



**AGENDA**  
RIO DELL CITY COUNCIL  
REGULAR MEETING – 6:30 P.M.  
TUESDAY, DECEMBER 2, 2014  
CITY COUNCIL CHAMBERS  
675 WILDWOOD AVENUE, RIO DELL

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

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

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

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

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

**F. CONSENT CALENDAR**

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

1) 2014/1202.01 - Approval of Minutes of the November 4, 2014 Regular Meeting <b>(ACTION)</b>	1
2) 2014/1202.02 - Approval of Minutes of the November 18, 2014 Regular Meeting <b>(ACTION)</b>	20
3) 2014/1202.03 - Approve Letter of Endorsement for the Appointment of Councilmember Johnson as the City Representative to the Local Agency Formation Commission (LAFCo) <b>(ACTION)</b>	21
4) 2014/1202.04 - Medical Insurance Benefits Update <b>(RECEIVE &amp; FILE)</b>	22
5) 2014/1202.05 - Acknowledge Receipt of Correspondence from City Attorney Russell Gans Concerning Legal Representation of Wahlund Construction, Inc. and The Fidelity and Deposit Company of Maryland in Humboldt County Superior Court Case No. DR140473, Entitled <i>Apex Directional Drilling, LLC v. The Fidelity and Deposit Company of Maryland</i> <b>(RECEIVE &amp; FILE)</b>	23
 G. SPECIAL PRESENTATIONS/PUBLIC HEARINGS	
 H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS	
1) "SPECIAL CALL ITEMS" from Consent Calendar	
 I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS	
1) 2014/1202.06 - Conduct Second Reading (by title only) and Adopt Ordinance No. 330-2014 Amending the Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code to Expand the Nuisance Hearing Committee to Include (2) Public Members <b>(ACTION)</b>	25
 J. REPORTS/STAFF COMMUNICATIONS	
1. City Manager	
2. Chief of Police	
3. Finance Director	
4. Community Development Director	
 K. COUNCIL REPORTS/COMMUNICATIONS	
 L. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS: <b>No Closed Session Items Scheduled</b>	

M. ADJOURNMENT

*The next regular meeting will be on December 16, 2014  
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 4, 2014  
MINUTES**

The closed session/regular meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Thompson.

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

Others Present: (Closed Session): City Manager Knopp and City Attorney Gans

(Regular Meeting): City Manager Knopp, Finance Director Woodcox, Chief of Police Hill, Community Development Director Caldwell and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen and Wastewater Superintendent Chicora (excused)

**ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**

**Public Employee Performance Evaluation**

Title: City Manager

**Conference with Labor Negotiator – City Manager**

Rio Dell Employees' Association, Rio Dell Police Officers' Association and Contract Employees

**PUBLIC COMMENT REGARDING CLOSED SESSION**

There were no members of the public in attendance to comment.

The Council recessed into closed session at 6:00 p.m. to discuss the above matters.

The Council reconvened into open session at 6:40 p.m. Mayor Thompson announced there was no reportable action taken in closed session.

City Attorney Gans left at this time.

**CEREMONIAL MATTERS**

**Community Service Award Presented to Madeline Cole**

Chief of Police Hill announced that Ms. Cole took it upon herself to organize a river bar clean-up which took place on August 16, 2014. He said when he and his wife showed up to help he was astounded at how well organized it was stating that she had food and water, gloves, and trash bags for the 70 volunteers who showed up to help. He added that the event was better planned



than many of the events sponsored by professional organizations and that Ms. Cole was certainly worthy of a Community Service Award for doing such an outstanding job to organize an event that was such a success and tremendous benefit to the community.

Mayor Thompson then presented the Community Service Award to Ms. Cole and thanked her for her service to the community.

Councilmember Woodall said she would like to see a news clip and photo of Ms. Cole sent to the local newspaper.

### **PUBLIC PRESENTATIONS**

**Chuck Schager, Eel River Disposal (ERD)**, provided the Council with an update on the results of recently implemented recycling programs offered by ERD and reported during the first 6 months of taking household batteries they collected 1.2 tons; in 19 months collected 28 tons of household paint; and collected 165 tons of e-waste since implementation of that program and said they are on target to exceed 200 tons.

He announced they will soon be accepting florescent tubes at no charge. He said they opened the Samoa facility for a sort line and is now a transfer site for all waste.

Nick Angeloff provided a brief update and said the Chamber of Commerce, Eagle Prairie Arts District (EPAD), and "Save the Scotia Gym" is all doing well and that the plan is to have the Scotia Gym open by late summer or early fall 2015. He also announced the submittal of the letter of intent for the Arts Place America grant application with the cooperative effort of the City Manager.

### **CONSENT CALENDAR**

Motion was made by Marks/Johnson to approve the consent calendar including the approval of minutes of the October 21, 2014 regular meeting. Motion carried 5-0.

### **SPECIAL CALL ITEMS/PUBLIC HEARINGS**

#### Receive 1<sup>st</sup> Quarter Revenue and Expenditure Report for FY 2014-2015

Finance Director Woodcox provided a power point presentation and began with the 1<sup>st</sup> Quarter Expenditure Report by Department which she said represents what percentages of the budget funds have been spent. She said salaries and benefits overall are at 24% as of the end of the first quarter as well as services and supplies at 35% and overall 21% for all departments.

She then reviewed the 1<sup>st</sup> Quarter Revenues and Expenditures by Fund with overall revenues at 17% and overall expenditures at 25%. She noted that the majority of revenues come in at various intervals and aren't easily gauged by a quarterly percentage. She explained the reason

that General Fund revenue is under budget at 14% is because the City does not receive the first half of the tax revenue from the County until January. She also pointed out that \$115,000 was transferred out of General Fund Reserves in order to balance this year's budget, and that \$28,000 was pulled from General Fund Reserves to fully fund the Building Department. She reported a total of \$144,000 was pulled from reserves to balance the current year budget. She pointed out that the Building Department Trust Fund was not established until the last quarter of FY 2013-2014 so the projected revenue is only an estimate and if revenue does not increase in that fund, the General Fund will have to again absorb the shortfall. She also pointed out that in the Finance Department, a \$28,000 budget amendment was approved in order to keep an additional staff person on until January 31, 2015 so what looks like salaries and benefits are at 26%, what actually happened is that a bigger portion of expenses fell into this quarter because of that position. She said overall the Finance Department budget is on target at 25%.

Councilmember Marks asked if the same information was provided in the report included in the Council packets.

Finance Director Woodcox explained the data was compiled differently for the power point presentation so the Council would not be able to follow along with the report in the Council packet.

Finance Director Woodcox continued with review of the various Sewer Funds and said the Sewer Debt Service which was set up for the Wastewater Improvement Project loan payment of \$302,822 annually is on target at 27%. She indicated that the Water Operations Revenue is low at 22% and explained that part of that revenue was transferred into Water Capital and that \$4.50 from each water bill is now going into Water Capital as established by resolution and adopted by the City Council in 2002.

Councilmember Wilson pointed out that the Revenue and Expenditure Report submitted in the Council packet shows Water Operations Revenue at 42% rather than 22% as stated.

Finance Director Woodcox said the 22% is the correct percentage.

City Manager Knopp stated that he asked the Finance Director to put together a report as a first run of what staff is attempting to develop for the Council which is a standardized format that provides a consistent frame to look at. He said no matter what the report says, the Council needs to keep in mind that there is a tremendous lack of information for the first quarter compared to where the budget will be at the end of the year. He said what staff wanted to do is provide Council with an initial look at where revenues and expenditures are at the end of the first quarter and identify any significant differences in projections. He said overall, staff has identified what the biggest trends are and said two major problem areas that have exceeded appropriations for the first quarter are Building & Grounds and Water Operations which the Council and staff already knew going into the budget year; the report basically validates it. He noted that personnel costs should be relatively easy to budget and with approximately 70-80 percent of the

annual budget going toward personnel costs if they are off by even 1 or 2 percent, it can really throw things off.

He stated that he wanted to present something to the Council different than other Finance Directors have done in the past and reiterated that this is the first run for the first quarter report and by mid-year staff hopes to have a more polished report to present to the Council.

Councilmember Johnson asked if there is a monthly trend with regard to water revenue.

Finance Director Woodcox explained that monthly water revenue is generally stable however; the water drought resulted in the loss in revenue of \$35,000 for the three months, based on historic data for the same period.

Councilmember Marks referred to the Expenditure Report by Department and said she liked the way Planning and Building was split and because there was really no history suggested staff keep an eye on the percentages to make sure the allocations are appropriate.

Finance Director Woodcox stated the Building Department is something that she will be monitoring closely to see how the revenues are coming in compared to expenditures as well as looking at last year's data.

Councilmember Woodall commented on the importance of keeping the reports consistent and said the new format is easier to follow than previous years reports.

Councilmember Marks suggested the corrected sheets be re-inserted into the Quarterly Report to be consistent with the information in the power point presentation; Finance Director Woodcox said she would provide Council with the correct spreadsheets.

Councilmember Johnson said he appreciated the report and said it was good information.

Finance Director Woodcox noted that the following Year-End Report for FY 2013-2014 will also not reflect the exact information presented in the Council packet. She said next time she will make sure the information attached to the staff report is in the same format as the power point presentation so it will be easier for Council to follow along.

Presentation on Year End Budget Report for FY 2013-2014

Finance Director Woodcox continued with a power point presentation on the FY 2013-2014 Year End Budget Report.

She began by explaining that she would be presenting Fiscal Year Highlights; Citywide Variance by Fund; talking more specifically about the General Fund and Streets Funds; the Sewer and Water Funds; Actual Revenues and Expenditures by Fund; as well as Departmental Variances.

She reported that actual revenues for the year came in under budgeted amounts in most funds and that actual expenditures came in under budgeted amounts for all fund groups. She noted that total budget amendments for the year totaled \$358,701 and presented the list of amendments as an attachment to the Year End Report.

With regard to Fiscal Year Fund Highlights, she reported that the Wastewater Treatment Plant Improvement Project, the Safe Routes to School Project and the Wildwood Ave. Streetscape Projects were all completed during the year.

She said the Wastewater Treatment Plant Improvement Project was completed with \$12.5 million in project costs; \$6 million coming from a grant through the State Water Resources Control Board (SWRCB) and \$6.5 in a loan repaid to the (SWRCB) in annual payments of \$302,822 for 30 years. The Safe Routes to School Project had \$170,857 in total expenditures and with reimbursements of only \$154,191; the General Fund Reserve had to absorb the \$25,032 negative STIP fund balance.

She reported with the FY 2013-2014 General Fund Operating Budget that was passed, the ending balance was estimated at \$1.1 million and the actual came in under by about \$16,000.

In looking at actual revenue and expenditures in the General Fund she said expenditures exceeded actual revenue by \$133,000 resulting in a pull from the reserves.

She continued with review of actual Revenues and Expenditures by Fund and reported that actual revenue citywide was \$4.6 million and actual expenditures citywide were \$3.7 million. She noted that expenditures exceeded actual revenues in the General Fund, Street Fund, and Special Revenue Fund whereas; expenditures came in under actual revenue in the Water and Sewer Funds.

She then provided the breakdown of the General Fund budget as follows:

- Police Department - 57%
- Finance Department - 8%
- City Manager Department - 7%
- Building Department - 6%
- Planning Department - 16%

She continued with review of the Departmental Variance Report which shows what was budgeted for each of the departments versus what was actually spent. The report revealed that the City Manager, Finance, Planning, and City Council budgets all came in under budget whereas; the Police, Public Works and Building Departments all came in a little over budget.

Councilmember Wilson questioned the Building Department activity with implementation of the additional administration fee.

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Finance Director Woodcox explained the estimated revenue for the Building Department came in lower than expected and said the administration fee was increased on July 1, 2014 from 33% to 66%. She pointed out that the implementation of the initial 33% administration fee did not go into effect until the last quarter of FY 2013-2014.

Councilmember Marks asked if staff is predicting a reduction in late fees with implementation of credit card payments.

Finance Director Woodcox said she doesn't really see that trend changing because often times the credit card payments coincide with the water shut off notices and by that time the late fees have already been assessed.

Councilmember Johnson commented on the 22% decrease in sales tax revenue and asked if there is a prognosis on future sales tax.

Finance Director Woodcox commented that she receives notification from the State for the prior period but does not get projections for future sales tax revenue. She said she could perhaps go online and investigate that a little more.

Councilmember Johnson referred to the health insurance benefits for the Police Department under line items 5040-5045 and noted that there was an additional \$6,000 budgeted under 5162 (Medical).

Chief of Police Hill explained the 5162 line item is not related to personnel but includes things such as SART exams which are approximately \$3,000 per exam or toxicology testing.

Councilmember Marks said she thought electricity costs would go down at the sewer plant because of the new more efficient equipment however; the expenditures don't reflect any reduction.

Finance Director Woodcox said she did notice the expenditure as being higher than projected but she had not had a chance to look into the charges yet.

Mayor Thompson commented on the annual telephone charges (5120) and questioned whether that included cell phones and pagers. He suggested staff look at ways to reduce those costs and perhaps take a look at the employee cell phone policy.

Finance Director Woodcox noted that it includes cell phones, pagers and all land lines.

Mayor Thompson also questioned computer maintenance costs.

Finance Director Woodcox stated that in February, 2014, the City entered into maintenance

agreement with Nylex for an annual fee of around \$9,000 which pays for an IT person to come in weekly to do any necessary upgrades and basically make sure everything is running properly rather than waiting until something happens to call them.

Mayor Thompson questioned the amount budgeted for small tools for Public Works (5215) and said \$7,746 seems high. He also questioned the Bad Debt (5610) expense and asked if the City is still using a collection agency to collect on past-due bills.

Finance Director Woodcox commented that a collection agency is used and that approximately \$1,000 was received last year out of the approximate \$10,000 turned over for collection.

Councilmember Johnson referred to the general liability insurance (5141) and questioned the reason for the difference between the \$52,087 budgeted amount and the \$22,936 actual.

Finance Director Woodcox explained the annual expenditure of around \$50,000 for liability insurance was being posted back to the workers compensation insurance and this year it was posted back to the general liability insurance account which is where it should go and was around \$30,000.

#### **ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

##### Second Reading (by title only) and adoption of Ordinance No. 329-2014 Amending Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code (RDMC) to Include Administrative Citation Provisions

Community Development Director Caldwell provided a staff report and said the ordinance was introduced at the October 21, 2014 meeting and is before the Council at this time for its second reading and adoption. He stated the purpose of the ordinance amendment is to allow staff to issue Administrative Citations. He added that the intent of the amendment is that staff believes the Administration Citation provisions will be more cost effective and less time consuming in abating nuisances and code violations and hopefully will encourage voluntary compliance.

Community Development Director Caldwell then reviewed the recommended action and entertained questioned from the Council.

Councilmember Wilson asked if there are other City ordinances that the Administrative Citation provisions could apply to.

Community Development Director Caldwell stated that it would apply to other ordinances such as the Dangerous Buildings ordinance.



Councilmember Marks asked if the Administrative Citation has to be served by a police officer.

Community Development Director Caldwell stated that the Code Compliance Administrator or Code Enforcement Officer charged with the enforcement may issue an Administrative Citation which includes the City Manager and Department Heads.

A public hearing was opened to receive public input on the proposed ordinance amendment.

There being no public comment, the public hearing closed.

Motion was made by Johnson/Wilson to conduct second reading (by title only) and adopt Ordinance No. 329-2014 *Amending the Current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code (RDMC)*. Motion carried 5-0.

#### **REPORTS/STAFF COMMUNICATIONS**

City Manager Knopp reported on recent activities and said as mentioned by Nick Angeloff, the initial letter of intent was submitted for the Arts Place America Grant application stating that although it is a very competitive grant the application is small and attractive.

He then debriefed the City Council on the conference call he and Water Superintendent Jensen had with the Water Resources Control Board related to drought issues and said they discussed the idea to abandon the water intertie project with Scotia and move toward getting the old wells back on line. He said they also debriefed the water attorney on the overall actions the City took related to the drought issues and he agreed that working with the Water Board and developing a good working relationship is the best approach to take. With regard to riparian water rights, the attorney advised that although the City does own parcels directly adjacent to the river, it would be a stretch to say there are riparian parcels that extend to affect the entire part of the City. He said the former wells pose the best benefit for the City since they could be used in the event of future droughts. He asked the Council if they would be interested in talking with the water rights attorney.

Mayor Thompson asked if he found out any information about the City's water rights. City Manager Knopp said he doesn't believe the City will be issued senior water rights and that the SWRCB is responsible for providing the City with water and when water is flowing in the river the City should let them know that we should have access to that water. He said senior water rights have not been offered by anyone and even if someone did offer, they would be expensive. He also reported that he learned today that the proposed water intertie project was funded so staff is working aggressively with the State to keep the money that has been set aside for drought

relief projects. He said staff has had two conference calls with the State and received very positive responses regarding developing the former wells as a second water source. He said under the State's regulations, the City would be allowed to utilize the wells for 15 days during a non-drought related situation; for example if the infiltration gallery was off line. He commented that the City will need to have a backup water supply when the infiltration gallery is modified. He said with the installation of a filtration system, the water at the wells could be as good as the existing water although it would not be suitable for a permanent water source. He also noted that the idea is to put in a series of monitoring wells and look at ways to mitigate ongoing operational costs.

Councilmember Marks asked about potential funding for clean-up of the Brownfield site near the wells.

City Manager Knopp said should the monitoring wells reveal there is contamination and the water at the wells is determined to be unsafe, the work will be halted immediately however; the City property containing the wells is not currently contaminated and it is unlikely the contamination would migrate to the City's well site.

He also reported that work was continuing on the infiltration gallery and said staff was in contact with the State to see if there is a way to wrap that project into the Metropolitan well project; reported during the recent wind storm, a redwood tree fell on the storage building at the Douglas St. tank causing damage to the building but fortunately no damage to the pumps or equipment. He said the insurance company is investigating the claim and staff is working on obtaining a quote for the repairs.

He then reported that staff has been working on a plaque honoring former City Manager Jim Stretch and when he was approached, he agreed to a brass plaque placed by the City Hall sign/planter. He said the cost is estimated at \$350.00 and the employee groups have offered to split the cost of the plaque with the City Council.

City Manager Knopp reported on the completion of three I & I projects with replacement of some damaged sewer lines and said the projects came in slightly under budget.

Councilmember Johnson asked if public works will run the camera through the sewer lines where the lines were replaced to make sure there is no I & I coming in.

City Manager Knopp said he was not entirely sure but would follow up with the wastewater superintendent.

He said update of the City's web site was underway; fencing of the recently acquired school property was pending completion of the survey and said he will be bringing a proposal to the Council on chain link fencing versus wood fencing; said he, along with Kevin Caldwell and Nick



Angeloff attended the Economic Development and Prosperity meeting with the County and said they were glad to see that Rio Dell was well represented; said in addressing the ADA ramp at City Hall he would be contacting an ADA expert for assistance; said he will be meeting with the Humboldt Bay Municipal Water District regarding the feasibility study for extending the water pipeline to Rio Dell with no cost to the City; said three of the trees in the Gateway are dead and will be replaced under the warranty and said there is also some problem with the lighting which will also be addressed.

Chief of Police Hill reported on recent activities in the police department and said Officer Brady had completed his field training however; another officer applied to another department and may be leaving; and reported on a burglary that involved him and 4 officers including mutual aid from Ferndale Police. He said over a period of 25 minutes they had 5 calls for service resulting in 5 burglary suspects being taken into custody and 1 suspect arrested for DUI. He commented that due to the fact that these officers had patrol vehicles at home, they were able to respond quickly and assist in apprehending the suspects.

Councilmember Wilson stated that this is one of the biggest reasons for remaining a City and not going to a CSD. He said although 57% of the General Fund goes to support police activities the money is well spent.

Finance Director Woodcox reported on recent activity in the finance department and said Fiscal Assistant Talavera has been providing part-time assistance to the police department which has been going well.

Community Development Director Caldwell reported on recent activities in the planning department and said he received notification from the Department of Housing and Community Development (HCD) regarding a new requirement that the City enter into a CDBG Program Income Reuse Agreement to be in compliance with recent updates by HCD. He said he will be bringing the agreement and corresponding resolution to the Council for approval at the next meeting. He commended the finance department for having already implemented the required accounting and reporting requirements related to the CDBG Program.

He also reported that he conducted a walk-thru with the contractors on a property on Birch St. related to a proposed CDBG Housing Rehabilitation project. He said this particular project is problematic due to the extent of needed repairs to the home and some of the contractors felt that once you put the work in, the value of the home really isn't going to increase at the same level of the improvements. He said he and the building inspector will be meeting with the owner to explain her options which may include total reconstruction of the house. He said they believe the debt to ratio would be much better for her which is the intent of the program. He said hopefully they can figure out a way to make it work out for the homeowner.

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Johnson asked about the status of the abatement of 851 Rio Dell Ave.

Community Development Director Caldwell commented that Chief Hill intended to have the inspection warrant last week but as he said he has been a little busy. He said he would put it at the top of his list so abatement of the nuisance should occur very soon.

Councilmember Marks asked if a building permit had been obtained yet on the proposed drive-thru coffee shop at 541 Wildwood Ave.

Community Development Director Caldwell commented that the property owner had some concerns about potential road improvement requirements and he advised him that staff would run it by the city engineer to determine potential impact to the road as a result of increased traffic on Elm Street provided he was willing to pay for the engineer's time.

Councilmember Wilson commented that at the last RREDC meeting he filled them in on the City's idea for creating the "Avenue of the Sculptures" and it seemed to be well received. He suggested the Sculpture Committee discuss potential grant opportunities at the next meeting.

City Manager Knopp stated that he was approached a couple of times during the Humboldt County Economic Development and Prosperity meeting and received some helpful tips on how to proceed with the project.

Community Development Director Caldwell said he also talked to someone from the Humboldt Area Foundation who seemed interested in the project and said there may be some grant opportunities through their organization.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:35 p.m. to the November 18, 2014 regular meeting.

\_\_\_\_\_  
Jack Thompson, Mayor

Attest:

\_\_\_\_\_  
Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 18, 2014  
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 Knopp, Finance Director Woodcox, Chief of Police Hill, Community Development Director Caldwell and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen and Wastewater Superintendent Chicora (excused)

**CEREMONIAL MATTERS**

Proclamation in Recognition and Support of the Great American Smokeout

Mayor Thompson read the proclamation in recognition and support of the Great American Smokeout on November 20, 2014.

Kathryn McHugh from Humboldt County Public Health Department and incoming leadership Council president for the local unit of the American Cancer Society was present to accept the Proclamation. She reminded citizens that tobacco-use is the leading preventable cause of death in the United States and said e-cigarettes are also a big concern which are marketed to a very young age group. She provided "Quit Smoking Kits" and encouraged tobacco users to quit for at least one day.

Resolution Honoring Sherman Schapiro, Mayor of the City of Blue Lake

Motion was made by Woodall/Marks to approve Resolution No. 1245-2014 honoring Blue Lake Mayor Sherman Schapiro for his contribution and service while serving on the Blue Lake City Council from 1990-2014. Motion carried 5-0.

Councilmember Woodall asked when the City Council started taking action on proclamations.

Mayor Thompson stated this item was in the form of a resolution and listed on the agenda as an action item.

**PUBLIC PRESENTATIONS**

None

## CONSENT CALENDAR

No agenda items were scheduled on the Consent Calendar.

## SPECIAL CALL ITEMS/PUBLIC HEARINGS

### Employee Health Benefit Plan Amendment

City Manager Knopp provided a staff report and said this item is coming before the Council as the result of a meeting he had with employees and the City's Health Plan Consultant, Heidi Olsen on November 6, 2014. He said the objective of the meeting was to discuss health plan options and receive feedback from employees and advise them of their rights under current employee contracts to maintain the current health insurance benefit levels. Also to advise employees of the City's current deficit and inability to continue funding current health benefits into the future.

He noted that one thing that is somewhat problematic is that the employee health plan runs from December to December whereas the employee contracts coincide with the fiscal year and run from July to July.

He reported that under the current health insurance plan, the total city cost is estimated at \$17,027 per month through December 2014, and estimated to increase by 27%. He said as a result of the November 6<sup>th</sup> meeting, he was pleased to see the employees willing to look at cost measures to benefit the City and said they voluntarily elected to lower their health plan benefit from the HMO Saver 20 Plan to the HMO Saver 30 Plan in spite of having contractual protection to keep the current plan until expiration of employee contracts June 30, 2015. He noted that going to the lower cost plan will save the City approximately \$2,000 per month.

He also noted that the employee health plan under the Affordable Care Act (ACA) is currently "grandmothered" in through December, 2015; after that the City must be covered with one of the plans under the ACA.

An Insurance Increase Analysis was provided to Council for review which outlined costs for various plan options.

Councilmember Marks asked the City Manager if he found out whether the December renewal date for insurance coverage could be changed back to July 1<sup>st</sup>. City Manager Knopp stated that essentially what is going to happen is during contract negotiations with employees in June, specific language will need to be developed to reflect that negotiations related to health insurance will occur with renewal of health insurance coverage.

Mayor Thompson called for public comment on the employee health plan.

Sharon Wolff commented that plans under the Affordable Care Act (ACA) are significantly cheaper and asked if the City has the option to move to it now since everyone will be required to move to an ACA plan at the end of 2015 anyway.

City Manager Knopp explained that under the current employee contracts that run through June of 2015, there is protective language that prohibits the City from choosing alternative medical coverage that is not of equal or greater comprehensive coverage than what is currently in place. He said the employees voluntarily opted to go to a lower plan until December 2015 when the City is bound by law to move into the ACA exchange. He noted that health insurance is part of employee negotiations and no one can honestly say what the rates will be at that time. He said historically, health insurance rates for the City have gone up anywhere from 9-27% annually.

Nick Angeloff thanked the employees for stepping up and doing the right thing to help mitigate the costs. He said the public thanks the employees as well.

Councilmember Wilson asked if the City will have the ability to increase or decrease the level of coverage when moving into the ACA.

City Manager Knopp said theoretically yes but health insurance coverage is subject to good faith negotiations with employees. He said under the ACA there is a wide array of plans but they will likely not be as good, with an increase in cost and decrease in benefits.

Finance Director Woodcox pointed out that the ACA significantly limits choices for doctors.

Mayor Thompson commented that there could be significant changes by the time the City is forced to move into the ACA plans.

Motion was made by Johnson/Marks to authorize the City Manager to enter into negotiations with all employees and employee groups; amending the current health plan and authorizing the City Manager to execute a new agreement. Motion carried 5-0.

#### **ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

##### Conduct Public Hearing/Approve Community Development Block Grant (CDBG) Program Reuse Agreement (Resolution No. 1244-2014 Authorizing the City Manager to execute the CDBG Program Income Reuse Agreement)

Community Development Director Caldwell provided a staff report and said he received notification from the Department of Housing and Community Development (HCD) regarding a new requirement that the City enter into a CDBG Program Income Reuse Agreement to be in compliance with recent updates by HCD. He said basically it has to do with accounting and reporting practices at both the State and local levels. He said the Finance Department has been ahead of the game and already made the required accounting changes, including eliminating the

Revolving Loan Account and establishing the required Revolving Loan Fund (RLF) account. He said before the City can issue any new CDBG loans, a new agreement must be executed.

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

Motion was made by Woodall/Marks to adopt Resolution No. 1244-2014 *Authorizing the City Manager to Execute the Community Development Block Grant (CDBG) Program Income (PI) Agreement*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 330-2014 Amending Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code (RDMC) to expand the Nuisance Hearing Committee to include two public members

Community Development Director Caldwell provided a staff report and said during consideration and adoption of the last amendment to the Nuisance Regulations to include Administrative Citation provisions, the Council discussed expanding the Nuisance Hearing Committee to include a public member.

He said staff's recommendation is that the Committee be expanded to include two members of the public rather than one to allow for a total of seven members so as to avoid a split vote with an even number of members. He commented that including public members to committees brings balance and transparency to local government which is always good.

He noted that Title 2, Chapter 2.55 of the Rio Dell Municipal Code will also need to be amended to include the establishment of the Nuisance Hearing Committee which he said he will bring back to the Council at a subsequent meeting for approval.

Councilmember Marks questioned the timing for appointment to the Committee and said the ordinance will come back to the Council on December 2, 2014 for final adoption, followed by solicitation of candidates and asked if a member of the City Council can be considered for appointment as a member of the public if they are still on the City Council at that time.

Community Development Director Caldwell explained that the ordinance does not become effective until 30 days after adoption which will be January 2, 2015 and as long as that person is not on the City Council at that time, they can be considered for appointment.

Councilmember Wilson asked if the terms will be alternated so they don't expire concurrently.



Community Development Director Caldwell said under the current provisions, both committee members' terms will expire in two years however; the language could be amended. Council concurred.

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

Motion was made by Wilson/Woodall to conduct first reading (by title only) of Ordinance No. 330-2014 *Amending the Current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code (RDMC) to Expand the Nuisance Hearing Committee to include two Public Members*, with the modification to create staggering terms and continue consideration, approval and adoption of the proposed ordinance to the December 2, 2014 regular meeting. Motion carried 5-0.

#### REPORTS/SRAFF COMMUNICATIONS

City Manager Knopp reported on recent activities and events and said staff was making good progress on the water grant to move the project from the intertie project with Scotia to bringing the former wells on line including a new building, filtration system, security at the site as well as ongoing monitoring wells to make sure the water is up to required standards.

Councilmember Johnson asked if drafting of a contract is included in the scope of work for the City Engineer.

City Manager Knopp stated that before obligating any funds, the money has to be in place. He said the directional drilling will probably take another year or so anyway.

He also reported that there has been a lot of communication with the Humboldt Bay Community Services District regarding the pipeline project and various meetings with the Water Task Force. He said they are working on trying to get Fortuna on board and the good news is that the Feasibility Study probably won't cost the City anything since the Water Bond passed and the State has authorized additional funds for water drought projects. In addition, he said it is also possible that they may be willing to modify the pipeline route so it comes through Rio Dell which will make it easier to access. He said he may have on the next agenda consideration for conceptual approval of the Feasibility Study with no commitment of City funds.

He then announced that the League of California Cities is holding a City Manager Conference on January 28-30, 2015 in San Francisco and said the money is budgeted however; is asking for Council authorization to attend at a cost of approximately \$1,300. Council consensus was "yes."

He then announced that the Home Depot, in coordination with the Sheriff's Department has made available some drought kits (200 for Rio Dell residents) which include a sturdy 5 gallon bucket, a water saver aerator, a hose nozzle, a low flow shower head, a toilet tank leak detector and water conservation tips. He said the kits are available at City Hall for distribution to the public and asked that those residents that can afford to purchase these items on their own to please refrain from obtaining the free kits.

City Manager Knopp also reported that Wastewater Superintendent Chicora was presented with the CWEA North Coast Chapter for "Best Project of the Year" for the Wastewater Treatment Plant and Disposal Improvement Project. He said the new wastewater plant is an award winning facility and thanked Wastewater Superintendent, his crew and the City Council for bringing it to fruition.

He then reported that the City's Measure U on the November 4<sup>th</sup> ballot appears to have passed and that the certification of vote was expected by the end of the month. He said once that is received, staff will notify the State Board of Equalization to start implementation of the local sales tax. He said the measure passed by a narrow margin so there are a lot of people who need to be thanked for their efforts such as the Rio Dell Police Officers Association, City Council members, City staff, as well as private citizens. He expressed special thanks to the community for voting in the tax and said it represents a 5 year commitment to make sure funds are delivered to provide the best services possible to the community.

Chief of Police Hill reported on recent activities in the police department and said in the next City Newsletter he will include a notice on a December meeting related to the Neighborhood Watch Program which will be held to share information with the community on the role of the police department and see what neighborhoods are interested in participating. He said he will also include some information and helpful tips on how citizens can protect themselves against thefts and other related crimes such as where to install motion lights.

Councilmember Marks commented that several years ago, the McKnight family installed their own street light on Painter St. and asked if that is still a possibility.

City Clerk Dunham stated that in the past there were some street lights that were turned off because of budget constraints and some residents at that time opted to pay for the street lighting for better protection of their neighborhood. She said it would be a question for PG&E.

Councilmember Wilson stated that on the Channel 3 news last night he heard that McKinleyville is working on a Neighborhood Watch Program where apps are put on cell phones which allows information to be shared.

Chief of Police Hill said he would try and contact Channel 3 to get more information.



Finance Director Woodcox reported on recent activities in the finance department and said its business as usual and that she will be implementing the purchase order module for tracking encumbrances.

Councilmember Marks thanked her for implementing the program.

Councilmember Johnson stated that he wanted to thank the populace of Rio Dell for voting in Measure U and the Rio Dell Police Officers' Association for their efforts in helping to promote it. He said he also wished to thank the police department with regard to a recent theft he had at his home. He said they had a friend visiting in a wheel chair and someone grabbed her purse and ran. He said his wife called 911 and in 20 minutes time, Sergeant Beauchaine had apprehended the suspect.

Community Development Director Caldwell reported on recent activities in the planning department and said the Nuisance Committee met and is trying to iron out some details on identifying priorities and noted the Administrative Citation provisions become effective December 5, 2014 and they are hoping it will be a useful tool in encouraging voluntary compliance.

He then reminded everyone that staff hopes to get a City Newsletter out the first part of December and said if anyone has anything they would like to include, to get it in as soon as possible. He also reported on a tentative date of December 18, 2014 for a possible Special Planning Commission meeting provided the applicant submits the application in a timely manner; and said although it is November, the Building Department has been exceptionally busy, and said the lack of rain may be the reason the construction season has been extended.

#### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Wilson stated that he currently serves as the City's representative on the Redwood Coast Energy Authority (RCEA) and because they meet at 3:00 in the afternoon he will not be able to continue serving for the upcoming year. He said he will be available to continue to serve as the representative on the Redwood Region Economic Development Commission (RREDC).

Councilmember Marks asked when the 50<sup>th</sup> Anniversary of the 64 flood "River Rage" was scheduled to be held and if possible asked that it be included in the newsletter; said she attended the Chamber meeting and they talked about the art pedestals in the median and she brought up the grant the City got a few years ago through Coast Central Credit Union and suggested exploring the possibility of applying for the same type of grant; and said Chuck Schager from Eel River Disposal (ERD) was present and mentioned that they now pay the City for recyclables.

Community Development Director Caldwell stated the cost of one pedestal is around \$1,000 and said one approach would be to look for the funding in the current budget or wait for word on the Arts Place America grant application.

Discussion continued regarding whether action should be taken on proclamations. Councilmember Woodall said action should be taken ahead of time so the person accepting the proclamation is not in the audience expecting it to be presented in the event it doesn't pass. Councilmember Wilson suggested proclamations be placed on the consent calendar prior to scheduling the presentation of the proclamation so any councilmember can pull it if they have any concerns. Council concurred.

Mayor Thompson stated that the County, State and Federal government are in the process of bringing a project together related to global warming and said he attended a meeting in Eureka on the issue and concern was expressed that global warming is causing rising of the harbor. He said he attended because he was interested in information about the location of the HWMA building. He said although the information needs to be verified, it was reported that the bay has dropped 3 meters or 118 inches in the last 100 years. He said he brought the matter up with the City Manager and he got the facts straight and said it has to do with the fault lines caused by earthquakes and that the area is actually going down and the other part of the plate is coming up. He commented that HWMA may need to look for a new site.

Councilmember Wilson asked how much the bay has actually risen and asked where he could obtain more information. Mayor Thompson stated that he looked online and found a lot of maps but was not able to find the specific information he was looking for. He noted that it is all speculation at this point but it was projected the bay would rise 5 to 7 feet by 2021 and also expect the area between Eureka and Arcata to be flooded in 20 years. He said CalTrans is talking about raising the corridor up on pilings. He commented that it is an interesting subject but there is still a lot to discuss.

Mayor Thompson also reported that on the last HWMA agenda there was an item related to the various entities joining together with regard to recycling matters. He said he did support the recommendation but informed the Board that Rio Dell may not sign the Memorandum of Understanding because of the upcoming garbage contract 2016 renewal and said the City doesn't want to get locked into something.

## **ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 7:40 p.m. to the December 2, 2014 regular meeting.

**NOVEMBER 18, 2014 MINUTES**  
**Page 9**

Attest:

\_\_\_\_\_  
Jack Thompson, Mayor

\_\_\_\_\_  
Karen Dunham, City Clerk



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

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager

FROM: Karen Dunham, City Clerk

DATE: December 2, 2014

SUBJECT: Endorsement for Appointment of City Representative to the Local Agency Formation Commission

#### **RECOMMENDATION**

Approve Letter of Endorsement for the Appointment of Councilmember Johnson as the City Representative to the Local Agency Formation Commission (LAFCo)

#### **BUDGETARY IMPACT**

None

#### **BACKGROUND AND DISCUSSION**

LAFCo is composed of a seven member board which includes two County supervisorial members appointed by the Board of Supervisors, two city council members appointed by the HCAOG Mayor Selection Committee, two special district members appointed through a special district board nomination process, and one public member selected by the other six members. Commission members serve four-year terms. There is also one alternate member for each of the four classifications.

Fortuna City Councilmember, Mike Losey, and Eureka City Councilmember Mike Newman were appointed to the LAFCo Board in 2012 with terms expiring June 30, 2016. As a result of the November election with both Councilmembers not being re-elected, there exist two vacancies on LAFCo for the remaining of terms ending June 30, 2016.

Councilmember Johnson has expressed interest in serving on the Board as one of the city council representatives and is requesting the City Council's endorsement.



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**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
Tuesday December 2, 2014**

TO: Mayor and Members of the City Council  
THROUGH: Kyle Knopp, City Manager  
FROM: Brooke Woodcox, Finance Director *zw*  
DATE: December 2, 2014  
SUBJECT: Medical Insurance Benefits Update

**RECOMMENDATION**

Allow City Manager to enter into renegotiations with all employees and employee groups based on new information regarding medical insurance benefits.

**BUDGETARY IMPACT**

None at this time.

**BACKGROUND AND DISCUSSION**

On November 6, 2014 City employees voted unanimously to voluntarily lower their health plan benefit in order to mitigate the City's 27% cost increase. On November 18, 2014 Council voted to allow the City Manager to execute the new agreement. It has been brought to the attention of City Staff that they'd been given incorrect information and the plan that employees had voted for is not available. This is because the Affordable Care Act "Grandmothering" laws restrict medical coverage options to the plans that were available at the time a group was Grandmothered in. The only plans available for City employees are the HMO Saver \$20 (current plan), PPO Co-pay \$30, and PPO Co-pay \$40.

At this time the City's Insurance Agent is gathering additional information on the three available options and will meet with the Finance Director and City Manager on Wednesday, December 3, 2014. The City Manager would like to present the new information to all employees for renegotiations.



**MITCHELL, BRISSO, DELANEY & VRIEZE, LLP**

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\* \* \* \* \*

EMERY F MITCHELL (1896 - 1991)  
WALTER J CARTER (1949 - 1993)  
R C DEDEKAM (1929-2011)

November 26, 2014

Members of the City Council  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA 95562

Re: *Apex Directional Drilling v. The Fidelity and Deposit Company of Maryland*, Humboldt County Superior Court Case No. DR140473

Dear Councilmembers:

As you may be aware, this law firm, with myself as principal attorney, has represented Wahlund Construction, Inc. ("Wahlund") for several years. Wahlund served as the City of Rio Dell's ("City") general contractor for the Wastewater Treatment Plant Upgrade and Disposal Project. The contract was awarded to Wahlund before this law firm began its representation of the City. Apex Directional Drilling ("Apex") served as a subcontractor to Wahlund for the project.

A civil action has been commenced by Apex against Wahlund's surety, The Fidelity and Deposit Company of Maryland ("Fidelity"), alleging that Wahlund failed to pay Apex certain sums due under the subcontract. While Wahlund is not a party to the action, this law firm has been requested to represent Fidelity on behalf of Wahlund.

No claim has been submitted against the City of Rio Dell in the lawsuit, and we don't believe any claim against the City is likely. Consequently, it is our belief that no actual conflict of interest created by our concurrent representation of Fidelity, in this matter, and the City, generally, since the City is not and is unlikely to become a party to the litigation. Moreover, we do not believe that our representation of the City will be materially affected by any professional obligations owed to Fidelity or Wahlund. However, in the event a potential or actual conflict of interest arises, we have a professional obligation to fully inform you of the conflict and obtain your informed written consent to continue the representation. If the conflict can not be waived, in that circumstance we will likely need to declare a conflict of interest such that we can not represent either the City, Wahlund (or Fidelity) in the litigation.

We respectfully request that consideration of this correspondence be placed on the agenda for the next regular meeting of the Council so that I may answer any questions or concerns that you may have.

Thank you for your consideration of this correspondence.

Very truly yours,

MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

Russell S. Gans

I, Jack Thompson, Mayor of the City of Rio Dell, acting with the authority of the City Council, acknowledge receipt of this correspondence, dated November 26, 2014, and understand that Mitchell, Brisso, Delaney & Vrieze, LLP, will be providing legal counsel to Wahlund Construction, Inc. and The Fidelity and Deposit Company of Maryland, with respect to Humboldt County Superior Court Case No. DR140473, entitled *Apex Directional Drilling v. The Fidelity and Deposit Company of Maryland*, which arises out of a work of public improvement within and commenced by the City of Rio Dell.

I acknowledge and confirm that the City Council has been informed that no adverse claims have been asserted against the City by any party in the matter, and no actual conflict of interest currently exists by Mitchell, Brisso, Delaney & Vrieze, LLP's representation of Wahlund Construction, Inc. and The Fidelity and Deposit Company of Maryland in the above-entitled action, and further understand that in the event Mitchell, Brisso, Delaney & Vrieze, LLP's representation of Wahlund Construction and The Fidelity and Deposit Company of Maryland becomes or potentially becomes adverse to the City of Rio Dell, the City will be fully informed of such adversity and its informed written consent will be requested. The City may deny that request, in its discretion.

Dated: \_\_\_\_\_



\_\_\_\_\_  
Jack Thompson, Mayor

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



For Meeting of: December 2, 2014

To: City Council  
From: Kevin Caldwell, Community Development Director   
Through: Kyle Knopp, City Manager   
Date: November 24, 2014  
Subject: Nuisance Ordinance Amendment

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**Recommendation:**

1. Receive staff's report regarding the proposed text amendment; and
2. Re-Open the public hearing, receive public input, and deliberate; and
3. Adopt Ordinance No. 330-2014 amending the current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code to expand the Nuisance Haring Committee to include two public members; and
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 and Discussion**

At the meeting of November 18, 2014 staff introduced Ordinance No. 330-2014 which would amend the current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code to include two public members. As the Council is aware, the Committee currently consists of two Council members, one alternate Council member and the City Manager.



The Council recommended that the terms of the public members be staggered so as to expire in different years. Staff has amended the draft Ordinance accordingly. Therefore, one of the public members initial term will be one year and the other term will be two years. Accordingly, the terms of the public members will expire in December of 2015 and December 2016. Below is the recommended amendment to the regulations:

#### Section 8.10.270

**(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, two members of the public who are residents of the City 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. Public Members shall be appointed by a majority of the Council and serve two year staggered terms, ending on the last day of December. 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.

#### **Financial Impact**

The financial impact of amending the Nuisance Regulations to include two members of the public to the Hearing Committee is insignificant.

#### **Attachments**

Attachment 1: Ordinance No. 330-2014.

Attachment 2: Post Adoption Summary.

**ORDINANCE NO. 330 – 2014**



**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** during the consideration and adoption of Ordinance 330-2014, which amended the current Nuisance Regulations to include Administrative Citation provisions, the Council discussed expanding the Nuisance Hearing Committee to include a public member; and

**WHEREAS** the Committee currently consists of two Council members, one alternate Council member and the City Manager; and

**WHEREAS** staff supports expanding the Committee to include a member from the public; and

**WHEREAS** by adding one more member, the total number of members would be four individuals; and

**WHEREAS** most if not all committees, councils and boards contain an odd number of members so as to avoid a split-vote; and

**WHEREAS** staff is recommending that the Committee be expanded to include two members of the public; and

**WHEREAS** by including public members, the City is encouraging public participation and transparency in local government

**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:

Section 8.10.270

**(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, two members of the public who are residents of the City 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. Public Members shall be appointed by a majority of the Council and serve two year staggered terms, ending on the last day of December. 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.

### **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 November 18, 2014 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 2, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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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. 330-2014 adopted by the City Council of the City of Rio Dell on December 2, 2014.

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Karen Dunham, City Clerk, City of Rio Dell

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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 2, 2014 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. 330-2014** amending the current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code to include two public members, each serving staggered two year terms.

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 November 4, 2014 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.