



AGENDA
RIO DELL CITY COUNCIL
STUDY SESSION – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.
TUESDAY, DECEMBER 17, 2013
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. SPECIAL STUDY SESSION - 6:00 - 6:30 p.m.

1) 2013/1217.01 - Review of City Manager Work Plan/Priorities

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D. PLEDGE OF ALLEGIANCE

E. CEREMONIAL MATTERS

F. PUBLIC PRESENTATIONS

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

G. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to

address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2013/1217.02 - Approve Minutes of the December 3, 2013 Regular Meeting
(ACTION) 6
- 2) 2013/1217.03 - Approve giveaway of the Wastewater Treatment Plant's Exceptional Quality Class 'A' Bio-Solids to City residents and if necessary, County residents to dispose of excess bio-solids product (ACTION) 22
- 3) 2013/1217.04 - Approve Resolution No. 1214-2013 Establishing a Fund Balance Classification Policy (ACTION) 26
- 4) 2013/1217.05 - Approve Resolution No. 1215-2013 Mid-Year Budget Adjustments (ACTION) 29

H. SPECIAL PRESENTATIONS

- 1) 2013/1217.06 - Project Status Report by Craig Olson, Project Engineer, HDR Engineering Wastewater Treatment Plant Upgrade and Disposal Project

I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2013/1217.07 - Appointment of two (2) Council Members and one (1) alternate Council Member to the Nuisance Hearing Committee (ACTION) 36
- 3) 2013/1217.08 - Receive report on River Bar Survey Results and approve staff's recommendation as submitted (ACTION) 42
- 4) 2013/1217.09- Make determination on access to Eel River from Painter St. and provide staff direction on how to proceed (ACTION) 45

J. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2013/1217.10 - Conduct Second Reading (by title only) and Adopt Ordinance No. 302-2013 Establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code (ACTION) 50
- 2) 2013/1217.11 - Conduct Second Reading (by title only) and Adopt Ordinance No. 305-2013 Amending Current Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code (ACTION) 60
- 3) 2013/1217.12 - Conduct Second Reading (by title only) and Adopt Ordinance No. 309-2013 Amending the Current Design Review Regulations, Section 17.25.050(3) of the Rio Dell Municipal Code (ACTION) 71

- 4) 2013/1217.13 - Conduct Second Reading (by title only) and Adopt Ordinance No. 310-2013 Amending Council Meeting Regulations, Section 2.05.070 (Holidays) of the Rio Dell Municipal Code (**ACTION**) 79
- 5) 2013/1217.14 - Conduct Second Reading (by title only) and Adopt Ordinance No. 311-2013 Amending Current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code (**ACTION**) 82
- 6) 2013/1217.15 - Introduce and Conduct First Reading (by title only) of Ordinance No. 314-2014 Establishing Purchasing Procedures, Section 3.30.110 and Amending Section 3.30.100 of the of the Rio Dell Municipal Code (**ACTION**) 111
- 7) 2013/1217.16 - Introduce and Conduct First Reading (by title only) of Ordinance No. 315-2014 Amending Building Codes and Appendices, Section 15.05.020 of the Rio Dell Municipal Code (**ACTION**) 115

K. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director – November Check Register
4. Community Development Director

L. COUNCIL REPORTS/COMMUNICATIONS

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

N. ADJOURNMENT

HAPPY HOLIDAYS!

*The next regular meeting will be on January 7, 2014
at 6:30 p.m. in City Hall Council Chambers*

*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
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riodellcity.com*



December 17, 2013

TO: Honorable Mayor and City Council Members
FROM: Jim Stretch, City Manager
SUBJECT: Study session on City Manager's Work Plan

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide the City Manager feedback on his work plan for the balance of the fiscal year.

BACKGROUND AND DISCUSSION

On December 3, 2013 the City Council received a report from the City Manager (CM) on his work plan and the recruitment of the new City Manager. The Council decided to retain the services of an executive recruitment firm to handle the recruitment so the City Manager could get as much special project work accomplished over the next 6 months. The Council asked for this study session to go over the list of items to insure that the two parties are on the same page as to work priorities.

The original work plan adopted by the City Council on May 7, 2013 is attached, as well as the list a new priorities that emerged over the last 6 months. You may note that the topics identified in **bold** were thought by the CM to be priorities, requiring 532 hours to complete, but only 406 hours were estimated to be available; thus the prioritization.

To this situation are added several factors; the recruitment of the Finance Director, the additional demands on the CM during this transition and working with a new Finance Director, labor and contract negotiations and the preparation of the 2014-15 City budget. Given the day to day demands of the office, there will be little time to do anything else.

Below are the projects that I have identified from the (2) lists- ranked in priority order, which means that they should be completed by the end of the fiscal year (June 30, 2014):

1. CalPERS retirement/actuarial evaluation
2. CPS total compensation study
3. Recruitment of Finance Director
4. Recruitment of City Manager
5. New labor contracts with (2) Employee Associations and (6) contract employees

6. Adoption of City Budget for 2014-15
7. Complete Employee Handbook revisions concerning employee rights and due process
8. Revisions to Business License Ordinance
9. Monument Springs negotiations with property owners
10. Capital Improvement ADA project and City Hall planning lead person with Architect

The Council may wish to refer to the attached (2) lists for the purpose of bringing forward other projects in lieu of the (10) items suggested above, which is fine, because as I mentioned at the December 3 Council meeting, this should be our work plan.

Items 1 through 6 above are related and that's why they are grouped at the top of the list. We need to complete items 1 and 2 before we can do items 3 through 6.

The City Manager relies most heavily on the Finance Director to produce expenditure and revenue reports for every budget unit and fund-Finance produces all of the financial reports for the CM. It should be expected that the budget process for 2014-15 will be impacted perhaps in a major way by the turnover of several staff members, and that affect cannot be quantified at this time in the CM work plan.

Item #10 on the list concerns working with Department Heads, the City Council and the City's Architect in addressing Americans with Disabilities Act (ADA) improvements at City Hall and preparing a site master plan as part of the planning process to identify the future spatial requirements on the site for public services. This is an important project that I was looking forward to working on, but I am not going to be able to move it forward in a timely way. With the City Council's concurrence, I have asked Community Development Director Kevin Caldwell to take the lead on the project.

With that, the topic of the City Manager's work plan for the next 6 months is open for discussion.

**CITY MANAGER WORK TASKS
STATUS REPORT
2013-14**

The City Manager works $\frac{3}{4}$ time and has 1,560 gross hours available for the fiscal year. Subtract from that amount 248 hours for vacation (120 hrs.), sick leave (16 hrs.), training (16 hrs.) and holidays (96 hrs.) for a net of 1,312 hours available.

Net hours available in fiscal year **1,312**

ESTIMATED DAILY, WEEKLY, MONTHLY REQUIREMENTS

	<u>Estimated Hours</u>
1. Public meetings (24 regular & 12 special)	84
2. Agenda preparation (2 hours/meeting)	168
3. Meeting with staff/problem solving	250
4. Consulting with contractors/engineers/attorney	150
4. Processing claims	40
5. Consulting with City Council/public	160
6. Emails with associations/colleagues	40
7. Preparing required reports/PRA's	60
8. MBWA	10
9. Budget preparation	40
10. Preparation of bids & advertising projects	<u>30</u>
Estimated hours	1,032
<u>Estimated hours available for special projects</u>	<u>280</u>

SPECIAL PROJECT LIST BY PRIORITY

- | | |
|---|-----------|
| 1. Update City Hazard Mitigation Plan with countywide task force
Comment- Completed—took 40 hours. | 10 |
| 2. Develop Capital Improvement Plan (CIP) for Council approval
Comment- An outline of a plan was been developed and various elements of the plan have been included as policy items in the 2013-14 budget and funded. | 60 |
| 3. Work with Architect and City Council on City Hall improvements | 40 |

Comment- This is a priority project that needs CM attention

4. Review and recommend further amendments to Employee Handbook	20
Comment-The Handbook contain personnel rules and is a priority for completion.	
5. Prepare new business license ordinance and administrative fees	60
Comment-The Business License Ordinance is out of date and should be completed—85% of work completed..	
6. Develop policy for Council Member travel and expenditures	8
Comment-Less of a priority and probably cannot be completed.	
7. Review & recommend City travel and reimbursement policy	10
Comment- Less of a priority.	
8. Inventory and prepare recommendation for the sale of surplus City properties	50
Comment- Working on surplus (4) Water Fund property appraisals underway—Monument Springs issues have languished for decades and need to be settled.	
9. Review budget planning module & process	15
Comment-Important, but a project for 2014-15.	
10. Humboldt Waste Management Authority JPA agreement and questions	<u>20</u>
Comment- Completed	
Total estimated hours of special projects listed	<u>293</u>

***BOLD ITEMS 3, 4, 5 & 8 ARE PRIORITY FOR NEXT 6 MONTHS.**

**CITY MANAGER PROJECTS
NOT ON 2013-14 WORK PLAN THAT
 OCCURRED IN LAST 6 MONTHS**

PROJECTS	HRS. TO DATE	FUTURE HRS.
1. Infiltration gallery issue and coordination	30	30
2. Monument Springs Property access/ water rights and sale	25	30
3. CalPers retirement/actuarial evaluation	4	25
4. CPS total compensation study	4	15
5. Administration of Wildwood Ave project	40	1
6. Hazard Mitigation Plan	30	0
7. Cal Recycle Programs	35	5
8. Purchase of City vehicles	20	1
9. Grant applications (3)	10	2
10. Meet and Confer with contract employees and Employee's organizations	1	20
11. Property exchange with school district	2	10
12. Eel River issues	2	5
13. Finance Director recruitment	0	15
Total hours	203	159

***PROJECTS IN BOLD ARE PRIORITY**

**RIO DELL CITY COUNCIL
REGULAR MEETING
DECEMBER 3, 2013
MINUTES**

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

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

Others Present: City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, Community Development Director Caldwell, Wastewater Superintendent Chicora and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen (excused)

Mayor Thompson called for a brief recess to observe the lighting of the Christmas tree.

The regular meeting reconvened.

CEREMONIAL MATTERS

Proclamation in Recognition of Human Rights Awareness Month

Mayor Thompson read the proclamation in recognition of Human Rights Awareness Month. Humboldt County Human Rights Commissioners Leamon and Wade were present to receive the proclamation and thanked the City Council for the support.

PUBLIC PRESENTATIONS

Adam Dias, 383 Wildwood Ave. addressed the Council regarding river access and read a letter formally requesting that no action be taken to restrict access to the river for citizens or tourists and encouraged the Council to focus on long-term solutions to maintain the City's tax base. He said it would behoove the City to restore the river bar for recreational activities. He commented that the City must not restrict public recreation or close off access to fisherman or law enforcement.

Michael Chase, 480 Edwards Dr. presented pictures recently taken at the river bar of 3 deer carcasses and said it appears that someone killed the deer simply for the horns.

Karen Chase commented that their interest is in protecting the resources; not to deny access to the river bar.

Nick Angeloff, 156 Grayland Heights, provided the Council with a copy of the *Redwood Marine Terminal Feasibility Study* stating there are several key points that may be of interest to the Council.

CONSENT CALENDAR

Councilmember Johnson asked that Items 2 and 6 be removed from the consent calendar for separate discussion. Councilmember Marks stated she would like to abstain from vote on the Item 1, *Approval of Minutes of the November 12, 2013 Special Meeting*.

Motion was made by Wilson/Marks to approve the consent calendar including the approval of minutes of the November 12, 2013 special meeting; approval of amendment to Section 10 (Automobile) of the Employment Agreement with Jim Stretch, City Manager; approval of transfer of \$4,150 from Wildwood Avenue Streetscape Project Contingency Fund to the project account for Construction Administration, increasing it from \$55,000 to \$59,150; approval of Pay Request No. 2 in the amount of \$36,540.80 to SJL Construction for work related to the Wildwood and Davis St. Safe Routes to School Project; approval of the sale of the 49-unit Rio Dell Apartments and authorizing the City Manager to execute the Subordination Agreement and Quit Claim Deed; approval of Pay Request No. 21 to Wahlund Construction/Sequoia Construction Specialties in the amount of \$652,992.15 for work related to the Wastewater Treatment Plant Upgrade and Disposal Project; and accepting letter of resignation from Finance Director Stephanie Beauchaine effective December 20, 2013. Motion carried 5-0; Councilmember Marks abstained from vote on the November 12, 2013 minutes.

SPECIAL PRESENTATIONS

Project Status Report by Merritt Perry, City Engineer

City Engineer Perry provided a brief update on current projects and reported the Wildwood Ave. Streetscape Improvement Project is essentially complete with the exception of a couple of punch list items such as turning on the clock and replacement of a few plants. He said Water/Roadways Superintendent Jensen played a big part with regard to inspections and the project was completed within \$5,000 of the original bid amount; leaving a contingency balance of approximately \$25,000.

He then reported that the lighted crosswalk at Center and Wildwood is working and as of tonight, the Safe Routes to School Project is also complete. He stated that the project was completed within \$3,000 of the original bid amount; leaving a contingency balance of approximately \$4,300.

Reporting on other projects, he said he also assisted the City Manager with identifying boundaries and right-of-ways on Northwestern Ave. and said Kelly O'Hearn Associates is waiting on information from CalTrans in order to complete the survey work.

Lastly, he reported that the City received a \$100,000 Planning & Technical Assistance Grant as part of the 2013 State Community Development Block Grant (CDBG) Program for the preparation of a Drainage Analysis/Study and Conceptual Plans for the Belleview/Ogle Ave. areas. With regard to the status of that project, he said the City is waiting for the contract from CDBG.

Councilmember Johnson asked what the timeframe is for the release of retention on the Wildwood Ave. Streetscape Improvement Project and what the warranty period is on the electrical work. Engineer Perry responded that the retention is released 35 days after the Notice of Completion is filed; and the electrical work is guaranteed for 1 year after completion.

There were Council questions regarding the type and size of landscaping placed in the medians. Engineer Perry stated the previous City Manager, in conjunction with Miller Farms selected the landscaping.

Presentation of Project of the Year Award for Wastewater Facility & Effluent Disposal Project
Finance Director Beauchaine provided a power point presentation on the Wastewater Facility and Effluent Project beginning with 2003 when the City was first issued the Cease & Desist Order mandating the update of the City's effluent disposal method. She said after several years of environmental review and fiscal impact analysis, a preferred project was identified which included new wastewater treatment processes, solids management and effluent disposal techniques.

She continued with review of the \$2.25 million in improvements under Phase I including new headworks; a new solids storage facility; a new sludge press; new on-site chlorination equipment; and new sodium bio-sulfate pumps.

Phase II began when the City was successful in securing a \$12.8 million financing package which included a \$6.0 million grant. This included a new wastewater treatment facility at the current plant location; and a new method of effluent disposal through Type II Irrigation in Metropolitan. She said in addition to the Aeromod Biological Treatment Plant, was replacement of the RBC's; a new control building and blower building; a thermal sludge dryer; and remodel of the current operations building.

Finance Director Beauchaine added that when the project is complete, the City will have met all of its obligations under the Cease and Desist Order and the Administrative Civil Liability Complaint, and the new "cutting edge" plant will meet or exceed all required standards.

In closing, she announced that the project has been viewed by the engineering community as environmentally superior winning two (2) Wastewater of the Year Awards: the American Public Works Association (APWA) Wastewater Project of the Year; and the American Society of Civil Engineers (ASCE) Project of the Year.

Councilmember Johnson questioned the amount of dried solids produced each year. Wastewater Superintendent Chicora reported that the old plant was producing approximately 450 cubic yards of sludge/yr. and with the new sludge press it has been reduced to 80 to 100 cubic yards. He said the plant is now producing Class A sludge which can be sold or given away and used as fertilizer thus eliminating the need to haul it to the landfill.

Mayor Thompson commented that Finance Director Beauchaine was also the Project Manager on this project and did a good job. He said she has submitted her resignation and just wanted to say that the City has been better off with her here; and that she was successful in bringing the City's audits current. He said he wanted to personally thank her for her years of service to the City.

Councilmember Johnson stated that launching into a \$12 million project can be daunting without having any prior experience and having been in that position himself, has a feel for the emotions she experienced and commended her for the successful completion of the project.

SPECIAL CALL ITEMS FROM CONSENT CALENDAR

Approve Resolution No. 1213-2013 Authorizing the Adoption of the Humboldt Operational Area Hazard Mitigation Plan

Councilmember Johnson said the reason for removal of this item from the Consent Calendar is that in the document under Section 9.3.2 *Local Energy Demand*, the calculations seem to be incorrect. City Manager Stretch said he had a consultant working on the electricity consumption numbers and agreed to look into it.

Motion was made by Marks/Johnson to approve *Resolution No. 1213-2013 Authorizing the Adoption of the Humboldt Operational Area Hazard Mitigation Plan*. Motion carried 5-0.

Proposition 84 Storm Water Grant Application

City Manager Stretch explained this item relates to a grant application for Proposition 84 grant funds to address flooding and drainage issues in the area of Northwestern Avenue and is essentially a pre-application.

Councilmember Johnson referred to the Budget Detail related to reinforced concrete and questioned the size of the culvert.

Engineer Perry agreed to bring back the specifications for the culvert sizing.

Councilmember Marks asked for clarification that the survey is to determine what the City's responsibility is with regard to maintenance.

Engineer Perry explained the area of Northwestern Ave. poses a huge maintenance issue and the primary purpose of the grant application is to see what can be done to alleviate some of the

maintenance by taking the creek back to where it was thus reducing the volume of water through a series of ditches.

Councilmember Johnson commented that there will be several hundred feet of culvert and asked who will be responsible for maintenance.

Engineer Perry said the idea is to have naturally functioning culverts and that a portion of the culverts may be under the County's responsibility.

City Manager Stretch indicated there likely will be a partnership agreement for maintenance of the drainage in that area.

Councilmember Marks asked how the City plans on funding the \$130,000 match requirement should the City be successful in securing the grant.

City Manager Stretch explained the \$1.3 million grant does have a 10% match; however will not occur during this fiscal year. Also, the cost will likely be shared with other responsible parties.

Councilmember Wilson pointed out that if the project is planned properly, it could likely expand over more than one fiscal year.

City Manager Stretch stated that this item is being presented as a receive and file matter and no Council action is required at this time.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Repair and Upgrade of City Council Chambers Public Address System for an amount not to exceed \$6,500

City Manager Stretch provided a staff report and stated the City Clerk has been working with Craig Pedley from Sound Advice to evaluate ways to improve the quality of the audio system in the Council Chambers. He said on his initial visit he came into the room and simply clapped his hands and identified the problem with the acoustics. His recommendation included replacement of the current microphones including bases, mute buttons and cables; relocation of the ceiling speakers; placement of an acoustical treatment on the wall behind the Council; and repair of the floor jack connection at the staff table.

City Manager Stretch reported the quote for the equipment and labor is \$6,208.44 and although funds for this project were not included in the 2013-14 budget, \$8,000 was included for the cost of purchasing video equipment and for contract labor with Access Humboldt for the live broadcast of Council meetings. He said he was in contact with Access Humboldt and they provided a quote of \$25,000 for this service. Also, before live streaming can occur, the improvements to the sound system and acoustics should be made. He recommended the balance in the Contract & Professional Services account (5115) be used to implement the improvements

recommended by Sound Advice and that the matter of live streaming of meetings come back to the Council during the 2014-15 fiscal year for consideration.

Councilmember Wilson asked where the acoustical panels would be located and what they look like. City Manager Stretch explained they would be located on the wall behind the Council dais and that they would look like those in the Fortuna City Council Chambers or Humboldt County Board of Supervisors.

Councilmember Woodall questioned the amount already spent and suggested a cheaper fix would be simply for Council members to speak into their microphones.

Mayor Thompson called for public comment on the issue.

Sharon Wolff commented that the quality of the audio system has been an ongoing issue and said it would help to upgrade the system.

City Manager Stretch pointed out that speaking into the microphones is only part of the problem and the acoustical treatment will prevent sound from bouncing off the walls.

Mayor Thompson said he feels the microphones are the biggest problem and that Councilmembers need to be able to turn off their mics when they are not speaking.

Councilmember Marks said she would like to hear opinions from the audience.

Adam Dias commented that as a musician he has set up audio equipment for probably 250 events. He agreed that the microphones are not the correct type but felt that a \$10.00 filter on each mic would solve the problem. He said the Councilmembers need to speak directly into their mics and suggested shutting the doors and blinds. Also, canvass tends to suck up sound so canvass paintings on the wall may help. He said in his opinion, the acoustical treatment won't help.

Sharon Wolff stated she was highly in favor of any improvement and said she has a mic on her camera when she records the meetings and two additional mics throughout the room and still has to increase the sound level on her computer.

Councilmember Wilson said it sounds like more information is needed before a decision is made to spend \$6,500 on improvements that may or may not work, and said he would rather not see white panels covering the redwood wall.

City Manager Stretch suggested Craig Pedley be invited to attend the next Council meeting to answer questions.

Councilmember Woodall said she would like to try other options first such as filters on the mics.

Council concurred to purchase the suggested mic filters before inviting Sound Advice to come to a meeting.

City Manager Stretch asked for approval to proceed with the repair to the floor mic jack connection. Council concurred.

Provide City Manager direction on the recruitment of a City Manager/possible retention of a Professional Recruiter

City Manager Stretch provided a staff report and said at the last meeting there was discussion on the recruitment of a replacement City Manager, and the possible retention of a professional recruiter. The question was whether the City Manager conduct the recruitment in-house, requiring projects to be removed from his work plan, or that he stay focused on the work plan and hire a professional recruiter to handle the recruitment. Council directed him to bring back at this meeting, the cost of hiring a professional recruiter, and his current work plan for reprioritization.

City Manager Stretch commented that he has conducted a lot of recruitments and feels he would be most effective however; there are a number of items on his work plan that would be impossible to hand off to a new City Manager.

He proceeded with review of his current work plan with priority items for the next 6 months as highlighted in bold. The priority projects were identified as:

- 1) Work with Architect and City Council on City Hall improvements;
- 2) Review and recommend further amendment to Employee Handbook;
- 3) Prepare new Business License Ordinance and administrative fees; and
- 4) Inventory and prepare recommendations for the sale of surplus City properties.

City Manager Stretch also presented a list of 13 additional items not listed on his original work plan that occurred over the last 6 months; highlighted as priority were 7 of the 13 items.

He said the first item is related to the problem with the water infiltration gallery which is a serious issue that must be resolved. He pointed out that a majority of his day is spent on public works projects and this is actually the first time he has been able to identify and realize that he is not going to be able to achieve everything on his work plan over the next 6 months.

Inasmuch as there are several important projects underway that must be completed, he concluded that the best approach is to hire a professional recruiter to conduct the City Manager recruitment. He said the cost is estimated between \$17,000 and \$25,000 and in addition to this expense will be the cost for candidate travel and lodging expenses, and the cost for the background investigation. He said included in the 2013-14 budget is \$17,500 for recruitments costs so additional funds will need to be taken from General Fund Reserves.

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Councilmember Marks suggested the update of the Business License Ordinance be eliminated from the work plan as a priority, and that the recruitment of the Finance Director be incorporated into the City Manager recruitment.

City Manager Stretch commented that the Business License Ordinance update is 85% complete, and said the City Manager is responsible for hiring the Finance Director and felt it should be done before recruitment of the new City Manager.

Mayor Thompson said he supports the idea of hiring a professional recruiter however; it will be important to bring the City Manager in at some point during the recruitment because of his vast knowledge of the City.

City Manager Stretch stated that he will do whatever he can to help with the recruitment process but pointed out that the value of getting the work plan closer to completion is worth more than the cost of a professional recruiter.

The consensus of the Council was to hire a professional recruiter and that the City Manager focus on completing as many tasks on the work plan as possible.

City Manager Stretch stated he spoke with several professional recruiting firms and many of them are not interested in contracting with cities of this size. He said he did receive a response from Avery Associates expressing their willingness to provide their services and was waiting for responses from 2 additional firms. He said he would like to invite Avery Associates and possibly other firms to attend a study session to discuss with the Council, their recruitment strategy. Also, although he has identified what he believes are priority items on his work plan, he wants to make sure they are also the City Council's priorities to make sure those items are carried on.

The Council concurred to schedule a study session for 6:00 p.m. prior to the next regular meeting on December 17, 2013.

Motion was made by Wilson/Johnson to direct the City Manager to proceed with the hiring of a professional recruiter for replacement of the City Manager and to schedule a study session for 6:00 p.m. on December 17, 2013 for further review and possible revision of the priorities as defined in the City Manager Work Plan. Motion carried 5-0.

Mayor Thompson called for a 10 recess at 8:05 p.m.

The meeting reconvened at 8:15 p.m.

Authorize the Chief of Police to execute contract with the Phoenix Information Services Group for Parking Citation Processing Services

Chief of Police Hill provided a staff report and stated that based on concerns expressed by members of the community and the City Council, the police department will be taking a more proactive approach with regard to parking enforcement. He said he researched local parking enforcement programs and practices by other local agencies and learned that three of the local agencies use the services of Phoenix Information Services Group. Basically, what they do is process the citations, collect fees, and handle disputes for a monthly fee of \$136.00 based on citation volume and services required. He said he believes there will be sufficient violations to cover the fees required to retain the service. He explained that Phoenix Information Services Group has a relationship with the Department of Motor Vehicles so in the event that parking citations are not paid; a hold is placed on the person's vehicle registration. He said another positive feature is that payments are deposited directly into the City's bank account daily with immediate notification of deposited funds by email. He said if it turns out that the program is not cost effective, the contract can be terminated.

Councilmember Woodall asked what the time period is regarding termination of the contract. Chief Hill said the contract requires 60 days notification by either party so the City cannot be trapped into a long-term arrangement.

Councilmember Marks asked if the officers will be running license plates and checking for outstanding warrants as part of the process for issuing parking citations. Chief Hill said they may or may not depending on the situation but that it is a separate issue.

Councilmember Wilson asked if the department will be targeting vehicles parked on the street that haven't been moved for an extended period of time. Chief Hill said they won't target those vehicles but if they come across a vehicle that obviously has not moved, they will issue a citation. He indicated that the department tows several abandoned vehicles each year and encouraged anyone who is aware of any, to notify the police department.

Councilmember Marks asked how the daily deposits will affect the finance department. Finance Director Beauchaine responded that it will not be a problem.

Mayor Thompson called for public comment on the proposed contract.

Gary Chapman, 921 Hilda Ct. commented that the State imposed a fee of \$1.50 which is added to every ticket to help pay to keep jails operating and asked who will be collecting that portion of the fee. Chief Hill commented that he wasn't entirely sure but assumed the Phoenix Information Services Group will be collecting all fees related to parking citations. He said he will follow up for clarification.

Richard Newman, 670 Second Ave. commented that there are a lot of citizens who have been violating the law for so long that they don't know what is legal and what is not anymore.

Council suggested information be sent to residents prior to enforcement, perhaps through the City Newsletter.

Motion was made by Johnson/Woodall to authorize the Chief of Police to execute a contract with the Phoenix Information Services Group for parking citation processing services. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Introduce and Conduct First Reading (by title only) of Ordinance No. 302-2013 Establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and explained in 2009, the City established Parkland Dedication fees for subdivisions subject to the Planned Development combining zone at \$1,500 per dwelling unit. At that time, the Council directed the Contract Planner to prepare and return to the Council with a recommendation regarding implementation of fees on other new construction. When staff recently discovered that this was not done, the concept was taken to the Council and the Council reaffirmed its desire to implement Parkland Dedication fees for all residential subdivisions. He said in order to implement these requirements; the City had to update its Open Space Element to include policies calling for the establishment of Parkland Dedication requirements. With the recent adoption of the Open Space Element, the draft ordinance is now being introduced.

Community Development Director Caldwell reported that the Quimby Act set the ratio of 5 acres of parkland per thousand population and based on the current amount of parkland in the City, it is woefully inadequate. He clarified that Parkland Dedication fees can only be used for acquisition and development of parkland; not maintenance.

A public hearing was opened at 8:42 p.m. to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Councilmember Johnson asked if this will apply to the proposed Danco Project based on the number of units constructed. Community Development Director Caldwell explained that it will only apply to new subdivisions; since Danco will be building on one existing parcel, the provisions will not apply.

Motion was made by Woodall/Marks to introduce *Ordinance No. 302-2013 Establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code*, and to consider consideration, approval and adoption of the proposed Ordinance to the December 17, 2013 regular meeting. Motion carried 5-0.

Introduce and Conduct First Reading (by title only) of Ordinance No. 305-2013 Amending Current Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code

DECEMBER 3, 2013 MINUTES
Page 11

Community Development Director Caldwell provided a staff report and said the proposed amendments to the Parking Regulations were presented to the Planning Commission on August 25, 2013, at such time they recommended that the Council adopt the three amendments as recommended by staff. On September 3, 2013, the proposed amendments were presented to the City Council for consideration. During discussion, the Council expressed concerns regarding the on-street parking of recreational vehicles, including boats and trailers and felt that the parking of these vehicles should be restricted in all zones, not just residential zones, and also whether or not the 72 hour limit is too long.

The other concern had to do with parking requirements for one bedroom and studio units in low to moderate income senior housing projects. He said based on these concerns, the Council directed staff to take the matter back to the Planning Commission for further discussion and recommendation.

Community Development Director Caldwell stated the concerns were presented to the Planning Commission at their October 23, 2013 meeting and after further discussion, the Commission concurred that the 72 hour limit should apply to all zones. He said in regard to the 72 hour period, the Planning Commission felt it is a reasonable amount of time to allow the temporary parking of trailers and recreational vehicles in all zones except for in the Town Center zone along Wildwood Ave. in which they recommended a 24 hour limit.

The Planning Commission also concurred with staff and the Council that $\frac{3}{4}$ of a parking space per one bedroom or studio senior units is appropriate rather than the $\frac{1}{2}$ space as originally recommended by staff.

Community Development Director Caldwell stated the only issue for the Council to consider at this time is whether recreational vehicles in the Town Center zone along Wildwood Ave. should be limited to 24 hour parking.

Councilmember Johnson questioned whether there were any public comments made during the Planning Commission public hearing. Community Development Director Caldwell noted there were no comments received.

Councilmember Wilson asked if the 24 hour parking applies semi-trucks and trailers. Staff responded that this provision has nothing to do with commercial vehicles.

Mayor Thompson opened the public hearing at 8:56 p.m. to receive public comment on the proposed Ordinance amendment. There being no public comment, the public hearing closed.

Motion was made by Johnson/Wilson to introduce *Ordinance No. 305-2013 Amending the Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code* and to continue

consideration, approval and adoption of the proposed Ordinance to the December 17, 2013 regular meeting for the second reading and adoption. Motion carried 5-0.

At this time, Wastewater Superintendent Chicora provided a brief staff report so he could be excused to attend to a problem at the wastewater treatment plant.

He continued with an update on the Wastewater Treatment Plant Upgrade and Disposal Project and said the contractors are in the process wrapping up the final details of the project and working on tying in the pipeline and sending water over to the wastewater treatment plant.

Wastewater Superintendent Chicora was excused and left the meeting at 8:59 p.m.

Introduce and Conduct First Reading (by title only) of Ordinance No. 309-2013 Amending the Current Design Review Regulations, Section 17.25.050(3) of the Rio Dell Municipal Code
Community Development Director Caldwell provided a staff report and said this item relates to exemptions from the Design Review Conditional Use Permit provision for projects that do not require Building Permits such as the placement of storage sheds on commercial lots. He explained the intent of the Design Review regulations is to make sure that any commercial development, especially on Wildwood Ave. compliments and is compatible with the character of the surrounding area.

He said because of a recent situation regarding the placement of a pre-constructed shed on a commercial lot in the Town Center zone, where the property owner expressed frustration and refused to apply for the Design Review Conditional Use Permit and pay the required \$500 deposit, staff reviewed the current regulations and is recommending amendment to the current provisions to exempt projects provided the improvements employ the same materials, colors and design as the existing construction; are compatible with the character of the surrounding area; and are not detrimental to the value of properties in the area or reduce the visual appearance of the area.

Mayor Thompson opened the public hearing at 9:04 p.m. to receive public comment on the proposed amendment. There being no public comment, the public hearing closed.

Motion was made by Marks/Johnson to introduce Ordinance No. 309-2013 *Amending the Design Review Regulations, Section 17.25.050 of the Rio Dell Municipal Code* and to continue consideration, approval and adoption of the Ordinance to the December 17, 2013 regular meeting for the second reading and adoption. Motion carried 5-0.

Introduce and Conduct First Reading (by title only) of Ordinance No. 310-2013 Amending Council Meeting Regulations, Section 2.05.070 (Holidays) of the Rio Dell Municipal Code
City Manager Stretch provided a staff report and said the proposed amendment deletes any reference to rescheduling a Council meeting if it occurs on an election day since it no longer makes sense with the City Council Chambers no longer being used as a polling place.

A public hearing was opened at 9:06 p.m. to receive public comment on the proposed amendment. There being no public comment, the public hearing closed.

Motion was made by Woodall/Johnson to introduce *Ordinance No. 310-2013 Amending Council Meeting Regulations, Section 2.05.070 (Holidays) of the Rio Dell Municipal Code* and to continue approval and adoption of the Ordinance to the December 17, 2013 regular meeting. Motion carried 5-0.

Introduce and Conduct First Reading (by title only) of Ordinance No. 311-2013 Amending Current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and explained that he recently assumed some of the City's code enforcement responsibilities and in doing so, he identified some needed minor revisions to the current Nuisance Ordinance.

He then provided a review of the proposed revisions and said the first revision includes adding the definition of "Driveway" and "Improved Surface". Also, to correct some minor grammatical revisions and to recommend that the required contents of the Notice and Order to Abate be expanded to provide full disclosure of the process and consequences of failing to comply with the said Notice.

A public hearing was opened at 9:10 p.m. to receive public comment on the proposed ordinance revisions. There being no public comment, the public hearing closed.

Council members had questions regarding the appeal fee and other fees contained within the ordinance.

Staff stated the appeal fee was established by Resolution and although the goal is to remove fees and put them into resolutions, there are some fees and charges that are required by law to be included in ordinances.

Councilmember Wilson asked what the definition is of "gravel". Community Development Director Caldwell commented that he is not certain that there is a definition but said perhaps it could be described as "granule rock surface".

Councilmember Wilson then asked what is considered an "all-weather surface" and if it is a problem for recreational vehicles to be parked in the backyard of a residence on grass while not in use.

Community Development Director Caldwell said an all-weather surface is basically something that does not create mud, and provided the RV parked in grass does not create an obvious problem, there shouldn't be an issue.

A public hearing was opened at 9:15 p.m. to receive public comment on the proposed amendments. There being no public comment, the public hearing closed.

City Manager Stretch referred to page 243 of the Council packet under: **4. Payment of Appeal Fee** and suggested the language be revised to say “a nonrefundable appeal fee of \$125,00 as established by resolution”.

Motion was made by Woodall/Marks to introduce *Ordinance No. 311-2013 Amending the Current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code* as amended, and to continue consideration, approval and adoption of the Ordinance to the December 17, 2013 meeting. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Stretch reported on recent activities and stated the Council, at the last meeting approved the concept of contracting with Humboldt Waste Management Authority (HWMA) for Recycling Program Administration and hopefully he will have the contract on the next agenda for consideration.

Councilmember Johnson asked about the status of the next City newsletter. Community Development Director Caldwell commented the plan is to have it out before Christmas.

Chief of Police Hill reported on recent activities in the police department and announced that Sergeant Wiener had resigned his position but agreed to stay on as a Records Clerk at the police department on a part-time basis. He also reported that Officer John Beauchaine was promoted to Sergeant and that he had started the background on a potential police officer candidate. He also reported that he altered his shift and would be working 10 hour shifts Tuesday – Friday.

Councilmember Johnson asked about the status of the river bar access surveys. Chief Hill said the surveys have stopped coming in and he would be tabulating the results and have a report at the next Council meeting.

Councilmember Marks asked if the job opening for Police Officer was posted. Chief Hill stated the candidate he is doing background on has been interviewed previously and is a viable candidate. In the event he does not pass the background check, he will proceed with another hiring process.

Community Development Director Caldwell reported on activities in the Community Development Department and said he will begin working on the update of the Housing Element; and on the next Planning Commission agenda he will be presenting for consideration, amendment to the Home Occupation Permit regulations; amendment to the Design Review

regulations; establishment of Cottage Industry regulations; and hopefully will continue review and discussion of the Land Use Matrix.

Finance Director Beauchaine reported on activities in the finance department and said she has been very busy training new staff and drafting her exit strategy.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Johnson reported on recent meetings and said at the last HCAOG meeting there were several items on the agenda. In regard to the 101 Corridor Project and removal of signs, he said CalTrans set aside \$2 million to remove signs which will only fund the removal of 8 signs. He commented that provisions were set by the Coastal zone to buy into the project. He also reported that HCAOG has designed a booklet titled "Imagine Humboldt" and addresses how we want the County to look over the next forth years. He said "VROOM" (Variety in Rural Options of Mobility) is HCAOG's 5-year update of the Regional Transportation Plan identifies several projects for the City of Rio Dell and said the draft document is in the review period through December and is available on their web site for anyone interested in reviewing or providing input.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:30 p.m. to the December 17, 2013 regular meeting.

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

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



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
December 17, 2013**

TO: Mayor and Members of the City Council
THROUGH: Jim ~~Stretch~~, City Manager
FROM: Rick Chicora, Wastewater Superintendent
DATE: December 17, 2013
SUBJECT: **Bio Solids Giveaway Program**

RECOMMENDATIONS

Authorize the giveaway of the wastewater plant's Exceptional Quality Class A Bio Solids to City residents as first priority, and to other county residents as a second priority if required to dispose of excess biosolids product.

BACKGROUND AND DISCUSSION

As the Council may recall, the City entered into an agreement with Hank Brenard Environmental to purchase our biosolids for \$40.00 a ton. After a number of attempts to reach him failed, we contacted several landscaping businesses, but could not find a market for our product. During this period, the biosolids product has been accumulating and now has become a burden. We would like the Council's permission to go in a different direction.

After exploring different ideas with other plant operators in the area, it is proposed that the City establish a program similar to Fortuna's whereby we offer our Class A biosolids to City residents free, with proof of residency, on a first come first serve basis. If we get to a point where the demand for the product is less than our production, then the program would be expanded to Humboldt County residents outside of the City.

Staff proposes to advertise these giveaways on the City's website and will post the event around the community. If that doesn't produce satisfactory results, we can advertise in the Humboldt Beacon. Each person that comes to the plant at the Corporation Yard to receive the biosolids would be required to sign the attached hold harmless (release of liability) agreement, and supply a tarp to cover the material during transport.

Since the plant only produces about 2 yards of biosolids a week, these free events would generally occur every few months. The free biosolids events will occur during the normal work week at the Corporation Yard, so no additional staff cost will occur.

BUDGETARY IMPACT

No revenue from the sale of biosolids was anticipated in the 2013-14 budget and no extra salaries are to be paid to administer the program. Thus, there is no financial impact from the program. However, there would be a budget impact if we have to pay to dispose of the material.

ATTACHMENTS:

1. Hold Harmless Agreement
2. Newspaper Ad if required

HOLD HARMLESS, INDEMNIFICATION, AND RELEASE AGREEMENT

This Agreement is executed on this _____ day of _____, 2013, by and between the City of Rio Dell, a municipal corporation of the State of California, hereinafter called CITY, and _____, herein called RELEASOR.

WITNESSETH

WHEREAS, City produces biosolids from its wastewater treatment facility, which solids are regulated by the California EPA (Cal EPA) and the North Coast Regional Water Quality Control Board (NCRWQCB); and WHEREAS, said biosolids meet the "Class A, Exceptional Quality" criteria of the Cal EPA 503 Regulations, with regards to concentrations of regulated metals, pathogen reduction, and vector attractions reduction; and WHEREAS, Releasor desires to receive from City said biosolids for their personal application, and WHEREAS, City is requiring Releasor to enter into this Hold Harmless, Indemnification, and Release Agreement for the receipt of said biosolids as specified herein;

Now, THEREFORE, it is MUTUALLY AGREED as follows:

Releasor, their successors and assigns, in consideration of City agreeing to give free of charges Releasor biosolids, agrees to indemnify, release, hold harmless and to defend the City, its officers, officials, employees and agents from and against any and all claims for damages, losses and expenses, including attorney fees arising out of Releasor's use of biosolids described herein, which may be made by reason of death, personal injury or damage to property sustained by any person, firm, or corporation, arising directly or indirectly from or in connection with claims related to possession or use of biosolids..

I agree, for myself, my successors and assigns, to indemnify, release, hold harmless and to defend the City, its officers, officials, employees, and agents from and against any and all claims for damages, losses, and expenses including attorney fees arising out of the application of biosolids to my land, which may be made by reason of death, personal injury, or damage to property sustained by any person, firm, or corporation, arising directly or indirectly from or in connection with claims related to the possession or application of biosolids to my land.

This release is intended to discharge the City, it officers, officials, and employees from and against any and all liability arising out of or connected in any way with the application of biosolids to my land, even though that liability may arise out of negligence or carelessness on the part of the City of its officials, officers, employees or agents.

In witness whereof, the parties hereto have caused this Agreement to be executed the day and year first above written.

Signed:

Dated:

Wastewater Superintendent
City of Rio Dell

Releasor Signature

Print Name and Address:

Name: _____ Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Address where biosolids product will be applied as soil amendment _____

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



To: Karen Dunham, City Clerk
From: Rick Chicora, Wastewater Superintendent
Date: 12/10/13
Subject: Ad for Rio Dell Bio Solids Giveaway

Could you please arrange to have this ad appear in the Humboldt Beacon.

The City of Rio Dell will be hosting a week long give away of biosolids for Rio Dell residents only on Monday January 6th thru 10th or until the supply is gone. The availability of the biosolids product will be on a first come first serve basis and quantities per trip, parcel or residence may be limited by the City.

This Exceptional Quality Class A Biosolids is intended for the beneficial reuse as a soil amendment at a place of residence and may not be sold or applied on a property other than the property identified in the release of liability. Loading hours will be 9:00 am to 3:30 pm each day at the Rio Dell Wastewater Treatment Plant which is located at 475 Hilltop Drive, Rio Dell, CA.

All persons that appear to receive a load of biosolids must sign a "hold harmless" release of liability and provide proof of residency if it is a City only noticed event. Drivers must have tarps for covering the material while transporting from the facility. More information is available by calling 764-5754.

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



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
DECEMBER 17, 2013**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager *JMS*

FROM: Stephanie Beauchaine, Finance Director *SB*

DATE: November 4, 2013

SUBJECT: GASB Statement No. 54 Fund Balance Classification

RECOMMENDATIONS

Approve Resolution No. 1214-2013 Fund Balance Classification Policy

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

In February of 2009 the Governmental Accounting Standards Board adopted GASB Statement No. 54 Fund Balance Reporting and Governmental Fund Type Definitions.

The objective of this Statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. This Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

The initial distinction that is made in reporting fund balance information is identifying amounts that are considered non-spendable, such as fund balance associated with inventories. This Statement also provides for additional classification as restricted, committed, assigned, and unassigned based on the relative strength of the constraints that control how specific amounts can be spent.

The restricted fund balance category includes amounts that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation. The committed fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Amounts in the assigned fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or

committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed. Unassigned fund balance is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned. Governments are required to disclose information about the processes through which constraints are imposed on amounts in the committed and assigned classifications.

Governments also are required to classify and report amounts in the appropriate fund balance classifications by applying their accounting policies that determine whether restricted, committed, assigned, and unassigned amounts are considered to have been spent. Disclosure of the policies in the notes to the financial statements is required.

This Statement also provides guidance for classifying stabilization amounts on the face of the balance sheet and requires disclosure of certain information about stabilization arrangements in the notes to the financial statements.

The definitions of the general fund, special revenue fund type, capital projects fund type, debt service fund type, and permanent fund type are clarified by the provisions in this Statement. Interpretations of certain terms within the definition of the special revenue fund type have been provided and, for some governments, those interpretations may affect the activities they choose to report in those funds. The capital projects fund type definition also was clarified for better alignment with the needs of preparers and users. Definitions of other governmental fund types also have been modified for clarity and consistency.

The requirements of this Statement are effective for financial statements for periods beginning after June 15, 2010. Early implementation is encouraged. Fund balance reclassifications made to conform to the provisions of this Statement should be applied retroactively by restating fund balance for all prior periods presented.

GASB Statement No. 54 was implemented 6/30/2010, but a formal policy of compliance was never adopted.

**RESOLUTION NO. 1214-2013
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
ESTABLISHING A FUND BALANCE
CLASSIFICATION POLICY**

WHEREAS, the Governmental Accounting Standards Board adopted GASB Statement No. 54 Fund Balance Reporting and Governmental Fund Type Definitions to enhance the usefulness of fund balance information; and

WHEREAS, GASB Statement No. 54 became effective for all Financial Statements following June 15, 2010; and

WHEREAS, the City has been in compliance since the effective date but would like to formally document the City's policy of adherence; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby adopt the following Fund Balance Classification Policy:

At year-end, restricted fund balances for specific purposes are determined (excluding non-spendable amounts). Remaining Fund Balance, considered spendable, is classified as committed, assigned or unassigned categories depending upon the intended use of the balances. Fund balance amounts for other governmental funds are classified as restricted or committed depending upon the purpose and restrictions imposed on each specific fund. The City applies expenditures to the most restrictive available balances first, and then less restricted funds as required.

PASSED AND ADOPTED by the City of Rio Dell on this 17th day of December, 2013.

Ayes:
Noes:
Abstain:
Absent:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

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



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
DECEMBER 17, 2013**

TO: Mayor and Members of the City Council
THROUGH: Jim Stretch, City Manager
FROM: Stephanie Beauchaine, Finance Director *SB*
DATE: December 11, 2013
SUBJECT: Mid-Year Budget Adjustments

RECOMMENDATIONS

Approve Resolution No. 1215-2013 Mid-Year Budget Amendment

BACKGROUND AND DISCUSSION

Staff has prepared a budget amendment for the Council's approval that includes several projects, most of which have been previously approved by the Council. Ordinarily, this amendment would take place during the mid-year review, but due to the anticipated Finance Director vacancy, we have prepared it in advance. We have reviewed revenues and expenses, but it is too early in the year to prepare a complete mid-year review, as we are lacking two months worth of data at this point (November and December reconciled revenues and expenses.) However, we do not anticipate any adjustments at this time in addition to what we have prepared. Included in the proposed budget amendment are the following;

1. WWTP Project Capital Purchases previously approved by the City Council in the amount of \$31,126 to be funded by Fund 52 Reserves;
2. Bartle Wells Contract carryover (from previous year) and an additional \$5,000 to complete the Prop 218 Rate Increase process in the absence of the Finance Director to be funded by Fund 52 Reserves;
3. The City's RSTP/Streets Apportionment was higher than anticipated so we have increased revenues by \$4,171 which will be contributed to reserves if not allocated during the year;
4. Wildwood Streetscape TE Project expenditures in the amount of \$30,000 to be paid for by General Fund reserves. Previously approved by the Council;
5. The City's TDA Allocation was also higher than anticipated and we have adjusted revenues and reserves by \$14,013.

6. Spring & Ogle Culvert Replacement carryover from the prior year increases current year expenditures by \$6,700. This item was approved in last year's budget and is funded by Gas Tax Fund 20 reserves;
7. The CDBG Belleview Ogle Drainage Study grant in the amount of \$100,000 has been included as well as the \$5,000 match from the General Fund;
8. WWTP Project Capital Purchases previously approved by the City Council in the amount of \$16,971 to be funded by Fund 52 Reserves;
9. Wesley Anderson Appraisal Services approved by the Council to be paid with Water Operating Fund 60 reserves;
10. GHD Proposition 84 Grant Fund application approved by the Council paid for by General Fund reserves in the amount of \$5,000;
11. Administrative Vehicle Intergovernmental Services Funds Revenues and Expenses in the amount of \$5,000;
12. Community Christmas lights to be paid from General Fund reserves in the amount of \$5,000;
13. City Manager recruitment approved by the Council totaling \$27,000 apportioned to each of the major operating fund reserves.

SUMMARY OF FUND CHANGES

Attached to this report is the projected Reserve Balance Summary by Fund for July 1, 2014 and a Post Mid-Year Adjustment Summary by Fund for the same period, based on the adjustments in this report. By fund type, the projected ending reserve balances are as follows:

	<u>Projected reserve balance for 7-1-14 in Final Budget</u>	<u>Projected reserve balance for 7-1-14 after mid-year adjustments</u>	<u>\$ Change</u>
General Fund	\$1,114,092	\$1,063,422	\$(50,670)
Sewer Fund	1,188,299	1,121,031	(67,268)
Spec. Rev. Funds	218,134	218,134	-----
Street Funds	127,312	154,593	27,281
Water Fund	21,760	9,310	(12,450)
Total Reserve	<hr/>	<hr/>	<hr/>
Balance	\$2,669,597	\$2,566,490	\$(103,107)

SPECIFIC BUDGETARY IMPACT

Adoption of Resolution No. 1215-2013 will increase revenues and expenditures in several funds. The Sewer Operations Fund 50 will increase expenditures by \$10,800 and allocate reserves in the same amount, Fund 52 Sewer Capital will increase expenditures by \$56,468 and allocate reserves in the same amount, ISTEAs Streets will increase revenues in the amount of \$4,171 to be contributed to reserves, an additional \$30,000 will be allocated to Fund 47 STIP/Streets for the Wildwood TE Project from the General Fund, Fund 24 TDA/Streets will increase revenues by \$14,013, increase expenditures by \$675 for the City Manager recruitment, and \$13,338 will be contributed to reserves, CDBG Fund 37 will increase revenues by \$105,000 and expenditures in the same amount for the CDBG PTA Grant for the Belleview/Ogle Drainage Study. Water Operations Fund 60 will increase expenses by \$12,450 for appraisal services and a portion of the City Manager recruitment, both to be paid for by reserve funds. General Fund Expenditures will

increase in the amount of \$50,670 to fund several projects including contributions to the Wildwood TE Project, and the Belleview/Ogle Drainage Study. It will pay for a portion of the City Manager Recruitment, completion of the Prop 84 Grant application, and community Christmas lights. Fund 5 Administrative Vehicle Intergovernmental Services Fund will be established and record \$5,000 in revenues and expenditures.

**RESOLUTION NO. 1215-2013
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
MID YEAR BIDGET ADJUSTMENT
AMENDING RESOLUTION NO. 1206-2013
ADOPTING THE OPERATING & CAPITAL BUDGET
FOR THE FISCAL-YEAR 2013-2014**

WHEREAS, the City adopted Resolution 1206-2013 establishing the City's Operating and Capital Budget for the Fiscal-Year 2013-2014; and

WHEREAS, the City is in the process of mid-year budget review and identified additional revenues and expenditures that should be included to update the 2013-2014 fiscal-year budget; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby amend the City of Rio Dell 2013-2014 Operating & Capital Budget increasing revenues and expenditures in the amount of \$261,352 as follows:

1	WWTP Project Capital Purchases	31,126.00	52	6500-14-052-0000-0131
		(31,126.00)	52	4999-14-052 Reserves
2	Bartle Wells Contract Carryover & New Services	8,371.00	52	5115-14-052-0000-0177
		(8,371.00)	52	4999-14-052 Reserves
3	RSTP Apportionment	(4,171.00)	26	4712-00-026
		4,171.00	26	8000-00-026 Reserves
	Wildwood Streetscape Te Project Construction			
4	Contingency	30,000.00	47	6500-14-047-1029-0159
		(30,000.00)	0	4999-14-000 Reserves
5	Increased TDA Allocation	(14,013.00)	24	4045-00-024
		14,013.00	24	8000-00-024
6	Spring & Ogle- Carryover From prior Year	6,700.00	20	5108-00-020
		(6,700.00)	20	4999-00-020
7	CDBG PTA Grant- Ogle/Belleview Drainage	(100,000.00)	37	4720-14-037-1035-0179
		(5,000.00)	0	4999-14-000
		99,900.00	37	5514-14-037-1035-0179
		5,100.00	37	5000-14-037-1035-0179
8	WWTP Capital Purchases	16,970.58	52	6500-14-052-0000-0131
		(16,970.58)	52	4999-14-052
9	Wesley Anderson Appraisal	3,000.00	60	5115-09-060
		(3,000.00)	60	4999-00-060
10	GHD Prop 84 Grant Application	5,000.00	0	5514-09-000
		(5,000.00)	0	4999-00-000 Reserves
11	Administrative Vehicle IGSF	(5,000.00)	5	4197-00-005
		5,000.00	5	5212-05-005
12	Christmas Lights Budget	5,000.00	0	5106-12-000
		(5,000.00)	0	4999-00-000 Reserves

13	City Manager Recruitment	5,670.00	0	5080-02-000
		405.00	20	5080-02-020
		675.00	24	5080-02-024
		10,800.00	50	5080-02-050
		9,450.00	60	5080-02-060
		(5,670.00)	0	4999-00-000 Reserves
		(405.00)	20	4999-00-020 Reserves
		(675.00)	24	4999-00-024 Reserves
		(10,800.00)	50	4999-00-050 Reserves
		(9,450.00)	60	4999-00-060 Reserves

PASSED AND ADOPTED by the City of Rio Dell on this 17th day of December, 2013.

Ayes:
 Noes:
 Abstain:
 Absent:

 Jack Thompson, Mayor

ATTEST:

 Karen Dunham, City Clerk

City of Rio Dell
Projected Reserve Balance Summary Schedule
Fiscal Year 2013-2014

<u>Fund</u>	<u>Projected</u> <u>Beginning</u> <u>Reserve Balance</u> <u>July 1, 2013</u>	<u>Projected</u> <u>Operations Revenue</u> <u>FY 2013-2014</u>	<u>Projected</u> <u>Operations</u> <u>Expenditures</u> <u>FY 2013-2014</u>	<u>Projected</u> <u>Capital Revenue</u> <u>FY 2013-2014</u>	<u>Projected</u> <u>Capital Expenditures</u> <u>FY 2013-2014</u>	<u>Transfer In</u>	<u>Transfer Out</u>	<u>Projected</u> <u>Ending Reserve</u> <u>Balance</u> <u>July 1, 2014</u>	<u>Minimum</u> <u>Reserve</u> <u>Balance 30%</u>	<u>Minimum</u> <u>Reserve</u> <u>Balance 15%</u>
GF 0 General Fund	1,181,743	818,636	807,439	-	81,000	2,152		1,114,092	245,591	122,795
Total General Fund Reserves	1,181,743							1,114,092	245,591	122,795
S 50 Sewer	131,181	689,208	615,694	-	45,374			159,321	206,762	103,381
S 52 Sewer Capital	(180,956)			3,891,090	3,736,974	415,556		388,716		
S 53 Sewer Assessment District	16,539			28,785	31,750			13,574		
S 54 Sewer Debt Service	756,560			323,184	37,500		415,556	626,688		
Total Sewer Fund Reserves	723,324							1,188,299	206,762	103,381
SRF 15 Parks and Recreation	7,505			6,000	-	256		13,761		
SRF 27 Solid Waste	28,898	8,600	8,600					28,898		
SRF 39 CDBG	156,077			5,120	5,120			156,077		
SRF 40 SLESF	68,607	100,000	100,000		67,250			1,357		
SRF 43 Vehicle abatement	255		255					0		
SRF 74 Recycling	15,283	1,900	1,900					15,283		
SRF 90 Downtown Plaza Development	435						435	0		
SRF 91 Disaster Donation Trust	146							146		
SRF 92 Animal Care Facility	500							500		
SRF 93 Spayed & Nueter Fund	2,759							2,759		
SRF 94 Parks & Recreation Fundraising	256							256		
SRF 95 Anniversary Fund	1,071							1,071		
Total Special Revenue Fund Reserve	281,791							218,134	-	-
STR 20 Gas Tax	161,919	103,464	125,979	-	171,440	156,995		124,959	31,039	15,520
STR 24 TDA	(9,789)	103,238	71,096	-	20,000			2,353	30,971	15,486
STR 26 ISTEAs	61,505	21,000	16,877				65,627	0	6,300	3,150
STR 29 TCRF	68,753						68,753	(0)		
STR 47 STIP	54,415			643,563	675,363		22,615	(0)		
Total Street Funds Reserves	336,803							127,312	68,311	34,155
W 60 Water	160,999	544,147	531,321	-	7,374		144,691	21,760	163,244	81,622
W 61 Water Capital	30,659			134,000	309,350	144,691		0		
Total Water Fund Reserves	191,658							21,760	163,244	81,622
Grand Total Reserve Balance	2,715,319	2,390,193	2,279,162	5,031,742	5,188,496	719,650	719,650	2,669,597	683,908	341,954

City of Rio Dell
Projected Reserve Balance Summary Schedule
Post Mid Year Adjustment
Fiscal Year 2013-2014


<u>Fund</u>	<u>Projected</u> <u>Beginning</u> <u>Reserve Balance</u> <u>July 1, 2013</u>	<u>Projected</u> <u>Operations</u> <u>Revenue</u> <u>FY 2013-2014</u>	<u>Projected</u> <u>Operations</u> <u>Expenditures</u> <u>FY 2013-2014</u>	<u>Projected</u> <u>Capital</u> <u>Revenue</u> <u>FY 2013-2014</u>	<u>Projected</u> <u>Capital</u> <u>Expenditures</u> <u>FY 2013-2014</u>	<u>Transfer In</u>	<u>Transfer Out</u>	<u>Projected</u> <u>Ending Reserve</u> <u>Balance</u> <u>July 1, 2014</u>	<u>Minimum</u> <u>Reserve</u> <u>Balance 30%</u>	<u>Minimum</u> <u>Reserve</u> <u>Balance 15%</u>
GF 0 General Fund	1,181,743	818,636	823,109	-	81,000	2,152	35,000	1,063,422	245,591	122,795
Administrative Vehicle										
IGSF 5 Intergovernmental service Fund	-	5,000	5,000							
Total General Fund Reserves	1,181,743							1,063,422	245,591	122,795
S 50 Sewer	131,181	689,208	626,494	-	45,374			148,521	206,762	103,381
S 52 Sewer Capital	(180,956)			3,891,090	3,793,442	415,556		332,248		
S 53 Sewer Assessment District	16,539			28,785	31,750			13,574		
S 54 Sewer Debt Service	756,560			323,184	37,500		415,556	626,688		
Total Sewer Fund Reserves	723,324							1,121,031	206,762	103,381
SRF 15 Parks and Recreation	7,505			6,000	-	256		13,761		
SRF 27 Solid Waste	28,898	8,600	8,600					28,898		
SRF 37 CDBG	-			100,000	105,000	5,000		-		
SRF 39 CDBG	156,077			5,120	5,120			156,077		
SRF 40 SLESF	68,607	100,000	100,000		67,250			1,357		
SRF 43 Vehicle abatement	255		255					0		
SRF 74 Recycling	15,283	1,900	1,900					15,283		
SRF 90 Downtown Plaza Development	435						435	0		
SRF 91 Disaster Donation Trust	146						146	0		
SRF 92 Animal Care Facility	500						500	0		
SRF 93 Spayed & Nueter Fund	2,759							2,759		
SRF 94 Parks & Recreation Fundraising	256						256	(0)		
SRF 95 Anniversary Fund	1,071						1,071	(0)		
Total Special Revenue Fund Reserve	281,791							218,134	-	-
STR 20 Gas Tax	161,919	103,464	126,384	-	178,140	156,995		117,854	31,039	15,520
STR 24 TDA	(9,789)	117,251	71,771	-	20,000			15,691	35,175	17,588
STR 26 ISTEAF	61,505	25,171	-				65,627	21,049	7,551	3,776
STR 29 TCRF	68,753						68,753	(0)		
STR 47 STIP	54,415			643,563	705,363	30,000	22,615	(0)		
Total Street Funds Reserves	336,803							154,593	73,766	36,883
W 60 Water	160,999	544,147	543,771	-	7,374		144,691	9,310	163,244	81,622
W 61 Water Capital	30,659			134,000	309,350	144,691		0		
Total Water Fund Reserves	191,658							9,310	163,244	81,622
Grand Total Reserve Balance	2,715,319	2,413,377	2,307,284	5,131,742	5,386,664	754,650	754,650	2,566,490	689,363	344,682


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



For Meeting of: December 17, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: December 11, 2013

Subject: Nuisance Regulations Chapter 8.10 of the Rio Dell Municipal Code (RDMC);
Appointment of Council Members to Hearing Committee

Recommendation:

That the City Council:

1. Appoint two Council Members and an Alternate Council Member to the Nuisance Hearing Committee;

Background/Summary

Staff is pursuing the abatement of what appears to be abandoned, wrecked, dismantled or inoperative vehicles and parts from a parcel located at 909 Martin Drive. The Nuisance Regulations provide for the opportunity for the property owner to appeal the Notice of Violation for Abandoned or Inoperable Vehicles. In addition, property owners have opportunity to appeal a Notice and Order to Abate a Public Nuisance.

Pursuant to Section 8.10.170(B) of the Nuisance Regulations a Hearing Committee shall be established. The Hearing Committee shall consist of two Members of the City Council and the City Manager, plus one alternate City Council Member to facilitate timely hearings pursuant to this ordinance and resolve any potential conflicts of interest. The alternate City Council

Member shall only participate in appeals where one of the other two City Council Members is unable to serve due to scheduling concerns or a conflict of interest.

Financial Impact

The cost of preparing the Staff Report and appointing Council members to the Hearing Committee is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Section 8.10.170 Appeal Hearing – Notice and Order of the Rio Dell Municipal Code.

**Chapter 8.10 Rio Dell Municipal Code
NUISANCES**

8.10.170. Appeal Hearing—Notice and Order.

(A) Payment of Appeal Fee. Any person, corporation, or entity seeking to appeal a Notice and Order shall be required to pay to the City, at the time the appeal is requested, a nonrefundable appeal fee to be set by resolution of the City Council. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

(1) **Hardship Waiver.** If the appealing party establishes to the satisfaction of the City Manager or designee, by means of tax returns, pay stubs or other similar documentary evidence, and submits a declaration under penalty of perjury that paying the appeal fee would cause undue financial hardship to the appealing party the City Manager may grant a waiver of the appeal fee. The City Manager's determination is not appealable and shall be final as to the hardship waiver request.

(B) Hearing Committee. The appeal shall be heard by a committee (the "Hearing Committee"). The Hearing Committee shall consist of two Members of the City Council and the City Manager, plus one alternate City Council Member to facilitate timely hearings pursuant to this ordinance and resolve any potential conflicts of interest. The alternate City Council Member shall only participate in appeals where one of the other two City Council Members is unable to serve due to scheduling concerns or a conflict of interest. City Council Members shall be selected to serve on the Hearing Committee at the same time that other committees are formed by the City Council. Committee members shall not participate in the hearing process in cases when the member has had a substantial personal involvement with the party requesting the hearing and that personal involvement is a conflict of interest. The Hearing Committee shall be advised by the City Attorney to ensure proper legal procedures are followed and adhered to.

(C) Setting Appeal Hearing. The appeal hearing shall be set by the City Manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than twenty (20) days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least fifteen (15) days before the date set for hearing.

(D) Conduct of Appeal Hearing.

(1) **Testimony at the Hearing.** At the time set for the appeal hearing, the Hearing Committee shall proceed to hear testimony from the representative of the City, the appellant, and any other competent persons with respect to the determination of a violation and nuisance or the imposition of an administrative penalty.

(2) Record of Oral Evidence at Hearing. The proceedings at the hearing shall be reported by a tape recording, or video recording. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the requesting party's own expense.

(3) Continuances. The Hearing Committee may, upon request of the person, corporation, or entity against whom a penalty is to be imposed, or upon request of the City, grant continuances from time to time for extreme or unusual cause shown, or upon the Hearing Committee's own motion.

(4) Oaths; Certification. The City Clerk or certified shorthand reporter shall administer the oath or affirmation.

(5) Evidence Rules. Government Code Section 11513, subsections (a), (b), and (c) shall apply to all administrative hearings. At the Hearing Committee's sole discretion, other relevant evidence may be admissible and hearsay evidence may be used for the purpose of supplementing and explaining other evidence.

(6) Burden of Proof. The accuracy of the Notice and Order containing the description of the violations and/or public nuisance and the actions required to abate such nuisance or violation is deemed a rebuttable presumption and the burden is on the appellant to provide such facts and information to overcome such presumption by a preponderance of the evidence.

(7) Rights of Parties.

(a) Each party shall have the following rights among others:

(i) To call and examine witnesses on any matter relevant to the issues of the hearing;

(ii) To introduce documentary and physical evidence;

(iii) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

(iv) To impeach any witness regardless of which party first called that witness to testify;

(v) To rebut the evidence against him or her;

(vi) To represent himself or herself or to be represented by anyone of his or her choice.

(b) If a party does not proficiently speak or understand the English language, that party may provide an interpreter, at that party's own cost, to translate for the party. An interpreter shall not have been a resident of the Premises or have had any personal relationship with or involvement in the parties or issues of the case prior to the hearing.

(8) Official Notice. In reaching a decision, the Hearing Committee may take official notice, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the City or county, or any of their departments.

(9) Inspection of the Premises.

(a) The hearing officer may inspect the Premises involved in the hearing prior to, during, or after the hearing, provided that:

(i) Notice of such inspection shall be given to the parties before the inspection is made;

(ii) The parties consent and are given an opportunity to be present during the inspection; and

(iii) The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusions drawn there from.

(b) Each party shall then have a right to rebut or explain the matters so stated by the hearing officer either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(c) Notice to the parties or the owner(s)' consent to inspect the building and surrounding properties is not required if the property can be inspected from areas in which the general public has access or with permission of the other persons authorized to provide access to the property on which the building is located.

(E) Form and Contents of the Decision; Finality of Decision.

(1) Format of Hearing Committee's Decision. The Hearing Committee shall issue a written decision containing findings of fact and a determination of the issues presented. The Hearing Committee may affirm, modify or reverse the notice of violation or the Notice and Order imposed by the City or find that the imposition of the penalty is not warranted or is not in the interest of justice.

(2) Contents of Hearing Committee's Decision. If it is shown by a preponderance of all the evidence that the condition of the Premises constitutes a violation of the Rio Dell Municipal Code or is a public nuisance as defined in this chapter, the decision shall declare the Premises to be a public nuisance and shall order and require the appellant to abate the nuisance not later than ten calendar days after the issuance of the decision or, if ten calendar days is insufficient to abate the nuisance, within such other time as specified by the Hearing Committee not to exceed sixty days. The decision shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the City in such manner as may be ordered by the Department Head and the expense thereof made a special assessment lien upon the property involved. This is in addition to any other legal remedies that the City may choose to compel compliance.

(3) Service of the Hearing Committee's Decision. Upon issuance of the decision, the City shall serve a copy on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The Hearing Committee's decision shall be deemed served three days after the date it is mailed to the address provided by the appellant.

(4) Finality of Hearing Committee's Decision. The decision of the Hearing Committee on an appeal of a Notice and Order shall constitute the final administrative decision of the City and shall not be appealable to the City Council or any committee or commission of the City.

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



To: Honorable Mayor and Members of the City Council
Through: Jim Stretch, City Manager
From: Graham Hill, Chief of Police
Date: December 17th, 2013
Subject: River Bar Survey Information

Action

Take action as recommended:

1. Do not restrict motorized access to the river bar from Edwards Drive access point.
2. Maintain current policy of locking existing access points during night time hours.
3. Review Noise Ordinance and determine if there are enhancements that could be made to address noise issues specific to river bar use.
4. Improve existing public access points as determined by the City Council (each access point to be addressed individually and details of improvements not budgeted for to be brought before the City Council).
5. Increase police enforcement, specifically during summer months without the use of additional tax revenues generated specifically for the purpose.
6. Direct staff to resubmit this survey (or a similar survey) in one year to determine if the above efforts had any effect in mitigating some of the existing issues cited by respondents.

Background

Concerns about the river bar and access to the river have recently been brought to the City Council's attention. I was tasked with putting together some information regarding this issue, and submitted a survey to the community to compile information on the subject. While initially the survey returns appeared strong, ultimately we got a less than a 10% return (96 survey's completed and returned). This is not necessarily representative of the "communities" opinion on the issue, but does give us some information to work with.

The survey questions addressed where people lived in relationship to the river, if they used the river area for recreational activities, the types of recreation people engage in, problems associated with

river access, community opinions on restricting access, and opinions on additional tax revenue to address concerns.

Based on the information in the surveys that were returned the results generally were as follows:

- Of the survey's returned about 25% were from people who lived close to the river.
- About 65% of the people who returned a survey stated they used the river bar for recreational activities. Most of the activity takes place during the summer months, however many respondents claimed they used the river bar throughout the entire year.
- The majority of the respondents who used the river bar for recreational purposes claimed they hiked or walked on the river bar. Dog walking and fishing were also popular responses, and the smallest portion of people who use the river bar for recreational activities used ATV's or motorcycles (15%). "Other" was a common choice and the most specified activity that was not listed was swimming.
- Of the problems listed that are associated with the river bar the most common one noted by respondents was excessive noise from off road vehicles and it was further noted that it occurred during both day time and night time hours. Garbage left on the river bar was also a common issue cited by respondents.
- A majority of the respondents were not in favor of closing the river bar to motorized vehicles; however a majority was in favor to limiting access to daytime hours.
- A majority of the respondents were not in favor of creating a special tax to facilitate additional patrol and enforcement for the river bar.

There were several suggestions and comments made by respondents regarding river bar issues:

- "It would be nice if they could put trash cans by the river to control the trash"
- We need Signage regarding no camping and no fires on the river bar.
- The community already pays taxes and the river bar is already police jurisdiction and should be patrolled without the need for new taxes.
- We should utilize community groups to facilitate volunteer trash pickup on the river bar.
- Additional public access would reduce public use of private property.
- Vehicles and ATV's are destroying the "riparian area" below the river bank.
- The river bar provides a place for young people to do legal positive activities, such as riding ATV's, fishing, and hiking.
- " I would support an ATV for police if they did not use it for personal fun and recreation"
- Install a camera at the gate access.
- "Salaries for the duties performed is enough."

It is not practical to list all of the comments in this staff report, but suffice to say there are varying opinions on the issues surrounding the river bar.

Based on the information collected it appears that the majority of the respondents feel that the river bar should not be closed to motorized traffic, however should be restricted to day time use. Of the problems raised by respondents and addressed in the survey, excessive noise is a concern to several people. It was suggested the city address the issue through a noise ordinance. It is important to the community that public access be maintained, and it was mentioned that the Painter Street access be made more user friendly to provide additional access.

Budgetary Impact

Specific projects such as access enhancement should be addressed individually, and will have a budgetary impact. The action you are taking tonight, if approved is meant to be a conceptual approach and in and of itself does not have a direct budgetary impact at this time.

Recommendation

While we received a fairly small return on our survey, currently this is the only information we have available in regards to public feelings on the subject, that we can use to make any decisions. Based on the survey results it is my opinion we should not restrict the access to the river bar any more than it currently is (day time use). We have adequate vehicle access at this time and we should make an effort to improve existing public access points for non-motorized use or as determined by the City Council. We should increase enforcement efforts through adding additional signage and the police should make a better effort, utilizing existing resources, patrolling the river, particularly during the summer months. The City should review the noise ordinance and determine if there are any specific enhancements that could be made to address noise issues specific to the river bar and OHV use. We should review this issue again in the future, resubmit the survey to the community, and determine if we have successfully mitigated the problems associated with river access.

Attachments

Power point



*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*

December 17, 2013

TO: Honorable Mayor and City Council

FROM:  Jim Stretch, City Manager

SUBJECT: Determination of public access to Eel River at Painter Street

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Determine that public access from the end of Painter Street shall be restricted to foot traffic only, with a pedestrian pass through and lockable gate for emergency services and law enforcement vehicle access only. Access hours to be the same as the Edwards Street access posted on a sign, and
2. Direct the Public Works Department to install an appropriate structure at the Painter Street point of access to limit access as provided in #1 above at the estimated cost of \$1,000, and
3. Direct that, if the party that erected fences in Painter Street and blocked public access from Painter Street to the Eel River does not immediately remove the fences and structures when requested by City personnel, the City shall remove them and bill the responsible party for the cost of removal. The City may exercise any means at its disposal for collection if the responsible party does not reimburse the City for its cost, including the cost of collection.

BACKGROUND AND DISCUSSION

This agenda item was first presented to the City Council on October 1, 2013. It was generated by complaints received by the Police Department from citizens regarding gates installed on the pathway from the end of Painter Street down to the Eel River. The Council heard the matter and then directed staff to engage a Land Surveyor to determine with certainty whether the gates were installed within the City's right-of-way or within the jurisdiction of the State lands Commission.

Kelly-O'Hern Associates, Professional Land Surveyors were engaged to research the topic and/or conduct surveys to determine the point at which Painter Street terminates as a public right-of-way (R/W). His conclusion, dated November 19, 2013 is attached and provides that, unless the City has abandoned its rights there, which it hasn't, the neighbors have erected (2) fences within the City's R/W at the end of Painter to block the public's access to the Eel River. He also notes that they have moved their fence along the south portion of Painter Street out into the R/W.

The neighbor, Mr. Barisdale, will be contacted and asked to remove the fence in the R/W at once, and will be asked to remove the fences blocking access to the river when the City makes a decision about what access it will allow at that location and when it installs appropriate access controls.

The Council can now determine what level of public access to the Eel River you want to allow from the end of Painter Street, if any.

As set forth in the October 1, 2013 staff report, the City Council has basically (3) options at the Painter Street location for public access to the river as follows:

4. Fence and sign the location for no access to the river, with lockable gate to provide for emergency and law enforcement vehicle access. There would be a prominent sign.
5. Restrict access to foot traffic only (with sign), with a pedestrian pass through and lockable gate to provide for emergency and law enforcement vehicle access. Access hours to be stated on sign.
6. Allow full access to the river, including motor vehicles. Access hours to be stated on sign.

It is important to note that the City R/W for Painter Street may be 50' wide, but it narrows there to about 25'-30' of unpaved surface. There is no cul-de-sac to facilitate a turning movement, so parking at the end of Painter Street would be problematic. In its current configuration, Painter Street could be a candidate for a major access point to the river, but cannot accommodate any amount of parking without improvements being made. If the Council wishes to designate Painter Street for foot traffic only, parking would likely need to be designated on Painter Street 1/4 mile west at the Rigby Street intersection.

Without regard to the level of public access allowed there, it is recommended that the police and fire department be able to pass through the permanent installation to allow for a quicker response to calls and activity on the bar at the north end of the City. Otherwise, their access is limited to Edwards Drive at the south end of the City and it is a long slow drive to respond to calls for service.

Although there may be any number of variations on these major themes, based on current knowledge option #2 is recommended by the City Manager and Chief of Police. It is also recommended that public access be limited and enforced consistent with the hours posted at the Edwards Drive access, generally a few minutes before sunrise and a few minutes after sunset. The installation of the gate on Edwards Drive to restrict access to foot traffic would cost approximately \$1,000-\$1,500.

Cc: Public Works
Police Department

November 19, 2013

Jim Stretch
City Manager
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

RE: Survey of Painter Street

Dear Mr. Stretch:

Per your request we have researched surveys along the easterly portion of Painter Street in Rio Dell. We performed a field survey and located existing survey monuments along the road. Fences that block access to the east end of the road were also located.

From the end of the paved portion of Painter Street there is an old roadway that appears to have been used by vehicles in the past but now is used by pedestrians. This roadway is within the right of way of Painter Street, as described in this letter.

Painter Street is illustrated in Book 1 of Maps, Page 55. This is a two page map and a reduced copy is enclosed. This map is difficult to read and a better copy is filed in Book 6 Maps, Page 28. A reduced copy of this map is also enclosed.

At the lower left corner of Book 6 Maps, Page 28 is a notation pertaining to a lawsuit between Sutro, et al and Humboldt County. Perhaps the City Attorney could review the case and see if it pertains to Painter Street.

The two maps noted above do not include any road dedication statements. Subdivision maps prepared within the last 40 years include dedication statements that should clearly described the extent of dedications. Most of the maps of the era of the Rio Dell map (1884), however, also do not include road dedication statements. The normal assumption is that the roads were intended to be public roads.

November 19, 2013
Page 2 of 2

Enclosed is a copy of the deed to Edward Barisdale and Roger Barisdale. The deed is recorded as Instrument No. 2008-7044-5. Three of the parcels described in the deed refer to lots illustrated on the map filed in Book 1 Maps, Page 55.

Also enclosed is a copy of the survey for Earl Nally and Mildred Barisdale filed in Book 36 Surveys, Page 125. On this map I have added the location of two gates with red pen. As you are probably also aware, the Barisdale owners have moved their fence along the south portion of Painter Street out into the street right of way.

Although subdivision maps are drawn with solid lines along the edges of roads, the presumption is that fee title extends to the center of the street, but is burdened by a public right to use the road. The owner of a lot can only claim exclusive use of his half of the street if the public agency has abandoned the public right to use the road.

You have stated that the City is not aware of any abandonment of the public right to use the road. I also checked with the Humboldt County Department of Public Works and that office did not find any abandonment documents for Painter Street in their files.

In summary, if there has been no abandonment of the public right to use Painter Street, it appears to me that the adjacent landowner should not block the public from using the road.

Please call if you have any questions regarding this information.

Sincerely,
Kelly-O'Hern Associates



Mike O'Hern

PLASTIC

MAP OF 1948.
SEE DETAIL I.

MAP NO. 29 SURV. 108.

SET A

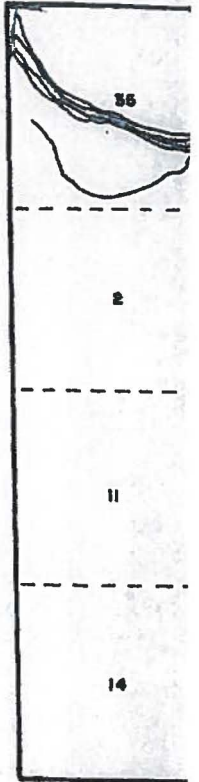
STATE OF
CALIFORNIA

SECTION 29

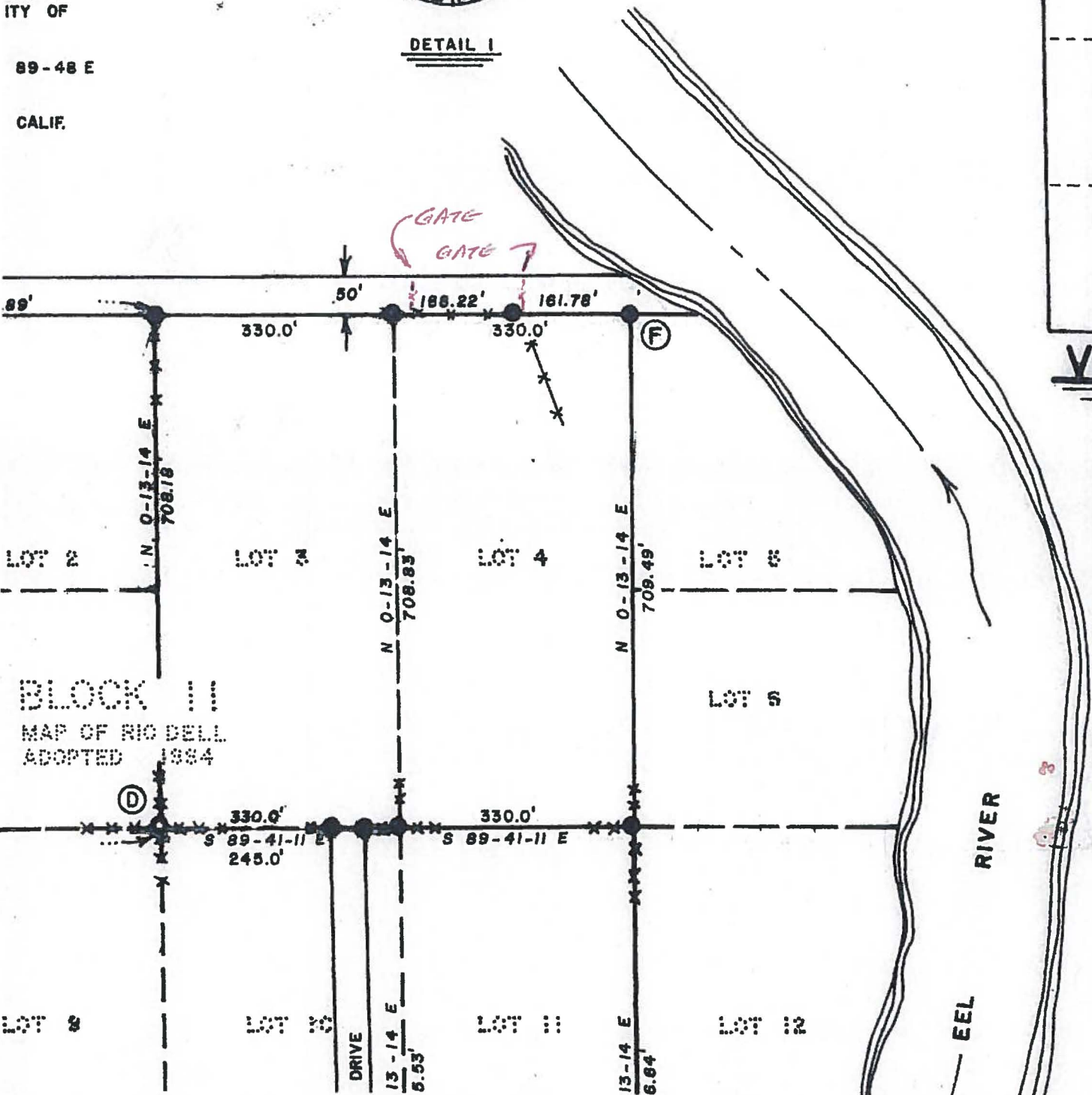
CALIF.



DETAIL I



VICIN





BLOCK 111
MAP OF RIO DELL
ADOPTED 1984



For Meeting of: December 17, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: December 10, 2013

Subject: Parkland Dedication Regulations, Section 17.30.190 RDMC

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendments;
2. Continue the public hearing, receive public input and close the public hearing;
3. Adopt Ordinance No. 302-2013 establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code.
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background/Summary

At your meeting of December 3, 2013, staff introduced (first reading) Ordinance 302-2013, a proposed text amendment establishing Parkland Dedication Regulations, Chapter 17.30.190 of the Rio Dell Municipal Code (RDMC).

As reported at the December 3rd meeting, in May of 2009 the City adopted Resolution No. 1046-2009 establishing Parkland Dedication standards and In-Lieu fees for subdivisions subject to the Planned Development combining zone. The Planned Development combining zone was applied to the Fockaert subdivision (Bluff View Estates) and to a parcel up on Dinsmore Ranch Road. The Parkland Dedication Regulations require the developer to either dedicate land or pay In-Lieu fees at the discretion of the City. The current Parkland Dedication standards require the dedication of 218 square feet of parkland per person of about 525 square feet per dwelling unit. The Parkland Dedication fees are established at \$1,500 per dwelling unit.

Zone Reclassification/Text Amendment Required Findings:

- 1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

The recently adopted Open Space and Conservation Element includes the following Goal, Policy and Implementation Measure directly related to the Quimby Act:

Goal CO 5.4-1

Provide passive and active recreational opportunities, including parks offering a wide range recreational activities and a City wide trails program ultimately connecting to a local regional county wide trails program.

Policy CO 5.4-1

Support the acquisition, development and maintenance of park and recreation areas that provide recreation actives, including trails identified in the Circulation Element.

Implementation CO 5.4-1a. Establish a City wide parkland dedication or in-lieu fee program pursuant to the Quimby Act (California Government Code §66477).

Responsibility: Community Development Department.

Timeframe: 2013/2014.

Resources: General Fund

In addition, Chapter 2.1, *Natural Environment*, of the General Plan includes Goal 2.1-10 which calls for the City: "To develop a system of public parks and open spaces for our residents to enjoy." The proposed Parkland Dedication regulations to require either park land dedication or in-lieu parkland dedication fees will help the City achieve this worthy goal.

There are no polices in the General Plan which would prohibit the establishment of Parkland Dedication regulations. Therefore, the proposed Parkland Dedication regulations are consistent with the City's General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

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

Any future development of parklands as a result of the Parkland Dedication regulations would be subject to existing development regulations, including Federal, State and local regulations in addition to CEQA.

Based on the nature of the amendment, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

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. Ordinance No. 302-2013 establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code (RDMC).
2. Post Adoption Summary.

ORDINANCE NO. 302 – 2013



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING PARKLAND DEDICATION REGULATIONS,
SECTION 17.30.190 OF THE RIO DELL MUNICIPAL CODE

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

WHEREAS cities and counties have been authorized since the passage of the 1975 Quimby Act (California Government Code §66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements; and

WHEREAS the goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements and provide parkland; and

WHEREAS many jurisdictions have found that the Quimby Act provides a consistent means of providing parks for many California communities and helps supplement strained agency budgets; and

WHEREAS originally, the Act was designed to ensure “adequate” open space acreage in jurisdictions adopting Quimby Act standards (e.g., 5 acres per 1,000 residents); and

WHEREAS in 1982 the Quimby Act was amended to hold local governments accountable for imposing park development fees and local ordinances must now include definite standards for determining the proportion of the subdivision to be dedicated and/or the amount of the fee to be paid; and

WHEREAS in May of 2009 the City adopted Resolution No. 1046-2009 establishing Parkland Dedication fees for subdivisions subject to the Planned Development combining zone; and

WHEREAS in May 2012 the City Council directed staff to implement Parkland Dedication requirements for all residential subdivisions within the City; and

WHEREAS in order to implement Parkland Dedication requirements, the City needed to update its Open Space Element to include policies calling for the establishment of Parkland Dedication requirements; and

WHEREAS the updated Open Space and Conservation Element was adopted at the City Council meeting of October 15, 2013; and

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

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

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

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

1. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
2. The proposed amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

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

Section 1. Section 17.30.190 of the Rio Dell Municipal Code is hereby established as follows:

17.30.190 Parkland Dedication

(1) Purpose

The purpose of these requirements is to provide opportunities for public recreation in conjunction with residential development in conformity with the General Plan.

(2) Applicability

These regulations shall apply to all divisions of land for residential uses pursuant to the Quimby Act.

(3) Requirements

(a) As a condition of approval of a Final Map or Parcel Map the subdivider shall satisfy one (1) of the following requirements, at the option of the City:

(1) For new subdivisions containing fifty-one (51) or more parcels an offer of dedication land to the City according to the formula and standards set forth in Section 17.30.190(5); or

(2) An in-lieu fee, in accordance with the provisions of Section 17.30.180(6) to provide an appropriate contribution to public parks or recreation. It shall be the County's option to decide whether dedication of land or in-lieu fees shall be required.

(b) For new subdivisions containing fifty (50) or fewer lots or parcels, an in-lieu fee shall be provided consistent with the provisions of Section 17.30.180(6); except that, if mutually agreeable, the subdivider and the City may agree to the dedication of land or a combination of dedication and fee payment.

(c) Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section. However, a condition shall be placed on the approval of such parcel map that at the time a building permit is requested for construction of a residential structure or structures on one or more of the parcels, the fee shall be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

(4) General Standard

Public parkland and/or recreation facilities shall be provided at the rate of five (5) acres for each 1,000 persons, equal to a standard of 218 square feet per person. This standard shall be utilized pursuant to Section 17.30.180(5) for the determination of parkland dedication.

(5) Formula for Dedication of Parkland

The amount of land (per dwelling unit), where land is dedicated, shall be determined by the application of the following formula:

(a) 218 square feet per person multiplied by the average number of persons per household.

(b) The average number of persons per household shall be determined by the City based on demographic research and available City Census data from the United States Bureau of the Census.

(6) Fees In-Lieu of Land Dedication.

(a) Where a fee is required to be paid in-lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 17.30.180(5). The In-Lieu Parkland Dedication Fees shall be established by Resolution and determined in conjunction with the County Assessor and/or local realtors from time to time as necessary based on the following formula:

Parkland Dedication Fee Calculation

$$\text{Impact Fee} = \text{Cost per Capita}^1 \times \text{Population per Development Unit}^2$$

¹Cost per Capita = .005 (5 acres per 1000 population) x Cost per Acre
²Average County Household Size

(b) If the subdivider objects to the adopted fair market value determination, the subdivider may, at his/her own expense, obtain an appraisal of property suitable for a park by a qualified real estate appraiser mutually agreed upon by the City in determining fair market value.

(c) In-Lieu Parkland Dedication Fees shall be paid to the City at the time a Building Permit is issued for each dwelling unit built on the parcel.

(7) Procedures for Determining Land Dedication, Fee Payment or a Combination of Both.

The procedure for determining whether the subdivider is to dedicate land, pay a fee, or a combination of both shall be as follows:

(a) At the time of filing a Tentative Subdivision Map or Tentative Parcel Map for approval, the subdivider shall, as part of such filing, indicate whether he/she desires to dedicate property for park and recreational purposes, or whether he/she desires to pay a fee in-lieu thereof. If the subdivider desires to dedicate land for this purpose, he/she shall designate the area thereof on the subdivision map as submitted.

(b) At the time of the approval of the Tentative Subdivision Map or Tentative Parcel Map, the City shall determine as a part of such approval whether to require a dedication of land within the subdivision, payment of a fee in-lieu thereof, or a combination of both.

(c) The City may approve of the offer of land dedication, or elect to recommend that a payment of a fee in-lieu thereof be required, or that a combination of both be required. In making this determination the Planning Commission shall consider the following:

- (1) The General Plan;
- (2) Topography, geology, access, and location of land in the subdivision available for dedication;
- (3) Size and shape of the land in the subdivision available for dedication;

- (4) Feasibility of dedication;
- (5) Availability and adequacy of previously acquired park property; and
- (6) The desirability of fees being used for indoor recreational facilities.

(8) Credit for Private Recreation Facilities.

Where a substantial private park and recreation area is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed fifty percent (50%), may be given against the requirement of land dedication or payment of fees in-lieu thereof if the Planning Commission finds that it is in the public interest to do so and that the following standards are met:

- (a) That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space;
- (b) That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;
- (c) That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property in the subdivision and which cannot be defeated or eliminated without the consent of the County or its successor;
- (d) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location;
- (e) That facilities proposed for the open space are in substantial accordance with the provisions of the General Plan.

Before credit is given, the Planning Commission shall make findings that the standards herein are met.

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. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. Due to the nature of the proposed code revision, there is no evidence that a *significant* impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. 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 December 3, 2013 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 17th of December 2013 by the following vote:

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

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 302-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham, City Clerk, City of Rio Dell

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



Public Notice
City of Rio Dell City Council
SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

Summary

On **Tuesday, December 17, 2013 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall to approve and adopt **Ordinance No. 302-2013 establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code.**

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. Said Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:


A certified copy of the full text of the Ordinance is posted in the office of the City Clerk at 675 Wildwood Avenue in Rio Dell. General questions regarding the Ordinance and the process should be directed to Kevin Caldwell, Community Development Director, (707) 764-3532.


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



For Meeting of: December 17, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: December 10, 2013

Subject: Parking Regulations Text Amendment Section 17.30.180 of the Rio Dell Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed Parking amendments;
2. Continue the public hearing, receive public input and close the public hearing;
3. Adopt Ordinance No. 305-2013 amending the current Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code.
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background/Summary

At your meeting of December 3, 2013, staff introduced (first reading) Ordinance No 305-2013 amending the current Parking regulations, Section 17.30.180 of the Rio Dell Municipal Code

At the December 3rd meeting, staff presented three (3) text amendments to the existing parking regulations. They were:

1. Prohibit the storage of trailers on public street and right-of-ways; and
2. Identify specific parking requirements for Low to Moderate Income (LMI) Senior Housing projects; and
3. Eliminate the need for a Conditional Use Permit (CUP) for exceptions to the location and required number of parking spaces.

As the Council is aware, staff originally presented the recommended changes to your Council at your meeting of September 3, 2013. The Council felt that the parking of recreational vehicles, boats and trailers should be restricted in all zones, not just residential zones. In addition, there was discussion regarding the 72 hour limit and whether or not 72 hours is too long. The Council also believed the recommended parking requirements for one bedroom and studio units in low to moderate income senior housing projects may not be adequate. Based on these concerns, the Council remanded the two issues back to the Planning Commission for discussion and recommendation.

In regards to the 72 hour period, The Planning Commission believes it is a reasonable amount of time to allow the temporary parking of recreational vehicles, including boats and trailers in all zones other than the Town Center (TC) zone along Wildwood Avenue. As reported at the December 3rd meeting, the Planning Commission recommended that the parking of recreational vehicles, boats and trailers be limited to 24 hours in the Town Center zone along Wildwood Avenue. Your Council agreed with the Planning Commission recommendation at the December 3rd meeting. As such, the Ordinance has been revised accordingly.

As reported at your December 3rd meeting the Planning Commission also discussed the parking demand for low to moderate income senior housing projects and concurs with staff and the Council that $\frac{3}{4}$ of a parking space per one bedroom or studio unit is appropriate. Again, staff has amended the Ordinance accordingly.

The last revision includes eliminating the need for a Conditional Use Permit (CUP) for exceptions to the location of the required parking and to the amount of required parking. The City Council was comfortable with the Planning Commission's recommendation to eliminate the

CUP requirement for exceptions and having the Community Development Director in consultation with the Director of Public Works and sometimes the City Engineer reviews applications for exception requests.

Zone Reclassification Required Finding:

- 1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

There are no polices in the General Plan which would discourage or prohibit the recommended text amendments to the parking regulations. One of the primary goals of any General Plan is facilitate planned orderly development. Staff believes the recommended text amendments will help facilitate and expedite planned orderly development.

- 2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).**

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

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

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. Ordinance No. 305-2013 amending the Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code.
2. Post Adoption Summary.

ORDINANCE NO. 305 – 2013



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE PARKING REGULATIONS, SECTION 17.30.180 OF THE RIO DELL
MUNICIPAL CODE:

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

WHEREAS in responding to complaints regarding the on-street parking of recreational vehicles and boats, staff discovered that the on-street parking of trailers (i.e. horse trailers, cargo trailers, dump trailers, etc.) is not addressed; and

WHEREAS staff believes this be an oversight. It was staff's intent when we recently updated the parking regulations, that all trailers be prohibited from being stored (parking for any period longer than 72 hours) on a public street or right-of-way; and

WHEREAS during a recent meeting with DANCO regarding a potential senior housing project, staff discovered that we do not have specific parking requirements for low to moderate income senior housing projects; and

WHEREAS as such, staff is recommending that the City establish separate parking requirements for low to moderate income senior housing projects; and

WHEREAS many low to moderate income senior citizens (62 years and older) are limited to one (1) car per household due to financial reasons or health related issues; and

WHEREAS staff believes that the parking demand for low to moderate income senior citizens would not be the same for typical single family of multifamily developments; and

WHEREAS staff is also recommending eliminating the need for a Conditional Use Permit (CUP) for exceptions to the location of the required parking and to the amount of required parking; and

WHEREAS the cost for a Conditional Use Permit ranges from about \$500.00 to about \$1,000.00; and

WHEREAS the processing time for a Conditional Use Permit is a minimum of four (4) weeks and up to six (6) or eight (weeks) depending on when the application is submitted the complexity of the application and the need for referral agency comments; and

WHEREAS currently the Community Development Director in consultation with the Director of Public Works and sometimes the City Engineer reviews applications for exception requests and based on the submitted evidence makes a recommendation to the Planning Commission to either approve or deny the exception request; and

WHEREAS should the Planning Director deny the exception request, the applicant may appeal the decision to the Planning Commission and subsequently to the City Council; and

WHEREAS staff believes the recommended revisions to the exception provisions will save applicants both time and money, thus facilitating and expediting planned, orderly development consistent with an overall comprehensive view of the General Plan; and

WHEREAS the proposed amendments to the parking regulations were originally presented to the Planning Commission at their meeting of August 25th; and

WHEREAS based on staff's recommendation, the Planning Commission adopted Resolution No. PC 66-2013 recommending that the City Council adopt Ordinance No. 305-2013 implementing the recommended changes; and

WHEREAS at their meeting of September 3rd, the City Council discussed the proposed Recreational Vehicle/Trailer Parking amendments and felt that the parking of recreational vehicles, boats and trailers should be restricted in all zones, not just residential zones. In addition, there was discussion regarding the 72 hour limit and whether or not 72 hours is too long; an

WHEREAS at their meeting of September 3rd, the City Council also discussed the recommended parking demand for low to moderate income senior housing projects; and

WHEREAS the Council expressed concern that the recommended ½ parking space for one bedroom or studio units may not provide adequate parking facilities for low to moderate income senior housing projects; and

WHEREAS based on the City Council's concerns, the proposed text amendments were sent back to the Planning Commission for discussion and recommendation; and

WHEREAS the Planning Commission discussed the 72 hour limit and recommended that the limit should apply to all zones, except the Town Center zone along Wildwood Avenue; and

WHEREAS the Planning Commission recommended that the parking of recreational vehicles, boats and trailers should be limited to 24 hours in the Town Center zone along Wildwood Avenue; and

WHEREAS the Planning Commission discussed the recommended parking demand for low to moderate income senior housing projects issue at their meeting of October 23rd and concurs with staff and the Council that ¾ of a parking space per one bedroom or studio unit is appropriate; and

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

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; and

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

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

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

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

Section 1. The Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code is hereby amended to read as follows:

Section 17.30.180(2) (d) RDMC

Recreational Vehicle Trailer Parking: The storage (parking for any period longer than 72 hours) of a recreational vehicle, ~~and/or~~ boat and/or trailer ~~in a residential zoning district shall be~~

allowed only when all portions of the vehicle, or boat and/or trailer are located entirely within the property boundaries and do not extend into the public right-of-way, including public utility easements and sidewalks. The storage (parking for any period longer than 24 hours) of a recreational vehicle, boat and/or trailer in the Town Center zone along Wildwood Avenue shall be allowed only when all portions of the vehicle, boat and/or trailer are located entirely within the property boundaries and do not extend into the public right-of-way, including public utility easements and sidewalks.

Section 17.30.180(4) Location Exception

- (i) Exceptions to the location requirement for parking facilities for commercial uses may be ~~allowed with a Conditional Use Permit~~ approved by the Community Development Director in consultation with the Director of Public Works if it is found that:
- (ii) A substitute parking area is to be provided and remain available for as long as the use to which the required parking pertains shall continue; and
- (iii) The substitute parking area is within an area designated in the General Plan for commercial or other business use and within which parking is a permitted and compatible use; and
- (iv) All or part of the substitute location is within four hundred feet (400') of the principal use for which the parking is being provided, measured in walking distance along the way open to public pedestrian passage; and
- (v) The substitute parking area is owned by the owner of the property on which the use for which the parking is being provided or is owned by a public entity empowered to provide public parking facilities; or

Section 17.30.180(5) Amount Exception

- (a) Exceptions to the requirements for the number of off-street parking spaces may be ~~allowed with a Conditional Use Permit~~ approved by the Community Development Director in consultation with the Director of Public Works provided evidence is submitted in support of the exception. Exceptions may be granted by the ~~hearing officer~~ Community Development Director based upon the following factors:
 - (i) Geographic location of site;
 - (ii) Levels of anticipated use.
 - (iii) Site specific topographic constraints;
 - (iv) Historically designated structures;

(v) Proximity to urban built-up areas; and

17.30.180(17) Number of Parking Spaces Required

(a) Each land use shall be provided the number of off-street parking spaces required by this Section. Each space shall be independently accessible. See Sections **17.30.180(19)** and **17.30.180(20)** for off-street parking requirements for bicycles and motorcycles, respectively.

Land Use Type	Minimum Number of Required Off-Street Parking Spaces
Residential	
Single Family & Duplexes	2 spaces per dwelling unit
Multi-Family (3 or more units)	
One Bedroom or Less	1 space per dwelling unit
Two or Three Bedrooms	2 spaces per dwelling unit
Four Bedrooms or More	2.5 spaces per dwelling unit
Guest Parking	.5 spaces per dwelling unit
<u>Low to Moderate Income Senior Housing Projects (62 and older)</u>	
<u>One Bedroom or Less</u>	<u>.75 space per dwelling unit</u>
<u>Two Bedrooms</u>	<u>1 space per dwelling unit</u>
<u>Three Bedrooms</u>	<u>1.5 spaces per dwelling unit</u>
<u>Four Bedrooms or More</u>	<u>2 spaces per dwelling unit</u>
<u>Guest Parking</u>	<u>.5 spaces per dwelling unit</u>

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. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b) (3) of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. 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 December 3, 2013 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 December 17, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 305-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham, City Clerk, City of Rio Dell

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



Public Notice
City of Rio Dell City Council
SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

Summary

On **Tuesday, December 17, 2013 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall and approved and adopted **Ordinance No. 305-2013 amending the current Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code.**

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. Said Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:


A certified copy of the full text of the Ordinance is posted in the office of the City Clerk at 675 Wildwood Avenue in Rio Dell. General questions regarding the Ordinance and the process should be directed to Kevin Caldwell, Community Development Director, (707) 764-3532.


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



For Meeting of: December 17, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: December 10, 2013

Subject: Design Review Regulations Text Amendment Section 17.25.050(3) of the Rio Dell Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendments;
2. Continue the public hearing, receive public input and close the public hearing;
3. Adopt Ordinance No. 309-2013 amending the Design Review Regulations, Section 17.25.050(3), of the Rio Dell Municipal Code;
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background/Summary

At your meeting of December 3, 2013, staff introduced (first reading) Ordinance 309-2013, a proposed text amendment to the Design Review Regulations, Chapter 17.25.050(3) of the Rio Dell Municipal Code (RDMC).

As reported at the meeting of August 6th, storage sheds less than 120 square feet do not require a building permit. However, they are subject to the Zoning regulations, including Design Review, setbacks and lot coverage.

Staff is recommending that the City amend the Design Review regulations to provide for exemptions of projects that do not require Building Permits. In addition, staff recommended the City amend Section 17.25.050(3)(a), the exemption for additions to structures less than 10% of its existing size to include the same findings for projects that do not require a Building Permit. As such, additions to structures less than 10% of its existing size and projects that do not require a Building Permit would be exempt provided:

- (1) The improvements employ the same materials, colors and design as the original or existing construction and compliments; and
- (2) The improvements are compatible with the character of the surrounding area; and
- (3) The improvements are not detrimental to the value of properties in the area and do not reduce the visual appearance of the area.

Zone Reclassification Required Finding:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no polices in the General Plan which would discourage or prohibit amending the Design Review Regulations to exempt additions to structures less than 10% of its existing and projects that do not require a Building Permit.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

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

Based on the nature of the amendment, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the

California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

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. Ordinance No. 309-2013 amending Section 17.25.050(3) of the Rio Dell Municipal Code.
2. Post Adoption Summary.

ORDINANCE NO. 309 – 2013



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE DESIGN REVIEW REGULATIONS, SECTION 17.25.050 OF THE RIO
DELL MUNICIPAL CODE

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

WHEREAS the City was recently contacted regarding the placement of a pre-constructed storage shed on a commercial parcel on Wildwood Avenue; and

WHEREAS storage sheds less than 120 square feet do not require a building permit. However, they are subject to the Zoning regulations, including Design Review, setbacks and lot coverage; and

WHEREAS the intent of the Design Review regulations is to make sure that any commercial development, especially on Wildwood Avenue is tastefully done, compliments and is compatible with the character of the surrounding area, is not detrimental to the value of properties in the area and does not reduce the visual appearance of the area; and

WHEREAS under the proposed amendment additions to structures less than 10% of its existing size and work or improvements that do not require building permits may be found exempt from the Design Review regulations provided the improvements employ the same materials, colors and design as the original or existing construction and compliments and is compatible with the character of the surrounding area, is not detrimental to the value of properties in the area and does not reduce the visual appearance of the area; and

WHEREAS the proposed amendment will allow for a ministerial review of proposed projects to determine if the proposed improvements, including those projects that do not require a building permit, trigger Design Review or if they could be found exempt from Design Review; and

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

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

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

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

1. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

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

Section 1. Section 17.25.050(3) of the Rio Dell Municipal Code is hereby established as follows:

3. Design Review Exemptions

The following structures and improvements are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- (a) Additions to structures less than 10% of its existing size provided the improvements employ the same materials, colors and design as the original or existing construction and compliments and is compatible with the character of the surrounding area, is not detrimental to the value of properties in the area and does not reduce the visual appearance of the area;
- (b) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction

are also exempt from Design Review;

- (c) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- (d) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment);
- (e) Work or improvements that do not require building permits provided the improvements employ the same materials, colors and design as the original or existing construction and compliments and is compatible with the character of the surrounding area, is not detrimental to the value of properties in the area and does not reduce the visual appearance of the area.

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. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. Due to the nature of the proposed code revision, there is no evidence that a *significant* impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. 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 December 3, 2013 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 17th of December 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 309-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham, City Clerk, City of Rio Dell



Public Notice
City of Rio Dell City Council
SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

Summary

On **Tuesday, December 17, 2013 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall to approve and adopt **Ordinance No. 309-2013 amending the Design Review Regulations, Section 17.25.050(3), of the Rio Dell Municipal Code.**

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. Said Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk at 675 Wildwood Avenue in Rio Dell. General questions regarding the Ordinance and the process should be directed to Kevin Caldwell, Community Development Director, (707) 764-3532.

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Rio Dell City Council

FROM: Karen Dunham, City Clerk

THROUGH: Jim Stretch City Manager

DATE: December 17, 2013

SUBJECT: Amending City Council meeting provisions on Election Day

RECOMMENDATION

Conduct second reading (by title only) of Ordinance No. 310-2013 Amending Council Meeting Regulations, Section 2.05.070 (Holidays) of the Rio Dell Municipal Code; open public hearing to receive public input, close public hearing and approve the adoption of Ordinance 310-2013.

BACKGROUND AND DISCUSSION

At the December 3, 2013 Council meeting, the proposed ordinance was introduced with the first reading (by title only), amending Council Meeting Regulations, Section 2.05.070 of the Rio Dell Municipal Code, deleting any reference to rescheduling a Council meeting if it occurs on an election day.

If adopted, the ordinance will become effective thirty (30) days after its adoption which will be January 16, 2014.

ORDINANCE NO. 310-2013

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING COUNCIL MEETING REGULATIONS, SECTION 2.05.070
(HOLIDAYS) OF THE RIO DELL MUNICIPAL CODE**

WHEREAS, Rio Dell Municipal Code Section 2.05.070 currently provides that in the event that the first or third Tuesday of any month falls on a legal holiday or election day, the Council meeting shall be held on the following Thursday; and

WHEREAS, this provision was adopted to facilitate the use of the Council Chambers as a polling place during said elections; and

WHEREAS, the use of the Council Chambers is no longer needed for election purposes given that the local polling place is currently located at 95 Center St., Rio Dell; and

WHEREAS, staff does not believe that the automatic rescheduling of a regular Council meeting because of an election serves any public purpose, given that the polls are open from 7:00 AM to 8:00 PM and absentee ballots are easily available.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby amend Rio Dell Municipal Code Section 2.05.070 as follows:

Section 2.05.070 Holidays

In the event that the first or third Tuesday of any month falls on a legal holiday ~~or election day~~, the meeting shall be held on the following Thursday, at the same place and at the same hour.

Effective Date

This ordinance becomes effective thirty (30) days after 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 December 3, 2013 and furthermore the foregoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the December 17, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 310-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.


Karen Dunham, City Clerk


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



For Meeting of: December 17, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: December 12, 2013

Subject: Nuisance Regulations Text Amendment Chapter 8.10 of the Rio Dell Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendments; and
2. Continue the public hearing, receive public input, and deliberate; and
3. Adopt Ordinance No. 311-2013 amending the current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code.
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background/Summary

At your meeting of December 3, 2013, staff introduced (first reading) Ordinance 311-2013, a proposed text amendment amending the Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code (RDMC).

As reported at the December 3rd meeting, the proposed amendments include adding definitions of "Driveway" and "Improved Surface", some minor grammatical revisions to capitalize the term "Notice of Violation", include a reference to the "City Manager" where "manager" is currently referenced and the capitalization of "Code Compliance Officer". Staff also recommended that Section 8.10.150 "Service of Notice of Violation" be amended to require conformation of delivery of the Notice as is required for the Notice and Order to Abate. In addition, staff recommended that the required contents of the Notice and Order to Abate be expanded to provide full disclosure of the process and consequences of failing to comply with the Notice and Order to Abate.

Staff has subsequently discovered that Section 8.10.300, "*Notice of Violation for Abandoned or Inoperable Vehicles*" appears to contain an incorrect reference to Section 8.10.140. This Section actually refers to "...a permit, license or other approval of a project...". Staff discussed the reference with the City Attorney, and he agrees that the reference is in error and recommends eliminating the reference. In addition, the recommended format of the "*Notice of Intention to Abate and Remove an Abandoned, Wrecked, Dismantled or Inoperable Vehicle or Parts Thereof as a Public Nuisance*" contains the following language:

If you fail to remove the vehicle or parts within ten (10) days, the City will abate the nuisance by removing the vehicle or parts to a scrap yard or automobile dismantler's yard, after which the vehicle or parts shall not again be made operable or reconstructed.

In addition, Section 8.10.360 also contains similar language as identified below:

After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle plates, pursuant to California Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable.

Staff was curious as to why the City would not allow or even has the authority to not allow a scrap yard or auto dismantler's yard from recycling or reusing the vehicles, parts thereof or be reconstructed or made operable. Staff also discussed this language with the City Attorney and he has recommended eliminating the language in both the "*Notice of Intention to Abate and Remove an Abandoned, Wrecked, Dismantled or Inoperable Vehicle or Parts Thereof as a Public Nuisance*" and Section 8.10.360. Staff has amended the proposed Ordinance accordingly.

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. A copy of the Post Adoption Summary is included as Attachment 5.

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. 311-2013 amending the Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code.
2. Post Adoption Summary.

ORDINANCE NO. 311 – 2013



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE CURRENT NUISANCE REGULATIONS, CHAPTER 8.10
OF THE RIO DELL MUNICIPAL CODE:

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

WHEREAS the City adopted a revised Nuisance Ordinance in July of this year; and

WHEREAS the revised Nuisance Ordinance was adopted because some citations and references included in the previous Nuisance Ordinance were either outdated or incorrect; and

WHEREAS the Community Development Department has recently assumed some of the City's code enforcement responsibilities to help out the Police Department; and

WHEREAS in assuming this role, staff has identified some needed minor revisions to the Nuisance Ordinance; and

WHEREAS the first revision includes adding the definitions of "Driveway" and "Improved Surface", 2013; and

WHEREAS staff is also recommending some minor grammatical revisions to capitalize the term "Notice of Violation", include a reference to the "City Manager" where "manager" is currently referenced and the capitalization of "Code Compliance Officer"; and

WHEREAS staff is also recommending that Section 8.10.150 "Service of Notice of Violation" be amended to require conformation of delivery of the Notice as is required for the Notice and Order to Abate; and

WHEREAS staff is also recommending that the required contents of the Notice and Order to Abate be expanded to provide full disclosure of the process and consequences of failing to comply with the Notice and Order to Abate; and

WHEREAS staff is also recommending that Section 8.10.150 "Service of Notice of Violation" be amended to require conformation of delivery of the Notice as is required for the Notice and Order to Abate; and

WHEREAS staff also discovered that Section 8.10.300, "*Notice of Violation for Abandoned or Inoperable Vehicles*" appears to contain an incorrect reference to Section 8.10.140. This Section, 8.10.140, actually refers to "...a permit, license or other approval of a project..."; and

WHEREAS staff discussed the reference with the City Attorney, and he agrees that the reference is in error and recommends eliminating the reference; and

WHEREAS the recommended format of the "*Notice of Intention to Abate and Remove an Abandoned, Wrecked, Dismantled or Inoperable Vehicle or Parts Thereof as a Public Nuisance*" and Section 8.10.360 contains language that would not allow a scrap yard or auto dismantler's yard from recycling or reusing the vehicles, parts thereof or be reconstructed or made operable; and

WHEREAS staff discussed the prohibition of allowing a scrap yard or auto dismantler's yard from recycling or reusing the vehicles, parts thereof or be reconstructed or made operable with the City Attorney and he has recommended eliminating the language in both the "*Notice of Intention to Abate and Remove an Abandoned, Wrecked, Dismantled or Inoperable Vehicle or Parts Thereof as a Public Nuisance*" and Section 8.10.360.

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

Section 1. The Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code is hereby amended as follows:

Chapter 8.10

NUISANCES

Article 1. Nuisances Generally

8.10.010. Application.

The provisions of this chapter shall apply to all property throughout the City of Rio Dell wherein any of the conditions, hereinafter specified, are found to exist; provided, however, that any condition which would constitute a violation of this chapter, but which is duly authorized under any other City, state or federal law, shall not be deemed to violate this chapter.

8.10.020. Definitions.

For the purposes of this chapter, the following words shall have the specified meanings:

(A) Blight. For purposes of this Code, visual blight is any unreasonable, non permitted or unlawful condition or use of real property, Premises or of building exteriors which by reason of its appearance as viewed from the public right-of-way, *is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Visual blight includes, but is not limited to, the keeping, storing, depositing, scattering over or accumulation on the Premises any of the following:*

- (1) Lumber, junk, trash, debris, scrap metal, rubbish, packing materials, building materials.
- (2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment.
- (3) Abandoned, wrecked, disabled, dismantled or inoperative vehicles or parts thereof except inoperative vehicles that are not abandoned and are in an active state of renovation or restoration. For purposes of this article, “active state of renovation or restoration” means that the vehicle is actively being restored or renovated in a manner intended to make the vehicle operational, and shall not include restoration or renovation that solely improves the interior or exterior appearance, but not the operation, of the vehicle. A vehicle shall only be permitted to be in an active state of renovation or restoration for a period that shall not exceed ninety days, whether consecutive or non-consecutive, out of any twelve month period.
- (4) Stagnant water or excavations.
- (5) Any personal property, object, device, decoration, design, fence, structure, clothesline, landscaping or vegetation which is unsightly by reason of its condition or its inappropriate location.
- (6) Vehicles parked on any surface other than an “improved surface” or “driveway” as those terms are defined.
- (7) Any condition of a building or structure deemed to be unsafe or that in the discretion of the City Manager or his/her designee, or the Department Head, would constitute a threat to public safety, health, or welfare, or poses a security problem by reason of dilapidation, fire hazard, disaster, damage or other similar occurrence specified in this Code or any other applicable law.
- (8) Any condition of a building or portion thereof which constitutes a substandard building, as defined in Health and Safety Code Section 17920.3 or its successor.

(9) Filling of any swimming pool with water prior to the final safety inspection required by the California Code of Regulations, conducted by City inspectors and before such final inspection has been noted on the permit card obtained from the City.

(B) City. The City of Rio Dell, a municipal corporation of the State of California.

(C) City Council. The duly elected City Council for the City of Rio Dell.

(D) City Council Member. Any currently seated member of the City Council for the City of Rio Dell.

(E) City Manager. The City Manager for the City of Rio Dell.

(F) Code or City Code. The "Code" shall mean the Municipal Code for the City of Rio Dell.

(G) Code Compliance Administrator. The City Manager and the authorized representative(s) of the City Manager.

(H) Department Head. The Police Chief, the City Manager, and the City Attorney, and their authorized representative(s).

(I) Driveway. An improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface, access road from a private or public street onto a parcel.

(J) Highway. Any road, street, alley, way or place of whatever nature, publicly maintained and opened to the use of the public for purposes of vehicular travel. Highway includes City streets.

(K) Improved Surface. An improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface.

(L) Inoperative vehicle. Any vehicle which cannot be legally operated on the street because of lack of current registration or, lack of an engine, transmission, wheels, tires, windshield or any other part or equipment necessary to operate on public streets and/or highways.

(M) Junk. Any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material, including but not limited to those composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, plaster, plaster of parts, rubber, terra cotta, wool, cotton, cloth, canvas, wood, metal, sand, organic matter or other substance.

(N) Junkyard. Any Premises on which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, stored or transported, regardless of whether or not such activity is done for profit.

(M) O Notice and Order. A Notice and Order is legal notice which details structural or technical Code violations such as illegal construction, conversions, alterations, illegal plumbing, mechanical or electrical installations, dangerous buildings, substandard housing or similar.

(N) P Owner. Owner of record of real property, occupant, lessee, or interested holder in same, as the case may be including the owner of real property whereon a vehicle(s) or part(s) thereof is located.

(O) Q Person. Any individual, group of individuals, firm, entity or corporation owning, occupying or using any Premises.

(P) R Planning Commission. The Planning Commission for the City of Rio Dell.

(Q) S Police Chief. The Police Chief for the City of Rio Dell.

(R) T Premises. Any real property or improvements thereon located in the City of Rio Dell.

(S) U Service Station. Any Premises upon which the improvements are designed and built for the primary purpose of selling to or providing others with fuels for internal combustion engines or motor vehicles, whether or not providing related automotive maintenance and repair service.

(T) V Special Assessment Lien. A special assessment lien is a lien placed on real property and is collected by the county tax assessor.

(U) W Vehicle. Any device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

8.10.030. Nuisances.

It is hereby declared unlawful and a public nuisance per se for any person owning, leasing, occupying and/or having charge or possession of any Premises or land in this City to permit, allow, or maintain such Premises or land such that any one or more of the following conditions or activities exist:

(A) Any condition recognized in law or equity as constituting a public nuisance including, without limitation, any condition on or use of property which would constitute a nuisance as defined in California Penal Code §§ Sections 370, 371 and/or 11225;

(B) Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public;

(C) Any condition that is in violation of any duly enacted ordinance of the Rio Dell Municipal Code, or resolution or lawful order promulgated by authorized City officials;

(D) Any condition in violation of Chapters 8, 15, and 17 of this Code, including any condition in violation of any written design finding, including design standard, design guideline, or development standard that may be adopted by resolution or ordinance from time to time by the City Council or the planning commission, or any condition imposed on any entitlement, permit, contract, or environmental document issued or approved by the City;

(E) Any condition in violation of Chapter 8.25 of this Code entitled "Premises Used for Drug Related Activity."

(F) Anything defined as a nuisance pursuant to state and federal law including but not limited to California Civil Code Section 3479 et seq.;

(G) Any condition in violation of the weed and rubbish abatement laws defined at Government Code Sections 39501 et seq. and 39560 et seq. as enacted or hereafter amended and enforced by City ordinance and resolutions;

(H) Any vacant, unoccupied or abandoned building or structure that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public;

(I) Any condition that constitutes an attractive nuisance; those objects or conditions that, by their nature may attract children or other curious individuals including, but not limited to, unprotected hazardous or unfilled pools, ponds, including pools or ponds that have not been properly barricaded, ice boxes, refrigerators or excavations;

(J) Any condition that constitutes a visual Blight.

8.10.040. Responsibility for Property Maintenance.

(A) Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this chapter and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

(B) Every occupant, lessee, tenant or holder of any interest in property, other than as owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed on the owner thereof shall in no instance relieve those persons referred to from the similar duty.

Article 2. Enforcement

8.10.050. Authority.

(A) The City Manager is hereby authorized to administer and enforce all of the provisions of this chapter. In accordance with approved procedures, the City Manager may assign said authority to Department Heads and/or employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this chapter. The authority of the City Manager to enforce the provisions of this chapter is independent of and in addition to the authority of other City officials to enforce the provisions of any other chapter of the City Code.

(B) Pursuant to California Code of Regulations, Title 25, Section 52, the procedures contained in this chapter are deemed to be equivalent for the purposes intended by, and may be used in lieu of, the regulations and procedures for abatement contained in Article 6 of Subchapter 1 of Chapter 1 of Division 1 of Title 25 of the California Code of Regulations which addresses mobile homes and parks.

(C) Nothing in this chapter shall be construed to limit the authority of the Police Chief of the City to enforce all laws within the Police Chief's jurisdiction.

8.10.060. Right of Entry.

(A) Whenever it is necessary to make an inspection of any Premises to enforce the provisions of this chapter, and to the extent authorized by law, the Code Compliance Administrator or a Department Head authorized by the Code Compliance Administrator may enter on such Premises at all reasonable times to inspect the same or to perform any duty imposed upon him/her by this Code, subject to the requirements of Amendment IV of the United States Constitution and any other provisions of applicable law.

(B) Whenever practicable, the Code Compliance Administrator or the Department Head shall contact the occupant of such Premises 24 hours prior to entry and inform the occupant of the reasons for such entry onto such property, and if the occupant is other than the owner, the Code Compliance Administrator or the Department Head shall also, if practicable, contact such owner. This does not prevent entering the property within the 24 hours of notification with the owner or occupant's permission.

(C) If entry onto any Premises is denied by the owner or occupant of such Premises, or by any third party, the Code Compliance Administrator or authorized Department Head shall have recourse to every remedy provided by law to secure peaceable entry on such Premises to perform the duties required by this chapter.

8.10.070. Violations and Penalties.

(A) It shall be unlawful for any person, firm, corporation, or other entity to violate any provision of this chapter. Any person, firm, corporation, or other entity, whether as owner, lessee, sub lesser, sub lessee, or occupant of any Premises that violates the provisions of this chapter or any order issued pursuant to this chapter shall be subject to any or all of the following:

- (1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;
- (2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed one thousand dollars, or by imprisonment of not longer than six months, or both for each violation;
- (3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;
- (4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

8.10.080. Additional Enforcement.

Nothing in this chapter shall be deemed to prevent the City from commencement of any available administrative, civil and/or criminal proceeding to abate a nuisance pursuant to all applicable provisions of law as an alternative and/or in addition to any enforcement proceedings set forth in this chapter.

8.10.090. Cumulative Remedies.

The remedies set forth in this chapter include summary and administrative abatement, administrative citations, civil actions, criminal actions and all other remedies provided for by law. All remedies set forth in this chapter and in all City ordinances for the abatement or punishment of any violation thereof, are cumulative and may be pursued alternatively or in combination. Provisions of this Code are to be supplementary and complementary to all of the City ordinances, the Rio Dell Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to

limit any existing right or power of the City to abate any and all nuisances and to enforce its ordinances.

8.10.100. Permits Required.

When a permit is required to correct a Code violation pursuant to a Code compliance action, the property owner shall complete the permit, including all inspections, corrections, and work in accordance with a timeline established by the Code Compliance Administrator. In establishing the timeline the Code Compliance Administrator shall provide a time frame, which in his or her judgment, is reasonable to expeditiously complete the permit. Failure to strictly adhere to the established timeframe shall be deemed a continuing violation subject to the remedies established in this article. Nothing in this chapter shall be construed to relieve the violator from payment of any and all costs incurred by the City in enforcing and/or causing the abatement of any violation of the City of Rio Dell Municipal Code.

Article 3. Summary Abatement

8.10.110. Summary Abatement.

(A) The City may immediately abate any nuisance or violation of this chapter that poses a clear and imminent danger to, or requires immediate action to prevent or mitigate the loss or impairment of, life, health, property, or essential public services. The City may perform this abatement without providing prior notice or hearing to the owner or occupier of the offending Premises. Such summary abatement may proceed only upon the authorization of the **City Manager** and the City Attorney, or their respective designees. The abatement shall include all actions necessary to secure the Premises to prevent further occurrences of the nuisance.

(B) The owner and/or occupier of the Premises or the persons creating, causing, committing, or maintaining the nuisance shall be subject to any administrative fines, penalties, fees and costs, including reasonable attorney fees, imposed or incurred by the City pursuant to this chapter.

(C) Any abatement performed by the City pursuant to this section shall be at the expense of the owner and/or occupier of the Premises or the persons creating, causing, allowing, permitting, committing, or maintaining the nuisance. The City shall recover its expenses pursuant to the special assessment lien procedures contained in this Code or any other applicable provision of law.

(D) As soon as practicable following completion of the abatement, the Code Compliance Administrator or the Department Head shall issue a **Notice of Violation** and/or Notice and Order in accordance with this chapter. Persons receiving such notice shall be entitled to all hearing rights as provided herein.

(E) If a structure is deemed untenable pursuant to California Civil Code § 1941.1 and the Code **Compliance Officer** determines that the structure is in such a condition as to make it

immediately dangerous to the health and safety of the occupants or public, it shall be ordered to be vacated and posted as unsafe.

Article 4. Administrative Abatement

8.10.120. Commencement of Proceedings.

(A) Whenever the Code Compliance Administrator or the Department Head has inspected or caused to be inspected any Premises or condition and has found and determined that such Premises or condition are in violation of this chapter, and that such violation does not pose an immediate danger to health or safety, the City Manager or his/her designee may commence proceedings to cause abatement of the nuisance as provided herein. When the City Manager or his/her designee, or Department Head has found that a violation of this chapter poses an immediate danger to health or safety, the City Manager or his/her designee, or Department Head may pursue any remedies available under this chapter or by law, including, but not limited to, summary abatement or administrative citation.

(B) Once proceedings have been commenced pursuant to this chapter to declare a public nuisance, no Premises or building shall be deemed to be in compliance with this chapter solely because such building or Premises thereafter becomes occupied or unoccupied.

8.10.130. Notice of Violation.

(A) Upon determination by the Code Compliance Administrator or the Department Head that a premise is in violation of this chapter, and a ~~Notice of~~ Violation and/or a Notice and Order has not been issued against the same Premises, or the same property owner but at a different premise, address or location, within the City, within the last twelve months, and that the violation does not create an immediate danger to health or safety, City Manager or his/her designee or the Department Head may issue a ~~Notice of~~ Violation to the owner of record of the Premises and to the occupant of the Premises, if any. The ~~Notice of~~ Violation shall contain:

- (1) The name and address of the person, firm, or corporation in violation, and the street address of the property where the violation is present;
- (2) A statement specifying the condition(s) which constitute a nuisance;
- (3) A statement explaining which specific Code sections has been violated;
- (4) The range of the administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;

- (5) An order to correct the violation within a date certain, said date which shall be specified on the notice of violation and determined by the specific violation; and
- (6) A statement informing the recipient of the name and office telephone number of the person to contact should the recipient desire to explain why he or she believes
- (a) the Premises should not be declared to be a public nuisance and abated,
 - (b) penalties should not be assessed, and
 - (c) the costs of such abatement should not become a charge and lien against the Premises. The Department Head may rescind or modify the **N**otice of **V**iolation based on substantive evidence presented by the recipient.

8.10.140. Stop Work Order.

If the violation is related to a permit, license or other approval of a project, the notice of violation may be accompanied by a stop work order which orders the recipient to stop immediately any and all work on the project that is subject to the permit, license or approval until the violation is corrected.

8.10.150. Service of Notice of Violation.

A copy of the notice of violation, and any amended or supplemental notices, shall be served either by personal delivery or by First Class U.S. mail, postage prepaid **with confirmation of delivery by the U.S. Postal Service**, upon the record owner at the address as it appears on the latest equalized assessment roll of Humboldt County, and upon the occupant of the Premises, if any. If neither of these methods result in the notice being served upon the record owner and any occupants after reasonable attempts to serve, a copy of the notice shall be posted on the Premises.

8.10.160 Notice and Order—Structural and Technical

Notice and Orders are primarily used for structural or technical Code violations such as illegal construction, conversions, alterations, illegal plumbing, mechanical or electrical installations, dangerous buildings, substandard housing or similar. When issued, the violation must be remedied in thirty calendar days, unless there is an immediate danger risk. If there is an eminent threat of danger the violation must be remedied immediately.

(A) Grounds for Issuance. A Notice and Order may be issued under any of the following circumstances:

- (1) When a **N**otice of **V**iolation has been served, and the specified time has passed without adequate correction and abatement of the violation;

- (2) When a stop work order has been issued but has not been complied with;
- (3) When the City has performed a summary abatement pursuant to this chapter;
- (4) When the same type or character of violation has been committed by the same person, or on the same Premises, or a notice of violation, an administrative citation, or a Notice and Order has been served on the same person, or on the same Premises, within the past twelve months.

(B) Contents of Notice and Order. A Notice and Order shall contain the following:

- (1) The name and address of the person, corporation, or entity in violation, and the street address of the property where the violation is present;
- (2) A statement specifying the condition(s) which constitute a violation and nuisance;
- (3) A statement explaining which specific Code section(s) have been violated;
- (4) A statement informing the recipient of the number of days from the date of the Notice and Order the recipient has to voluntarily abate the violation and nuisance;
- (5) A statement informing the recipient of his or her right to appeal the determination to a hearing officer by filing with the City Clerk within ten calendar days from the date of the Notice and Order, and on a form available from the City of Rio Dell, a written statement requesting a hearing and providing a factual and specific explanation of:
 - (a) why the Premises should not be declared to be a public nuisance and abated; and
 - (b) why the costs of such abatement should not become a special assessment lien against the Premises;
- (6) A statement informing the recipient of the Notice that there is a fee, which is set by resolution by the City Council of the City of Rio Dell that must be deposited at the time an appeal is filed.
- (7) A statement that if the person, corporation or entity fails to abate the violation and nuisance or fails to file within ten calendar days, a request for an appeal hearing, the Notice and Order shall be final and not subject to judicial review, and all persons served with such notice shall be deemed to have consented to the abatement of the nuisance and that, at the election of the City, the City will abate the nuisance and the costs of such abatement may be charged against the Premises and may be recorded as a special assessment lien against the Premises.

(8) A statement regarding the range of the administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;

(9) A statement regarding the failure to obey order and abatement by the City or private contractor, including the City to obtain a warrant if required to enter upon the Premises for the purpose of abating the nuisance.

(10) A statement regarding the costs of abatement and that such person or persons who fail to abate the nuisance shall be liable to the City for any and all costs and expenses, including attorneys' fees, to the City involved in abating the nuisance.

(11) A statement regarding the procedure for assessing the costs for the abatement: If the person or persons liable to pay the costs of abatement fails to do so within thirty (30) calendar days of receiving the statement of such costs, the City may initiate proceedings to have such costs assessed against the real property or Premises on which the City abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with Section 54954.6 of the California Government Code. The costs of abatement shall be treated as a new assessment for purposes of Section 54954.6. No majority protest rights exist for this assessment. City staff shall present to the City Council a report of costs for abating the nuisance at the public meeting required by Section 54954.6.

(11) A statement regarding the total cost for abating a nuisance shall constitute a special assessment against the Premises to which it relates, and upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment. The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section 38773.5.

After such recordation, a copy of the lien shall be turned over to the county assessor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section 38773.5 and as provided for ordinary municipal taxes.

11. A statement informing the recipient of the names or names and phone numbers of the person to contact at the City should they have any questions regarding the process.

(C) Service of Notice and Order.

(1) **Persons Entitled to Service.** The Notice and Order shall be served upon the owner of the Premises, any occupants of the Premises, and any other person, corporation, or entity in violation. If the City proposes to impose a special assessment lien on the property, the City official issuing the Notice and Order shall also serve one copy on each of the following if known or disclosed from official public records:

(a) the holder of any mortgage, deed of trust, or other encumbrance of record;
and

(b) the owner or holder of any lease of record. The failure of the City official issuing the order to serve any person required to be served shall not invalidate any proceedings under this chapter or relieve any person who was duly served from any duty or obligation imposed on him/her by the provisions of this section.

(2) **Method of Service.** Unless otherwise provided in this section, service of a Notice and Order shall be made by personal service or by First Class U.S. mail, postage prepaid with confirmation of delivery by the U.S. Postal Service. Service on any property owner in violation is deemed complete when it is served or delivered at the address listed by the property owner on the latest equalized assessment roll of Humboldt County, or as known to the City official issuing the order. If personal service or service by mail with confirmation of delivery is not reasonably feasible, service of the Notice and Order may be made by posting the notice on the subject Premises and sending a copy by regular United States mail service. Service posting in the manner herein provided shall be effective on the date of posting. As an alternative, substituted service of the Notice and Order may be made as follows:

(a) (i) By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and then mailing a copy by first-class mail to the recipient at the address where the copy was left; or

(ii) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and then mailing a copy by first-class mail to the recipient at the address where the copy was left.

(b) If the party entitled to service has a property manager or rental agency overseeing the Premises, substituted service may be made as set forth in above upon the property manager or rental agency.

(c) Substituted service may be made by posting the Notice and Order on the Premises and mailing a copy of the Notice and Order to the person, corporation, or entity in violation at the address of the property on which the violation has occurred or is occurring.

(d) If the person, corporation, or entity in violation or other person entitled to service cannot be located or service cannot be made as set forth in this section, service may be made by publication in a newspaper of general circulation in Humboldt County. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

(D) Record. Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended.

8.10.170. Appeal Hearing—Notice and Order.

(A) Payment of Appeal Fee. Any person, corporation, or entity seeking to appeal a Notice and Order shall be required to pay to the City, at the time the appeal is requested, a nonrefundable appeal fee to be set by resolution of the City Council. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

(1) **Hardship Waiver.** If the appealing party establishes to the satisfaction of the City Manager or designee, by means of tax returns, pay stubs or other similar documentary evidence, and submits a declaration under penalty of perjury that paying the appeal fee would cause undue financial hardship to the appealing party the City Manager may grant a waiver of the appeal fee. The City Manager's determination is not appealable and shall be final as to the hardship waiver request.

(B) Hearing Committee. The appeal shall be heard by a committee (the "Hearing Committee"). The Hearing Committee shall consist of two Members of the City Council and the City Manager, plus one alternate City Council Member to facilitate timely hearings pursuant to this ordinance and resolve any potential conflicts of interest. The alternate City Council Member shall only participate in appeals where one of the other two City Council Members is unable to serve due to scheduling concerns or a conflict of interest. City Council Members shall be selected to serve on the Hearing Committee at the same time that other committees are formed by the City Council. Committee members shall not participate in the hearing process in cases when the member has had a substantial personal involvement with the party requesting the hearing and that personal involvement is a conflict of interest. The Hearing Committee shall be advised by the City Attorney to ensure proper legal procedures are followed and adhered to.

(C) Setting Appeal Hearing. The appeal hearing shall be set by the City Manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at

the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than twenty (20) days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least fifteen (15) days before the date set for hearing.

(D) Conduct of Appeal Hearing.

- (1) **Testimony at the Hearing.** At the time set for the appeal hearing, the Hearing Committee shall proceed to hear testimony from the representative of the City, the appellant, and any other competent persons with respect to the determination of a violation and nuisance or the imposition of an administrative penalty.
- (2) **Record of Oral Evidence at Hearing.** The proceedings at the hearing shall be reported by a tape recording, or video recording. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the requesting party's own expense.
- (3) **Continuances.** The Hearing Committee may, upon request of the person, corporation, or entity against whom a penalty is to be imposed, or upon request of the City, grant continuances from time to time for extreme or unusual cause shown, or upon the Hearing Committee's own motion.
- (4) **Oaths; Certification.** The City Clerk or certified shorthand reporter shall administer the oath or affirmation.
- (5) **Evidence Rules.** Government Code Section 11513, subsections (a), (b), and (c) shall apply to all administrative hearings. At the Hearing Committee's sole discretion, other relevant evidence may be admissible and hearsay evidence may be used for the purpose of supplementing and explaining other evidence.
- (6) **Burden of Proof.** The accuracy of the Notice and Order containing the description of the violations and/or public nuisance and the actions required to abate such nuisance or violation is deemed a rebuttable presumption and the burden is on the appellant to provide such facts and information to overcome such presumption by a preponderance of the evidence.
- (7) **Rights of Parties.**
 - (a) Each party shall have the following rights among others:
 - (i) To call and examine witnesses on any matter relevant to the issues of the hearing;
 - (ii) To introduce documentary and physical evidence;

(iii) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

(iv) To impeach any witness regardless of which party first called that witness to testify;

(v) To rebut the evidence against him or her;

(vi) To represent himself or herself or to be represented by anyone of his or her choice.

(b) If a party does not proficiently speak or understand the English language, that party may provide an interpreter, at that party's own cost, to translate for the party. An interpreter shall not have been a resident of the Premises or have had any personal relationship with or involvement in the parties or issues of the case prior to the hearing.

(8) Official Notice. In reaching a decision, the Hearing Committee may take official notice, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the City or county, or any of their departments.

(9) Inspection of the Premises.

(a) The hearing officer may inspect the Premises involved in the hearing prior to, during, or after the hearing, provided that:

(i) Notice of such inspection shall be given to the parties before the inspection is made;

(ii) The parties consent and are given an opportunity to be present during the inspection; and

(iii) The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusions drawn there from.

(b) Each party shall then have a right to rebut or explain the matters so stated by the hearing officer either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(c) Notice to the parties or the owner(s)' consent to inspect the building and surrounding properties is not required if the property can be inspected from

areas in which the general public has access or with permission of the other persons authorized to provide access to the property on which the building is located.

(E) Form and Contents of the Decision; Finality of Decision.

(1) **Format of Hearing Committee's Decision.** The Hearing Committee shall issue a written decision containing findings of fact and a determination of the issues presented. The Hearing Committee may affirm, modify or reverse the notice of violation or the Notice and Order imposed by the City or find that the imposition of the penalty is not warranted or is not in the interest of justice.

(2) **Contents of Hearing Committee's Decision.** If it is shown by a preponderance of all the evidence that the condition of the Premises constitutes a violation of the Rio Dell Municipal Code or is a public nuisance as defined in this chapter, the decision shall declare the Premises to be a public nuisance and shall order and require the appellant to abate the nuisance not later than ten calendar days after the issuance of the decision or, if ten calendar days is insufficient to abate the nuisance, within such other time as specified by the Hearing Committee not to exceed sixty days. The decision shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the City in such manner as may be ordered by the Department Head and the expense thereof made a special assessment lien upon the property involved. This is in addition to any other legal remedies that the City may choose to compel compliance.

(3) **Service of the Hearing Committee's Decision.** Upon issuance of the decision, the City shall serve a copy on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The Hearing Committee's decision shall be deemed served three days after the date it is mailed to the address provided by the appellant.

(4) **Finality of Hearing Committee's Decision.** The decision of the Hearing Committee on an appeal of a Notice and Order shall constitute the final administrative decision of the City and shall not be appealable to the City Council or any committee or commission of the City.

Article 5. Enforcement of Hearing Committee Order

8.10.180. Generally

After any notice of violation or any decision of a Hearing Committee made pursuant to this chapter has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey such order.

8.10.190. Failure to Obey Order—Abatement by City.

(A) If, after any notice of violation or any order of a Hearing Committee made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Department Head is authorized and directed to cause the nuisance to be abated by City personnel or private contract. In furtherance of this section, the Department Head shall obtain a warrant, if required, and thereafter is expressly authorized to enter upon the Premises for the purpose of abating the nuisance.

(B) Additionally, any person who fails to obey such order shall be guilty of a misdemeanor punishable as specified in Section 8.10.070(a)(2) of this chapter.

8.10.200. Interference with Work Prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City, or with any person who owns or holds any estate or interest in any Premises on which a nuisance exists and which must be abated under the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of the City, or person having an interest or estate in such Premises is engaged in the work of abating any nuisance as required by the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this chapter.

8.10.210. Costs of Abatement.

(A) The Department Head shall keep an account of the costs and expenses of abating such nuisance, and the City shall render a statement of such costs to the person or persons receiving the notice to abate.

(B) Such person or persons receiving the notice of violation or decision of the hearing officer shall be liable to the City for any and all costs and expenses to the City involved in abating the nuisance. Such costs and expenses are due upon receipt of the statement required in subsection (A) of this section.

(C) Costs and expenses as referred to in this section shall include all costs allowed to be recovered by law, including attorneys' fees as allowed by Government Code Section 38773.5 or its successor.

8.10.220. Procedure for Assessing Costs.

If the person liable to pay the costs of abatement fails to do so within thirty calendar days of receiving the statement of such costs, the City may initiate proceedings to have such costs assessed against the real property or Premises on which the City abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with Section

54954.6 of the California Government Code. The costs of abatement shall be treated as a new assessment for purposes of Section 54954.6. No majority protest rights exist for this assessment. The Department Head shall present to the City Council a report of costs for abating the nuisance at the public meeting required by Section 54954.6.

8.10.230. Assessment of Costs—Special Assessment Lien Against Property.

(A) The total cost for abating a nuisance shall constitute a special assessment against the Premises to which it relates, and upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment. The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section 38773.5.

(B) After such recordation, a copy of the lien shall be turned over to the county assessor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section 38773.5 and as provided for ordinary municipal taxes.

Article 6. Additional Provisions Governing Abatement of Vehicles

8.10.240. Application of Article.

The requirements of this article apply to any action taken under this chapter to abate as a public nuisance an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof from private or public property.

8.10.250. Exemptions.

(A) This article shall not apply to:

- (1) A vehicle, or part thereof, that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- (2) A vehicle, or part thereof, that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard.

(B) Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of a law other than Chapter 10, commencing with Section 22650, of Division 11 of the California Vehicle Code and this article.

8.10.260. Article Not Exclusive Regulation.

This article is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory Codes, statutes and ordinances heretofore or hereafter enacted by the City, the state or any legal entity or agency having jurisdiction.

8.10.270. Persons Granted Franchise or Contract—Right of Entry.

When the City has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article.

8.10.280. Assessment of Administrative Costs Determination.

Administrative costs incurred by the City under this article shall be assessed pursuant to Article 8.10.220 of this chapter.

8.10.290. Abatement and Removal Authority.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the City, the Department Head shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter.

8.10.300. Notice of Violation for Abandoned or Inoperable Vehicles.

A notice of violation to abate and remove a vehicle or parts thereof as a public nuisance, as required by Section 8.10.130, shall be served by registered or certified mail on the owner of the land as shown on the last equalized assessment roll and the owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notice of violation shall comply with Section 8.10.140, and also shall be in substantially the following forms:

**NOTICE OF INTENTION TO ABATE AND
REMOVE AN ABANDONED, WRECKED,
DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS
A PUBLIC NUISANCE**

(Name and address of owner or land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned, pursuant to Rio Dell Municipal Code Chapter 8.15 has

determined that there exists upon your land an abandoned, wrecked, dismantled or inoperative vehicle (or parts thereof) registered to _____, license number _____, which constitutes a public nuisance pursuant to provisions of Chapter 8.10. You are hereby notified to abate the nuisance by removing the vehicle (or parts of the vehicle) within ten (10) days from the date of mailing of this notice. If you fail to remove the vehicle or parts within ten (10) days, the City will abate the nuisance by removing the vehicle or parts to a scrap yard or automobile dismantler's yard, after which the vehicle or parts shall not again be made operable or reconstructed.

Removal costs and administrative costs will then be assessed to you as owner of the land on which the vehicle or parts are located. As owner of the land on which the vehicle or parts of the vehicle are located, you are hereby notified that you may, within ten (10) days after the mailing of this notice, request a public hearing. If such a request is not received by the Department Head within the ten (10) day period, the Department Head shall have the authority to abate and remove the vehicle or parts of the vehicle as a public nuisance and assess the removal and administrative costs without a public hearing. You may submit a sworn written statement within such ten (10) day period denying responsibility for the presence of the vehicle or parts of the vehicle on your land, with your reasons for denial. Such statement shall be construed as a request for hearing at which your presence is not required.

You may appear in person at the hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement in time for consideration at the hearing. You may, through such sworn written statement deny responsibility for the presence of the vehicle or parts on your land with your reasons for denial.

Notice mailed _____ (date) [Department Head]

**NOTICE OF INTENTION TO ABATE AND
REMOVE AN ABANDONED, WRECKED,
DISMANTLED OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS
A PUBLIC NUISANCE**

(Name and address of last registered and/or legal owner of record of vehicle—Notice should be given to both if different)

As the last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc) you are hereby notified that the undersigned pursuant to Rio Dell Municipal Code Chapter 8.15, has determined that the vehicle (or parts of the vehicle) exist as an abandoned, wrecked, dismantled, or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 8.15.

You are hereby notified to abate the nuisance by removing the vehicle or parts of the vehicle within ten (10) days from the date of mailing of this notice. If you fail to remove the vehicle or parts within ten (10) days, the City will abate the nuisance by removing the vehicle or parts to a scrap yard or automobile dismantler's yard, ~~after which the vehicle or parts shall not again be made operable or reconstructed.~~

Removal costs and administrative costs will then be assessed to you as owner of the land on which the vehicle or parts are located. As registered (and/or legal) owner of record of the vehicle (or parts of the vehicle), you are hereby notified that you may, within ten (10) days after mailing of this notice, request a public hearing. If such a request is not received by the Department Head within the ten (10) day period, the Department Head shall have the authority to abate and remove the vehicle or parts of the vehicle without hearing.

Notice mailed _____ (date) [Department Head]

8.10.310. Hearing—Generally.

Upon request by the owner of the vehicle or owner of the land received by the Department Head within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held in accordance with Section 8.10.170 on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

The owner of the land on which the vehicle is located may appear in person at the hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that the landowner has not subsequently acquiesced to its presence, then the City shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect those costs from the landowner, if the vehicle has been removed from the property

8.10.320. Hearing—Presence of Owner Not Required—Abatement Without Hearing.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within ten days after the mailing of the notice of violation to abate and remove, the statement shall be construed as a request for a hearing that does not require the owner's presence. If such a request for hearing is not received within the ten days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

8.10.330. Order Requiring Removal.

At the conclusion of the public hearing, the Hearing Committee may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in this article and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

8.10.340. Hearing—Non-assessment of Costs.

If it is determined at the hearing that the vehicle was placed on the land without consent of the owner of the land and that he or she has not subsequently acquiesced in its presence, the Hearing Committee shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

8.10.350. Hearing—Notification of Decision.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land but does not appear, or if an interested party makes a written presentation to the hearing officer but does not appear, he or she shall be notified in writing of the decision.

8.10.360. Removal—When

Once the decision of the Hearing Committee becomes final, the vehicle or parts thereof found to be a public nuisance may be disposed of by removal to a scrap yard or automobile dismantler's yard ten calendar days after adoption of the order declaring the vehicle or parts thereof to be public nuisance. ~~After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle plates, pursuant to California Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable.~~

8.10.370. Removal—Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence or registration available, including registration certificates, certificates of title and license plates.

8.10.380. Removal—Costs—Assessment—Collection.

If the administrative costs and the cost of removal which are charged against the owner of the land pursuant to Section 8.10.280 are not paid within thirty days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the assessor for placement on the property tax roll and collected by the tax collector. The assessment shall have the same priority as other City taxes.

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 December 3, 2013 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 December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 311-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham, City Clerk, City of Rio Dell



Public Notice
City of Rio Dell City Council
SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

Summary

On **Tuesday, December 17, 2013 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall and approved and adopted **Ordinance No. 311-2013 amending the existing Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code and approving and adopting new Nuisance Regulations. The Nuisance Regulations defines nuisances and the process for enforcing the regulations.**

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. Said Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk at 675 Wildwood Avenue in Rio Dell. General questions regarding the Ordinance and the process should be directed to Kevin Caldwell, Community Development Director, (707) 764-3532 or Graham Hill, Police Chief, (707) 764-5641.

**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
DECEMBER 17, 2013**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Stephanie Beauchaine, Finance Director *SB*

DATE: December 11, 2013

SUBJECT: Ordinance No. 314-2014 Establishing Purchasing Procedures Section 3.10.110 and amending Section 3.30.100 of the Municipal code

RECOMMENDATIONS

Introduce and conduct the first reading of Ordinance No. 314-2014 Establishing Purchasing Procedures Section 3.10.110 and amending Section 3.30.100 of the Municipal code, and continue to the meeting of January 7, 2014 for further discussion and adoption.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

EPA has completed a desk review audit of the City's EPA Brownfield Grant. The EPA has made two recommendations; to adopt a lease vs. purchase policy and to include disciplinary procedures for any willful violator of these policies.

Staff have drafted a policy to meet EPA's requirement, and the main principles are:

1. In most situations, outright purchase will prove to be most economical. However, there may be certain circumstances that warrant a lease/rental.
 - a. The short-term or seasonal need for equipment may warrant lease/rental vs. purchase.
 - b. Highly technical equipment with a very short useful life may warrant lease/rental vs. purchase.
 - c. When ancillary benefits are offered with the lease such as maintenance, upgrades, or other marketing incentives that are valued above the cost of financing lease/rental may be the preferred alternative.
 - d. In circumstances where the City does not have sufficient capital to make a purchase.
2. A provision has also been added which specifies that any willful violator will be disciplined subject to the policies set forth in the City of Rio Dell Employee Handbook.

Adoption of this ordinance will bring the City into compliance with the EPA.

ORDINANCE No 314-2014
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING PURCHASING PROCEDURES,
SECTION 3.10.110 AND
AMENDING SECTION 3.30.100 OF THE RIO DELL MUNICIPAL CODE

The City Council of the City of Rio Dell does ordain as follows:

Section 10: Lease vs. Purchase Analysis. Normally the City encourages the outright purchase of equipment as opposed to lease, lease-purchase, rental, or rental-purchase agreements. In most situations, the outright purchase will prove to be the most economical if calculated over the useful life of the product. However, there may be certain situations that warrant further investigation of lease or rental options. These situations are summarized as follows:

- a. Short-term or seasonal needs for equipment may dictate that purchase is unreasonable. If the period of need for the equipment is substantially less than its anticipated useful life expectancy, then rental or lease options should be investigated and compared to the purchase cost less the anticipated resale value.
- b. In case of highly technical equipment, whose useful life cannot be accurately projected, and lease or rental options are offered through the manufacturer, the distributor or third parties may be investigated as a viable alternative to purchase. In such situations analytical comparisons of purchase, lease or rental options should be made to determine which represents the best interest of the City.
- c. Ancillary benefits of the lease or rental (maintenance costs, upgrades, vendor promotions, special marketing incentives) and situations where the net additional cost of lease or rental is less than the cost of money make that type of arrangement the more prudent investment.

When initiating a requisition for the lease, lease-purchase or long-term rental of equipment, the originating department should clearly explain the necessity or desirability of that type of arrangement.

Departments should first attempt to find the necessary funds from internal resources. If no such internal options exist, evaluate existing payment options to determine the most effective course of action for the City. If it is determined that a loan option is cost effective, the department head should request approval through the City Manager.

Section 11: Unlawful Purchases. No purchases or contracts shall be made contrary to the provision of his ordinance. No contract shall be purposely split or subdivided to avoid the provisions of this ordinance. Any employee who willfully violates this policy will be subject to discipline up to and including termination pursuant to the disciplinary policies set forth in the City of Rio Dell Employee handbook.

Section 12: Effective Date. This ordinance shall take effect and be in full force thirty days following the date of its passage. It shall be posted in three public places in the City of Rio Dell, State of California, pursuant to Government Code Section 36933.

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Rio Dell City Council

THROUGH: James Stretch, City Manager

FROM: Karen Dunham, City Clerk

DATE: December 17, 2013

SUBJECT: Adoption of 2013 California Building Codes and Appendices

RECOMMENDATION

Receive Staff Report; open Public Hearing and receive public input; close Public Hearing; make a motion for introduction and first reading (by title only) of Ordinance No. 315-2014 amending Building Codes and Appendices, Section 15.05.020 of the Rio Dell Municipal Code.

BACKGROUND AND DISCUSSION

The State of California Building Standards Commission updates Building Codes every three (3) years based on the model uniform codes published by the International Code Council . The new California Code of regulations, title 24, was published in July, 2013. The 2013 California Building Standards Codes (Codes) adopted by the Building Standards Commission went into effect 180 days after the July publication by the State. The Codes must be enforced by each City and County as of January 1, 2014.

Each jurisdiction in California may either adopt these codes as written or may establish more restrictive building standards deemed necessary to address local climatic, geological, or topographical conditions. Staff's recommendation is to adopt the Codes as adopted by the State Building Standards Commission based on model uniform codes published by the International Code Council.

All of the California Building Codes required to be adopted by the City of Rio Dell are listed in Exhibit B.

ORDINANCE NO. 315-2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING BUILDING CODES AND APPENDICES,
SECTION 15.05.020 OF THE RIO DELL MUNICIPAL CODE**

WHEREAS, the California Building Standards Commission is responsible for administering California's building codes, including adopting, approving, publishing, and implementing codes and standards; and

WHEREAS, the California Building Standards Code is published every three years and amends the California Code of Regulations, Title 24; and

WHEREAS, these codes, based substantially on the model codes published by the International Code Council, are commonly referred to as the California Building Code ("Code"), and include, but are not limited to, building, plumbing, mechanical, electrical, fire and energy codes; and

WHEREAS, in January 2013, the State of California Building Standards Commission adopted many of these codes with amendments and published them as California codes; and

WHEREAS, the new California Code of regulations, Title 24, was published in July 2013. The State also adopted in January 2013 the following California codes specific to California: California Energy Code, California Administrative Code, California Existing Building Code, California Historical Code, and the California Green Building Standards Code; and

WHEREAS, the codes adopted by the Building Standards Commission go into effect 180 days after publication by the State and must be enforced by each City and County as of January 1, 2014.

NOW, THEREFORE, the City Council of the City of Rio Dell does hereby ordain as follows:

SECTION 1. DECLARATION OF INTENT

The purpose of this ordinance is to repeal, in its entirety, Chapter 15.05.020 Building Codes of Title 15 – Construction Codes of the Rio Dell Municipal Code and replace in its entirety with Ordinance No. 315-2014 including Exhibit B attached hereto and codified in this title, division and chapter and on file in the City Clerk's office.

SECTION 2. CONFLICTS

All ordinances and parts of ordinances or resolutions, in conflict herewith, are hereby repealed to the extent of such conflicts and no further.

All ordinances and parts of ordinances or resolutions, in conflict herewith, are hereby repealed to the extent of such conflicts and no further.

SECTION 3. EFFECTIVE DATE

The effective date of this ordinance is thirty (30) days after its adoption by the City Council.

INTRODUCED AND FIRST READING (by title only) held on the 17th day of December, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

SECOND READING (by title only) held on the 7th day of January, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

EXHIBIT B

The following California Building Codes are required to be adopted by the City of Rio Dell:

CALIFORNIA ADMINISTRATIVE CODE

2013 California Administrative Code (Part 1 of Title 24)

Based on the 2012 International Building Code (IBC).

CALIFORNIA BUILDING CODE

2013 California Building Code (Part 2 of Title 24), including Chapter 1 Division II (administration), and Appendices A (qualifications), C (agriculture), F. (rodent proofing), G (flood resistant), H (signs), I (patio covers), and J (grading)

Based on the 2012 International Building Code (IBC).

CALIFORNIA RESIDENTIAL CODE

2013 California Residential Code (Part 2.5 of Title 24) including Chapter 1 Division II (administration), and Appendices E (Manufactured Housing used as dwellings), G (swimming pools, spas, and hot tubs), J (existing building and structures), K, (sound transmission), N (venting methods), O (gray water recycling systems), P (sizing of water piping systems).

Based on the 2012 International Residential Code (IRC).

CALIFORNIA ELECTRICAL CODE

2013 California Electrical Code (Part 3 of Title 24)

Based on the 2012 National Electrical Code (NEC)

CALIFORNIA MECHANICAL CODE

2013 California Mechanical Code (Part 4 of Title 24), including Chapter 1 Division II (administration)

Based on the 2012 Uniform Mechanical Code ((UMC)

CALIFORNIA PLUMBING CODE

2013 California Plumbing Code (Part 5 of title 24), including chapter 1 Division II (administration)

Based on the 2012 Uniform Plumbing Code (UPC)

CALIFORNIA ENERGY CODE

2013 California Energy Code (Part 6 of Title 24), including Chapter I Division II (administration)

CALIFORNIA HISTORICAL BUILDING CODE

2013 California Historical Building Code (Part 8 of Title 24) including Chapter I Division II (administration)

CALIFORNIA FIRE CODE

2013 California Fire Code (Part 9 of Title 24), including Chapter I Division II (administration)

Based on the 2012 International Fire Code (IFC)

CALIFORNIA EXISTING BUILDING CODE

2013 California Existing Building code (Part 10 of Title 24)

Based on the 2012 International Existing Building Code (IEBC)

CALIFORNIA GREEN BUILDING STANDARDS CODE – “CAL Green”

2013 California Green Building Standards Code (Part I of Title 24) (Tier 1) including Chapter 1 Division II (administration)

CALIFORNIA REFERENCED STANDARDS CODE

2013 California Referenced Standards Code (Part 12 of Title 24)

1997 UNIFORM BUILDING CODE

1997 Uniform Housing Code

Published by the International Conference of Building Officials as referenced by the California Department of Housing and Community Development and pursuant to the provisions of Section 17958, 17958.5, 17958.9, and 17959 of the California Health and Safety Code

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0002134	11/01/2013	[3108] ACCUFUND, INC.	ACCUFUND SOFTWARE UPGRADE & RELATED SUPPORT F COMPUTER SUPPORT FOR UTILITY BILLING, PAYROL COMPUTER SUPPORT - BUDGET REVENUE AND EXPENSE	1,762.50
0002135	11/01/2013	[5235] ADVANTAGE FINANCIAL SERVICES	MONTHLY PAYMENT FOR DOCSTAR 3.12 SOFTWARE PA	148.35
0002136	11/01/2013	[3604] STEPHANIE N. BEAUCHAINE	MILEAGE REIMBURSEMENT FOR SCORE STRATEGIC PLA	247.61
0002137	11/01/2013	[4937] CALIFORNIA DEPARTMENT OF TRANSPORTATION	SIGNALS & LIGHTING BILLING FOR JULY 2013 THRO	378.88
0002138	11/01/2013	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT PAYMENT CASE #200000001183524 FOR	102.11
0002139	11/01/2013	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 10/18/13	120.00
0002140	11/01/2013	[2342] DEPT OF CONSERVATION DIVISION OF ADMIN.	STRONG MOTION INSTRUMENTATION AND SEISMIC HAZ STRONG MOTION INSTRUMENTATION AND SEISMIC HAZ STRONG MOTION INSTRUMENTATION AND SEISMIC HAZ	68.19
0002141	11/01/2013	[4382] DOCUSTATION	MONTHLY MAINTENANCE AND COPY CHARGES FOR OCTO	822.56
0002142	11/01/2013	[2394] FEDEX	POSTAGE TO HDR ENGINEERING, CA LAADS COMMISSI	136.90
0002143	11/01/2013	[2396] FERNBRIDGE TRACTOR & EQUIPMENT CO., INC.	MOWER 60" TOW TYPE SPIN SPREADER	6,998.26
0002144	11/01/2013	[2407] FORBUSCO LUMBER	METAL STAKES FOR CITY OF RIO DELL SIGN	45.92
0002145	11/01/2013	[2411] DEARBORN NATIONAL LIFE INSURANCE COMPANY	LIFE INSURANCE FOR NOVEMBER 2013	248.00
0002146	11/01/2013	[2501] HAJOCA CORPORATION	GASKET FOR SPRINKLERS VALVES FOR SPRINKLER SYSTEM	664.83
0002147	11/01/2013	[4885] HDR ENGINEERING, INC.	ENGINEERING & PROFESSIONAL ..SERVICES FOR SEP	21,814.08
0002148	11/01/2013	[5158] KURT HIRTZER INSPECTION SERVICES	INSPECTION / CONSTRUCTION MANAGEMENT SERVICES	18,000.00
0002149	11/01/2013	[5479] MARK VELLIS CONSTRUCTION	EXTERIOR WORK- INVOICE FOR REDWOOD EMPIRE ROO	14,350.00
0002150	11/01/2013	[4502] MATSON & VALLERGA ARCHITECTS, INC	CITY HALL ADA ALTERATIONS MASTER PLANNING STUDY - CITY HALL & POLICE DE	1,635.00
0002151	11/01/2013	[3484] NATIONAL METER & AUTOMATION, INC	MAINTENANCE INVENTORY - METERS, RUBBER METER	4,541.76
0002152	11/01/2013	[2570] NILSEN COMPANY	SEED FOR LEVY AT CORP YARD	77.79

CITY OF RIO DELL CHECK REGISTER

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<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0002153	11/01/2013	[2569] NORTH COAST LABORATORIES, INC.	WATER LAB TESTING	568.00
0002154	11/01/2013	[4338] QUILL CORPORATION	CORRECTION TAPE	21.49
0002155	11/01/2013	[3029] REDWOOD COFFEE SERVICE	COFFEE SERVICES	60.00
0002156	11/01/2013	[2742] SCOTIA TRUE VALUE HARDWARE	PAINT REMOVER & ADJ SPRAYER BI-METAL HOLE SAW COUPLINGS FOR DIXIE STREET REPAIR INVENTORY PARTS: LOCKWASHERS, HEX NUTS AND CA LIGHT BULBS AND 50 PK-42 GALLON CONTRACTOR	87.37
0002157	11/01/2013	[5376] SCOTTY'S CUTTERS EDGE	WATER PUMP REPLACEMENT FOR WATER DEPARTMENT	462.24
0002158	11/01/2013	[2709] STAPLES DEPT. 00-04079109	11X17 COPY PAPER	159.57
0002159	11/01/2013	[2710] STARPAGE	PAGER SERVICES FOR NOVEMBER 2013	12.95
0002160	11/01/2013	[2319] SUDDENLINK COMMUNICATIONS	MONTHLY BROADBAND SERVICES FOR NOVEMBER 2013	243.23
0002161	11/01/2013	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 10/18/2013	4,695.28
0002162	11/01/2013	[5166] VSP-VISION SERVICE PLAN	VISION INSURANCE FOR NOVEMBER 2013	377.24
0002163	11/01/2013	[2772] WENDT CONSTRUCTION, INC	EXCAVATOR 1 DAY RENTAL	1,177.50
0002164	11/01/2013	[2792] ZUMAR INDUSTRIES, INC.	STOP SIGNS, NOT A THROUGH STREET SIGNS	1,154.00
0002165	11/05/2013	[2366] EEL RIVER DISPOSAL	GARBAGE BAGS FOR OCTOBER 2013	617.05
0002166	11/05/2013	[2502] KEMP INSPECTION SERVICE	INSPECTION SERVICES FOR OCTOBER 2013	3,541.90
0002167	11/08/2013	[0576] 101 AUTO PARTS	LIGHT BULB NEW WATER PUMP, ANTI FREEZE FOR VACTOR FLUSH KIT FOR VACTOR TRUCK FUEL TANKS FOR F - 350 FUEL LINE DISCON FOR SERVICE TRUCK GAS HOSE, HOSE FOR PW DIRECTOR'S VEHICLE	789.28
0002168	11/08/2013	[2203] AESTHETIC DESIGN & PHOTOGRAPHY	ANNUAL WEB HOSTING	300.00
0002169	11/08/2013	[3975] AT&T - 5709	PHONE EXPENSES FOR OCTOBER 2013	523.03
0002170	11/08/2013	[2240] BAY WEST SUPPLY, INC.	PAPER TOWELS, BATH TISSUE	271.05
0002171	11/08/2013	[4603] CALIF. BUILDING STANDARDS COMMISSION	PERMIT ASSESSMENT FEES FOR APRIL THROUGH JUNE PERMIT ASSESSMENT FEES FOR JULY THROUGH SEPT	40.50
0002172	11/08/2013	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT PAYMENT CASE #200000001183524 FOR	102.11
0002173	11/08/2013	[5330] CAPITAL ONE COMMERCIAL	XEROX PHASER COLOR PRINTER FOR CITY CLERK	188.11
0002174	11/08/2013	[5435] CH2MHILL	PROFESSIONAL SERVICES RELATED TO THE CITY INF	2,994.36
0002175	11/08/2013	[2293] CITY OF FORTUNA	POLICE DISPATCH SERVICES FOR NOVEMBER 2013	1,542.00
0002176	11/08/2013	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 11/1/2013	120.00
0002177	11/08/2013	[4773] CPS HUMAN RESOURCE SERVICES	SENIOR ACCOUNT CLERK TEST	389.85
0002178	11/08/2013	[5127] DELTA DENTAL	DENTAL INSURANCE FOR DECEMBER 2013	1,967.06
0002179	11/08/2013	[2393] FASTENAL COMPANY	WATER INVENTORY	68.29

CITY OF RIO DELL CHECK REGISTER

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0002180	11/08/2013	[2396] FERNBRIDGE TRACTOR & EQUIPMENT CO., INC.	ARMREST FOR JOHN DEERE MOWER	104.25
0002181	11/08/2013	[2407] FORBUSCO LUMBER	CREDIT INVOICE # 615216 HAMMER, SHOVELS	110.76
0002182	11/08/2013	[2405] FORTUNA ACE HARDWARE	TRAFFIC MARK, HOME DEFENSE RTU, WASP & HORNET	141.70
0002183	11/08/2013	[5241] GE CAPITAL	XEROX COPIER RENTAL PAYMENT FOR NOVEMBER 2013	475.49
0002184	11/08/2013	[5052] GHD	PROFESSIONAL SERVICES FOR RIO DELL DOWNTOWN I PROFESSIONAL SERVICES FOR RIO DELL DOWNTOWN I	32,113.00
0002185	11/08/2013	[2501] HAJOCA CORPORATION	WATER INVENTORY PARTS INVENTORY - 11X17 FIBERLYTE BOXES NUT VALVE WRENCH	3,787.10
0002186	11/08/2013	[2502] KEMP INSPECTION SERVICE	BRASS TEE, BRASS NIPLE, ANGLE BALL VALVE, BRA ELECTRICAL INSPECTION AT WILDWOOD AVE, LIGHTN	50.00
0002187	11/08/2013	[2546] MERCER FRASER CO., INC.	ASPHALT CONCRETE EMULSION OIL	346.53
0002188	11/08/2013	[4908] MITCHELL BRISSO DELANEY & VRIEZE	PROFESSIONAL SERVICES FOR OCTOBER 2013 PROFESSIONAL SERVICES FOR OCTOBER 2013 PROFESSIONAL SERVICES FOR OCTOBER 2013 PROFESSIONAL SERVICES FOR THE MONTH OF OCTOBE	1,154.00
0002189	11/08/2013	[2410] NORTH COAST CLEANING SERVICES, INC.	CLEANING SERVICES FOR OCTOBER 2013	471.00
0002190	11/08/2013	[2569] NORTH COAST LABORATORIES, INC.	TESTING - COLIFORM QUANTI-TRAY TESTING - AMMONIA NITROGEN WITHOUT DISTILLATI	175.00
0002191	11/08/2013	[2616] PIERSON BUILDING CENTER	STAPLE (1000)	96.33
0002192	11/08/2013	[4338] QUILL CORPORATION	INK FOR RECEIPT PRINTERS	23.64
0002193	11/08/2013	[2659] RIO DELL PETTY CASH	PROPANE & AC CHARGER ADAPTER	64.42
0002194	11/08/2013	[2742] SCOTIA TRUE VALUE HARDWARE	RODENT ABATEMENT SUPPLIES LYSOL WIPES MP 4 OZ THREAD SEAL STD NIPPLES, BLACK HEX BUSHING MADE DUPLICATE KEYS, KITCHEN BAGS, WASTE-BASK	537.92
0002195	11/08/2013	[4525] SHERLOCK RECORDS MGMT	STORAGE SERVICES FOR NOVEMBER 2013 AND BOX RE	75.60
0002196	11/08/2013	[5294] DANIEL SMITH	PW CLOTHING ALLOWANCE REIMBURSEMENT FOR RAIN	85.99
0002197	11/08/2013	[4662] JAMES R STRETCH	REIMBURSEMENT FOR AIRPORT PARKING FEE, LUNCH	59.00

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0002198	11/08/2013	[2758] USDA RURAL DEVELOPMENT	CASE # 04-012-0941603860..CODE 92 LOAN # 03	3,375.00
0002199	11/08/2013	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 11/1/2013	4,695.28
0002200	11/08/2013	[2779] WILDWOOD SAW	SMALL TOOLS - HT SAW BAR BILLY GOAT BRUSH CUTTER	2,897.39
0002201	11/08/2013	[2787] WYCKOFFS	BRASS TEES, BRASS STREET 90, BRASS NIPPLE TO	71.45
0002202	11/20/2013	[5443] AIRGAS USA, LLC	CYLINDER RENTAL	16.64
0002203	11/20/2013	[2247] ANTHEM BLUE CROSS	HEALTH INSURANCE FOR DECEMBER 2013	15,682.00
0002204	11/20/2013	[2224] AQUA BEN CORPORATION	HYDROFLOC 275 GAL. DRUM	2,992.80
0002205	11/20/2013	[5490] CAL ELECTRO INC.	PAYMENT NO. 1 PER CONTRACT FOR WILDWOOD AVENU	439,644.28
0002206	11/20/2013	[5330] CAPITAL ONE COMMERCIAL	CUPS, TAPE FOR LABEL MAKER, BINDERS	76.81
0002207	11/20/2013	[2285] CC MARKET (1)	BLEACH	21.42
0002208	11/20/2013	[2383] EUREKA OXYGEN CO.	CYLINDER RENTAL	28.87
0002209	11/20/2013	[2386] EUREKA RUBBER STAMP CO.	NAME PLATES/CUSTOM STAMP	137.77
0002210	11/20/2013	[4451] HARBOR FREIGHT TOOLS	MISC SUPPLIES AND TOOLS - MAGIC MOVING SLIDER	159.37
0002211	11/20/2013	[2596] PARKER ELECTRIC CO	CHECK VOLTAGE HIGH AT 538 VOLT DUE TO PG&E, C	161.04
0002212	11/20/2013	[2603] PG&E	UTILITY EXPENSES FOR OCTOBER 2013	19,281.20
0002213	11/20/2013	[2619] PITNEY BOWES, INC. (QTR Pymnt)	QUATERLY PAYMENT	499.23
0002214	11/20/2013	[5222] R.J. RICCIARDI, INC	PROFESSIONAL SERVICES THROUGH OCTOBER 2013	5,750.00
0002215	11/20/2013	[4643] SCOTIA PRINTING	PRINT BUILDING PERMIT APPLICATIONS	182.75
0002216	11/20/2013	[2694] SHELL OIL CO.	ADMINISTRATION FUEL EXPENSES FOR THE MONTH OF PD FUEL EXPENSES FOR OCTOBER 2013 PD FUEL EXPENSES FOR NOVEMBER 2013 PW FUEL EXPENSES FOR OCTOBER 2013 PD FUEL EXPENSES FOR NOVEMBER 2013	3,258.18
0002217	11/20/2013	[2251] STATE BOARD OF EQUALIZATION	WATER ROGHTS PERMIT # 21161 7/1/2013-6/30/2014 LICENSE FEE 7/1/2013-6/30/2014	531.37
0002218	11/20/2013	[2714] SWRCB ACCOUNTING OFFICE ATTN: AFRS	ANNUAL PERMIT FEE SLUDGE FACILITY 7/1/13 - 6/ ANNUAL PERMIT FEE FOR TREATMENT FACILITY 7/1/ ANNUAL PERMIT FEE FOR COLLECTION SYSTEM 7/1/1	11,650.00
0002219	11/20/2013	[4450] TERMINIX	PEST CONTROL - 675 WILDWOOD AVENUE PEST CONTROL - 475 HILLTOP DR	93.00
0002220	11/20/2013	[2735] TIMES-STANDARD	AD FOR SENIOR FISCAL ASSISTANT II	1,373.09
0002221	11/20/2013	[5108] WAHLUND CONSTRUCTION INC.	PAY REQUEST NO. 20 PER CONTRACT	556,520.84
0002222	11/27/2013	[2757] US POSTMASTER	POSTAGE FOR NOVEMBER 2013 FOR UTILITY BILLING	341.25
0002223	11/27/2013	[2269] ADVANCED DISPLAY & SIGNS	64 X 48 IN. CITY OF RIO DELL SIGN AND PAINTIN	517.47

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0002224	11/27/2013	[2237] BANK OF AMERICA BUSINESS CARD	PELICAN CASES.COM - PELICAN 1400, WITH FOAM, WILSONS GUN SHOP - TRAK-LOCK II FRONT SIGHT 1 TARGET - ANTI BACTERIAL SOAP FOR WWTP SUPPLIESOUTLET.COM - HP CE285A COMPATIBLE BLA	1,055.28
0002225	11/27/2013	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT PAYMENT CASE #200000001183524 FOR	102.11
0002226	11/27/2013	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 11/15/13	120.00
0002227	11/27/2013	[4382] DOCUSTATION	MONTHLY MAINTENANCE AND COPY CHARGES FOR THE	400.10
0002228	11/27/2013	[2366] EEL RIVER DISPOSAL	DEBRIS FROM PUBLIC WASTE SHED DEBRIS FROM PUBLIC WORKS SHED	141.25
0002229	11/27/2013	[2385] EUREKA READYMIX	PU BASE PU BASE PU BASE PU SAND PU SAND	178.45
0002230	11/27/2013	[2405] FORTUNA ACE HARDWARE	1/2" PVC COUPLINGS AND 1/2" PVC 90D ELBOW LIGHT BULB CFL LAMP LIGHT DEFUSER - CITY HALL BUILDING MAINTENANC	42.40
0002231	11/27/2013	[2423] GEORGE'S GLASS	2002 JEEP LIBERTY ROCK CHIP REPAIR	59.00
0002232	11/27/2013	[5074] ZACK GROSS	CUSTOMER DEPOSIT REFUND	22.30
0002233	11/27/2013	[4985] AMBER HART	CUSTOMER DEPOSIT REFUND	5.68
0002234	11/27/2013	[4885] HDR ENGINEERING, INC.	ENGINEERING SERVICES AND PROFESSIONAL SERVICE	5,741.43
0002235	11/27/2013	[5355] TRAVIS C HUMPHREY	CUSTOMER DEPOSIT REFUND	13.38
0002236	11/27/2013	[5441] JC CONTRACTING	REMOVE & INSTALL NEW DRAIN PIPE, REMOVE & REP	10,250.00
0002237	11/27/2013	[5496] NORMAC, INC.	VICTOR PVC PIPE CUTTER	154.99
0002238	11/27/2013	[4393] NYLEX.NET	FIX DRIVE MAPS AND ACCUFUND ACCESS FOR ACCOUN	144.00
0002239	11/27/2013	[4338] QUILL CORPORATION	INTERNET DOWN HAD TO REBOOT MODEM PENS, INK REFILLS, POST-IT POP-UP NOTES	61.76
0002240	11/27/2013	[5433] RISING, JORDIE	CUSTOMER DEPOSIT REFUND	65.68
0002241	11/27/2013	[2742] SCOTIA TRUE VALUE HARDWARE	80 LB CONCRETE MIX 15A WHT PRM GFCI OUTLET	22.76
0002242	11/27/2013	[4818] THREE G's HAY & GRAIN	ROCK SALT 6 PALLETS	1,860.97
0002243	11/27/2013	[4151] TIMES PRINTING COMPANY	100 FOIL & DIE CUT FRONT COVERS & 100 BLANK B	988.88
0002244	11/27/2013	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 11/15/2013	20,345.79
0002245	11/27/2013	[2772] WENDT CONSTRUCTION, INC	SPRING & OGLE STREETS: INSTALL 80 FT OF 18" A	7,000.00
Total Checks/Deposits				1,253,242.64