



RIO DELL CITY COUNCIL AGENDA  
**CLOSED SESSION – 5:00 P.M.**  
**REGULAR MEETING - 6:30 P.M.**  
**TUESDAY, FEBRUARY 4, 2020**  
CITY COUNCIL CHAMBERS  
675 WILDWOOD AVENUE, RIO DELL

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**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 (ADA), 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 the meeting. Assistance listening devices are now available for the hearing impaired. Please see the City Clerk for a receiver.*

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:
  - 1) 2020/0204.01 - **Conference with Legal Counsel – Anticipated Litigation**  
Initiation and/or exposure to potential litigation pursuant to Section 54956.9(d)(2) (d)(4): 1 potential case – facts and circumstances known to adverse party – River's Edge RV Park, 620 Davis St., Rio Dell – Encroachments to Public Right-of-Way
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION
- F. RECONVENE INTO OPEN SESSION – 6:30 P.M.
- G. ORAL ANNOUNCEMENTS
- H. PLEDGE OF ALLEGIANCE

I. CEREMONIAL MATTERS

J. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not 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 Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

K. CONSENT CALENDAR

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Councilmembers if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually following action on the remaining consent calendar items.*

- 1) 2020/0204.02 - Approve Minutes of the January 21, 2020 Regular Meeting **(ACTION)** 1
- 2) 2020/0204.03- Approve Resolution No. 1441-2020 Amending the FY 2019-2020 Budget to Include Funding from the State Water Resources Control Board **(ACTION)** 9

G. ITEMS REMOVED FROM THE CONSENT CALENDAR

H. REPORTS/STAFF COMMUNICATIONS

- 1) 2020/0204.04 - City Manager Staff Update **(RECEIVE & FILE)** 11

I. SPECIAL PRESENTATIONS/STUDY SESSIONS

J. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) 2020/0204.05 – Public Donations Related to River Bluff Cottages Permanent Supportive Housing **(DISCUSSION/POSSIBLE ACTION)** 13
- 2) 2020/0204.06 - Discussion on Measure Z Grant Application **(DISCUSSION/POSSIBLE ACTION)** 14

K. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2020/0204.07 - Second Reading (by title only) and Adoption of Ordinance 378-2019 Establishing a Water Efficient Landscape Ordinance, Chapter 13.40 of the Rio Dell Municipal Code **(DISCUSSION/POSSIBLE ACTION)** 22
  
- 2) 2020/0204.08 - Introduction and first reading (by title only) of Ordinance No. 380-2020 Amending Chapter 13.05 Water Rates and Regulations and Chapter 13.10 Sewer Rates and Regulations of the Rio Dell Municipal Code to allow compliance with Senate Bill 998 **(DISCUSSION/POSSIBLE ACTION)** 38

L. COUNCIL REPORTS/COMMUNICATIONS

M. ADJOURNMENT

*The next regular City Council meeting is scheduled for  
Tuesday, February 18, 2020 at 6:30 p.m.*

**RIO DELL CITY COUNCIL  
REGULAR MEETING MINUTES  
JANUARY 21, 2020**

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

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

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

Absent: Community Development Director Caldwell

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

Conference with Legal Counsel – Anticipated Litigation – Initiation and/or exposure to potential litigation pursuant to Section 54956.9(d)(2) (d)(4): 1 potential case – facts and circumstances known to adverse party – River’s Edge R.V. Park, 620 Davis St., Rio Dell – Encroachments t Public Right-of-Way

Mayor Garnes announced the cancellation of the closed session.

**PUBLIC PRESENTATIONS**

**Nick Angeloff** provided an update on Chamber of Commerce activities and announced upcoming events including a candidates’ forum for both District 1 and District 2 candidates. He noted that the District 1 event is Thursday, February 6, 2020 at 6:00 p.m. at the Winema Theater in Scotia with incumbent Rex Bohn and challenger Cliff Berkowitz responding to questions about issues facing the Humboldt County Board of Supervisors. The District 2 event is Saturday, February 8, 2020 from 1-4 p.m. at the Chamber of Commerce Office with incumbent Estelle Fennell and four challengers responding to questions about current issues. He noted that there would be a meet and greet opportunity before and after the events with light refreshments available. The events, sponsored by the Rio Dell-Scotia Chamber of Commerce are free and open to all.

With regard to Holiday decorations, he reported that all of the decorations were taken down with the exception of the lights in the trees at Memorial Park. He offered to coordinate removal of lights to facilitate the pruning of the trees.

Mayor Garnes thanked him for facilitating the installation and removal of the holiday decorations.

**CONSENT CALENDAR**

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

Councilmember Strahan removed consent calendar Item No. 4, the *Check Register for December 2019* for separate discussion, and noted that she would be abstaining from vote on approval of the minutes, as she was not present at that meeting.

Motion was made by Woodall/Johnson to approve the consent calendar including approval of minutes of the January 7, 2020 regular meeting; approval of reappointment of Jacqui Wilson, Alice Millington and Larry Arsenault to the Rio Dell Planning Commission for 3-year terms ending December 31, 2022; and approval of Memorial Park tree trimming. Motion carried 5-0 with Councilmember Strahan abstaining from vote on the minutes of January 7, 2020.

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

##### Receive and File Check Register for December 2019

Councilmember Strahan questioned check No. 8599 to Keenan & Associates to replace a check cashed by the wrong vendor and asked the status of the previous check.

Finance Director Dillingham confirmed that the check was cashed but the vendor reimbursed the City.

Councilmember Strahan then questioned check No. 8544 to SWRCB for \$68,000 and wanted to know the purpose and term of the loan.

City Manager Knopp explained that it was the loan payment for the water infiltration gallery. He was unsure on the number of years left to pay on the loan and agreed to put the information in the Council's mailboxes.

Motion was made by Strahan/Wilson to receive and file the Check Register for December 2019. Motion carried 5-0.

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

##### City Manager/Staff Update

City Manager Knopp provided highlights of the staff report and added that during the recent storm event, the City experienced a sanitary sewer overflow (SSO) occurrence resulting in 9,800 gallons of which 5,000 gallons was captured and transferred to the wastewater treatment plant. He noted that the Sanitary Sewer Evaluation Study would evaluate these occurrences and develop ways to avoid further incidents.

He then reported that a tentative date was set for Monday, January 27, 2020 at 3:30 p.m. to tour the Danco facility. He noted that he would provide further clarification to the Council

when the date and time is confirmed.

He said that he did meet with Recology Eel River and Ferndale earlier today to discuss Universal pick-up where financials were provided and updates on where the other jurisdictions are with it. He indicated that staff would be scheduling a study session with the Council to further discuss the matter.

He then announced that Rio Dell was asked to host the League of California Cities Redwood Empire Division meeting in March. The meeting will be held at the Danco River Bluff Cottages multi-purpose room with the central topic of the meeting to be housing.

City Manager Knopp then reported that staff is developing a charitable donation drive to raise funds to purchase housing supplies for residents of the Danco facility. Rather than having people drop off unwanted items, they are asking for cash donations. He said the goal is to raise between \$250-\$275 per unit for a total of \$7,000 in donations. He said the City would be advertising to get the word out and any assistance from the Council or the community would be appreciated.

Mayor Pro Tem Woodall asked why City staff would be putting together the fund drive rather than DHHS or the Community Resource Center.

City Manager Knopp said as suggested by Councilmember Johnson, there needs to be a more positive force attempt by the City to help the residents of the facility.

Mayor Pro Tem Woodall commented on the City spending \$540 on coffee mugs for the tenants and pointed out that we do not do this for other people moving into town. She commented that it was inappropriate use of staff time and money. Councilmember Strahan agreed and mentioned that some of the local churches would probably be willing to get involved.

Councilmember Johnson commented that his initial thought in helping these residents was to encourage people to clean out their basements and attics and get rid of useful items they no longer need. To that end, if the City or churches or other organizations want these people to be able to move into their home with the proper facilities and are unable to provide that level of service, then he would have no problem with the City making a financial contribution to these first-time renters. He expressed the need to be more charitable.

Mayor Pro Tem Woodall said if you do it for one group you need to do it for all and mentioned the new 4-plex apartment complex under construction.

Councilmember Johnson pointed out that these particular residents do not have the luxury of owning a car or a U-Haul full of household items. He said that DHHS and Danco

representatives were not receptive to the idea of donated household items because they did not want non-serviceable items dropped off.

Councilmember Strahan said that is one of the reasons for creating a citizens committee.

Councilmember Wilson noted that the consideration of a citizens committee was agenized but it was continued because of Councilmember Strahan not being present at that meeting.

Councilmember Strahan commented that the committee does not have to be sponsored by the City.

Councilmember Johnson noted that Danco needs to identify what items are needed.

Mayor Pro Tem Woodall commented that another organization or a citizens group could set up a Go-Fund-Me page.

It was suggested to contact Danco representatives to see what items are needed for the residents.

City Manager Knopp reiterated that they suggested the donation of funds rather than used household items.

Consensus of the Council was to place the item on the next agenda for further discussion.

Councilmember Johnson asked the location of the Sanitary Sewer Overflow (SSO).

City Manager Knopp reported that it occurred in the usual spot at the end of Painter St.

Councilmember Strahan questioned the idea of Danco fixing the problem.

City Manager Knopp provided background on the subject and explained that there was discussion regarding upsizing of the line from Painter St. to the wastewater treatment plant. Funding for an engineering study was approved and the results of that study were that it would cost \$1.2 million to complete the project. The Sanitary Sewer Evaluation Study would take a more comprehensive look at the project but there was no agreement with Danco to perform any of those repairs.

Mayor Pro Tem Woodall asked Chief Conner what the status was of the fire-damaged house on Monument Road (Baratti) and noted that the Notice was removed from the door.

Chief Conner indicated that his next step is to write an abatement order.

#### **SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

Consider Appointment of Ad Hoc Committee to Develop Landscaping Plan for the Wildwood Avenue Gateway

Mayor Garnes stated that she had approached the City Manager regarding help with the Wildwood Avenue Gateway landscaping and commented that it has been 10-15 years since the gateway was constructed. She suggested the idea of an Ad Hoc committee to do some research and come up with a plan for beautifying the gateway. She pointed out that most gateways have a uniform design and she would like to develop a concept and bring it back to the Council for consideration.

Mayor Pro Tem Woodall commented that Willow Creek has a nice uniform design and that when the Gateway in Rio Dell was designed there was a plan and a committee and each person on the committee was able to have a tree of their choice planted which is why the Gateway landscaping is not uniform.

Councilmember Wilson pointed out that the landscaping in Willow Creek is on the side of the roadway rather than in the middle and noted that there is heavy base under the City's median making it difficult for trees to grow.

Councilmember Johnson suggested staff contact a landscape architect to avoid destroying the street.

Consensus of the Council was to appoint Mayor Garnes and Mayor Pro Tem Woodall to an Ad Hoc Committee charged with developing a plan regarding the Wildwood Ave. Gateway landscaping.

City Response to Notice of Filing for Rio Dell Fire Protection District Annexation

City Manager Knopp provided a staff report and noted that the City received a Notice of Filing for the proposed annexation of Fire Service Areas served by Scotia, Redcrest and Shivley Volunteer Fire Companies to the Rio Dell Fire Protection District, including the divestiture of power to provide fire protection services by the Scotia Community Services District. He noted that comments, requested conditions or recommendations are being requested by January 31, 2020. As such, staff is making a recommendation to include all of the incorporated areas of the City and its sphere of influence, within the Rio Dell Fire Protection District. He commented that this includes the Humboldt-Rio Dell Business Park as well as the wastewater disposal field, which are currently provided fire services by Fortuna Fire Protection District.

He reviewed the reasons for the request and said that it is consistent with state law and LAFco policies.

Councilmember Johnson pointed out that Fire Companies hold different laws than Fire Protection Districts.



Mayor Pro Tem Woodall asked if the Rio Dell Fire District assessment would be extended to include the additional properties and if they would have the opportunity to vote on the assessment.

Finance Director Dillingham explained that newly annexed areas do not have to vote on previously established assessments.

Councilmember Johnson noted that this process involves LAFco and takes several months to complete.

Councilmember Strahan questioned why the fire district boundaries were not changed at the time of annexation.

Mayor Garnes explained that it has to be negotiated between the fire districts.

Councilmember Wilson explained the rules regarding protests and said that it seems logical for the Rio Dell Fire Protection District to take on the annexed area.

Councilmember Strahan said that it should be up to the Rio Dell Fire Protection District to pursue it, not the City.

Mayor Garnes explained that the Notice of Filing asked the City to respond and provide input.

Mayor Garnes called for public comment. No public comment was received.

Motion was made by Johnson/Woodall authorizing the Mayor to execute the letter as presented. Motion carried 4-1; Councilmember Strahan dissenting.

#### Discussion on Water Shutoff Protection Act (SB 998)

City Manager Knopp stated for clarification that the purpose of this item is for staff to make a presentation on SB 998, receive input from the Council and to return with a draft ordinance at the February 4, 2020 regular meeting.

Finance Director Dillingham provided a staff report and explained that the intent of the Water Shutoff Protection Act (SB 998) is to minimize the number of customers who lose access to water service due to their inability to pay. It requires all public water systems with more than 200 connections to have a written policy on discontinuance of residential service, prohibits discontinuance until accounts are at least 60 days delinquent, requires 7 business days' notice before discontinuance and prohibits discontinuance when doing so would pose a serious threat to the health and safety of a resident if the customer demonstrates an inability to pay and is willing to make payments through alternative methods.

**JANUARY 21, 2020 MINUTES**  
**Page 7**

She explained that under the current policy, customers have 47 days to pay before the service is shutoff. Under the new policy, the number of days would be extended to 86 days

She commented that the City is required to comply with the Act by April 1, 2020 noting that most of the items are already in the ordinance. She reviewed the changes required to bring the City into compliance and pointed out that there are some challenges with the current billing software.

Mayor Pro Tem Woodall pointed out that a normal water bill could go as high as \$600 under the proposed policy. She questioned the provision, which allowed as an option "partial or full reduction of the unpaid balance financed without additional charges to other ratepayers."

Finance Director Dillingham explained that the City could not offer a partial or full reduction unless there is another funding source to cover those costs.

Mayor Pro Tem Woodall asked if the property owner could become responsible for the water bill.

Finance Director Dillingham noted that jurisdictions usually do not do that because of the usage component of the bill. She said that perhaps the base water charge could be placed as a lien on the property since that portion of the bill provides for infrastructure improvements.

Mayor Pro Tem Woodall questioned the amount of bills written off to bad debt.

City Manager Knopp indicated that the annual bad debt amount ranges from \$5,000-\$11,000.

Councilmember Strahan asked how much additional time is allowed for the review and appeal.

Finance Director Dillingham explained that the customer would have to ask for an extension in advance. Appeals are for unforeseen circumstances such as water line breaks etc.

Councilmember Johnson suggested staff look into other cities to see how they protect against bad debt write-offs due to customers skipping out and not paying their bill.

City Manager Knopp noted that in some cases, the deposit is increased which is something the Council might want to consider in the future.

Mayor Pro Tem Woodall suggested looking into making the property owner responsible for the water bill.

City Manager Knopp noted that it would be related more to the Water Rate Study.

**ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Second Reading (by title only) and adoption of Ordinance No. 378-2019 Establishing a Water Efficient Landscape Ordinance, Chapter 13.40 of the Rio Dell Municipal Code  
City Manager Knopp recommended the second reading and adoption of the ordinance be continued to the next meeting with Community Development Director present.

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Wilson announced that he would be attending a Redwood Coast Energy Authority meeting on Thursday and would report on that at the next meeting.

He said that related to Humboldt Waste Management Authority (HWMA), there was a misconception that only No. 1 and 2 plastic containers were recyclable but they do want the plastics with higher numbers. He explained that they have ways to sort them and ways to sell them noting that 50% of them are now sold in the United States. Recycling is an ongoing issue with big concern on contamination. He said that Rio Dell has a 20% contamination rate and expressed the need for people to recycle clean containers.

Councilmember Johnson reported that he would be attending a Last Chance Grade meeting next month and that the board will meet with the consultant Caltrans hired to do the Initial Study. He noted that it a \$31 million contract and a big step in the project.

**ADJOURNMENT**

Motion was made by Johnson/Woodall to adjourn the meeting at 7:35 p.m. to the February 4, 2020 regular meeting. Motion carried 5-0.

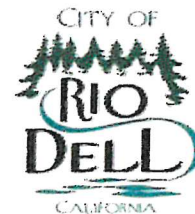
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Debra Garnes, Mayor

Attest:

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Karen Dunham, City Clerk



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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
(707) 764-5480 (fax)

DATE: February 4, 2020  
TO: Mayor and Members of the City Council  
FROM: Cheryl Dillingham, Interim Finance Director *CD*  
THROUGH: Kyle Knopp, City Manager  
SUBJECT: Resolution No. 1441-2020 Budget Adjustment

IT IS RECOMMENDED THAT THE CITY COUNCIL:

It is recommended that the City Council approve Resolution No. 1441-2020 for a supplemental budget amending the Fiscal Year (FY) 2019-20 adopted budget to recognize financial assistance from the State Water Resources Control Board.

BACKGROUND AND DISCUSSION

Council approval of a supplemental budget for FY 2019-20 is requested to recognize additional revenues and authorize increases to appropriations for the current fiscal year. New funding has been approved by the State Water Resources Control Board (SWRCB) and previously approved funding needs to be added to the current budget.

At the time of budget development the amount remaining in the SWRCB-Proposition 1 water system capital improvement planning grant received in 2018 was not known. As of June 30, 2019 \$134,086 had been spent of the \$433,300 originally approved, resulting in a balance of \$299,214 needing to be included in the current year's budget.

Resolution No. 1365-2017 authorized the City Manager to submit an application for financial assistance to the SWRCB for a sanitary sewer evaluation study to reduce inflow and infiltration. Funding of \$499,500 was approved by the SWRCB on December 31, 2019 for the sewer study. This new funding needs to be added to the adopted budget.

ATTACHMENTS

Resolution 1441-2020 Budget Amendment



**RESOLUTION NO. 1441-2020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING THE FISCAL YEAR 2019-20 BUDGET TO INCLUDE  
FUNDING FROM THE STATE WATER RESOURCE CONTROL BOARD**

**WHEREAS**, the City adopted Resolution 1425-2019 establishing the City’s Operating and Capital Budget for Fiscal Year (FY) 2019-20 and any adjustment that increases appropriations in a fund must be approved by the City Council; and

**WHEREAS**, previously the State Water Resources Control Board (SWRCB) approved funding for planning to address necessary improvements to the City’s water system and the remaining balance needs to be budgeted in the current fiscal year; and

**WHEREAS**, the SWRCB approved new funding in December, 2019 for development of a sanitary sewer evaluation study report to reduce inflow and infiltration and a budget adjustment is required.

**NOW THEREFORE BE IT RESOLVED** that the City of Rio Dell City Council does hereby approve a supplemental budget to amend the City of Rio Dell FY 2019-20 adopted budget to reflect financial assistance from the SWRCB for water system planning and a sewer study as follows:

Revenues:

4768 070 SWRCB Prop. 1	\$299,214	(water system)
4770 088 SWRCB Clean Water	\$499,500	(sewer study)

Expenditures:

5514 070 Engineering	\$299,214
5115 088 Professional Services	\$499,500

**PASSED AND ADOPTED** by the City Council of the City of Rio Dell on this 4th<sup>th</sup> day of February, 2020 by the following vote:

- Ayes:
- Noes:
- Abstain:
- Absent:

\_\_\_\_\_  
Debra Garnes, Mayor

ATTEST:

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



## Staff Update – 2020-02-04

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### City Council

#### City Manager

Held kickoff meeting for Sanitary Sewer Evaluation Study with the City Engineer and staff. Estimated time of completion is by the end of FY 2021/22.

Toured River Bluff Cottages on January 27<sup>th</sup>.

Met with City Engineer and staff to discuss water capital planning effort. Discussed options for realignment of water line across the CalTrans Bridge. Communicated with CalTrans staff who are looking at options for potential replacement of both bridges or bridge upgrades. Developed and drafted property access agreements to explore water line realignment.

Press release and media responses to the capture of the suspect in the homicide of Johnny Renfro.

Work with Dan McCauley on sculpture replacement and plan moving forward for future sculpture replacements.

### City Clerk

#### Processed four (4) Building Permits

215 Orchard St. – Wall Furnace  
397 Pacific Ave. – New Water Line  
177 Belleview Ave. – PV Solar  
190 Belleview Ave.- Sewer Lateral

### Misc.

Submitted Annual DSA Disability Access and Education Report to Division of State Architects

Attended and prepared minutes for Nuisance Advisory and Planning Commission meetings

Completed City Clerk Procedures Manual



## **City Attorney**

### **Human Resources, Risk & Training**

### **Finance Department**

Finance has been working on implementation of SB 998, year-end payroll reporting including processing W-2s and 1099s, quarterly ATP project reporting and billing, the annual TDA audit, mid-year budget review and budget forecasting, CDBG reporting, and review of the City's draft audit.

### **Public Works Water**

### **Public Works Wastewater**

### **Public Works Streets, Buildings and Grounds**

### **Public Works City Engineer**

### **Public Works Capital Projects**

### **Police Department**

### **Community Development Department**

Completed ADU Staff Report and Draft Ordinance

Final Inspection DANCO Project

Water line Inspection 397 Pacific

Electrical and Final Inspection Chapman metal building Rigby Avenue

Work on ADU Checklist

Plan Check Solar System 177 Belleview Avenue

Attended Open House DANCO Project

Back-up generator Inspection 297 Ogle Avenue

Meeting with Trinity Reserve regarding distribution locations in the City

Inquiry HCD Drainage and ADU law

Planning Commission meeting

Meeting with James Cortazar regarding cannabis application process

Phone meeting with LAFCo staff regard RDVFD Annexation

Review County Hemp Moratorium Ordinance

### **Intergovernmental**



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

February 4, 2020

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action Related to Public Donations for Those in Need of Permanent Supportive Housing at River Bluff Cottages

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction, if any.

BACKGROUND AND DISCUSSION

At its January 21, 20120 meeting, the Rio Dell City Council requested this item be agendized.

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

February 4, 2020

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action on Grant Application for "Measure Z"

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide input, if any.

BACKGROUND AND DISCUSSION

The City will be making another application for "Measure Z" funding through the County of Humboldt. Staff will discuss changes that are possible with this funding source overall and discuss applications moving forward.

The City has been a recipient of these funds in the past, including grant awards of \$35,000 in FY15/16 and \$33,649 in FY16/17, \$34,101 in FY17/18, \$32,000 in FY 18/19 and \$23,442 in the current fiscal year.

Measure Z was a countywide ½ cent transactions and use (sales) tax. The measure passed on November 4, 2014. "Measure Z" was extended by Measure O on November 8, 2018.

Attached is last year's Measure Z application.

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### CITIZENS' ADVISORY COMMITTEE ON MEASURE Z EXPENDITURES

(Advisory Committee will make recommendations to the Humboldt County Board of Supervisors as to expenditure of funds derived from *Measure Z*.)

### APPLICATION FOR FUNDING

RECEIVED  
FEB 21 2019  
CAO

Agency Name: **Rio Dell Police Department**

Mailing Address: **675 Wildwood Avenue**

Contact Person: **Jeff Conner**

Title: **Chief of Police**

Telephone: **(707)764-5642**

E-mail address: **connerj@cityofriodell.ca.gov**

1. AMOUNT OF MEASURE Z FUNDING REQUESTED FOR FY 2019-2020: \$33,488

2. ENTITY TYPE -- Please check appropriate box.

- a. Humboldt County Department
- b. Contract Service Provider to Humboldt County
- c. Local Government Entity
- d. Private Service Provider
- e. Non-Profit Service Provider
- f. Other

3. Please provide brief description of proposal for which you are seeking funding.

The Rio Dell Police Department proposes the continued funding of a part-time, clerical support position in the Police Department. This position is currently budgeted for 28 hours per week and provides support for law enforcement services. This item was funded by Measure Z during the 2016-17, 2017-18, and 2018-19 grant cycles. This grant allows our officers to spend more time responding to calls for service and be on active patrol and is the only source of funding for clerical support. The position also allows for police department headquarters to remain open when officers are out on patrol. Currently, the Rio Dell Police Department is staffed by five (5) full-time sworn officers and one (1) part-time clerical assistant (funded through Measure Z). The position also enables a consistent flow of paperwork on nuisance and code enforcement issues, helping to clean up the community and prevent neighborly discord from becoming a larger issue for sworn law enforcement.

4. How are you developing a plan for sustainability, including diversification of funding sources, in order for your proposal to carry on without reliance on future Measure Z funds?

The largest development proposals in the City's history have been approved by the Planning Commission, leading to over 50,000 square feet of new commercial and industrial development related to cannabis. The voters have approved a cannabis tax and those funds are just beginning to trickle into the City. As these projects continue to move forward, they will hopefully generate significant tax revenue for the City of Rio Dell to the degree that assistance from Measure Z will no longer be necessary. Measure Z funds represent an important bridge to helping public safety services survive until this new development creates additional tax revenues for the City.

5. If this request is for the continuation, or expansion, of an existing program/service, what is the current source of funding for that program/service?

Clerical support for the Police Department for fiscal year 2018-2019 has been provided through Measure Z funding. Without Measure Z, the Police Department would not have the supportive assistance necessary to provide the enhanced customer and administrative services that are currently offered, which allows officers to remain in the field.

6. If you are awarded *Measure Z* funds, how will you use them to leverage additional grants, contributions, or community support?

Community support comes from the community's reliance on our Police Department to quickly respond to public safety calls and concerns. The Police Records Specialist I is readily available to community members and victims of crime and can make direct contact with sworn personnel as well as refer them to additional resources. Currently, when officers are not present at the Police Department headquarters, victims of crime must use a call box to summon assistance. Measure Z funds would continue to help mitigate that experience, allowing community members to get immediate assistance and allow officers to be in the field more often where they are more effective in making the community safe.

7. Will this proposal require new or expanded activity on the part of another entity to be fully functional and effective? If so, please describe.

No, this proposal does not require any activity on the part of another entity. It is believed the additional support to our officers will ultimately lower levels of crime in the City and subsequently lower the level of activity required of allied agencies and partners.

8. Are there recurring expenses associated to this application, such as personnel costs? Please check yes or no and if so, please detail those expenses. ■ Yes □ No

Yes, personnel costs are ongoing for the part-time clerical position. The requested funds are to pay the salary of the part-time, clerical position. All other expenses related to this position are born by the City.

**ATTACHMENTS—Please include the following with your application**

**Proposal Narrative:** Brief description of your request for *Measure Z* funds – Please explain how it is an essential service or for public safety. *(one page maximum)*

**Prior Year Results:** *If your request is a continuation of a program funded with Measure Z in prior fiscal years, please provide the results of implementation. (one page maximum)*

**Program Budget**

***I declare under penalty of perjury under the laws of the State of California that the above statements and all attachments are true and correct***

DATE: 2/21/2019

SIGNATURE: 

**SUBMIT THIS APPLICATION TO:**

Humboldt County Citizens' Advisory Committee on *Measure Z* Expenditures  
c/o County Administrative Office  
825 Fifth Street, Room 112  
Eureka, CA 95501-1153

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*Rio Dell Police Department  
675 Wildwood Avenue  
Rio Dell, CA 95562-1597  
(707) 764-5642*

February 20, 2019

TO: Humboldt County Citizen's Advisory Committee on Measure Z Expenditures

FROM: Jeff Conner, Chief of Police

SUBJECT: **Proposal Narrative:** Measure Z and the City of Rio Dell's part-time clerical support position in the Police Department.

The City of Rio Dell respectfully submits this proposal narrative for your consideration for Measure Z funding. The proposal is connected to two very important objectives for the City of Rio Dell: Enhanced public safety services and economic development. We believe that public safety and economic development go hand in hand.

Public safety has been greatly enhanced with the addition of an administrative support staff person in the Police Department through Measure Z funding for FY 2016-2017, 2017-2018, and 2018-2019. Our single staff member has enhanced our code enforcement efforts and made a significant positive impact at our front counter. This has allowed the department's sworn officers to be able to focus on the duties that their positions were intended for: public safety and lessening the deleterious effects of crime. An increase in public safety and a decrease in the crime rate will enhance our vision of building a safe, healthy, and economically viable City. We believe this also has a positive impact on the county as a whole, given our position along the US 101 corridor as a "gateway" to northern Humboldt as people travel from the south.

The City needs your help in solidifying this vision of creating a safer community and building economic sustainability. These objectives are the sole purpose for the City's proposal, which follows:

\$33,488 for a part-time Police Records Specialist I that will free up the valuable time of the City's five sworn officers

The continuation of this position in our Police Department is in direct line with the overall goals for which Measure Z was enacted: "To provide the funds necessary for expanding patrols, maintaining emergency response times, and making sure calls about violent or property crimes are responded to promptly."



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*Rio Dell Police Department  
675 Wildwood Avenue  
Rio Dell, CA 95562-1597  
(707) 764-5642*

February 20, 2019

TO: Humboldt County Citizen's Advisory Committee on Measure Z Expenditures

FROM: Jeff Conner, Chief of Police

SUBJECT: **Prior Year Results:** Measure Z and the City of Rio Dell's part-time clerical support position in the Police Department.

At the beginning of this funding cycle for Measure Z (July 1, 2018) the Rio Dell Police Department had twenty-three (23) open code enforcement cases. Since that time, the department has opened an additional eighteen (18) cases and closed eight (8) for a total of thirty-three (33) open cases as of today's date. The department has also tagged forty-five (45) junk or inoperable vehicles and towed twenty-two (22) in the same time frame. We continue to increase our code enforcement expectations focusing on junk vehicles, other forms of blight and illegal marijuana cultivation. The clerical support worker has been and will continue to be at the forefront of these enforcement actions.

More significantly officers in the field handled 1853 calls for service in the 2018 calendar year. This compares with 1824 calls in 2016 and 1800 calls in 2015. This is despite the department being at 50% of staffing levels or less for more than half of the year. There are multiple reasons why the department has been able to maintain this level of service despite significant officer shortages, but one of them is the presence of our clerical support. She allows the officers to concentrate on law enforcement activities and not be stuck in the station answering the phone, replying to records inquiries, babysitting lost dogs, mailing letters or the myriad of other things that she does for the department.

While it is anecdotal rather than a statistical measurement, several citizens have commented on how pleased they were to see officers in the field as well as to have the Police Department open during business hours.

Budget for Part-Time Police Records Technician  
Rio Dell Police Department

Invoice Date: 2/20/19

Invoice # MZ- \_\_\_\_\_

Invoice Period: \_\_\_\_\_

Descriptions	Amounts	Approved Budget	Remaining Balance
<b>D. Transportation/Travel (Local and Out-of-County should be separate)</b>			
Title: Out of County Travel for Training			0.00
Description: Travel costs related to training for Police Records Technician			_____
Title:			_____
Description:			_____
Title:			_____
Description:			_____
<b>Total Transportation/Travel Costs:</b>	<b>0</b>	<b>0</b>	<b>0.00</b>
<b>E. Fixed Assets</b>			
Title:			_____
Description:			_____
Title:			_____
Description:			_____
<b>Total Other Costs:</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Invoice Total:</b>	<b>33,488.00</b>		

**Budget for Part-Time Police Records Technician  
Rio Dell Police Department**

Invoice Date: 2/20/19

Invoice # MZ- \_\_\_\_\_

Invoice Period: \_\_\_\_\_

Descriptions	Amounts	Approved Budget	Remaining Balance
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**A. Personnel Costs**

<p>Title: Police Records Technician                      Salary and Benefits                      Calculation: 1,456 hours at \$19.40 per hour plus \$3.60 additional payroll costs                      Performs a variety of general, clerical and customer service duties involved in the maintenance, processing, and distribution of police records; serves as a call-taker and/or assists in dispatching units.                      Duties Description: records; serves as a call-taker and/or assists in dispatching units.</p>	33,488.00		(33,488.00)
<p>Title:                      Salary and Benefits                      Calculation:</p>			0
<p>Title:                      Salary and Benefits                      Calculation:</p>			0
<p>Title:                      Salary and Benefits                      Calculation:</p>			0

**Total Personnel: 33,488.00 0.00 (33,488.00)**

**B. Operational Costs (Rent, Utilities, Phones, etc.)**

<p>Title: Operational Costs                      Variable operational costs related to the addition of a part-time Police Records Technician</p>			0.00
<p>Title:</p>			
<p>Description:</p>			
<p>Title:</p>			
<p>Description:</p>			
<p>Title:</p>			
<p>Description:</p>			

**Total Operating Costs: 0 0 0.00**

**C. Consumables/Supplies (Supplies and Consumables should be separate)**

<p>Title:</p>			
<p>Description:</p>			
<p>Title:</p>			
<p>Description:</p>			
<p>Title:</p>			
<p>Description:</p>			
<p>Title:</p>			
<p>Description:</p>			

**Total Consumable/Supplies: 0 0 0**





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



For Meeting of: February 4, 2020

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: January 29, 2020

Subject: Adoption of the State's Model Water Efficient Landscape Ordinance (MWELO), Ordinance No. 378-2020 establishing Chapter 13.40 of the Rio Dell Municipal Code (RDMC).

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**Recommendation:**

That the City Council:

1. Open the public hearing, receive public input and deliberate; and
2. Approve and adopt Ordinance No. 378-2020 which adopts the State's Model Efficient Landscape Ordinance, Chapter 13.40 of the Rio Dell Municipal Code (RDMC).

**Discussion**

As discussed at your meeting of January 7, 2020, the purpose of the Model Water Efficient Ordinance is to add provisions to the Rio Dell Municipal Code to address permitting requirements for water efficient landscaping. The State mandated that local jurisdictions either adopt the State's Model Water Efficient Landscape.

Staff is recommended adopting the State's Model Water Efficient Landscape Ordinance (MWELO). Your Council concurred with a 4-0 vote. Council member Strahan was absent.

Again, all new development projects are subject to the Ordinance, including new and rehabilitated residential, commercial, industrial and institutional projects that require a permit, plan check or design review.

**Attachments**

Attachment 1: Ordinance No. 378-2020 establishing Chapter 13.40, Model Water Efficient Landscape Ordinance (MWELO) of the Rio Dell Municipal Code (RDMC).

**ORDINANCE NO. 378-2020**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
ESTABLISHING A WATER EFFICIENT LANDSCAPE ORDINANCE,  
CHAPTER 13.40 OF THE RIO DELL MUNICIPAL CODE**

**WHEREAS**, Governor Brown’s Executive Order of April 1, 2015 (EO B-29-15) directed DWR to update the State’s Model Water Efficient Landscape Ordinance (MWELo) through expedited regulation; and

**WHEREAS**, the California Water Commission approved the revised Ordinance on July 15, 2015; and

**WHEREAS**, about half of the urban water is used for landscape irrigation in California; and

**WHEREAS**, large water savings can be gained by efficient landscape design, installation, and maintenance; and

**WHEREAS**, new development and retrofitted landscape water efficiency standards are governed by the Model Water Efficient Landscape Ordinance (MWELo); and

**WHEREAS**, all agencies are required to adopt, implement, and enforce the MWELo or a more stringent ordinance.

**WHEREAS**, all new development projects are subject to the Ordinance, including new and rehabilitated residential, commercial, industrial and institutional projects that require a permit, plan check or design review.

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

**Section 1.**

**Chapter 13.40 of the Rio Dell Municipal Code is hereby established as follows**

**(1) Purpose.**

The purpose of this Ordinance is to add provisions to the Rio Dell Municipal Code to address permitting requirements for water efficient landscaping. These changes are necessary to reflect changes in California law (Assembly Bill 1881, Government Code Section 65591 et seq.) and to promote the conservation and efficient use of water.

**(2) Applicability.**

(a) The provisions of this Article shall apply to all of the following landscape projects that are provided and/or required as part of a building permit, grading permit, discretionary permit, or site plan review:

(1) Public agency and private development projects. New construction and rehabilitated landscape projects with landscape area equal to or greater than 2,500 square feet.

(2) Developer-installed in single-family and multi-family residential projects. New construction and rehabilitated landscape projects with landscape area equal to or greater than 2,500 square feet cumulative.

(3) Homeowner-provided in single-family and multi-family residential projects. New construction landscape projects with landscape area equal to or greater than 5,000 square feet that are served by a community water system.

(b) These provisions shall also apply to the following landscape projects with significant water needs:

(1) Existing landscapes equal to or greater than one acre, with a dedicated water meter. Such landscapes are limited to preparing a water efficient landscape worksheet in accordance with the specifications in the Landscape Documentation Package (Section 13.40(4) Submittal Requirements). If water use exceeds the Maximum Applied Water Allowance, the property owner shall consult the Planning and Public Works Department for recommendations to reduce water use and to prevent water waste.

(2) New and rehabilitated cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries shall require the preparation of a water efficient landscape worksheet and submittal of a Certificate of Completion. Existing cemeteries are limited to (1) above.

(c) The provisions of these regulations shall not apply to the following:

(1) Registered local, state or federal historical sites;

(2) Ecological restoration and similar projects that do not require irrigation systems for longer than five years in duration to establish the plants;

(3) Mined-land reclamation projects that do not require irrigation systems for longer than five years in duration to establish the plants;

(4) Plant collections, as part of botanical gardens, arboretums, and nature centers open to the public; and

(5) Community gardens.

### **(3) Definitions.**

For the purposes of these regulations, unless otherwise apparent from the context, certain words and phrases used in these regulations are defined as follows:

“Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

“California Invasive Plant Inventory” means the California Invasive Plant Inventory maintained by the California Invasive Plant Council.

“Check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

“Community garden” means a piece of property or area of a property that is dedicated solely to edible plants and gardened by a cooperative group of people living in the area.

“Community water system” means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

“Developer-installed” means a landscape project installed by or under the direction of the developer of a development project.

“Ecological restoration project” means a project, where the primary function of such project is to assist in the recovery of an ecosystem that has been degraded, damaged, or destroyed. For purposes of this ordinance, restoration focuses on establishing the composition, structure, pattern, and ecological processes necessary to make terrestrial and aquatic ecosystems sustainable, resilient, and healthy under current and future conditions.

“Estimated Total Water Use” (ETWU) means the total water used for the landscape.

“ET adjustment factor” (ETAF) means, except for special landscape areas, a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The

ET adjustment factor for special landscape areas shall not exceed 1.0.

“Evapotranspiration” (ETO) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

“Head to head coverage” means full coverage from one sprinkler head to the next.

“Homeowner-provided landscaping” means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner.

“Hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

“Invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources.

“Irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

“Irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

“Landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

“Landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this ordinance, meeting requirements under Section 13.40(2) (Applicability).

“Low volume irrigation” (also “point source irrigation”) means the application of irrigation

water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plant.

“Low-head drainage” means water that flows out of the system after the valve turns off due to elevation changes within the system.

“Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor (ETAF), and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance.

“Mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

“Mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

“New construction” means, for the purposes of this ordinance, a new building or structure with a landscape, such as a house, accessory structure, pool, gazebo, or commercial or industrial building. This definition also includes other new landscapes, such as a park, playground, or greenbelt without an associated building.

“Overhead irrigation system” means a system that delivers water through the air (e.g., spray heads and rotors).

“Overspray” means the irrigation water which is delivered beyond the target area.

“Pervious” means any surface or material that allows the passage of water through the material and into underlying soil.

“Plant factor” is a factor, when multiplied by ETO, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species.”

“Point source irrigation” see low volume irrigation.

“Precipitation rate” means the rate of application of water measured in inches per hour.

“Rain sensor” means a component which automatically suspends an irrigation event when it rains.

“Recycled water” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

“Reference Evapotranspiration” or “ET)” means a standard measurement of environmental parameters that affect the water use of plants, and is an estimate of the Evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered.

“Rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 8-2.3702 (Applicability), and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.

“Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

“Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants (food producing gardens), areas irrigated with recycled water, water features using recycled water, storm water detention basins, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

“Subsurface irrigation” means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.

“Swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

“Turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses. The meaning of “turf” does not include landscape areas planted with non-irrigated native California grasses.

“Water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not

water features, and therefore, are not subject to the water budget calculation.

**(4) Submittal Requirements.**

(a) Landscape Documentation Package. Prior to commencing construction on a landscape project subject to the provisions of this Article, a Landscape Documentation Package shall be submitted to the City for review and approval.

(1) The Landscape Documentation Package shall be filed with the Planning and Public Works Department on a City approved application form. The Landscape Documentation Package application shall include all required fees and/or deposits, and all plans, specifications, and submittals required by the department, including but not limited to:

- (i) General project information
- (ii) Water Efficient Landscape Worksheet
- (iii) Soil management report
- (iv) Landscape and grading design plan
- (v) Irrigation design plan

(2) The Landscape Documentation Package application shall only be approved after the City verifies that the proposed landscape project complies with the provisions of this Ordinance, other applicable provisions of this code, and any applicable conditions of a discretionary permit or other entitlement.

(b) Certificate of Completion. Following installation of landscaping subject to the provisions of this Article, the project applicant shall submit a Certificate of Completion to the City for review and final approval.

(1) Prior to issuance of a certificate of occupancy or final building or grading permit, the Certificate of Completion shall be submitted to the Planning and Public Works Department on a form prescribed by the City that shall include the following information and documentation:

- (i) General project information
- (ii) Certificate of Installation
- (iii) Copy of Landscape Irrigation Audit

(c) Permit Issuance and Enforcement.

(1) Upon successful completion of the Certificate of Completion, the City shall issue a "final" landscape permit to the property owner/project applicant.

(2) The City may conduct inspections for the purpose of enforcing this Ordinance and, as necessary and appropriate, may utilize any of the enforcement mechanisms set forth in the Rio Dell Municipal Code or otherwise authorized by law to address violations.



**(5) Landscaping Standards.**

All landscape projects subject to the provisions of this Ordinance shall comply with the following landscaping standards.

**(a) Plant selection and grouping.**

(1) Any plant may be selected for the landscape, providing the Estimated Total Water Use (ETWU) in the landscape area does not exceed the Maximum Applied Water Allowance (MAWA), and that the plants meet the specifications set forth in (2), (3), (4), and (5) below.

(2) With the exception of Special Landscape Areas, a minimum 25% of landscape area shall be comprised of native plants.

(3) Plants having similar water needs shall be grouped together in distinct hydrozones.

(i) Within distinct hydrozones, plants of moderate and low water use, or moderate and high water use can be mixed, so long as the plant factor of the higher water using plant is used for calculations.

(ii) High water use plants shall not be mixed with low water use plants.

(4) Plants shall be selected appropriately based on their adaptability to the climate, geologic, and topographical conditions of the site. Protection and preservation of existing native California species and natural areas is encouraged.

(5) The use of invasive plant species, as listed in the California Invasive Plant Inventory produced by the California Invasive Plant Council, or as determined by the Director of Planning and Public Works, is prohibited.

(6) Fire prevention needs shall be addressed in fire-prone areas. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b).

**(b) Turf requirements.**

(1) Turf shall not be planted on slopes exceeding 25% where the toe of the slope is adjacent to or within four feet of an impermeable hardscape (rise divided by run x 100 = slope percent).

**(c) Soil Amendments, conditioning, and mulching.**

(1) A minimum three (3) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications. To provide habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch. Designated insect habitat must be included in the

landscape design plan as such.

(2) Stabilizing mulching products shall be used on slopes.

(3) Soil amendments shall be incorporated based on the recommendations of the soil management report.

(d) Water features.

(1) Recirculating water systems shall be used for all water features.

(2) The surface area of a water feature shall be indicated on the landscape plans and included in the high water use hydrozone area of the water budget calculation.

(3) Recycled water shall be used for decorative water features when available on site.

(e) Stormwater Management.

(1) The landscape project area shall be graded so that all irrigation and normal rainfall remains within the property lines and does not drain on to non-permeable hardscapes.

(2) Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

(3) Soil compaction in landscape areas is prohibited unless required by the geotechnical or engineering report.

#### **(6) Irrigation Requirements.**

This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package. All landscape projects subject to the provisions of this Ordinance shall comply with the following irrigation requirements.

(a) Irrigation system.

(1) Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq.ft. (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 sq. ft. or greater. A landscape water meter may be either:

- (i) A customer service meter dedicated to landscape use provided by the local water purveyor; or
- (ii) A privately owned meter or submeter.

(2) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

(3) If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

- (i) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

- (ii) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(4) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

(5) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

(6) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

(7) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.

(8) Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

(9) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or

other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

(10) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

(11) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(12) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 492.4 of Title 23, Division 2, Chapter 2.7 of the California Code of Regulations (CCR) regarding the Maximum Applied Water Allowance.

(13) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard, All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(14) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(15) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

(16) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(17) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

(18) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.

(19) Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

(20) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produce no runoff or overspray.

(21) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface.

Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

- (i) The landscape area is adjacent to permeable surfacing and no runoff occurs; or
- (ii) The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
- (iii) The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 492.7 (a)(1)(I) of Title 23, Division 2, Chapter 2.7 of the California Code of Regulations (CCR). Prevention of overspray and runoff must be confirmed during the irrigation audit.

(22) Slopes greater than 25% shall not be irrigated with an irrigation system with a application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(b) Hydrozones.

(1) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(2) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

(3) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

(4) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

- (i) Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
- (ii) The plant factor of the higher water using plant is used for calculations.

(5) Individual hydrozones that mix high and low water use plants shall not be permitted.

(6) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the

Hydrozone Information Table (Appendix B Section A of Title 23, Division 2, Chapter 2.7 of the California Code of Regulations (CCR). This table can also assist with the irrigation audit and programming the controller.

**(7) Public Education.**

Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged throughout Rio Dell.

(a) Literature and resources. The Planning and Public Works Department shall make available information to the general public regarding the design, installation, management, and maintenance of water efficient landscapes.

(b) Model homes. Landscaping shall be installed, in compliance with this Ordinance, for all model homes in subdivisions where a Final Subdivision Map has been approved by the City. The landscaping for model homes shall incorporate the policies of this Ordinance and the developer shall include the following:

(1) Signs that identify the model home landscaping as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

(2) Literature shall be provided to anyone touring a model home that describes the design, installation, management, and maintenance of water efficient landscapes.

**Section 2. 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 3. CEQA Compliance**

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061(b)(3) of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any significant impact to the environment would occur as a result of adoption of the 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 January 7, 2020 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 February 4, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 378-2020 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on February 4, 2020.

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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  
(707) 764-5480 (fax)

DATE: February 4, 2020

TO: Mayor and Members of the City Council

FROM: Cheryl Dillingham, Interim Finance Director 

THROUGH: Kyle Knopp, City Manager

SUBJECT: Amend Chapters 13.05 and 13.10 of the Rio Dell Municipal Code to allow compliance with Senate Bill 998

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Have staff introduce (first reading) Ordinance No. 380-2020 regarding amending Chapter 13.05 Water Rates and Regulations and Chapter 13.10 Sewer Rates and Regulations of the Rio Dell Municipal Code to allow compliance with Senate Bill (SB) 998; and
2. Open the public hearing, receive public input and deliberate; and
3. Continue consideration, approval and adoption of the proposed Ordinance to your meeting of February 18, 2020 for the second reading and adoption.

BACKGROUND AND DISCUSSION

The City of Rio Dell provides water service to approximately 1,400 accounts. Customer account policies are currently in the Rio Dell Municipal Code (RDMC), including the process by which a customer's water service will be shut off for nonpayment.

SB 998, also known as the Water Shutoff Protection Act, was approved by the Governor in September 2018 and declares that all Californians have the right to safe, accessible and affordable water. Among other things, the law requires the City to adopt by resolution a formal residential water discontinuance policy that includes all procedural safeguards included in SB 998. Public entities with less than 3,000 customers must implement SB 998 by April 1, 2020. The first step to comply with SB 998 is adoption of an ordinance to remove all contrary shut off language currently found in the City's municipal code.

The recommended amendments to RDMC Chapters 13.05 and 13.10 remove conflicting shut off provisions and require discontinuance of residential water service for nonpayment to be in accordance with a policy adopted by Council resolution. The new policy will be brought to you for



review and approval in March. Additional minor changes have also been included in the ordinance to remove or correct existing duplicative language.

ATTACHMENTS

Ordinance No. 380-2020 regarding amending Chapter 13.05 Water Rates and Regulations and Chapter 13.10 Sewer Rates and Regulations of the Rio Dell Municipal Code to allow compliance with SB 998

**ORDINANCE NO. 380-2020**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING CHAPTER 13.05 WATER RATES AND REGULATIONS  
AND CHAPTER 13.10 SEWER RATES AND REGULATIONS  
OF THE RIO DELL MUNICIPAL CODE TO  
TO ALLOW COMPLIANCE WITH SENATE BILL 998**

**WHEREAS**, Senate Bill (SB) 998 was signed by the Governor on September 28, 2018; and

**WHEREAS**, SB 998 applies to urban and community water systems, defined as public water systems the supply water to more than 200 service connections; and

**WHEREAS**, SB 998 requires urban and community water systems to have a written policy on discontinuation of residential water service for nonpayment and requires that policy to include certain components such as not discontinuing residential water service until a bill is 60 days delinquent and to provide the customer 7 business days' notice prior to the discontinuation of residential water service; and

**WHEREAS**, the Rio Dell Municipal Code (RDMC) must be amended to remove contrary provisions and to provide for the adoption by resolution of a policy in compliance with SB 998.

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

**Section 1. Code Amendments**

The City Council makes the following amendments to the RDMC, Chapters 13.05 Water Rates and Regulations and 13.10 Sewer Rates and Regulations. Deletions are shown in **strikeout** and additions are shown in ***bold italics***.

**13.05 Water Rates and Regulations**

~~**13.05.090 Shutting off water for repairs – Delinquent accounts.**~~

~~The City reserves the right to shut off the water supply to any premises at any time without notice, for the purpose of making repairs, extensions or other necessary purposes, or for any~~

~~violation of this chapter, or any overdue payment, or delinquency of payment of any City utility service.~~

**13.05.120 Turning water off or on for repairs or in an emergency.**

The City shall have the right in an emergency, for the purpose of making repairs, extensions or other necessary purposes to turn the water off or on without notice, but it shall be the duty of the Water Department to make a reasonable effort to notify all consumers that the water is to be turned off or on.

**13.05.260 Billing.**

(1) All water billing shall be monthly based on meter reading which will commence approximately three weekdays prior to the end of each month, with billings scheduled for posting and delivery on the first day of each month. Utility bills are due and payable upon receipt. ~~no later than the twenty-sixth of each month at Rio Dell City Hall.~~

The City may read water meters on a bimonthly basis. If a bimonthly meter reading schedule is established, monthly bills shall be calculated as set forth by resolution duly adopted by the City Council of the City of Rio Dell.

Utility bills not having been paid by the twenty-sixth of the month shall be considered delinquent and no further notice is required other than the said next following billing reflecting two months of service are outstanding.

~~Should payment in full not be received within 10 calendar days from the said second billing, then shut-off notices shall be sent to the water customer and the water service discontinued until payment of all outstanding billings is made in full; provided further, that no such shut-off will occur on a Friday, weekend, or City holiday unless specifically directed by the Director of Public Works.~~

(2) Water service billing shall be assessed against the person or persons who reside in or otherwise occupy the premises being served and are identified as the same having completed an application for water service as a non-owner resident of the premises, and after submitting a deposit as established by resolution of the City Council against any water charges sustained during the said non-owner's occupancy or control of the said premises, whereupon the said depositor shall receive a numbered receipt which shall be required to be presented at demand of all or any part of any refundable balance of said deposit remaining after any and all current water service charges have been deducted; provided, however, that the person or persons who reside in or otherwise occupy the premises shall be liable for any and all unpaid water service charges not paid by the said non-owners or remaining after full deposit amounts have been applied to any outstanding water service billings.

(3) Should any particular monthly meter reading not be possible, due to malfunctioning equipment, temporary inaccessibility or other reason that prohibits meter reading, each such account shall be billed for the total minimum rate until such time as the problem is resolved

and monthly meter reading can be resumed. The City may remove any obstruction that prohibits meter reading at the sole expense of the consumer.

(4) City water users on meters outside the City limits shall pay for service as contained in RDMC 13.05.240 and all other requirements of this chapter shall be enforceable as a condition of service thereto.

(5) Any water service situation not specifically covered in any section of this chapter will be reviewed and handled on a case-by-case basis as determined by the Public Works Director, with resultant fees, if involved, established on an equitable basis with those rates herein established.

(6) Failure to receive a bill does not relieve the consumer of liability for payment of any amounts due by this chapter.

#### **13.05.280 Discontinuance of service for non-payment.**

*(1) In the event that any **non-residential** consumer ~~shall be~~ delinquent in the payment of **his** ~~their~~ water bill, ~~and in accordance with the provisions of RDMC 13.05.250(1),~~ **and payment in full is not received within 10 calendar days from the said second billing, then shut-off notices shall be sent and** the Department shall have the right forthwith and without further notice to discontinue water service to the premises of such delinquent consumer.*

*(2) Residential water service may only be discontinued for nonpayment in accordance with the policy on discontinuation of residential service for nonpayment adopted by formal resolution of the City Council, as the same may be amended from time to time.*

*(3) The City may remove any obstruction that prohibits access to the meter for discontinuance of water service at the sole expense of the consumer.*

#### **13.05.300 Procedure for restoring service after delinquency.**

If water service is cut off or discontinued for failure to pay delinquent bills, or for any reason, such service may again be established only in the event the consumer or the owner of the premises served pays all ~~outstanding delinquent~~ bills, ~~penalties~~ and charges as may be required by this chapter ~~or City policy~~.

#### **13.05.315 Payment extension.**

Every request that is made by a residential consumer for an extension of payment period of such bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the City Manager or the City Manager's designee. The review shall include consideration of whether the consumer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed six months.

*Granting of a payment extension ~~is discretionary and discontinuation of services for failure to pay shall be in accordance with the policy referenced in RDMC 13.05.280(2).~~*

~~The City Manager is authorized to discontinue service to a residential consumer with an amortization agreement if the consumer fails to keep the account current as charges accrue in each subsequent billing period.~~

### 13.10 Sewer Rates and Regulations

#### ~~13.10.080 Shutting off water.~~

~~The City reserves the right to shut off the water supply to any premises at any time, for the purpose of making sewer line repairs, extensions or other necessary purposes or for any infraction of this chapter or any overdue payment or delinquency of payment of any City utility service billing.~~

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

The City shall have the right in an emergency, for the purpose of making sewer line repairs, extensions or other necessary purposes to turn the water off or on without notice, but it shall be the duty of the Water Department to make a reasonable effort to notify all consumers that the water is to be turned off or on.

#### ~~13.10.160 Reconnection fees.~~

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

#### 13.10.230 Rates, charges and billings.

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

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

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

(2) Sewer service billing shall be assessed against the person or persons who reside in or otherwise occupy the premises being served and identified as the person or persons having

completed an application for sanitary sewer service as a nonowner resident of the premises, and after having deposited \$200.00 as surety against any sewer service charges sustained during the said nonowner occupancy or control of the said premises, whereupon the depositor shall receive a numbered receipt which shall be required to be presented at demand of all or any part of a refund of any balance of deposit remaining after any and all current sanitary sewer service charges are satisfied.

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

(3) In any case where customers are served by the Rio Dell sewer system, the customer shall pay rates as established by resolution.

~~(4) All sewer billing is due and payable at the Rio Dell City Hall and payments not made before the next following billing shall be deemed to be delinquent and 10 calendar days thereafter, without benefit of further notice, delinquent services will be discontinued (refer to subsection (2) of this section).~~

(5) Any consumer required to pay for sewer services in accordance with this section who commences service on or after the sixteenth ~~of any month~~ day from the last monthly meter reading shall pay a rate for that month of only 50 percent of the required rate for the full month.

Any consumer required to pay for sewer service in accordance with this section who discontinues service on or before the fifteenth day ~~of any month~~ from the last meter reading shall pay a rate for that month of only 50 percent of the required rate for the full month.

#### **13.10.240 Discontinuance of service for nonpayment for water customers.**

~~(1) In the event that any non-residential customer ~~shall be~~ delinquent in the payment of his their sewer bill, the Department shall have the right forthwith and without further notice to discontinue water service to the premises of such delinquent customer, and water shall not again be supplied to him or to the premises until all delinquent City utility bills and charges for reconnection have been paid.~~

(2) Residential water service may only be discontinued for nonpayment in accordance with the policy on discontinuation of residential water service for nonpayment adopted by formal resolution of the City Council, as the same may be amended from time to time.

**13.10.250 Procedure for restoring service after delinquency.**

If water service is cut off or discontinued for failure to pay delinquent City utility bills, such service may again be established only in the event the customer or the owner of the premises served pays all delinquent-outstanding bills, penalties and charges as may be required by this chapter, RDMC 13.05.290 or City policy.

**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. Limitations 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 April 1, 2020.

**I HEREBY CERTIFY** that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City Rio Dell on February 4, 2020 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 February 18, 2020 by the following vote:

- Ayes:
- Noes:
- Abstain:
- Absent:

\_\_\_\_\_  
Debra Garnes, Mayor

ATTEST:

I Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance 380-2020 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on February 18, 2020.

\_\_\_\_\_  
Karen Dunham, City Clerk, City of Rio Dell