begin to operate as a kennel, shall pay the applicable license fee, and in addition, if the fee is not paid by June 10th, or within 10 days of operating as a kennel, then the owner shall pay a fine as set forth by the City Council of the City of Rio Dell.

(b) The determination of when a kennel started operating as such shall be based on the preponderance of the evidence available.

(6) Investigations. Upon the receipt of an application and license fee and penalties, if any, the Chief of Police, or his designee, shall send copies of the application to the City Manager, the Planning Department, the Public Works Department, and the Building Department, and those entities shall determine if the proposed kennel would be within conformity to zoning/planning codes/policy, building codes, business license provisions, and sanitation laws and/or regulations.

(7) Action on Applications. After receipt of reports in relation to other departments, or as deemed appropriate and reasonable, the Chief of Police shall act on the application as follows:

(a) The Chief of Police shall approve the application if he/she finds that the kennel is maintained in accordance with each of the conditions as set forth by this chapter.

(b) He/she may approve the application with conditions set to meet reasonable concerns that are identified during the process of reviewing the application. Under such circumstances that an application is approved conditionally it shall be reviewed and endorsed by the City Manager in addition to the Chief of Police.

(c) He/she shall deny the application if he/she does not make the findings that the kennel or proposed kennel does not conform to the conditions set forth in this chapter or other applicable ordinance, rule, or statute. In the event an application is denied the Chief of Police shall provide the reason for the denial in writing to the applicant within 14 days of the application being denied.

(d) Endorsement and Filing. The license application and issued license certificate shall be endorsed by the Chief of Police, and the application and a copy of the certificate shall be maintained in a file at the Rio Dell Police Department.

(e) License Certificates. The issuance of a kennel license shall be evidenced by the issuance of a kennel license certificate in a form determined by the Chief of Police. Kennel license certificates shall bear the name of the City of Rio Dell, the date the certificate was issued, the date the certificate will expire, and shall be numbered serially.

(f) Notices. The Chief of Police or his/her designee may notify kennel owners of record that a current kennel license is due and a fee is payable.

(g) Suspension of Kennel License. The Chief of Police may make an order suspending any kennel license issued pursuant to the provisions of this chapter upon a finding that there exists any fact which would have been a ground for refusal to issue a kennel license, or if there has been a violation of the provisions of this chapter, or a violation of conditions imposed in any kennel license, or if the owner of the kennel, or any agent or employee employed therein, has been convicted of a violation of the provisions of California Penal Code Section 597.

(h) Suspension of Kennel License – Notices. The Chief of Police, or his/her designee, shall cause a copy of an order of suspension of a kennel license to be mailed to the applicant of such license via certified U.S. mail to the address listed by the applicant on the application.

(i) Appeals. The applicant may appeal an order by the Chief of Police denying a kennel license and/or suspending a kennel license to the Rio Dell City Council; however, such appeal must be made in writing through the Office of the City Manager within 15 days of the denial of the license, or 15 days of the receipt of written notice to the applicant of the reasons for the denial of the license, or within 15 days of receipt of a notice of suspension or a notice of revocation of a kennel license.

(j) Automatic Revocation. If no appeal is requested as set forth within the time period allotted, pursuant to this chapter, in regards to a suspended kennel license then such license shall be deemed revoked. [Ord. 287, 2012.]

6.05.090 Impoundment.

(1) Taking Up and Impounding. The Chief of Police and/or his designee, or any animal control officer, shall take up and impound in a suitable facility, properly maintained to acceptable

humane standards, either under the ownership and control of the City of Rio Dell, or under contract with the City of Rio Dell, all animals found to be in violation of the provisions of this chapter or California Food and Agricultural Code Division 9, or other applicable rule, ordinance, or statute.

(2) Notice of Impoundment. As soon as possible, but no later than 24 hours after impounding any dog properly licensed under the provisions of this chapter, the animal control officer who caused the impoundment shall notify the owner of record by telephone, mail, or in person that such dog is impounded and that it can be redeemed within five days from the date of such impoundment. If the dog is not retrieved within that time period the disposition of the dog will be in accordance with the provisions of this chapter.

(3) Redemption Period. Except as otherwise provided in this chapter, all animals impounded at the animal control facility, either operated by the City of Rio Dell, or operated by another entity under contract, or another facility being used, as approved by the Chief of Police, under special circumstances specific to a particular impoundment, shall be kept and maintained at least for the following redemption periods:

(a) Five days for any dog found wearing a current annual license tag;

(b) Seventy-two hours for any dog found not wearing a current annual license tag, and has no other means by which to identify the owner;

(c) Five days for any animal governed by the provisions of California Food and Agricultural Code Section 17003; and

(d) Seventy-two hours for any other animal.

At any time after the expiration of the minimum time period as described by this code for the retention of impounded dogs, the Chief of Police may cause the sale, gift, or humane destruction of such dogs as allowed by current law. The Chief of Police shall not give, sell, or otherwise convey an impounded animal to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biological sciences, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs.

(4) Animals Voluntarily Surrendered. Any animal which is voluntarily surrendered to or deposited with the Rio Dell Police Department or an agent thereof shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.

(5) Surrendered or Abandoned Animals – Adoption, Immunization.

(a) Except as provided by law the Chief of Police may authorize the adoption of any animal in the care, custody, and control of the Rio Dell Police Department. Under circumstances during

which the City of Rio Dell is under contract with another entity, the adoption of animals may be facilitated by that entity.

(b) The Chief of Police and/or his designee may authorize the immunization of any dog, four months of age, which is voluntarily surrendered to or deposited with the Rio Dell Police Department. A fee, as set forth by the City Council of the City of Rio Dell by resolution, may be charged in addition to any other fees associated with the adoption of an animal for the purpose of defraying the costs associated with such immunization. Under circumstances during which the City of Rio Dell is under contract with another entity, the immunization of animals and recovery of associated fees may be facilitated by that entity.

(6) Spay or Neuter Deposit.

(a) A spay or neuter deposit, as set by resolution of the City Council of the City of Rio Dell, shall be collected at the time of adoption of any dog or cat, and will be held for a period not to exceed 60 days, except that for dogs and cats six months of age or younger at the time of adoption, the period shall not exceed six months. If a female dog and her puppies or a female cat and her kittens are adopted together, one deposit shall be charged. Under circumstances during which the City of Rio Dell is under contract with another entity, the spay and neuter deposit for adopted animals may be facilitated by that entity.

(b) At any time within the period specified above, the owner may present a spay or neuter certificate for the adopted animal from a licensed veterinarian or veterinary clinic, in which event the deposit will be returned. Deposits not so claimed within the time period specified above shall be deemed unclaimed and shall automatically be forfeited to the City, or contract facility for use in accordance with California Food and Agricultural Code Sections 30503 and 31751.

(7) Redemption.

(a) The owners of impounded animals, during the redemption period and at any time before the disposition of such animals, may redeem them by paying the impoundment fees and licensing dogs in the manner provided in this chapter.

(b) The Chief of Police or his/her designee shall charge and collect fees, as set by resolution by the City Council of the City of Rio Dell, for every impounded animal when claimed and before its release.

(8) Euthanasia.

(a) The Chief of Police may facilitate euthanasia services on animals whose owners request it. The Chief of Police may issue regulations to implement the provisions of this section.

(b) A fee, set by resolution by the City Council of the City of Rio Dell, shall be charged and collected by the Rio Dell Police Department for every animal which is euthanized at its owner's request.

(9) Animal Traps. The Chief of Police or his/her designee may loan animal traps and provide related retrieval services for persons who request it. A deposit may be collected at the time the trap is loaned not exceeding the value of the trap.

(10) Liability. No person shall be liable for the disposition of any animal in accordance with the provisions of this chapter. [Ord. 287, 2012.]

6.05.100 Rabies.

(1) Vaccinations. Every owner of a dog over four months in age shall have such dog vaccinated with such canine anti-rabies vaccine and at such intervals as prescribed by the State Department of Health.

(2) Vaccinations – Imported Dogs. Every owner who brings into the City of Rio Dell a dog which has not been vaccinated within 12 months prior to the importation thereof shall have the dog vaccinated within five days from and after its arrival in the City of Rio Dell. The certificate of vaccination issued by a duly licensed veterinarian from any other jurisdiction for the specific dog, establishing the vaccination with an approved vaccine, may be accepted by the Chief of Police or his/her designee as evidence of vaccination upon the date of the vaccination indicated on the certificate.

(3) Vaccinations – Exceptions. A dog shall be exempt from the vaccination requirements of this chapter if within one year:

(a) A veterinarian has examined the dog and certified that a vaccination will endanger the dog's health for physiological reasons; and

(b) Such certificate is presented to the Chief of Police and the County Public Health Officer within five days after the examination; and

(c) The County Health Officer concurs in the opinion of the veterinarian and endorses his approval on the veterinarian's certificate.

(4) Vaccinations – Procedure.

(a) Dogs shall be vaccinated by a veterinarian or at vaccination clinics approved by the Chief of Police and/or the County Public Health Officer that are in accordance with State law.

(b) Every person who vaccinates a dog for rabies shall issue the owner of the dog a certificate containing the following:

- (i) The name, address, and telephone number of the dog owner;
 - (ii) The type of rabies vaccine administered (including the name of the manufacturer and the lot number of the vaccine used);
 - (iii) The date of the vaccination, the interval for the next vaccination, and date the next vaccination is due;
 - (iv) A description of the dog, including the breed, age, sex, color, and markings of the dog;
 - (v) The stamped, printed, or typewritten name, address, and telephone number of the person who administered the vaccine; and
 - (vi) The signature, with date, of the person administering the vaccine.
- (c) Every person who vaccinates a dog for rabies shall submit to the Rio Dell Police Department a copy of the rabies vaccination certificate required by this chapter no later than 30 days after the date the vaccination was administered.
- (5) Reports. It shall be the duty of any person having knowledge of any animals falling into the following categories to immediately report the animal to the Rio Dell Police Department, and/or the County Public Health Officer, and to furnish complete information regarding the incident:
- (a) Known rabid animals;
 - (b) Suspected rabid animals;
 - (c) Animals which have bitten a human or otherwise exposed a human to rabies; and
 - (d) Animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal.
- (6) Reports to Health Officer. Upon receipt of a report of a rabid or suspected rabid animal pursuant to this chapter, or upon the receipt of information of another animal disease dangerous to humans, the Chief of Police or any animal control officer as defined by this chapter shall report that information to the County Public Health Officer.
- (7) Isolation or Quarantine. Chief of Police and/or his designee shall isolate and quarantine, with the concurrence of the County Public Health Officer, any animal that is suspected to be rabid that has been captured or is otherwise in the possession of the Rio Dell Police Department. Such isolation and quarantine shall be done so in accordance with State law.

(8) Carcasses of Rabid Animals. Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the Chief of Police shall obtain and turn over to the County Public Health Officer the carcass of such animal or an adequate specimen thereof, at the discretion of the County Public Health Officer.

(9) Destruction. Upon an order of the County Public Health Officer, the Chief of Police or his/her designee shall destroy any animal or its carcass if an examination shows such animal or carcass to be rabid.

(10) Epidemic Regulations. The Rio Dell Police Department shall adhere to and comply with any orders as issued by the County Public Health Officer in regards to a rabies epidemic or other unusually dangerous health situation among dogs or other animals.

(11) Fees. Upon a determination that an animal is not rabid after a 10-day isolation and quarantine period the animal may be returned to its owner or person responsible upon the payment of fees for such impoundment as set by the City Council of the City of Rio Dell. In the event the owner or person responsible does not pay the associated fees the dog will be retained for a period of five additional days and then disposed of in accordance with this chapter by means of adoption or euthanasia. [Ord. 287, 2012.]

6.05.110 Regulation of vicious animals.

(1) Purpose. The uncontrolled maintenance of vicious animals constitutes a dangerous situation which presents a threat to the health, safety, and welfare of the persons and animals within the City of Rio Dell. This situation presents a serious hazard within the City which is compounded by the increasing tendency to maintain animals which, by virtue of breeding and training, have a propensity to attack others. The purpose of this section is to protect the public health, safety, and welfare by regulating vicious animals.

(2) Procedure for Declaring a Dog Potentially Dangerous, Vicious, or a Nuisance. If an animal control officer or law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous, vicious or a nuisance, the animal control officer shall petition the Chief of Police, or his/her designee, for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous, vicious, or a nuisance. In the event the Chief of Police has probable cause to believe that a dog is potentially dangerous, vicious, or a nuisance, he/she is not required to petition for a hearing; however, must document the probable cause for such hearing and make such probable cause available to the owner or keeper of the dog in question, and such written probable cause shall become a part of the record and maintained in compliance with State and Federal law as it pertains to the retention of public records. Whenever possible any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The Chief of Police shall notify the owner or keeper of the dog that a hearing will be held by the Chief Animal Control Officer or

his/her designee, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous, vicious, or a nuisance. Said evidence may be offered either written or oral by the owner of the dog or any interested citizen, including animal control officers, humane officers or peace officers, and shall be sworn to and/or signed under declaration of penalty of perjury.

(3) Notice of Determination. After the hearing conducted pursuant to this chapter, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by certified U.S. mail by the Hearing Officer. If a determination is made that the dog is potentially dangerous, vicious, or a nuisance, the owner or keeper shall comply with the provisions of this chapter in accordance with the time schedule established by the Chief of Police or his or her designee, but in no case more than 30 days after the date of the determination or 35 days if notice of the determination is mailed to the owner or keeper of the dog.

(4) Appeal. If the petitioner or the owner or keeper of the dog contests the determination of the Hearing Officer, he/she may, within five days of the receipt of the notice of determination, appeal the decision of the Hearing Officer to the Rio Dell City Council and request a public hearing. The City Council shall schedule a public hearing at the next available City Council meeting, or may schedule a special meeting for the specific purpose of hearing the appeal. The City Council may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing. The determination of the City Council shall be final and conclusive upon all parties.

(5) Seizure and Immediate Impoundment. If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, the animal control officer or law enforcement officer may seize and impound the dog pending the hearing or determination provided for in subsection (2) of this section, Procedure for Declaring a Dog Potentially Dangerous, Vicious, or a Nuisance. The owner or keeper of the dog shall be liable to the City of Rio Dell for the costs and expenses of keeping the dog if the dog is later determined to be found potentially dangerous or vicious. If public safety is adequately assured, the Chief of Police may permit the dog to be confined at the owner's expense in an approved kennel or veterinary facility or on the owner's premises.

(6) When Dogs May Not Be Declared Potentially Dangerous, Vicious, or a Nuisance.

(a) No dog may be declared potentially dangerous, vicious, or a nuisance if any injury or damage is sustained by a person who, at the time of the injury or damage, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous, vicious, or a nuisance if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous, vicious, or a nuisance if an

injury was sustained by a domestic animal which at the time the damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

(b) No dog may be declared potentially dangerous, vicious, or a nuisance if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog. This section only applies to the circumstances of seizure and shall not be construed to have any effect on any other rule, law, or statute, as it pertains to activities related to hunting, ranching, or trapping.

(7) Disposition of Potentially Dangerous or Vicious Dogs.

(a) All dogs which have been determined by the hearing entity to be potentially dangerous or vicious dogs shall be properly licensed and vaccinated. The status of the dog shall be included in the licensing records either after the owner or keeper has agreed to the designation or the hearing entity has determined the designation applies to the dog. An additional fee of twice the applicable license fee shall be charged for maintaining this additional information in the licensing records.

(b) A potentially dangerous or vicious dog, while on the owner's property, shall, at all times, be kept indoors, or in an enclosure as defined in RDMC 6.05.030. A potentially dangerous dog may be off the owner's property only if it is restrained by a substantial leash or within an enclosed vehicle. A vicious dog may be off the owner's property if the owner complies with subsection (8)(a)(vii) of this section.

(c) The owner of a potentially dangerous or vicious dog shall notify the Rio Dell Police Department, in writing, within two working days if the dog in question dies, is sold, transferred, or permanently removed from the City limits of Rio Dell.

(d) Owners of potentially dangerous or vicious dogs shall notify in writing any person to whom the dog is sold that the dog is potentially dangerous or vicious.

(8) Disposition of Vicious Dogs. In addition to the dispositions as set forth above, upon a determination by the hearing entity that a dog is a vicious dog the following shall apply:

(a) A dog which has been determined to be vicious pursuant to the provisions of this chapter shall not be licensed unless the owner or keeper of the vicious dog is 18 years of age or older and meets the following requirements:

(i) Provide proof to the animal control officer the owner or keeper has procured liability insurance in the amount of at least \$100,000 covering any damage or injury which may be caused by the vicious dog during the period for which the licensing is sought.

(ii) The owner or keeper, at his or her own expense, and within two working days of the receipt of the notice of determination that the dog is vicious shall provide the Rio Dell Police Department with two current color photographs of the dog which show the animal in a standing position.

(iii) The owner or keeper shall display a sign that visually depicts a menacing dog on his or her property warning that there is a vicious dog on the property. The sign shall be visible to the general public and approved by the animal control officer.

(iv) The owner or keeper of the dog shall certify under penalty of perjury to all of the following:

(A) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the period for which licensing is sought, unless the owner or keeper shall cease to own or keep the dog prior to the expiration of that license.

(B) The owner or keeper shall, on or before the effective date of the license for which application is being made, have an approved enclosure for the dog on all property where the vicious dog will be kept or maintained.

(C) The owner or keeper shall notify the Rio Dell Police Department immediately upon discovery if the vicious dog is running at large, is unconfined, has attacked another domestic animal or a human, has died, has been sold or transferred, or has been permanently removed from the City limits of Rio Dell. Immediately upon discovery shall mean as soon as is practical, taking into consideration the circumstances, but in no event later than 24 hours after the occurrence.

(D) If the vicious dog is sold, the owner or keeper shall provide the Rio Dell Police Department with the name, address, and telephone number of the new owner or keeper. It shall be unlawful to sell or give away a dog previously determined to be vicious unless the owner or keeper of the dog advises the new owner or keeper of the status of the dog in writing.

(v) All dogs determined to be vicious shall be confined in an enclosure as defined in RDMC [6.05.030](#). It is unlawful for any owner or keeper to maintain a vicious dog upon any property which does not have an enclosure as defined in RDMC [6.05.030](#).

(vi) It is unlawful for the owner or keeper to allow any vicious dog to be outside of the enclosure unless it is inside the dwelling of the owner or keeper or it is necessary for the owner or keeper to obtain veterinary care for the dog, to sell or give away the dog, or to comply with any directive of the animal control officer with respect to the dog.

(vii) In any case where a vicious dog is lawfully outside the enclosure, except in cases where it is inside the dwelling of the owner or keeper, the dog shall be securely muzzled and restrained, with a leash sufficient to restrain the dog, having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and the dog shall be under the direct control and supervision of its owner(s) or keeper(s).

(viii) The hearing entity may impose any additional conditions upon the ownership of the dog that protect the public health, safety and welfare.

(9) Procedure for Destruction of Vicious Dogs.

(a) A dog determined to be vicious may be destroyed by the Police Department when it is found, pursuant to a hearing in accordance with this chapter, that the release of the dog would create a significant threat to the public health, safety, and welfare, or the owner or keeper is not able to or unwilling to comply with reasonable conditions placed upon the owner for the release of the dog.

(b) An owner of a dog which has previously been determined to be a vicious dog violates the provisions of this code relating to the keeping of vicious dogs.

(c) A dog which has previously been determined to be a vicious dog, when unprovoked, attacks, wounds, bites, or otherwise injures or kills any person.

(d) A dog shall not be destroyed pursuant to subsection (9)(b) or (c) of this section without a hearing pursuant to this chapter.

(10) Ownership of Vicious Dogs Prohibited. The owner of a dog determined to be a vicious dog may be prohibited by the Chief of Police from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted pursuant to this chapter, that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

(11) Disposition of Public Nuisance Dogs.

(a) No person shall keep or maintain any dog in such a manner as to cause or permit the dog to be a public nuisance dog.

(b) No owner or keeper of a dog shall fail to abate a nuisance created by the keeping of such dog when ordered to do so by the animal control officer or other peace officer.

(c) The hearing entity may impose any reasonable conditions upon the ownership of the dog which shall correct the circumstances which created the nuisance.

(d) Any dog having been declared to be a public nuisance dog pursuant to the provisions of this chapter shall be delivered to the animal control officer for impoundment until such time as the owner or keeper shall have satisfied the animal control officer that they have taken steps to abate the nuisance created by the keeping of the dog. Failure to take such steps to the satisfaction of the animal control officer within five working days following the impoundment of the dog and notice of the conditions for release imposed by the animal control officer shall result in forfeiture of ownership of said dog.

(e) No dog may be euthanized or otherwise disposed of if the owner or keeper of the dog has sought judicial review of the determination that the dog was a public nuisance dog until that review has been completed. The owner or keeper of the dog shall be liable for the cost of the care and feeding of the dog pending the outcome of the judicial review and shall deposit monthly in advance the cost of such care and feeding as determined by the animal control officer. Failure to make such deposit shall result in forfeiture of ownership of said dog after giving the owner or keeper five days' written notice of their failing to make the required deposit in advance. In the event the judicial review is favorable to the owner or keeper of the dog, the amounts paid for the care and feeding of the dog pending the judicial review shall be refunded.

(12) Removal from List. If there are no additional instances of the behavior that caused the dog to be classified as a potentially dangerous dog, or a nuisance dog, within a 36-month period from the date of that classification, the dog shall be removed from the list of potentially dangerous or nuisance dogs. The dog may, but is not required to be, removed from the list of potentially dangerous or nuisance dogs prior to the expiration of the 36-month period if the owner or keeper demonstrates to the Chief of Police or his/her designee that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to public safety. [Ord. 287, 2012.]

6.05.120 Horses, poultry, other.

(1) Horses. No person shall drive, ride, lead or tie an animal on any sidewalk or allow any animal attached to any vehicle to stand across or on any crossing of any street or sidewalk or allow any animal to stand upon a public street or alley without being securely tied or under the control of its owner or manager, or stake out any animal in the public streets or parks for the purpose of allowing the animal to graze or any other purpose.

(2) Shelter. The owner of any equine shall provide adequate shelter which shall consist of a structure large enough for the animal to turn around in, with a roof, and shall have walls on at least three sides that offer protection from the weather.

(3) Poultry/Livestock. Poultry and other domestic animals, including bovine and equine, shall only be maintained on any property in accordance with the provisions of this chapter, and subject to the provisions of RDMC 17.25.050 in regards to allowable land use.

(4) Authority to Seize or Kill Dog. Any dog entering any enclosed or unenclosed property wherein livestock or poultry are confined may be seized or killed by the owner or tenant of the property, or any employee or agent of the owner or tenant, and no action, civil or criminal, shall be maintained therefor against such owner, tenant, agent, or employee. The authority to kill a dog only applies if the animal is caught in the act of worrying, wounding, chasing or killing any livestock or poultry. This does not alleviate any responsibility in regards to the safe discharge of a firearm, nor does it intend to supersede or replace any State law in regards to the discharge of firearms, game laws, or animal cruelty. [Ord. 287, 2012.]

6.05.130 Service dogs.

The City of Rio Dell shall adhere to all pertinent State and Federal laws in regards to service dogs, and shall include training to animal control officers annually on the subject matter.

(1) Assistance Dog Tagging (Licensing). The City of Rio Dell shall provide tags for assistance dogs at no cost to the handler. The handler/owner shall be required to sign up with the City of Rio Dell's Assistance Dog Registry and sign an affidavit that shall read:

By affixing my signature to this affidavit, I hereby declare I fully understand that Section [365.7](#) of the California Penal Code prohibits any person to knowingly and fraudulently represent himself or herself, through verbal or written notice, to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide dog, signal dog, or service dog, as defined in subdivision (d), (e), and (f), respectfully of Section [365.5](#) of the California Penal Code and paragraph (6) of subdivision (b) of section [54.1](#) of the Civil Code, and that violation of Section [365.7](#) of the Penal Code is a misdemeanor, punishable by imprisonment in a county jail not exceeding six months, by fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

Upon death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag shall immediately return the tag to the Rio Dell Police Department.

These records shall be maintained by the Police Department in accordance with State and Federal law. [Ord. 287, 2012.]

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



For Meeting of: October 5, 2021

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: September 29, 2021

Subject: Text Amendment Revising the Planning Commission's Regularly Scheduled Meeting Time of Each Month, Section 2.60.030(4) of the Rio Dell Municipal Code

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendment;
2. Open the public hearing, receive public input, and deliberate; and
3. Introduce Ordinance No. 387-2021 amending Section 2.60.030(4) of the Rio Dell Municipal Code (RDMC) changing the Planning Commission's monthly regular meeting from 6:30 p.m. to 6:00 p.m. and continue consideration, approval and adoption of the proposed Ordinance to your meeting of October 19, 2021 for the second reading and adoption.

Background/Summary

The Planning Commission has discussed the possibility of changing their meeting time from 6:30 p.m. to 6:00 p.m. However, Commissioner Wilson was unable to make 6:00 p.m. meetings. Commissioner Wilson recently retired and is now available to meet at 6:00 p.m. At their September 28, 2021 meeting, the Planning Commission considered and discussed

changing the regular monthly meeting time to 6:00 p.m. The Commission voted unanimously to recommend that the City Council formally change the meeting time to 6:00 p.m.

Should the Council decide to approve the Planning Commission's recommendation to move the regularly scheduled meeting time, Section 2.60.030(4) needs to be amended. Below is a copy of the current and recommended language.

The Commission shall hold at least one regular meeting each month. The regular meeting of the Planning Commission shall be held at ~~6:30~~ 6:00 p.m. on the fourth Tuesday of the month and, in the event that the fourth Tuesday falls on a legal holiday, the meeting shall be held the following day at the same hour. Location shall be in the Rio Dell City Hall Council Chambers at 675 Wildwood Avenue.

Alternatives

The City Council may choose to not change the meeting date of the Planning Commission.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments

1. Draft Ordinance No. 387-2021 amending Section 2.60.030(4) of the Rio Dell Municipal Code (RDMC) changing the Planning Commission's monthly regular meeting time from 6:30 p.m. to 6:00 p.m.

ORDINANCE NO. 387-2021



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING SECTION 2.60.030(4) OF THE RIO DELL MUNICIPAL CODE (RDMC)
CHANGING THE PLANNING COMMISSION'S MONTHLY REGULAR MEETING TIME
FROM 6:30 P.M. TO 6:00 P.M.**

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

WHEREAS the Planning Commission holds one regularly scheduled meeting on the fourth Tuesday of the month at 6:30 p.m.; and

WHEREAS Commissioner Wilson recently retired and is available to meet at 6:00 p.m.; and

WHEREAS the Commission discussed possible changes to the meeting time at their meeting of September 28, 2021; and

WHEREAS the Planning Commission is recommending that the meeting time be changed from 6:30 p.m. to 6:00 p.m.; and

WHEREAS should the Council decide to approve the Planning Commission's recommendation to change the meeting time from 6:30 p.m. to 6:00 p.m., staff and the Planning Commission recommends that Section 2.60.030(4) be amended; and

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

Section 1. Section 2.60.030(4) of the Rio Dell Municipal Code is hereby amended as follows:

The Commission shall hold at least one regular meeting each month. The regular meeting of the Planning Commission shall be held at ~~6:30~~ 6:00 p.m. on the fourth Tuesday of the month and, in the event that the fourth Tuesday falls on a legal holiday, the meeting shall be held the following day at the same hour. Location shall be in the Rio Dell City Hall Council Chambers at 675 Wildwood Avenue.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

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

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on October 5, 2021 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the October 19, 2021 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 387-2021 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the October 19, 2021.

Karen Dunham, City Clerk, City of Rio Dell