

A G E N D A
RIO DELL CITY COUNCIL
REGULAR MEETING- 6:30 P.M.
TUESDAY, MARCH 1, 2011
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

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

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

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

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. STUDY SESSIONS
- E. CEREMONIAL
- F. CONSENT CALENDAR

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

- 1) 2011/0301.01 - Approve Minutes of the February 1, 2011 Joint Study Session (as revised)
(ACTION) **1**
- 2) 2011/0301.02 - Approve Minutes of the February 15, 2011 Regular Meeting **(ACTION)** **6**
- 3) 2011/0301.03 - Approve Agreement with Winzler & Kelly for Review of the Wastewater Treatment Plant and Pipeline Design Drawings **(ACTION)** **13**

- 4) 2011/0301.04 - Approve Pay Request No. 3 for Wendt Construction Co., Inc. in the Amount of \$51,897.68 for work related to the Fireman's Park Improvement Project **(ACTION)**

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G. SPECIAL PRESENTATIONS

H.. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar

M. ORDINANCES/SPECIAL RESOLUTIONS

- 1) 2011/0301.05 – Public Hearing, Second Reading (by title only) and Approval of Ordinance No. 271-2011 Surplus Property **(ACTION)**

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N. 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. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, 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 5 minutes.

O. REPORTS/STAFF COMMUNICATIONS

- 1) City Manager
- 2) Finance Director – Quarterly Financial Reports
- 3) Chief of Police
- 4) Public Works Director

P. COUNCIL REPORTS/COMMUNICATIONS

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

- 1) 2011/0301.06 - REAL PROPERTY NEGOTIATIONS Property: Monument Springs (Disposition) Agency Negotiator: Ron Henrickson, City Manager (Government Code Section 54956.8)
- 2) 2011/0301.07 - REAL PROPERTY NEGOTIATIONS Property Acquisition Agency Negotiator: Ron Henrickson, City Manager (Government Code Section 54956.8)

- R. PUBLIC COMMENT REGARDING CLOSED SESSION
- S. RECESS INTO CLOSED SESSION
- T. RECONVENE INTO OPEN SESSION
- U. ORAL ANNOUNCEMENTS
- V. ADJOURNMENT

*The next Regular meeting will be on March 15, 2011
at 6:30 PM in the City Council Chambers*

**RIO DELL CITY COUNCIL
PLANNING COMMISSION
STUDY SESSION
FEBRUARY 1, 2011
MINUTES**

A Study Session with the Rio Dell City Council/Planning Commission was called to order at 5:00 P.M. by Mayor Pro Tem Marks.

ROLL CALL: Present: Mayor Pro Tem Marks, Councilmembers Leonard, Marks and Thompson, Planning Commissioners Dave Gonzales, Andrew Gonzales, Johnson, Millington, and Sweaney

Absent: Mayor Woodall, Councilmember Barsanti and Planning Commissioner Millington (arrived at 5:30 p.m.)

Others Present: City Manager Henrickson, Acting Director of Public Works Jensen, Planning Consultant Williamson, Planwest Partners, and City Clerk Dunham

CEREMONIAL

Swearing in of Newly Appointed Planning Commission Members

City Clerk Dunham swore in Gordon Johnson to fill the unexpired term ending December 31, 2012; and Andrew Gonzales to a new three year term ending December 31, 2013.

STUDY SESSION MATTERS

Introduction of New Planning Commissioner Gordon Johnson

City Manager Henrickson introduced Gordon Johnson as the newly appointed planning commissioner and provided a brief review of his background stating that he has resided in Rio Dell for 32 years, graduated from Humboldt State with a degree in Civil Engineering, and spent the majority of his career employed by California Department of Transportation (Cal-Trans).

Development of Dinsmore Plateau

City Manager Henrickson stated the purpose of the study session was to have a general discussion of the various development scenarios for the approximate 150 acre parcel known as the Dinsmore Plateau and the possible impacts to the City infrastructure. He said the owner of the property had approached the City Planner regarding rezoning of the property from the current 5 acre density to a greater density. A meeting was scheduled with the City Manager, City Planner and the property owner for January 26, 2011 to discuss his ideas however, the owner was unable to attend. He said they did meet with the owner's engineer, Allen Baird who expressed the owner's desire to change the zoning to allow for 150-200 high density condominiums including an agricultural preserve.

FEBRUARY 1, 2011
STUDY SESSION
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City Manager Henrickson said in the best interest of the City, he would like to wait and see what the owner is proposing before getting into too much discussion. He noted that typically large projects such as this are built around specific amenities such as a golf course however, it was noted that the plan included a swimming pool and riding trails.

In comparing a development of 30 units or 60 plus units City Manager Henrickson identified five points to consider with 30 units or less: the development would not necessitate a second access; 2) major improvements to Monument Road would not be necessary; 3) intersection improvements would be necessary; 4) there would be sufficient water storage and supply and may be able to have on-site septic systems, although he would recommend against; and 4) storm water could be handled on site for either development but the design would be drastically different.

Commissioner Johnson asked if there was a date set for a follow up meeting with the owner; City Manager Henrickson said he had not yet received a response confirming the tentative meeting date.

Councilmember Thompson asked if the owner was proposing to rezone the property prior to submittal of a development plan; City Manager Henrickson said he would like to see a development agreement up front since the improvements are substantial.

Planner Williamson stated the applicant currently has on file with the City an application for a General Plan Amendment changing the density from 5 acre to 1 acre; a Zoning Amendment changing the zoning from Rural 5 acre minimum lot size to Suburban Low 1 acre minimum lot size including a Planned Development Overlay which would allow for clustering of homes; and a Conditional Use Permit Application on an existing structure. He stated those three applications must be completed prior to the submittal of a subdivision map.

City Manager Henrickson reiterated that he would not be supportive of a subdivision map without a development agreement in place to assure that City costs are covered for infrastructure improvements. He recommended waiting for submittal of a plan, then to get together and analyze then make the decision to move forward or not.

Councilmember Marks asked for a review of the subdivision process; George explained if an applicant applies for a minor subdivision and designates the remaining lot as the "remainder" it cannot be split again however, said in this instance it is not the case.

Commissioner Millington arrived at this time, 5:30 p.m. and was sworn in by City Clerk Dunham for another three year term ending December 31, 2013.

De-Annexation of Blue Slide Road/Natural Resources Lands (Metropolitan)

City Manager Henrickson stated Blue Slide Road was recently annexed into the City with the expectation of development of a major subdivision. Since this is no longer the case, City staff expressed concern about the cost of maintenance and repair of Blue Slide Road due to its deteriorated condition and potential liability to the City if it is not repaired. He noted a short term fix would be to level the roadway at an estimated cost of \$20,000-\$25,000 however said he would not recommend it. Another alternative would be to pursue de-annexation.

City Manager Henrickson said in the case of the Natural Resource Area property, it was annexed as a possible site for the City's wastewater disposal. Under the present plan this property is not going to be used therefore, staff would like to discuss the merits of de-annexing that area as well.

He commented that the County may be amenable to the process since it has been their desire to retain agricultural land if possible. Also, many of the residents in that area have expressed their support for de-annexation.

Planner Williamson reviewed the process for de-annexation and notification of property owners.

City Manager Henrickson pointed out that there would be City costs associated with the de-annexation process but the costs would clearly be much greater for repairs to Blue Slide Road. He said the decision to approve or deny the de-annexation would be up to LAFco.

City Manager Henrickson said based on decades of planning and development experience, the optimum site for development in the City is the Dinsmore Plateau stating there is far more potential and less cost to the City than that of Blue Slide Road.

Councilmember Thompson asked if there was any potential liability by Mr. Micheli due to loss of property values; City Manager Henrickson said he spoke with the attorney and said there would be little or no risk.

Councilmember Marks expressed concern about the City not placing restrictions on the annexation when approved.

Commissioner Johnson asked if there were estimates established for improvements to Blue Slide Road and if the City had made any improvements; he was told neither were done.

Councilmember Thompson asked if the land recently purchased by the City for effluent disposal would need to be annexed; Planner Williamson stated that it would be.

**FEBRUARY 1, 2011
STUDY SESSION
Page 4**

Councilmember Leonard directed comments to Planner Williamson stating that there was one parcel owned by Mozzetti that was shown on the map as being annexed into the City however, that parcel number was not included in the annexation application to LAFco. Planner Williamson stated that it was most likely an oversight on his part and agreed to follow up and correct the error.

Commissioner Sweaney asked if the proposed de-annexation would include the land owned by RLF Properties on Blue Slide Road; Planner Williamson explained there is a pending annexation application for the 32.8 acre parcel stating if the City decides to move forward with the de-annexation process, the property owner would be notified that their application cannot move forward since any proposed parcels must be contiguous with City limits.

Commissioner Gonzales (Dave) stated he was not too excited about the cost associated with de-annexation and asked what would happen if RLF Properties were receptive to paying for improvements to Blue Slide Road.

City Manager Henrickson stated that he didn't believe the City Engineer was ever asked to comment on the Blue Slide Road Annexation and if they had, the costs for improvements to Blue Slide Road would have been assessed.

Councilmember Thompson commented on the proposed Bear River Wind Power Project and anticipated improvements to City roads required to allow for transporting of large turbine components and said there is a logging road off of Webster St. that leads to Monument Ridge that could be improved and used as an alternate route. If so, this may be a way to provide for improvements to Belleview Ave. and Blue Slide Road.

Commissioner Millington asked if there was any perceived liability to the City by Mr. Micheli and if he had any obligation to the City in regard to infrastructure improvements since the annexation application was approved based on the expectation of a major subdivision; Planner Williamson indicated Mr. Micheli had no legal obligation.

City Manager Henrickson said had there been a development agreement, he would be legally bound by that agreement.

Commissioner Gonzales (Dave) asked if the annexation for the new disposal site could be combined with the de-annexation application before LAFco; Planner Williamson stated they would be separate applications however they could run concurrently.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:10 p.m.

Attest:

Melissa Marks, Mayor Pro Tem

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
REGULAR MEETING
FEBRUARY 15, 2011
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Leonard, Marks, and Thompson

Absent: Councilmember Barsanti

Others Present: City Manager Henrickson, Finance Director Beauchaine, Water/Street Superintendent Jensen, Wastewater Superintendent Chicora, Jim Stretch, and Clerk Ralston

CONSENT CALENDAR

Mayor Woodall announced the items to be approved on the consent calendar and asked staff, the public, and Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Councilmember Leonard asked that Item 1 be removed from the consent calendar for separate discussion under *Special Call Items*.

Councilmember Marks asked that Item 3 be removed from the consent calendar for separate discussion under *Special Call Items*.

Motion made by Thompson/Marks to approve the consent calendar including item 2 approval of the minutes of the February 1, 2011 regular meeting, approval of item 4 directing the City Manager to ascertain interest of landowners and develop application schedule for Prop 84 Statewide Park Program, and approval of item 5 the revised City Manager Job Description;

Motion carried 4-0 with Mayor Woodall abstaining from item 2.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Minutes of the February 1, 2011 Joint Study Session - Councilmember Leonard requested the minutes be brought back at a later date with corrections as there were missing comments/statements.

Approve Minutes of the February 1, 2011 Regular Meeting- Mayor Woodall stated that Mayor Farley was appointed Chair of HCOAG not Jay Parrish as reflected in the minutes and requested the minutes be approved with the correction. Motion made by *Marks/Thompson to Approve Minutes of the February 1, 2011 Regular Meeting as corrected*. **Motion carried 4-0.**

Approve Sanitary Sewer Management Plan- Councilmember Marks asked if the City previously had a sanitary sewer management plan. Wastewater Superintendent Chicora stated that this was a new requirement, and he stated that the SSMP is a plan with a list of goals to meet and that each year the Wastewater Dept. will update the documents. He further stated that updating the city's sewer ordinance was the next goal.

Councilmember Marks asked if water bills would be sent out in Spanish. Finance Director Beauchaine and W.W. Superintendent Chicora both responded that was not planned at this time. Motion made by *Marks/Leonard to Approve the Sanitary Sewer Management Plan. Motion carried 4-0.*

Discussion on Business License Ordinance Update, Establishing Business License Administration Fees and Submittal of Update of Business License Tax to Voters for Approval- Jim Stretch began the discussion stating that there are four recommendations for council to consider, and there are 5 attachments to the staff report. Jim Stretch explained each of the attachments starting with attachment 1. He stated it is the new draft ordinance and added that the current ordinance has taxes and fees' combined and they need to be separate. Attachment 2 is a draft resolution that restates existing taxes and he added that the purpose of this resolution was to separate those taxes from fees. Stretch explained that taxes must be approved by a community vote; whereas fees are a reimbursement of public fees, therefore they do not need a community vote, but do require a public hearing in front of the council.. Attachment 3 is a draft resolution that establishes administrative *fees* for the business license program, not taxes. Attachment 4 is information that was developed to determine the appropriate fees without showing a profit. Attachment 5 shows the administrative fee adjustments/schedule that are in draft resolution 1098-2010.

Jim Stretch then read the 4 recommendations aloud that are contained in the staff report and stated that this was not a public hearing, but a public discussion. He went on to explain that there are 14 major changes being proposed for the business license ordinance, located on page 2 of the staff report.

Councilmember Leonard noted that the incorporation date on the draft resolutions is not correct, as the City was incorporated in 1965 not 1964.

Councilmember Marks asked if this was submitted to the voters, would it generate more income, and what is the annual income from business licenses now. Finance Director Beauchaine responded that it was between \$5,000 and \$9,000 per year. Councilmember Thompson asked what the cost to get an item on the ballot was and he stated he thought it was approximately \$7,000 and wondered if there would be a benefit. Jim Stretch responded that revenues could potentially double forever.

Mayor Woodall asked what current vendors do to provide gross receipts. Jim Stretch answered that he did not know if the City follows up with review of receipts. Finance Director Beauchaine responded she did not know either as she did not administer the program.

Councilmember Marks stated that she currently has a business license in Rio Dell and does she need to abstain from this item based on that. City Manager Henrickson responded yes it would be appropriate for her to abstain.

Alice Millington asked if the Transient Occupancy Tax was separate. Jim Stretch responded yes it was.

Jim Stretch then requested council give direction to staff with regard to the 4 recommendations made in the staff report.

Councilmember Marks abstained from all direction while the remaining councilmembers verbally agreed to the following direction for staff:

Support Recommendation 1: Calendaring a public hearing on proposed amendments to the Cities Business License Ordinance 267-2010 and adoption of Resolution No. 1097-2010 to restate the existing license taxes for the program.

Support Recommendation 2: Conduct a public hearing on establishing new administrative fees (Resolution 1098-2010) for the Business License Program.

Council did not support Recommendation 3 as they wanted to move forward with Recommendations 1 and 2.

Council agreed that Recommendation 4 needed to be brought back at a later date with more information.

Councilmember Leonard asked if Recommendation 4 falls under Proposition 218. Jim Stretch replied yes because they would be taxes on citizens.

City Manager Henrickson thanked Jim Stretch for all of his work on this project and pointed out it was all done pro bono.

Approve Labor Agreements with Rio Dell Employees' Association, Rio Dell Police Officers Association, and Contract Employees- City Manager Henrickson stated they he had successfully negotiated all agreements, and he felt it was a significant step forward to properly compensate city positions at 85% of the median in the county for that same position.

Mayor Woodall pointed out that Section 8 in the City Managers contract states that the provisions for executive leave are listed as being in Section 12 and that it should be listed as being under Section 11.

Councilmember Marks stated that she did not know of the 5 step increases that were in all departments and asked if this was new. City Manager Henrickson stated that it was not new and that the Police Department had actually had 7 step increases, but the steps were compressed to give the city better chances at retaining current employees and hiring new employees. Councilmember Marks also asked if the step increases were automatic on a yearly basis. City Manager Henrickson replied that they were based on time on the job and merit.

Mayor Woodall asked if completing the update to the City Personnel Rules was going to be completed in the near future. City Manager Henrickson replied it was on his list but not a top priority at this time.

Al Petrovich asked what median wage means. City Manager Henrickson responded that CPS conducted job assessments and then compared those jobs to similar ones in our area and then came up with an average wage for each position based upon those comparisons. Petrovich further inquired if per capita income was looked at. City Manager Henrickson replied no it was not because a jobs or position requires certain skills and you cannot base the pay for skills on the average income of a citys citizenry.

Motion made by Marks/Leonard to *Approve Labor Agreements with Rio Dell Employees' Association, Rio Dell Police Officers Association, and Contract Employees.* **Motion carried 4-0.**

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1106-2011 Memorializing CPS Median Income Salaries- City Manager Henrickson explained that this was a way to formally memorialize the information compiled by the CPS in the Classification Study. Motion made by Marks/Leonard to *Approve Resolution No. 1106-2011 Memorializing CPS Median Income Salaries.* **Motion carried 4-0.**

Public Hearing, Introduction, and First Reading (by title only) of Ordinance No. 271-2011 Surplus Property- Finance Director Beauchaine stated that the city has had an internal policy to surplus excess property but this would formalize the process. She further explained that the ordinance had been approved by both the city attorney and auditors.

Mayor Woodall asked what Section II, Subsection E referred to. Finance Director Beauchaine responded it was to establish what was and was not city property.

Councilmember Thompson asked where or when does it come to council. Beauchaine responded that anything over \$10,000 in value would come before council for approval. Councilmember Thompson requested that there be some sort of staff communication with council on any items

being surplus and that some language be added to the ordinance stating that. Finance Director Beauchaine noted the request and stated that it would be added for the second reading.

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

Alice Millington stated that if an employee brings a personally owned item to work they should tell their supervisor. Water/Streets Superintendent Jensen said they had experienced a situation in the past where employees brought personally owned items to the job, the items were damaged and the City had to replace the items. Jensen stated that his feelings were if the City needs a tool or anything else, the City should purchase the item rather than an employee bringing their own possessions to use on the job.

City Manager Henrickson stated that this section was definitions and that policy should be set elsewhere.

There being no further public comment the public hearing was closed.

Mayor Woodall announced the addition of an unlisted item (Ordinance 272) pursuant to Government Code Section 54954.2 (b.2) as the need to take action arose subsequent to the agenda being posted. Motion made by Marks/Leonard to *Accept the addition of unlisted item- Ordinance 272.* **Motion carried 4-0.**

Approve Ordinance 272 an Ordinance of the City Council of the City of Rio Dell Adopted as an Emergency Measure Establishing a Temporary Moratorium on the Receipt and Processing of Subdivision Applications for Certain Portions of Blue Slide Road Pending Completion of Rio Dell's Detachment Process, and Declaring the Urgency Thereof- City Manager Henrickson explained that the propose of the emergency 6 month moratorium prohibits applications for subdivision within the formerly annexed area of Blue Slide Road.

City Manager Henrickson recommended council approve the ordinance stating that this is necessary because a subdivision application could jeopardize detachment if council were to approve detachment at a later time. Councilmember Leonard asked if we did get a subdivision application would it affect the de-annexation. City Manager Henrickson responded that we would have to postpone it. Motion made by Marks/Leonard to *Approve Ordinance 272 an Ordinance of the City Council of the City of Rio Dell Adopted as an Emergency Measure Establishing a Temporary Moratorium on the Receipt and Processing of Subdivision Applications for Certain Portions of Blue Slide Road Pending Completion of Rio Dell's Detachment Process, and Declaring the Urgency Thereof* **Motion carried 4-0.**

PUBLIC PRESENTATIONS

Beth Borter of Bay Keepers stated they were working in conjunction with Humboldt Waste Management Authority (HWMA) on a Countywide Ordinance banning plastic bags and this topic will be up for consideration at the March 10, 2011 Waste Management Meeting.

Councilmember Marks stated that HWMA was developing an Ordinance that was unique to each jurisdiction.

REPORTS/STAFF COMMUNICATIONS

City Manager Henrickson stated that Chief Hill was not present due to illness.

Finance Director Beauchaine reported that a budget calendar would be coming forward in one month.

Al Petrovich commented that the audits currently on the City website were from 08' and 09' and they were in draft form and inquired as to when we would have the 09' and 10' audits available, to which Beauchaine responded they were coming soon and that we would look into updating the web site.

Wastewater Superintendent Chicora reported that there was no citizen participation on the plant tours.

Councilmember Marks asked how surface water gets into our sewer system if it is a closed system. Chicora responded that 8 years ago, the city performed a smoke test of the system and it was discovered that there are many cracks, some citizens have tied their gutters to the system, and some storm drains are tied in as well.

Water/Streets Superintendent Jensen reported that they were busy with normal daily operations.

COUNCIL REPORTS

Councilmember Leonard commented he had forwarded a letter to Councilmember Thompson regarding Smart Meters, which was sent to the CPUC from the Humboldt County Board of Supervisors.

Councilmember Marks commented that HWMA had chosen to award the RFP to the Ukiah Group.

Mayor Woodall stated that at the last Humboldt Transit Authority meeting the board gave the Director an evaluation that resulted in a raise, even though the Director had announced her plans to retire prior to the evaluation.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:45 p.m. to the March 1, 2011 regular City Council Meeting.

Julie Woodall, Mayor

Attest:

Carla Ralston, Clerk

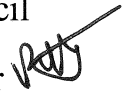


675 Wildwood Avenue

Rio Dell, CA 95562

(707) 764-3532

TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager 

DATE: March 1, 2011

SUBJECT: Approval of contract with W&K for 3rd party review of Wastewater Project #2 bid plans

ACTION: By motion approve the agreement with W&K for review of the wastewater treatment plant and pipeline design drawings

ATTACHMENT: Agreement for Services

BACKGROUND:

In conjunction with HDR's design of the wastewater treatment plant and pipeline the City required a 3rd party review of the design plans. The purpose of the review is to have another engineer review the plans to check for completeness and functionality. As you know we are on a fast track to make the deadline for funding. In order to accommodate the timeline I recommend the City contract with W&K, our City engineer, for the review. The estimated cost is not to exceed \$10,000 and they can complete the review on HDR's schedule.

RECOMMENDATION:

The City Manger recommends approval of the Agreement.

Agreement Between
The City of Rio Dell
And
Winzler & Kelly
For
City Engineer Review of
The Wastewater Treatment Plant and Pipeline Design Drawings

INTRODUCTION

This agreement is between the City of Rio Dell and Winzler & Kelly Consulting Engineers to provide review and processing of the subject project. This agreement is based on a prime agreement between the City of Rio Dell and Winzler & Kelly Consulting Engineers dated October 10, 2003. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

SCOPE OF SERVICES

Under this project, Winzler & Kelly will provide City Engineer review of the design plans for the wastewater treatment plant and pipeline prepared by HDR. The purpose of this work is to provide conceptual review of the engineering plans and to provide written notes and comments on the plans and other written commentary as may be appropriate. This review will not include a review of fundamental design calculations, but rather will be focused on what is presented on the design plans to be used for bidding and construction. The review will be based on the City Engineering opinions of Winzler & Kelly. The results may be used by the City to provide feedback to the design engineers as the City sees fit.

COMPENSATION

The project will be billed on a time and materials as needed basis using the fee schedule in effect at the time the work is performed. Invoices will be prepared monthly and are due and payable by the City within 30 days of the date of the invoice. Interest at the rate of 1-1/2% per month will be charged on all outstanding balances. The initial budget allowance for these services is \$10,000. The extent of the work and the total cost will depend on the nature of the design plans provided and the level of interaction desired by the City.

AGREED

City of Rio Dell

Winzler & Kelly

Ron Henrickson, City Manager, Date



Steven McHane, Managing Principal, Date 2-11-11

Rio Dell Accounting Tracking Number

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



To: Honorable Rio Dell City Council
Through: Ron Henrickson, City Manager *RH*
From: Carla Ralston, Public Works Admin.
Date: March 1, 2011
Subject: **Rio Dell Fireman's Park Improvement Project Progress Payment Request No.3
from Wendt Construction Co., Inc.**

Recommendation

It is recommended that Council Authorize Payment of Progress Pay request No.3 to Wendt Construction Co., Inc. in the amount of \$51,897.68 for work performed on the Rio Dell Fireman's Park Improvement Project as recommended by the City Engineer.

Budgetary Impact

Progress Payment Request No.3 in the amount of \$51,897.68 is funded by the City's Per Capita Grant Program Bond Act of 2002 and takes into account 10% for retention.

Discussion

Since the last pay request, construction on this project is nearing 100% complete. The contractor has completed the restroom building and only minor work remains to install the accessories on the inside of the restroom and complete minor grading and cleanup outside the building. During this period, a second change order has been approved, which provided for a 2 in. service line in lieu of the ¾ inch service line previously planned, along with the elimination of an outside drinking fountain (as requested by the Fire District). The pay request is based on the bid schedule lump sum breakdown provided by the Contractor and the actual quantity of work completed.

Attachments:

- (1) Memorandum from Winzler & Kelley Consulting Engineers
- (2) Change Order No.2 from Winzler & Kelly Engineers
- (3) Progress Pay Request No.3 from Wendt Construction Co., Inc. and supporting documents



MEMORANDUM

TO: Ron Henrickson, City Manager

FROM: Merritt Perry *MP*

DATE: February 24, 2011

RE: **Rio Dell Fireman's Park Improvement Project Status Update and Progress Payment Request No. 3 for Wendt Construction Co., Inc.**

JOB #: 0106110005

Construction of the Rio Dell Fireman's Park Improvement Project is nearly complete. The restroom building is complete and only minor work remains to install accessories on the inside of the restroom and complete minor grading and cleanup outside the building. The contractor anticipates completing this work by the beginning of next week.

Since the last pay request all work has been nearly completed and a second Change Order prepared for approval. Contract Change Order No. 2, attached for your approval, provides for a 2-inch service line in lieu of the 3/4-inch service line planned, eliminates the exterior drinking fountain (as requested by the Fire District) and provides for the toilet accessories not included in the contract. The net change increase to the contract amount for Change Order No. 2 is \$3,886.00. If acceptable please sign and return and a copy will be delivered to the contractor.

We have reviewed the attached Progress Payment Request No. 3 for Wendt Construction Co., Inc. It is based on the bid schedule unit cost dollar figures in the Contractor's bid, the deductions incorporated into the contract by Contract Change Order 1, and Change Order 2 and the actual quantities of work completed. A copy of the contractor's original invoice and lump sum item breakdown is attached with this memo for your reference.

We recommend payment to Wendt Construction Co., Inc. for Progress Pay Request No. 3 in the amount of \$51,897.68 at this time. This amount includes full payment for completion of this project less a 10% retention to be withheld until 35 days after the project is complete. Payment to the contractors is typically due within 30 days of the completed progress pay request. This progress pay request was received on February 24th. You will notice that the amounts vary from the contractor's invoice. This is because the contractor's invoice provides percent complete of the various items which make up the one, lump sum item that includes all work included in the contract which was rounded in the calculation of the percent complete of the lump sum item. Additionally the contractor's invoices do not include the retention required by the contract.

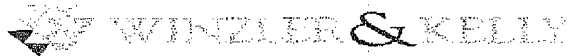
An unsigned Notice of Completion for this project is attached. Once the work is completed, please notify me and return two signed copies of the Notice of Completion our office. When we receive this



Ron Henrickson, City Manager
February 24, 2011
Page 2 of 2

we verify project completeness with the Building Official and the Rio Dell Fire Protection District and submit the Notice of Completion to the County Recorder for Recording.

Please don't hesitate to contact me if you have any questions regarding the project progress or this pay request.



CHANGE ORDER

PROJECT:
CITY OF RIO DELL
FIREMAN'S PARK IMPROVEMENT PROJECT

CHANGE ORDER No.: 2

DATE: FEBRUARY 24, 2011

PAGE: 1 OF 1

CONTRACTOR: Wendt Construction Company, Inc.

DESCRIPTION of CHANGE: Make the following changes listed below

No.	DESCRIPTION	AMOUNT
1	Install 2" water service connection, angle stop and meter in lieu of 3/4 -Inch water service planned to provide increased flow to fixtures. New meter to be supplied by City, all other materials, equipment labor to be provided by City. Compensation for this change will be the agreed lump sum of \$3,825.	\$3,825.00
2	At the request of the Fire District, eliminate planned drinking fountain at the on the exterior of the bathroom building due to maintenance concerns. Compensation for this change will be an agreed lump sum deduction of \$1,500.00.	\$-1,500.00
3	At the request of the City, furnish fixtures planned to be furnished by City including: Toilet seat covers, toilet tissue dispensers, paper towel dispensers, trash receptacles. Compensation for this change will be the agreed lump sum of \$1,561.00	\$1,561.00
TOTAL		\$3,886.00

ADJUSTMENT OF CONTRACT SUM		ADJUSTMENT OF CONTRACT TIME	
Original Contract Sum	\$190,980.00	Original Contract Time	70 Days
Prior Adjustments	\$15,750.00	Prior Adjustments	55 Days
Contract Sum Prior to this Change	\$175,230.00	Contract Time Prior to this Change	125 Days
Adjustment for this Change	\$3,886.00	Adjustment for this Change	0 Days
Revised Contract Sum	\$179,116.00	Revised Contract Time	125 Days

CONTRACTOR WAIVERS ANY CLAIM FOR FURTHER ADJUSTMENTS FOR THE CONTRACT SUM AND THE CONTRACT TIME RELATED TO THE ABOVE -DESCRIBED CHANGE IN THE WORK.

ENGINEER

RECOMMENDED BY:

DATE:

 2-24-11

OWNER

APPROVED BY:

DATE:

 2/25/2011

CONTRACTOR

ACCEPTED BY:

DATE:

 2/24/11

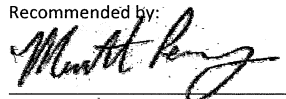
**City of Rio Dell
Fireman's Park Improvement Project
Wendt Construction
Progress Estimate #3**

CONTRACT ITEMS									
Item No.	Description	Contract Quantity	Units	Unit Price	Contract Amount	Quantity Complete to Date	Amount Complete To Date	Amount Previously Certified for Payment	Amount Currently Due
1	RESTROOM BUILDING, SITE AND UTILITY IMPROVEMENTS	1	LS	\$190,980.00	\$190,980.00	100.00%	\$190,980.00	\$ 88,770.88	\$102,209.12
BASE BID TOTAL					\$190,980.00	-----	\$190,980.00	\$88,770.88	\$102,209.12

CONTRACT CHANGE ORDERS									
Change Order No.	Description	Contract Quantity	Units	Unit Price	Contract Amount	Quantity Complete to Date	Amount Complete To Date	Amount Previously Certified for Payment	Amount Currently Due
1	ELIMINATE HIP ROOF, MODIFY SKYLIGHTS, FIXTURES AND GRADING	1	LS	-\$15,750.00	-\$15,750.00	100.00%	-\$15,750.00	\$ (7,320.88)	\$ (8,429.12)
2	ELIMINATE DRINKING FOUNTAIN, UPGRADE TO 2" WATER SERVICE AND ADD ACCESSORIES	1	LS	\$3,886.00	\$3,886.00	100.00%	\$3,886.00	\$ -	\$ 3,886.00
CHANGE ORDER TOTAL					-\$11,864.00	-----	-\$11,864.00	-\$7,320.88	-\$4,543.12
TOTAL BASE BID+ CHANGE ORDERS					\$179,116.00		\$179,116.00	\$81,450.00	\$97,666.00

Total Earned To Date \$179,116.00
 Total Retention To Date \$17,911.60
 Previous Payment \$109,306.72

Amount Due This Estimate \$51,897.68

Recommended by:

 Merritt Perry, Project Manager

2/23/2011
 Date

WENDT CONSTRUCTION CO., INC.

1660 NEWBURG ROAD
 FORTUNA, CA 95540
 (707) 725-5641 LIC. #622738

Invoice

DATE	INVOICE #
2/10/2011	14081

BILL TO
City of Rio Dell 675 Wildwood Ave Rio Dell CA 95562

P.O. NO.	TERMS	DUE DATE	PROJECT
	Net, 10 days	2/20/2011	

DATE	ITEM	HRS/UNIT	EMPLOYEE	DESCRIPTION	RATE	AMOUNT
				RIO DELL FIREMAN'S PARK IMPROVEMENTS PROJECT:		
	CONC			PROGRESS BILLING		
	DOOR			CONCRETE (1.4%)	2,457.00	2,457.00
	PLUMB			DOORS (3.42%)	6,000.00	6,000.00
	ELEC			PLUMBING (4.41%)	7,737.50	7,737.50
	PAINT			ELECTRICAL (1.57%)	2,742.50	2,742.50
	M			PAINTING (2.57%)	4,500.00	4,500.00
	L			WOOD (1.14%)	2,000.00	2,000.00
				LABOR (5.28%)	9,249.23	9,249.23

Total	\$34,686.23
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WENDT CONSTRUCTION CO., INC.

1660 NEWBURG ROAD
 FORTUNA, CA 95540
 (707) 725-5641 LIC. #622738

Invoice

DATE	INVOICE #
2/10/2011	14082

BILL TO
City of Rio Dell 675 Wildwood Ave Rio Dell CA 95562

P.O. NO.	TERMS	DUE DATE	PROJECT
CHANGE ORDE...	Net, 10 days	2/20/2011	

DATE	ITEM	HRS/UNIT	EMPLOYEE	DESCRIPTION	RATE	AMOUNT
				City of Rio Dell Fireman's Bathrooms: Install 2" Water Service		
	M			Equipment, Dump truck and Backhoe	485.00	485.00
	M			Labor	1,800.00	1,800.00
	M			PVC pipe & fittings	1,300.00	1,300.00
	M			Gravel & Asphalt	240.00	240.00
				SUBTOTAL		3,825.00
	CRE...			CREDIT FOR DRINKING FOUNTAIN	-1,500.00	-1,500.00
	PLUMB			FIXTURES: TOILET SEATS, TISSUE DISPENSERS, PAPER TOWEL DISPENSERS, ETC	1,561.00	1,561.00
Total						\$3,886.00

675 Wildwood Avenue
Rio Dell, CA 95562



STAFF REPORT

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: March 1, 2011

SUBJECT: Surplus Property Ordinance

COUNCIL ACTION

Open Public Hearing, receive staff report, allow for public comment and make a motion to conduct second reading by title only and approve Ordinance No. 271-2011 Surplus Property.

BACKGROUND AND DISCUSSION

The proposed Surplus Property Ordinance has been drafted to set forth the City of Rio Dell's administrative policy for the transfer and disposition of surplus property, equipment, and materials.

Included in the policy are approved methods of disposal which include transfers between departments, trade-ins, returns to manufacturers, and disposal via auction, sealed bids, sale for scrap, and donation to non-profit entities.

All disposal methods of items valued under \$10,000.00 are authorized by the City Manager. Any transactions involving assets valued over \$10,000.00 are done at the discretion of the City Council. In addition, all surplus real estate regardless of the value is disposed of only by the direction of the City Council.

City staff has compiled and reviewed over 20 surplus property ordinances from other communities and drafted the proposed ordinance to meet the needs of our City. The policy as presented has been reviewed and approved by the City Auditor and City Attorney.

**ORDINANCE NO. 271-2011
SURPLUS PROPERTY**

I. Purpose

- A. To set forth the City of Rio Dell's Administrative Policy for the transfer and disposition of surplus property, equipment and materials.
- B. To set forth the City of Rio Dell's Administrative Policy for scrapping and recycling of scrap and recyclable surplus property, equipment and materials and disposing of same.
- C. To ensure the receipt of all revenues from the disposal of surplus property, equipment and materials and scrap or recyclables.
- D. To explain disciplinary consequences which may result should an employee violate the Policy and Procedures set forth below.

II. Definitions

- A. "Surplus property" as used herein is used generically to describe any City property, equipment or material that is no longer needed or useable by the holding department. For purposes of this policy all surplus property including scrap, recyclables, trash, and/or junk disposed, discarded or abandoned on City premises, including all surplus property placed in storage or collection containers of any kind, including containers or facilities located on premises leased from the City by City tenants, is hereby deemed to be City Property and not property of any City employee.
- B. The terms "scrapping" and "recycling" as used herein refer to the act of transferring discarded surplus property, including scrap or recyclables, to a vendor for use, salvage or resale.
- C. The terms "scrap" or "recyclables" as used herein refer to surplus property that (1) may be reused "as is" or after repair, or (2) may be salvaged for its mineral value after treatment or processing.
- D. The term "trash" or "junk" as used herein refers to surplus property which has no practical salvage or recyclable value.

This Policy is designed to address two categories of scrapping and recycling:

- 1. Management-directed scrapping, recycling and handling of trash or junk (authorized disposal).

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2. Personal scrapping, recycling or handling of trash or junk (unauthorized disposal).

E. "Employee's Personal Property" - For purposes of this policy an employee's personal property is (1) that property in the possession of an employee which was the property of the employee prior to it having been brought onto or placed upon City premises, or (2) that property lawfully acquired from its prior owner or his/her authorized representative by an off-duty employee while on City premises after having been brought to City premises by its owner where such property remains in the possession of the employee as his or her property, after transfer to said employee. Each employee is responsible for determining that any property which he or she may take possession of or acquire while on City premises has been obtained or acquired from an individual lawfully authorized by its owner to make the transfer to the employee.

III. Methods of Transfer and Disposition

All surplus property is disposed of "as is" and "where is", with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or use-ability of the property offered unless expressly authorized by the City Council.

A. Transfer to another Department

Surplus property may be transferred between City departments.

B. Trade-In

Property declared as surplus may be offered as a trade-in for credit toward the acquisition of new property.

C. Return to Manufacturer

Surplus property may, when possible, be returned to the manufacturer for buy-back credit.

D. Disposal

Surplus property may be offered for sale by the City. Appropriate methods of sale are as follows:

1. Auction - Surplus property may be sold at public auction. Auctions may be conducted by City staff, or the City may contract with a professional auctioneer or electronic auction site.

2. Sealed Bids - Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.

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3. Selling for Scrap - Surplus property may be sold as scrap if the City deems that the value of its parts exceeds the value of the surplus property as a whole.

4. No Value Item – Where the City determines that property is surplus and of minimal value to the city due to spoilage, obsolescence or other cause or where the City determines that the cost of disposal of such property would exceed the recovery value, the City shall dispose of the same in such a manner as they deem appropriate and in the best interest of the City.

E. Donation

Surplus property may be donated to any other public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code. Public agency means the state or any agency or subdivision thereof, any city, county, special district, or school district.

IV. Policy

Consistent with California Government Code Section 37350 the City Council sets forth the policy of the City for disposal or destruction of surplus property.

A. City Manager directed Transfer and Disposal (Authorized):

1. Property with an Estimated Market Value exceeding \$10,000 Transfer or disposition of surplus property with an estimated market value exceeding \$10,000 per item shall be determined specifically by the City Council.

2. Property with an Estimated Market Value less than \$10,000 the City Manager may direct the transfer and disposition of surplus property with an estimated market value not to exceed \$10,000 per item.

3. Transfer and Disposition of Surplus Property may include:

a) All surplus property will first be considered for transfer between departments for the benefit of the City of Rio Dell.

b) All surplus property not needed by the City of Rio Dell may be offered for sale for the highest estimated market value. Surplus property may be sold by public auction, electronic auction site, or sealed bid.

c) Surplus property may be donated or sold as less than estimated market value to public agencies and non-profit organizations.

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4. Scrapping/Recycling/Junking

- a) Such activities may involve the sale of surplus property at public auction or through sealed bids to public bodies, organizations, or vendors including scrap dealers or recycling centers.
- b) It is the policy of the City of Rio Dell that no employee may engage in any sale, scrapping or recycling or other disposal of City Property, as defined herein, unless specifically directed to engage in such activity by the City Manager who have been lawfully and duly authorized and designated to direct such activity.

5. Real Estate

- a) All activity involving the declaration and sale of surplus real estate shall require authorization by the City Council regardless of the actual or estimated value.

B. Proceeds from Transfer and Disposition of Property

When so authorized to transfer, sell, donate, recycle, and scrap City property, the employee directed to undertake such activity shall remit the entire proceeds from any such activity to the City by check or money made payable to the City of Rio Dell, and shall be deposited into the appropriate fund.

C. Personal Scrapping, Recycling or Disposal of Trash or Junk

(Unauthorized):

Transferring, selling, donating, scrapping, recycling or disposing of City Property, as defined herein (regardless of monetary value) by City employees for personal gain or to benefit the interest of any person or party other than the City of Rio Dell, including handling or disposal of trash or junk except as directed by City management person(s) lawfully and duly authorized and designated to direct such activity, is strictly forbidden.

City employees are prohibited from claiming ownership of, giving away, recovering, or salvaging for personal use, or the use or interest of any person other than the City of Rio Dell, any materials abandoned, disposed or stored upon City premises, including trash or other materials, placed in, upon or in the vicinity of recycling or collection cans, dumpsters or bins located on City premises, or collection or debris piles, or other City storage or disposal facilities or refuse sites, and including any such facility or site belonging to any City tenant. Furthermore, City employees are prohibited from taking possession of any surplus property or the proceeds from the sale of surplus property designated for disposal as trash, scrap, or as recyclables, except as lawfully authorized by persons designated with

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such authority by the City Manager. This prohibition includes giving any such surplus property or the proceeds from the sale of such surplus property to any person or party other than for the duly authorized benefit and interest of the City of Rio Dell, or authorizing any other person or party to accept, receive or take any such surplus property to benefit their own interest, except as provided herein above.

V. Disciplinary Action(s)

Appropriate disciplinary action, up to and including termination, will be taken should an employee be found, through proper investigation, to:

- A.** Have failed to promptly remit to persons officially designated to receive proceeds, including cash or other consideration, from the sale of City property, as defined herein, including the proceeds from the sale, scrapping or recycling of any such property belonging to City tenants; and
- B.** Have failed, in the performance of their duties, to promptly place in appropriate City containers, bins, dumpsters, or other collection facilities, equipment or containers, or have received, taken, given away, collected, stored or retained in other than appropriate City containers, bins, or collection facilities, or dump sites, City scrap, recyclables, trash or any such surplus property belonging to City tenants; and
- C.** Have engaged in selling, scrapping, recycling or handling of City property in violation of this Ordinance or the procedures set forth herein, including having engaged in any such activity for their personal interest or gain, or in aid of others doing the same for their respective interest or gain; and
- D.** Have used City vehicles, facilities or equipment to collect, store, or transport surplus property to sites, locations, or facilities, including the facilities of scrap vendors or recycling centers, except as specifically directed by authorized City management, in accordance with this Ordinance and the procedures set forth herein; and
- E.** Have failed to notify his/her Department Director in a prompt and timely manner after having observed any individual engaging in any of the above-described act(s) or having learned that such act(s) were being committed by other City employees.

VI. Procedures

All surplus property is disposed of “as is” and “where is”, with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or use-ability of the property offered unless specified by the City Council. It is critical to maintain a

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trail of documentation for audit purposes regarding the disposition of property of the City of Rio Dell.

The City Manager or his/her designee is authorized to declare property, equipment and materials surplus.

A. Identifying Excess Property:

Each Department Head is responsible to identify excess property regularly.

Each Department Head will evaluate the operational status of the excess property and notify the City Clerk in writing.

The City Clerk will circulate the excess property notification between the other departments within the City.

B. Transfer Excess Property between Departments:

Department Heads may request the transfer of excess property by making request to the City Clerk and/or Department Head. Both Department Heads must agree when the excess property cost was in excess of \$2,500. Transfers between departments are contingent upon approval of the City Manager.

Notification will be provided to the City Clerk and Finance Department in writing of any transfer of excess property to a different location or department ownership.

C. Transfer Surplus Property for Trade-In or Return to Manufacturer

1. Department Heads may offer property for trade-in toward the purchase of new property and equipment with the approval of the City Manager. Department Heads will attach trade-in information to the procurement documents. Department Directors will notify the City Clerk of the procurement and disposition of property and equipment.

2. Department Heads may offer property and equipment for buy-back credit to the manufacturer with approval of the City Manager. Department Heads will forward buy-back credit documents to the Finance Department. Department Directors will notify the City Clerk of this disposition of property and equipment.

3. Department Heads and the City Clerk will inform the Finance Department of all trade-ins and credits since it is critical for budgeting and asset tracking.

If surplus property is to be applied to a purchase order, the trade-in value and/or credit shall be itemized on the purchase order. The amount charged

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against the appropriation code will be the value of the purchase before application of the trade-in credit.

D. Disposal of Surplus Property

Excess Property as shown on excess property notification that is not transferred among departments or for trade-in or manufacturer's credit, will be declared surplus by the Department Head.

The Department Head will determine the estimated market value and the most fiscally advantageous method of disposal.

For surplus property with an estimated market value in excess of \$10,000, the method of disposal will be determined by the City Council.

- a) In determining the estimated market value, the Department Head shall document the methods used to make such determination including tools such as Kelly Blue Book, classified advertisements, and local vendors with similar products available.
- b) The estimated market value will consider a computation of expenses associated with the disposal of surplus property. These expenses may include advertising, auction costs, storage, and other costs.
- c) For surplus property in volume with unit values less than \$2,500, if the aggregate total of the property exceeds \$2,500, then estimated market value will be by group.

2. Method of Disposal

Sale of surplus property shall be to the highest bidder or for the highest market value and may be disposed of by sale by public auction, or sealed bid.

a) Auction

Surplus property may be sold at public auction. Public auctions may be conducted by City staff, or the City may contract with a professional auctioneer or electronic auction site.

Sale of surplus property at public auction conducted by City staff must be after giving publication in the official newspaper of the City no later than ten days prior to such auction. The Department Head shall reserve the right to reject any and all bids received for any item.

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In the event the Department Head rejects any and all such bids so received, the item may not be disposed of for a lesser value of the lowest bid rejected.

Abandoned bicycles and unidentified bicycles in possession of the Police Department for six months may be sold at public auction conducted by the Police Department in accordance with Municipal Code Section 7.12.360.

All unclaimed property may be sold at public auction after the period of six months in accordance with Municipal Code Section 11.16.30.

b) Sealed Bid

Sealed bids may be solicited for the sale of surplus property. The Department Head shall reserve the right to reject any and all bids received for any item.

In the event the Department Head rejects any and all such bids so received, the item may not be disposed of for a lesser value of the lowest bid rejected.

c) Selling for Scrap

Surplus property may be sold as scrap if the Department Head deems that the value of its parts exceeds the value of the surplus property as a whole after approval of the City Council. For profit vendors shall include scrap dealers and recycling centers.

d) No Value Item

Where the Department Head determines that property is surplus and of minimal value to the city due to spoilage, obsolescence or other cause or where the Department Head determines that the cost of disposal of such property would exceed the recovery value, he/she shall dispose of the item in such a manner as they deem appropriate and in the best interest of the City considering the ability to recycle. Disposal of no value items must be approved by the City Council.

e) Donation

Surplus property may be donated to any other public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code.

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(1) Public Agency means the state or any agency or subdivision thereof, any city, county, special district, or school district.

(2) Non-profit organizations are recognized as a charitable organizations exempt under Section 501(c)(3) of the Internal Revenue Code.

E. Accounting for the Disposition of Surplus Property

1. The Department Head will notify the Finance Department in writing of the disposition of all surplus property and attach all supporting documentation.
2. The Finance Department shall make adjustments to their inventories/assets lists showing the disposition of excess property.
3. Copies of all records documenting the Surplus Property process will be kept on file with the City Clerk.

F. Transfer of Ownership and Title

Delivery of the surplus property together with transfer of ownership and title passes upon receipt of the proceeds.

The City Clerk shall cause licenses and title documents to be executed and transferred upon verification of receipt of funds.

G. Surplus Property and Employees

City employees shall not be the purchasers of any surplus real or personal property of the City.

This disqualification shall extend to the family members of such employees and any third persons acting at the direction or request of a disqualified employee where the purchase or sale is intended for the benefit of such employee.

Any exceptions to this policy will only be made at the direction of the City Manager.

Violation may result in disciplinary action up to and including discharge.