



RIO DELL CITY COUNCIL
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, APRIL 5, 2022
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME** - Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue and available on the City's website at cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

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

Effective immediately, the City of Rio Dell will reopen City Council meetings held in City Hall Council Chambers to in-person attendance by the public. The public may also attend these meeting virtually through Zoom. The meetings will also be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink channels on Cable TV.

To maintain safety and minimize the health risks associated with COVID-19, participants may be required to complete an Attestation of Vaccination upon entering the City Council Chambers. Fully vaccinated participants will not be required to wear a mask. Unvaccinated participants must wear face coverings at all times while in the City Hall Council Chambers.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note the agenda item the comment is directed to (example: Public Comments for items not on the agenda) **and email no later than one-hour prior to the start of the Council meeting**. Your comments will be read out loud, for up to three minutes.

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

Zoom Public Comment:

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

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
 - 1) 2022/0405.01 - **Conference with Legal Counsel–Anticipated Litigation**
Consider Initiation of Litigation – Three (3) Potential Cases
(Pursuant to Paragraph (4) Gov’t Code §54956.9):
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSSES 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 allowed under the Ralph M. Brown Act. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3 of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

- K. CONSENT CALENDAR

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

- 1) 2022/0405.02 - Approve Minutes of the March 15, 2022 Regular Meeting
(ACTION) 1
- 2) 2022/0405.03 - Approve Minutes of the March 29, 2022 Special Meeting
(ACTION) 10
- 3) 2022/0405.04 - Approve Appointment of Nick Angeloff, Larry Arsenault and Patrick Knight to the Rio Dell Planning Commission for 3-year terms ending December 31, 2024 and Appointment of Arnie Kemp as Alternate Commissioner for the Remainder of the Term Ending December 31, 2023
(ACTION) 12
- 4) 2022/0405.05 - Approve Resolution No. 1532-2022 Accepting Submission by the Police Chief of a Proposed Military Equipment Use Policy **(ACTION)** 21
- 5) 2022/0405.06 - Authorize Chief of Police to Purchase Five Panasonic Tough Book Computers for Mobile Display Terminals in Patrol Vehicles in the Amount of \$21,847
(ACTION) 34
- 6) 2022/0405.07 - Authorize Mayor to Sign Letter Supporting State Funding for Local Government Implementation of SB 1383 Organics Rules **(ACTION)** 38

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

M. REPORTS/STAFF COMMUNICATIONS

- 1) 2022/0405.08 - City Manager/Staff Update **(RECEIVE & FILE)** 42

N. SPECIAL PRESENTATIONS/STUDY SESSIONS

O. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

- 1) 2022/0405.09 - Appoint two Members of the City Council to an Ad Hoc Committee to Participate in Interviews for Rio Dell Chief of Police **(DISCUSSION/POSSIBLE ACTION)** 52

P. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2022/0405.10 - Adopt Resolution No. 1533-2022 Reducing the Cannabis Cultivation Tax based on the State's Definitions of (Non-Electrified/No Artificial Light) and Mixed-Light Cannabis Cultivation on the Dinsmore Plateau from \$2.00 a Square Foot to \$.50 a square Foot for Outdoor Cultivation and from \$2.00 a Square Foot to \$1.00 a Square Foot for Mixed-Light Cultivation for the 2022 Growing Season (FY 2022/2023)
(DISCUSSION/POSSIBLE ACTION) 53
- 2) 2022/0405.11 - Adopt Resolution No. 1531-2022 Declaring the Need for Continued In-Person/Hybrid Meetings or Resuming with Virtual (Zoom) Meetings in Accordance with AB 361
(DISCUSSION/POSSIBLE ACTION) 60

Q. COUNCIL REPORTS/COMMUNICATIONS

R. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, April 19, 2022 at 6:30 p.m.*

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
MARCH 15, 2022**

The regular meeting of the Rio Dell City Council was called to order at 5:00 p.m. by Mayor Garnes.

ROLL CALL: Present: (Closed Session): Mayor Garnes, Mayor Pro Tem Johnson, Councilmembers Carter, and Wilson, City Manager Knopp, Community Development Director Caldwell and City Attorney Gans

Absent: Councilmember Woodall (excused)

Present: (Regular Meeting): Mayor Garnes, Mayor Pro Tem Johnson, Councilmembers Carter, and Wilson

Absent: Councilmember Woodall (excused)

Others Present: City Manager Knopp, Community Development Director Caldwell, Water/ Roadways Superintendent Jensen, Wastewater Superintendent Taylor, Fiscal Assistant II Hamaker, City Clerk Dunham, and Chief of Police Conner (remotely)

Absent: Finance Director Dillingham and Management Analyst Sanborn

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Conference with Real Property Negotiators Property: 410 Fourth Ave., Rio Dell, California City of Rio Dell Negotiator(s): Kyle Knopp, City Manager, Kevin Caldwell, Community Development Director, Russell Gans, City Attorney – Negotiating Parties/Negotiating With: Linda Todd, Owner and/or Agents - Under Negotiation: Price and/or Terms of Payment (Pursuant to Gov't Code §54956.8)

Conference with Legal Counsel – Anticipated Litigation – Consider Initiation Litigation – Three (3) Potential Cases (Pursuant to Paragraph (4) Gov't Code §54956.9)

RECESS INTO CLOSED SESSION

The Council recessed into closed session at 5:00 p.m. to discuss the above listed items.

ORAL ANNOUNCEMENTS

The Council reconvened into open session at 6:30 p.m. Mayor Garnes announced that there was nothing to report out of closed session.

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment on non-agenda items. No public comment was received.

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. No items were removed.

Motion was made by Johnson/Carter to approve the following consent calendar items:

- 1) Minutes of the March 1, 2022 Regular Meeting
- 2) Operating and Capital Budget Calendar
- 3) Resolution No. 1530-2022 Approving Revised Billable Rates for Staff for FY 2021-22
- 4) Authorizing City Manager to Execute Memorandum of Understanding with County of Humboldt Regarding Cost Sharing Agreement for the Monument Slip-Out
- 5) Receive and File Check Register for February 2022

Motion carried 4-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided a staff report and said at the April 19, 2022 regular meeting, the City's Audit Report would be presented along with the Proposition 218 Water/Sewer Rate Hearing.

He also reported that G.R. Sundberg was scheduled to begin the pave/patch project on March 21st or 22nd and staff expected to have bids back for the larger pave projects by the end of the month.

There were no comments or questions from the Council or the public regarding the staff update.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

Discussion on Local Cultivation Cannabis Taxes

Community Development Director Caldwell provided a staff report and said at the regular meeting on March 1, 2022, the Council heard comments during the Public Comment portion of the meeting regarding cannabis taxes and the current state of the cannabis industry, the impact from falling prices and the over-supply of cannabis.

MARCH 15, 2022 MINUTES
Page 3

As such, the Council directed staff to place the item on the agenda for further discussion and consideration.

He explained that the City currently imposes a \$2.00 per square foot tax on cultivation whether cultivation occurs indoors or in greenhouses. Although the market for indoor cannabis has been impacted, the market for outdoor and greenhouse cannabis has been significantly impacted. He added that none of the three approved farms on the Dinsmore Plateau have paid any taxes for the 2021 season. The County recently postponed the deadline for payments for the 2021 season and temporarily reduced taxes for 2022 by 85%. In response to the current market, a number of other jurisdictions throughout the State have also reduced their taxes.

Staff's recommendation for the Council was to open the public hearing to receive public input then provide direction to staff regarding the proposed reduction in the cannabis tax.

Mayor Pro Tem Johnson said that he would like to hear from the public before rendering further discussion.

Mayor Garnes called for public comment.

Humboldt County Supervisor Bushnell addressed the Council and stated for clarification that the County pushed out the date for cannabis taxes due in October 2021 to September 2022 and waived penalties. The tax was reduced for taxes due in 2022 by 85% for the remaining year and that nothing has been decided for the 2022 year.

Yama Schafer commented that anything the Council can do to lower taxes for the farmers would be appreciated.

Kelly Flores from Margro Advisors commented that the situation for the cannabis farmers has been challenging for cultivators across the State, especially those smaller farmers in our community. Providing some sort of tax relief is needed to help them get started in this growing season. She noted that this is an emerging market which continually expands and contracts and we're in a contraction phase right now. The tax relief is necessary to support the economic development in this area. She said that what the County did made a lot of sense by providing the cultivators some contribution so they could continue. The County had a habit of taxing on the permit size and not on the actual cultivation size and they were sued for that so it is very important that the City work with the growers to determine the assessment of actual cultivation size and tax accordingly.

City Manager Knopp reviewed the Council's options and said that the item could be continued to the next meeting and noted that any action the Council chooses to take would need to be agenized and brought back for formal adoption. His recommendation was to recognize the hardship of the cannabis industry. He said that the City wants to be successful in this partnership so that it can have a robust police department, invest in the community and also have a place in the City for cannabis activities to occur. He noted that

Council has done a great job in creating for diverse cannabis activities.

He said that discussion on cannabis taxes occurred at the staff level regarding what action should be taken. The recommendation was for a one-year prospective reduction of the City's cannabis cultivation tax by 50%. The tax would go down from \$2.00 a square foot to \$1.00 a square foot however; the Council has complete discretion to adjust that amount.

He stated for clarification that the reduced tax would be for one year and would be specific to non-electrified greenhouses as seen on the Dinsmore Plateau.

Mayor Pro Tem Johnson asked for the public's view of the 50% tax reduction.

Brandon Rivas addressed the Council and said that not having the electricity on the Dinsmore Plateau has destroyed his entire crop due to mold and that an 85% tax reduction would give the farmers a chance to get back on their feet.

Yama Schafer said the one caveat to the issue is power and that when he purchased the property, PG&E said that 3-phase power would be available and now they are saying that the sub-station would need to be upgraded which is 2-5 years out. He indicated that he is using a generator for power at \$6.00 a gallon for diesel. He requested the City Council place an item on the next agenda authorizing staff to send a letter to PG&E expressing the urgency with regard to the power upgrade. He responded to staff's recommendation and said that reducing the tax to \$1.00 per square foot would be a lot better than the current rate of \$2.00.

Councilmember Carter pointed out that there is a big difference in cultivating year-round versus only one or two runs. If there is a way to continue this partnership that benefits everyone, then we should do it. She agreed with the \$1.00 per square foot tax reduction as recommended.

Mayor Garnes assumed that with no crop there would be no tax.

Community Development Caldwell said her assumption was correct.

Mayor Garnes asked what happens when a crop is destroyed by mold.

Community Development Director Caldwell explained that there is language in the ordinance for crop loss but it is incumbent upon the cultivator to reach out to the City as soon as they recognize that they have a problem so the City can document the crop loss. The Finance Director has the authority to take that into account and adjust the taxes accordingly.

Suzanne Maese from Margro Advisors addressed the Council and said that although the 50% recommended reduction in taxes seems generous, she thought it would be a good

idea for staff to meet with the farmers to fully understand the implications of them continuing on the Dinsmore Plateau with the development that needs to be done to support what they are doing. She commented that the Conditions of Approval set by the City are simply not feasible and that there are a lot of development costs associated with setting up these projects. The concern is that funds would be pulled from the development costs for taxes and having discussions with the farmers would provide more insight.

Mayor Garnes asked if the reduction in the tax would only be for one year and when it would be in effect.

Community Development Director Caldwell explained that the taxes would be for the 2022 growing season.

City Manager Knopp clarified that the reduced tax would start on July 1, 2022.

Mayor Pro Tem Johnson said that he does not want to see failure and didn't think the City of Rio Dell is going to fail if it collects something less than a \$1.00 per square foot, although growers may fail if they have to pay a \$1.00 per square foot. He recommended the City accept a one-year payment of \$.50 a square foot on the theory that something is a whole lot better than nothing.

Councilmember Wilson said that there is a real prospect that the cannabis industry is on a downhill slope. He said that the industry is saturated and will continue to be so and noted that the illegal grows did not cease as they were supposed to. The reality is that gas is \$6.00/gallon and is only going to go up. In addition, the cannabis market is going to continue to produce more product along with illegal grows and as such it will be less profitable. If this tax reduction works for the farmers at \$.50 a square foot then fine but his prediction is that the market is going to continue to decline which is unfortunate both for the City and the farmers. As they mentioned, they have put a lot of money into their businesses to become legal and he respects them for trying to do it right. If the City can help, it should put forth the effort. He supported Mayor Pro Tem Johnson's recommendation for the \$.50 per square foot tax.

The consensus of the Council was unanimous with reducing the tax to \$.50 per square foot for one year prospective, for natural light (non-electrified) greenhouses on the Dinsmore Plateau.

City Manager Knopp said that staff would bring the item back at the next meeting with specific language to formalize the action.

Potential Use of CDBG Program Income (PI) and Supplemental Activities

Community Development Director Caldwell provided a staff report and explained that program income is revenue generated through the City's CDBG program. The City over the years has loaned money to its residents for primarily owner-occupied rehabilitation and remodeling of residences. The loans are paid back to the City, typically at the time of sale

of the property and currently the City has approximately \$550,000 from payback of these loans.

He noted that the City was recently informed that these funds must be expended, or at least encumbered by June 30, 2022 or the funds would be required to be returned to the State. As such, staff reached out to the Department of Housing and Community Development (HCD) and discussed potential use of the funds.

Community Development Director Caldwell referred to the list of potential supplemental activities which included the following:

- Todd Property
- Downtown Sidewalks and Tree Plantings
- Eagle Prairie Professional Building
- 203 Wildwood Avenue
- Enes Community Forest/Park
- Belleview/Ogle Drainage Improvements

Staff explained that there are several hoops the City would need to jump through to allow the use of funds for these types of activities. Since the City is just under the threshold to qualify as an LMI (Low to Moderate Income) community, an income survey would need to be done to qualify for any of these projects.

Community Development Director Caldwell said that regarding the number one project on the list which is the Todd property, the City was awarded \$225,000 in SB-2 and Leap funds to do a conceptual mixed-use project which included design, some technical studies and improvement plans. What staff was trying to do is acquire site control before spending those funds. Unfortunately, it was brought to the City's attention that Cal Fire is interested in purchasing that property to relocate their facility from Fortuna. Since that is obviously not in the best interest of the City, the idea was to use the PI funds to supplement the offer to Ms. Todd in attempt to acquire that property.

He said that the next project was the Downtown Sidewalks and Tree plantings which would allow for the repair of sidewalks and tree plantings in the downtown area which also comes back to the LMI designation and the need for an income survey.

The idea with the Eagle Prairie Professional Building was to potentially relocate the Community Resource Center from the corner of Wildwood Ave. and Monument Road to that building.

203 Wildwood Ave., is the lot south of the City's Downtown Parking Lot and contains a small residential rental unit. The City considered acquisition of that property some time ago and decided not to pursue it at that time. PI funds could be used for acquisition of that property as well, and again would require an income survey.

The next project was the Enes Community Forest/Park project which is also an allowable use for PI funds.

The final project, which was likely the most promising project out of the six projects was the Belleview/Ogle Drainage Improvements. Whitchurch Engineering is currently preparing improvement plans for the project. That project would be a little easier because there is a confined neighborhood where it could potentially qualify as an LMI, allowing the City to use PI funds to complete the project.

City Manager Knopp commented that the LMI continues to be a problem with many of the City's projects, as Rio Dell is right on the cusp so some years the City qualifies for projects and other years doesn't qualify which is unfortunate. He explained that each agency has a different formula when determining the LMI for a community. He noted that the Belleview/Ogle Drainage project was initially started utilizing CDBG funds with Whitchurch Engineering preparing the initial plans. He said that it makes sense to use CDBG funds to continue with that project and since the neighborhood is relatively small, it should be an attainable process to do a specific income survey for that neighborhood. Staff is getting close to having shovel-ready documents ready to go out to bid on the project. Staff's recommendation was to pursue the Belleview/Ogle drainage improvements.

Mayor Garnes asked if all of the projects, with exception of the Belleview/Ogle Drainage Improvements would require an income study for the entire City.

Community Development Director Caldwell said that based on staff's conversations with HCD, it would have to be done and ultimately the City would probably want to do that. He said that when he came to work for the City in 2013, the City was not designated an LMI community. The City did an income survey and the results of the survey were that Rio Dell was an LMI community. Currently because of the tight timeline, it would be wise to focus efforts on the Belleview/Ogle neighborhood, being the most attainable project.

Mayor Garnes asked if fixing the drainage would make paving possible.

City Manager Knopp explained that there are three deficiencies on that end of Ogle Ave. which are potentially the sewer lines, the water lines and the problem with storm water. With regard to storm water, there are really no funding mechanisms for it other than when new development occurs. Unfortunately, that piece of development was slowly pieced together without any kind of robust or adequately designed drainage. He noted that the project would significantly reduce flooding in the back yards of residences and it could potentially have some benefit in reducing I & I (inflow and infiltration) into the sewer system.

Based on direction from the Council, staff is trying to avoid paving any roads that would later need to be dug up and that is a section of road projected to be dug up with the replacement of water lines. The south end of Ogle Ave. was prioritized for paving last year because that end of the road would not need to be torn up.

Councilmember Wilson agreed with staff's recommendation and asked what the income level is to qualify as an LMI.

Community Development Director Caldwell estimated the threshold to be around \$48,000/yr.

Councilmember Carter also agreed with staff's recommendation.

Mayor Pro Tem Johnson said that he talked to Councilmember Woodall today who is in the hospital and he told her that his recommendation would be to table this item until the next regular meeting so that she could participate in the discussion. He asked if the item was time sensitive.

City Manager Knopp noted that there is a bit of a time crunch with this particular item.

Motion was made by Carter/Wilson to pursue using the City's CDBG Program Income (PI) funds for the Belleview/Ogle Improvements. Motion carried 3-0; with Mayor Pro Tem Johnson abstaining.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson reported that the various committees on the Last Change Grade Stakeholders group met on March 2, 2022. Caltrans and the consultants laid out the direction they are going with the project. He said that there have been some modest revisions to the tentative plans for the two alignments. He noted that Alternative X is in the existing right-of-way and requires retaining walls and millions of dollars in drainage improvements. There would also be a couple of retreats into the hillside with huge retaining walls; those retreats would be 50-100 feet. He said that the State estimates that the draft Environmental Impact Report (EIR) will be completed in 2023, the final EIR 2 years later with the beginning of construction in 2030. He said that one of the things that Caltrans and the consultant are doing is planning on bringing on a bonafide contractor during the design work. The advantage of this is that Caltrans will find out what is the best and cheapest method of building to end up with the best long-term solution.

He said that the other option (Alternative F) consists of two tunnels parallel adjacent to each other with cross connections every several hundred feet. He commented that there are some problems with that alternative and was determined through geotechnical borings that the elevation at the south portal would need to be dropped approximately 20 feet to get out of some unstable material. At the north end they completed a tree survey because the tunnel would come out of the ground and go through an old growth Redwood forest. By changing the horizontal alignment from a 1,000-foot horizontal curve to an 800-foot horizontal curve it would miss a number of the large trees.

MARCH 15, 2022 MINUTES
Page 9

He reported that the next meeting of the Last Change Grade Stakeholders would be in the summer.

Councilmember Carter reported that she went on a ride-along with the Community Services Officer, Mary Clark and said that it was really informative and said that she has some jobs that are hard to define but she is doing a great job.

She also announced that there would a Nuisance Advisory Committee meeting tomorrow at 3:00 at City Hall.

Councilmember Wilson reported on the upcoming HWMA meeting and said that one of the topics up for discussion is CRV. There was a possibility that HWMA would have to take back the handling of CRV. However, Hambro CRV from Crescent City received approval from the Coastal Commission to approve the CRV site in Arcata and they are optimistically hoping to open the first of April. As such, it appears that HWMA will not have to take it on. He commented that most recyclables end up in the landfill and encouraged everyone to stop buying plastic water bottles and start filling reusable water bottles.

Mayor Garnes wished Councilmember Woodall a speedy recovery as well as her husband who were both recently hospitalized.

She reported that she would be attending a League of California Cities business meeting in Ukiah on March 25th and announced that she was officially confirmed as a Seismic Safety Commissioner.

She also announced that the Local Office of Emergency Services would be doing a Tsunami Evacuation Drill on Saturday, March 19, 2022 from 8:00-12:00 a.m. She said that she would be at the command center and welcomed any volunteers interested in helping with the event.

ADJOURNMENT

Motion was made by Johnson/Carter to adjourn the meeting at 7:30 p.m. to the April 5, 2022 regular meeting. Motion carried 4-0.

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
SPECIAL MEETING MINUTES
MARCH 29, 2022**

Mayor Garnes called the Special Meeting of the Rio Dell City Council to order at 4:00 p.m.

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

Others Present: City Manager Knopp, Water/Roadways Superintendent Jensen, Fiscal Assistant II Hamaker and City Clerk Dunham

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment on matters not on the agenda. No public comments were received.

SPECIAL MEETING MATTERS

Approve Award of Bid to J. R. Sundberg, Inc, for the 2022 Asphalt Street Repairs in the Amount of \$617,283 and Authorize the City Manager to Draft and Execute an Agreement in Conjunction with the City Attorney and to Execute any Change Orders not to Exceed \$680,000

City Manager Knopp provided a staff report recommending the approval and award of bid to J. R. Sundberg for the 2022 Asphalt Street Repairs in the amount of \$618,283. He said that the City Council developed a 5-year pavement rehabilitation plan with this being year two (2). This year's projects include Riverside Dr., Cherry Lane and Orchard St. Staff sent out request for bids and received a total of five (5) bids. The tabulation of the bids was as follows:

- G. R. Sundberg, Inc. - \$617,283
- S. T. Rhoades - \$619,737
- Granite Construction - \$704,355
- Hooven Construction - \$753,304
- Mercer Fraser Co. - \$771,771

City Manager Knopp noted that all five (5) bids were responsive and timely. The two (2) lowest bids were very close to the engineer's estimate of \$625,000.

He commented that the low bidder, G. R. Sundberg worked for the City in the past and is very qualified to do the job. He recommended the Council approve the award of bid to G. R. Sundberg in the amount of \$617,283, not to exceed \$680,000 which includes contingency for possible change orders.

City Manager Knopp thanked the Council for agreeing to hold the special meeting and said that the contractor is in the area and ready to start the work as soon as possible.

Water/Roadways Superintendent Jensen noted that the project includes replacement of three or four manholes on Cherry and Orchard.

Mayor Pro Tem Johnson pointed out that any time contractors bid on a job there is a certain amount of nervousness but essentially three of the bids came in within 1% of the engineer's estimate which is good. He said that it shows that the plans and specifications were very clear and the quality contractors looked at the job exactly as the engineer wanted them to. He commented that they were great responsive bids and felt assured that the contractor would do a good job for the City and at the same time, make a decent profit.

Councilmember Wilson asked if there would be additional costs associated with replacement of the manholes.

Water/Roadways Superintendent Jensen explained that the manholes were included in the bid amount as well as replacement of a small section of sewer line on Riverside Dr.

Councilmember Woodall asked if the work on Riverside would extend down to the cul-de-sac.

City Manager Knopp explained that the work begins at Riverside Estates and terminates roughly 50 feet from the triangle.

Mayor Garnes expressed appreciation to staff for putting together the project and called for public comment. No public comment was received.

Motion was made by Johnson/Carter to approve the award of bid to J. R. Sundberg, Inc. for the 2022 Asphalt Street Repairs in the amount of \$617,283 and authorizer the City Manager to draft and execute an agreement in conjunction with the City Attorney and to execute any Change Orders not to exceed \$680,000. Motion carried 5-0.

ADJOURNMENT

Motion was made by Johnson/Carter to adjourn the meeting at 4:14 p.m. to the April 5, 2022 regular meeting.

Debra Garnes, Mayor

Karen Dunham, City Clerk



*675 Wildwood Avenue
Rio Dell, CA 95562*

TO: Rio Dell City Council
THROUGH: Kyle Knopp, City Manager
FROM: Karen Dunham, City Clerk
DATE: April 5, 2022
SUBJECT: Planning Commission Appointments

RECOMMENDATION

Approve reappointment of Nick Angeloff, and Larry Arsenault and appointment of Patrick Knight to the Rio Dell Planning Commission for three-year terms ending December 31, 2024 and appointment of Arnie Kemp as Alternate Planning Commissioner for the remainder of the term ending December 31, 2023.

BACKGROUND AND DISCUSSION

There are currently three vacancies on the Rio Dell Planning Commission as the result of terms that expired on 12/31/21. A Notice of Vacancy was posted on March 16, 2022 with the final date for submission of applications being March 31, 2022. In addition, there is one vacancy for Planning Commission Alternate with the remainder of the term ending December 31, 2023.

The only applications received were from two of the members whose terms expired on December 31, 2021 and one new applicant which were:

- Nick Angeloff - (Existing)
- Larry Arsenault - (Existing)
- Patrick Knight - (New)

One application was received for Planning Commission Alternate which was from current Commissioner Arnie Kemp.

Provided there are no objections or questions from the Council, staff is requesting the Council simply forgo the balloting and approve the appointment of the four applicants to fill the four vacancies.

ATTACHMENTS: Planning Commission Applications



RECEIVED
3-18-22 (RV)



CITY OF RIO DELL APPLICATION FOR PLANNING COMMISSION APPOINTMENT

Thank you for expressing your interest in serving the community as an appointed member of the Rio Dell Planning Commission. All applicants must permanently reside within the City of Rio Dell at the time of application. The appointed Planning Commissioner will be required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 required by California Government Code §87200 et seq. and the City of Rio Dell Conflict of Interest Code.

This application is considered a public record pursuant to the California Public Records Act (Government Code §6520 et seq.) and may be made available to any member of the public upon request.

PERSONAL DATA:

Name: LAWRENCE ARSENAULT

Address Where you Reside: 378 WILDWOOD AV RIO DELL, CA

Mailing Address (if different): _____

Home Phone: 707 273 7830 Cell Phone: 707 273 7838

Email Address: THESTORYPLEASE@YAHOO.COM

EDUCATIONAL DATA:

High School: NORTHSIDE, ATLANTA, GA

College/University: HUMBOLDT STATE

EMPLOYMENT DATA:

Current Employer/Occupation When Employed: RETIRED

GENERAL INFORMATION:

Do you currently serve on a City Board or Commission? Yes No

If yes, please list: PLANNING COMMISSION

Please list any past or present community involvement: _____

Please explain why you are interested in the appointment and what you, as a City Planning Commissioner, would offer to the Planning Commission and the community: _____

CRITICAL THINKING, INDEPENDENCE

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or entity, or have a contract with or any obligation to any person or entity, that might appear to constitute a conflict of interest for a City Planning Commissioner? For purposes of this question, "entity" specifically includes, but is not limited to, the City of Rio Dell and any entity which receives funds from the City. _____ Yes No

If yes, please explain:

CERTIFICATE OF APPLICANT:

I certify that: 1) I permanently reside within the City limits of the City of Rio Dell; and 2) all statements made in this application are true and complete. I understand that any false statement or omission of material facts will subject me to disqualification or dismissal.

DATE: 3/18/22 SIGNATURE: 

RETURN COMPLETED APPLICATION TO:
Karen Dunham, City Clerk
675 Wildwood Avenue
Rio Dell, CA 95562
Phone: 764-3532
admin1@riodellicity.com

RECEIVED
3-28-22 (Rd)



**CITY OF RIO DELL
APPLICATION FOR
PLANNING COMMISSION APPOINTMENT**

Thank you for expressing your interest in serving the community as an appointed member of the Rio Dell Planning Commission. All applicants must permanently reside within the City of Rio Dell at the time of application. The appointed Planning Commissioner will be required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 required by California Government Code §87200 et seq. and the City of Rio Dell Conflict of Interest Code.

This application is considered a public record pursuant to the California Public Records Act (Government Code §6520 et seq.) and may be made available to any member of the public upon request.

PERSONAL DATA:

Name: PATRICK KNIGHT

Address Where you Reside: 590 PACIFIC AVE. RIO DELL

Mailing Address (if different): SAME AS ABOVE

Home Phone: 764-5587 Cell Phone: (707) 407-6793

Email Address: travelinteesa@att.net

EDUCATIONAL DATA:

High School: ROBERT MCQUEEN HIGH SCHOOL RENO, NV

College/University: UNIVERSITY NEVADA RENO

EMPLOYMENT DATA:

Current Employer/Occupation When Employed: CO-OWNER TRAVELIN TEES

GENERAL INFORMATION:

Do you currently serve on a City Board or Commission? Yes No

If yes, please list: NUISANCE COMMITTEE

Please list any past or present community involvement: _____

Please explain why you are interested in the appointment and what you, as a City Planning Commissioner, would offer to the Planning Commission and the community: _____

I HAVE OWNED A HOME AND SMALL BUSINESS IN RIO DELL

SINCE 2006. I CARE ABOUT THE COMMUNITY I LIVE IN

AND I'M INTERESTED IN BEING INVOLVED IN THE

PLANNING OF THE CITY'S FUTURE.

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or entity, or have a contract with or any obligation to any person or entity, that might appear to constitute a conflict of interest for a City Planning Commissioner? For purposes of this question, "entity" specifically includes, but is not limited to, the City of Rio Dell and any entity which receives funds from the City. Yes No

If yes, please explain:

CERTIFICATE OF APPLICANT:

I certify that: 1) I permanently reside within the City limits of the City of Rio Dell; and 2) all statements made in this application are true and complete. I understand that any false statement or omission of material facts will subject me to disqualification or dismissal.

DATE: 03/28/2022 SIGNATURE: 

RETURN COMPLETED APPLICATION TO:

Karen Dunham, City Clerk
675 Wildwood Avenue
Rio Dell, CA 95562
Phone: 764-3532
-admin1@riodellcity.com



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

APPLICATION FOR COMMISSION/BOARD

NAME Arnold (Arnie) Kemp DATE 3-25-22
ADDRESS 1036 Riverside Dr HOME PHONE 707-764-3595
BUSINESS PHONE 707-599-6226

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:

Planning Commission Alternate

OCCUPATION Self

HOW LONG HAVE YOU LIVED IN RIO DELL? 30 + years

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES _____

Currently on Planning Commission

ADDITIONAL PERTINENT INFORMATION/REFERENCES _____

EDUCATION _____

Please answer the following two questions:

1) Why are you interested in serving on this board/commission?

Currently on Planning Commission

2) What special talents/experience/education do you possess that will be useful in this position?

Building Inspector / Building Official

Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562



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

For Meeting of: April 5, 2022

Consent Item; Public Hearing Item

To: City Council
From: Jeff Conner, Chief of Police
Through: Kyle Knopp, City Manager
Date: March 23, 2022
Subject: Submission of the Police Department's Military Equipment Policy

STAFF RECOMMENDATION:

Receive staff report, receive public comment, and adopt Resolution No. 1532-2022

EXECUTIVE SUMMARY:

On September 30, 2021, Governor Newsom signed into law Assembly Bill 481 ("AB 481"), which among other things, adds Chapter 12.8 to Division 7 of Title 1 to the California Government Code providing certain requirements for the funding, acquisition, and use of military equipment, as that term is defined in AB 481, by the Rio Dell Police Department.

Principally, AB 481 requires the City to adopt a written policy governing the use and acquisition of military equipment (defined below). The policy must address each of the following items:

- (1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
- (2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
- (3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

- (4) The legal and procedural rules that govern each authorized use.
- (5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
- (6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
- (7) The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

AB 481 outlines a multi-step process for the Council to formally adopt a military equipment use policy. The principle steps (and anticipated completion dates) are as follows:

- (1) Submit a proposed Military Equipment Use Policy to the City Council – April 5, 2022, Regular Meeting; Resolution No. 1532-2022.
- (2) Following submission of Policy to the City Council, the proposed Policy must be made publicly available on the City's website for a 30-day period – April 6, 2022 to May 16, 2022.
- (3) Introduction and first reading of Ordinance approving Policy at a public hearing/regular meeting – May 17, 2022.
- (4) Second reading and adoption of Ordinance approving Policy at continued public hearing/regular – June 17, 2022

By adopting Resolution No. 1532-2022, the Council is completing the first procedural requirement of AB 481, i.e., accepting the Police Chief's proposed Policy. Once submitted, the proposed Policy will be publicly available on the Rio Dell Police Department's website, which is accessible at the following link: <https://ci.RioDell.ca.us/departments/police/>.

The proposed Policy is attached as *Exhibit A* to the Resolution. The proposed Policy is modeled after Lexipol's Model Policy 706, with minor revisions to fit the City's circumstances. Among other requirements in AB 481, the proposed Policy includes an inventory of the Rio Dell Police Department's current military equipment.

By way of Resolution No. 1532-2022, the Council is only accepting the submission of the proposed Policy. The Council is not approving the proposed Policy. Pursuant to the requirements of AB 481, the Council will formally approve the proposed Policy, by ordinance, at a future regular meeting following the 30-day public review period.

DISCUSSION:

Assembly Bill 481 requires local law enforcement agencies to obtain approval of their respective governing body (here, the City Council), by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to the Ralph M. Brown Act, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. "Military equipment" is defined to mean:

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- (4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (6) Weaponized aircraft, vessels, or vehicles of any kind.
- (7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
- (8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- (9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- (10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
- (11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- (12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

- (13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
- (14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
- (15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

In order for the Rio Dell Police Department to continue the use of any military equipment that was acquired prior to January 1, 2022, the City Council must begin the approval process (explained above) no later than May 1, 2022. Thereafter, the required policy must be adopted and in place prior to engaging in the following activities:

- (1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
- (2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (4) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.
- (5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
- (7) Acquiring military equipment through any means not provided by AB 481.

The military equipment use policy must be a publicly released, written document governing the use of military equipment by the Police Department that addresses, at a minimum the items described in the Executive Summary, above. The proposed Policy addresses each of the requirements.

The City Council must make certain determinations before it approves a military equipment use policy per Government Code 7071(d)(1). Those findings are as follows: (i) the military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; (ii) the proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties; (iii) if purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; (iv) prior military equipment use

complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance. The Council will consider these findings at the time of the introduction and first reading of the Ordinance at a future regular meeting.

Following adoption of the initial Policy, the Council will annually review a report submitted by the Police Chief that contains:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Additionally, Rio Dell Police Department must also, within 30 days of submitting and publicly releasing an annual military equipment report, hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the Police Department's funding, acquisition, or use of military equipment.

As noted above, by adopting Resolution No. 1532-2022, the Council is accepting the Police Chief's submission of the proposed Policy. The Council will consider the substance of the proposed Policy and consider adopting the proposed Policy at a future regular meeting following the public review period.

FINANCIAL IMPACT:

No fiscal impact.

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff
2. Open Public Comment
3. Close Public Comment
4. Motion to adopt Resolution No. 1532-2022 and to read by title only

ATTACHMENTS:

- *Resolution No. 1532-2022, A Resolution Of The City Council Of The City Of Rio Dell Accepting The Submission By The Police Chief Of A Proposed Military Equipment Use Policy And Requiring That The Proposed Policy Be Made Publicly Available On The Rio Dell Police Department's Webpage*



EXHIBIT A

Policy 706 – Military Equipment Use Policy

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The City Council of the City of Rio Dell.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).

- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

706.2 POLICY

It is the policy of the Rio Dell Police Department that members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this Department to act as the military equipment coordinator. The Chief of Police may appoint himself/herself to serve in this role. The responsibilities of the military equipment coordinator include but are not limited to:

- a. Acting as liaison to the governing body for matters related to the requirements of this policy.
- b. Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- c. Conducting an inventory of all military equipment at least annually.
- d. Collaborating with any allied agency that may use military equipment within the jurisdiction of the Rio Dell Police Department (Government Code § 7071).
- e. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the Department's funding, acquisition, and use of equipment.
- f. Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the Department website (Government Code § 7072).
- g. Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

Specialized Firearms and Ammunition

Description, Quantity, Capabilities, and Purchase cost

The Carbine Rifle is a firearm capable of accurately stopping an armed subject at various ranges. The Carbine Rifle is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon that fires a single shot with each pull of the trigger. The Carbine

Rifle does not have an expiration date and will need to be serviced or replaced when the weapon becomes unserviceable. The .223/5.56mm cartridge is used as a lethal option designed to stop violent encounters. The projectile is capable of defeating soft body armor being worn by armed and violent subjects

Rock River Arms LAR-15 – Purchase cost: \$1500 – Quantity: 2

Colt M4 Carbine – Purchase cost: \$4000 – Quantity: 4

PMC .223 55 grain ammunition – Purchase cost: \$1150 – Quantity: 2000 rounds

Purpose

To be used as a lethal weapon to address a threat with more precision and/or at greater distances than is possible with a handgun.

Authorized Use

Only Department members that are POST certified and authorized by the Chief may use carbine rifles while on patrol. All other Rio Dell Police Department policies, including but not limited to, Use of Force (RDPD Policy 300) and Firearms (RDPD Policy 306), remain in effect. In addition, Carbine Rifles and the corresponding ammunition may be used in training exercises as authorized by the Chief.

Expected Lifespan:

Carbine Rifles – No expiration

PMC ammunition – No expiration

Fiscal Impact

Carbine Rifles - \$0 - \$1500 annually

PMC .223 55 grain ammunition - \$200 - \$800 annually

Kinetic energy weapons and munitions.

Description, Quantity, Capabilities, and Purchase cost

The Bean Bag Shotgun is a Remington 870 shotgun with an orange stock and forearm. It is used to fire 12-gauge bean bag impact weapons from a safe distance.

Remington 870 Shotgun – Purchase Cost: \$500 – Quantity: 1

CTS Model 2581 Super Sock Bean Bag round – Purchase Cost: \$175 – Quantity: 25

Purpose

To limit the escalation of conflict where employment of lethal force is not allowed or is undesirable.

Authorized Use

The Bean Bag Shotgun is authorized for use in the following situations

Self-destructive, dangerous, and/or combative persons
Riot control and civil unrest incidents
Circumstances where a tactical advantage can be obtained
Potentially vicious animals
Training exercises or approved demonstrations

All other Rio Dell Police Department Policies, including but not limited to, Use of Force (RDPD Policy 300) and Control Devices and Techniques (RDPD Policy 303), remain in effect.

Expected Lifespan

Remington 870 shotgun – No expiration
CTS Model 2581 rounds – 5 years

Fiscal Impact

Remington 870 Shotgun – \$0 to \$500 annually
CTS Model 2581 rounds - \$0 to \$175 annually

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- a. Requesting military equipment made available pursuant to 10 USC § 2576a.
- b. Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- c. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- e. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

- f. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- g. Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment being used in this jurisdiction by members of the Rio Dell Police Department shall comply with the City of Rio Dell's approved military equipment policy. During times of mutual aid or when utilizing the Humboldt County Regional SWAT Team, allied agencies and their personnel should only use military equipment which is approved for use in the allied agencies' own military equipment policy. This shall not prevent Rio Dell Police Officers who are members of the Humboldt County Regional SWAT Team from deploying military equipment approved by the Humboldt County Sheriff's Department for use by Rio Dell Police Officers who are assigned to the SWAT Team. Nothing in this policy shall prohibit the use of unapproved military equipment by members of the Rio Dell Police Department or its allied agencies during times of exigent circumstances.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in Department inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.



RESOLUTION NO. 1532-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ACCEPTING THE SUBMISSION BY THE POLICE CHIEF OF A PROPOSED
MILITARY EQUIPMENT USE POLICY AND REQUIRING THAT THE PROPOSED
POLICY BE MADE PUBLICLY AVAILABLE ON THE RIO DELL POLICE
DEPARTMENT’S WEBPAGE**

WHEREAS, the City of Rio Dell, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Assembly Bill 481 (“AB 481”), which among other things, adds Chapter 12.8 to Division 7 of Title 1 to the California Government Code providing certain requirements for the funding, acquisition, and use of military equipment, as defined; and

WHEREAS, AB 481 requires that the City Council adopt, by ordinance, a military equipment policy that complies with the requirements of AB 481 and to make said policy publicly available; and

WHEREAS, AB 481 further requires that, prior to adopting such a policy, the Rio Dell Police Department must first submit its proposed policy to the City Council and make the proposed policy publicly available on the Department’s webpage for a 30-day period; and

WHEREAS, by way of this Resolution, the Rio Dell Police Department is formally submitting its proposed Military Equipment Use Policy, a copy of which is attached to this Resolution as *Exhibit A*; and

WHEREAS, following submission of the proposed Military Equipment Use Policy, the Policy will be made publicly available through the Rio Dell Police Department webpage.

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

1. The proposed Military Equipment Use Policy, attached to this Resolution as *Exhibit A* is deemed submitted to the City Council;
2. The Police Chief is directed to make the proposed Military Equipment Use Policy publicly available in the manner required by AB 481 for a period of at least 30 consecutive calendar days following adoption of this Resolution; and
3. The City Council will consider adoption of the proposed Military Equipment Use Policy at a regular meeting to be held in the future in accordance with AB 481.

PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell, California, on this 5th day of April, 2022 by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

Debra Garnes, Mayor

ATTEST:

Karen Dunham, City Clerk



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

For Meeting of: April 5, 2022

■ Consent Item; □ Public Hearing Item

To: City Council
From: Jeff Conner, Chief of Police
Through: Kyle Knopp, City Manager
Date: March 29, 2022
Subject: Authorization to Purchase Computers for Mobile Display Terminals

Recommendation:

That the City Council authorize the Chief of Police to purchase five, Panasonic Tough Book computers and mounting hardware to be used as Mobile Display Terminals (MDTs) in the Department's patrol vehicles for the sum of \$21,847.

Background and Discussion

In February of 2021, the Chief of Police submitted a proposal to the Measure Z Committee for funds to purchase MDTs for each of the Department's patrol vehicles. That proposal was approved and \$18,500 from Measure Z funds was made available for the purchase. As part of the process, the Chief of Police contacted vendors and obtained three sales quotes for the cost of the equipment. The lowest bid was from Rugged Depot. In addition, they have the computers in stock and will not have to order them. Unfortunately, the cost of the hardware has increased significantly in the last year and the amount of the bid is \$21,847. A budget adjustment may be necessary in the future, but there are ample funds in the Police Department's budget to cover the increased cost as well as the cost to install the computers.

Attachments

Sales Quotes from Rugged Depot, RWS Services, and Shaw Computer Services



WE DON'T DO FRAGILE!

Sales Quotation

Quotation No.:61354

Page 1 of 1

Tel: 281-305-5037
Ofc: 281-259-6613
Fax:
timothy.grayewski@ruggeddepot.com

Order Date: 03/09/2022
Valid Until: 04/09/2022
Customer Number: C29709
Rep: TD Team
Terms: ON_INVOICE (WIRE/CHECK)
Customer Ref:

Bill To:
Rio Dell Police Dept
675 Wildwood Ave

Rio Dell CA 95562
USA

Ship To:
Rio Dell Police Dept
675 Wildwood Ave

Rio Dell CA 95562
USA

Item Code	Description	Condition	Quantity	Price	Total
FZ-55 In Stock	Win10 Pro, Intel Core i5-1145G7 (up to 4.4Ghz), vPro, 14.0" FHD 1000 nit Gloved Multi Touch, 16GB, 512GB OPAL SSD, Intel Wi-Fi 6, Bluetooth, 4G LTE Band 14 (EM7511), Dual Pass (Ch1:WWAN-GPS/Ch2:WWAN), Infrared Webcam, Standard Battery, TPM 2.0, Emissive Backlit Keyboard, Flat	NEW	5	2,849.00	14,245.00
Dock - 6 month lead time	KIT: Panasonic Toughbook 55 DUAL RF Laptop Dock (7160-0577-02) and LIND power adapter (#7300-0461)	NEW	5	975.00	4,875.00
Mounting Kit	Not to exceed pricing on mounting kit for each vehicle - price may change with each year make and model	NEW	5	500.00	2,500.00

Freight	\$227.00
Tax	\$1,891.76
Total	\$21,847.00

FZ-55 w/mounting and docking

Terms and Conditions

- * Any refunds, for any reason (including cancellations), if payment was made with American Express, refund will be less 4% American Express merchant processing charge.
- * All shipments are FOB Destination, Freight Prepaid & Add, unless using customer shipping account, if freight not shown on quote, it will be added to Invoice.
- * Payment must be made in U.S. dollars.
- * Pricing and quantities are subject to change.
- * Rugged Solutions America LLC reserves the right to substitute products of equal or greater specifications.
- * Invoices are subject to late payment charges of 18% per year computed monthly after due date.
- * All products are sold "AS IS"
- * No credit allowed for goods returned without prior approval.
- * ALL RETURNS MUST BE ACCOMPANIED BY A RETURN MATERIAL AUTHORIZATION NUMBER AND ARE SUBJECT TO A 20% RESTOCKING/HANDLING FEE; IF A SPECIAL ORDER PART, ADDITIONAL VENDOR RESTOCKING/HANDLING FEES MAY APPLY.
- * Claims for loss or damage in shipment must be made to the carrier by the Customer. All others must be made to Rugged Solutions America LLC within 2 days of receipt of goods. All goods shipped at the buyer's risk.
- * Customer also agrees to pay such attorney's fees and costs as are actually incurred for the collection of this amount whether or not suit is instituted.
- * All product and services on this invoice will remain the property of Rugged Solutions America LLC and will be fully encumbered until full payment has been remitted.
- * Terms orders are based off from payment being made via check or ACH or Wire. If Credit Card is presented as payment, an administrative fee of 3.5% plus \$25.00 will be added to the corrected invoice.

521 N. 1440 W.
 Pleasant Grove, Utah (UT) 84062
 http://www.shawcomputers.com
 707-725-6442



Rio Dell Police Department
 Department, Rio Dell Police Rio Dell Police Department
 Rio Dell, CA 95562

Estimate #	1506
Estimate Date	03-14-22
Total	\$26,115.38

Item	Description	Unit Cost	Quantity	Line Total
EZ-55	Panasonic EZ-55 Toughbook	\$2,995.00	5.0	\$14,975.00
7160-577-00 Dock	Gamber Johnson 7160-577-00 Dock and Power	\$1,250.00	5.0	\$6,250.00
Vehicle Mounts	Misc Mounts for Different vehicle types.	\$625.00	5.0	\$3,125.00

THIS IS AN ESTIMATE

Subtotal	\$24,350.00
Tax	\$1,765.38
Estimate Total	\$26,115.38

Disclaimer

Items left over 120 days without contact from customer will be considered abandoned and may be sold for the cost of the repair. Data will be saved prior to hard drive wipe.

Signed: _____

Date: _____



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

April 5, 2022

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Authorize the Mayor to Sign Letter Supporting State Funding for Local Government Implementation of SB 1383 Organics Rules

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the Mayor to sign the attached letter.

BACKGROUND AND DISCUSSION

SB 1383 (2016) requires methane emission reduction goals to reduce the landfill disposal of organic waste 50% by 2020 and 75% by 2025 from the 2014 level; and recover at least 20% of currently disposed of surplus food by 2025. CalRecycle was given authority to adopt regulations that would achieve these organic waste reduction requirements. The regulatory package is comprehensive, placing various responsibilities on local jurisdictions, including:

- Providing organic collection services;
- Edible food recovery program;
- Education and outreach to the community;
- Procurement requirements of organic material;
- Providing access to edible food and composting facilities; and
- Monitoring and enforcement by the local jurisdictions.

This year, local governments have started to implement many of the requirements, which Cal Recycle has estimated will cost \$20 to \$40 billion over the next decade, including the addition of 50 to 100 new organic waste recycling facilities. In FY 2021-22, Cal Cities and a coalition of advocates successfully secured \$60 million state budget allocation for local assistance grants to implement SB 1383. However, Cal Recycle received 470 applications for this funding, which is insufficient to support local government projects seeking resources to develop a new comprehensive collection plan.

Cal Cities is spearheading an effort to increase SB 1383 local assistance grants to \$180million for the FY22-23. The Governor and Legislature will begin to ramp up budget discussion in the next 2 months for final adoption on June 15th.

///

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cityofriodell.ca.gov*



April 5, 2022

The Honorable Nancy Skinner
Chair, Senate Budget and Fiscal Review
Committee
1021 O Street, Suite 8630
Sacramento, CA 95814

The Honorable Phil Ting
Chair, Assembly Budget Committee
1021 O Street, Suite 8230
Sacramento, CA 95814

RE: Budget Request – \$180 million (General Fund): Local Assistance for Organic Waste Recycling Program Development and Implementation

Dear Assembly Member Ting and Senator Skinner:

The City of Rio Dell supports the League of California Cities (Cal Cities) request for \$180 million (General Fund) in local assistance to continue helping cities develop and implement organic waste recycling programs, as required by the Department of Resources Recycling and Recovery's (CalRecycle) Organic Waste Reduction Regulations (SB 1383). This budget request builds on the \$60 million down payment approved by the Legislature last year and will further help local governments implement this important greenhouse gas emission reducing program and lower the cost to ratepayers.

Cities greatly appreciate the Legislature's funding for SB 1383 local assistance in the FY 2021-22 budget and CalRecycle's quick establishment of the grant program. However, additional funding is greatly needed. At a recent Senate Budget Committee Subcommittee hearing, CalRecycle Director Rachel Machi Wagoner indicated that CalRecycle received 470 applications for the initial round of funding, which is insufficient to support local government projects seeking resources.

Local governments are the backbone for achieving California's solid waste management and recycling goals. CalRecycle's SB 1383 Regulations adopted in November 2020 require local governments to reduce landfill disposal of organic waste 75% by 2025 and to increase edible food waste recovery 20%. SB 1383 is the farthest-reaching solid waste management change since AB 939 (Sher, 1989) and CalRecycle has estimated statewide implementation will cost \$20 to \$40 billion over the next decade, including the addition of 50-100 new organic waste recycling facilities.

Compliance obligations for local governments began in early 2022 and local governments continue to develop a comprehensive suite of local collection,

enforcement, and funding programs. These activities include hiring new staff and consultants, adopting ordinances, arranging for appropriate collection services, establishing inspection and enforcement programs, procuring recovered organic waste products, providing education and outreach, developing edible food recovery programs, and reporting to CalRecycle.

This funding request alone is not sufficient to achieve the state's organic waste recycling targets, especially in light of the estimated \$20 to \$40 billion anticipated total implementation cost; however, it will go a long way to help local governments and accelerate the development of the programs necessary to achieve those goals and to carry out early implementation activities.

In addition to this request for local program development assistance, the City of Rio Dell recognizes that there remains additional need to dedicate funding for infrastructure development. California must significantly increase the number of organic waste recycling facilities to achieve the state's goals. We believe there is merit to supplementing this request with an infusion of state funding into CalRecycle's Greenhouse Gas Reduction Grant and Loan Programs to provide financial assistance to develop additional organic waste recycling infrastructure. We believe that some portion of those funds should be targeted to regional organic waste recycling and procurement solutions and to rapidly scale up edible food recovery programs.

Finally, we suggest allocating funding to CalRecycle to develop a statewide program environmental impact report for the siting and construction of organic waste composting facilities, as such a document could significantly reduce the time necessary to construct new composting facilities.

Developing suitable programs for organics diversion, obtaining the necessary approvals of programs and costs to rate payers through elected bodies, awarding contracts, and then implementing these programs will take time and resources. This \$180 million allocation will help local governments develop and implement effective organic waste recycling programs; however, we note that further statutory and regulatory changes may be necessary to maximize program effectiveness and efficiency, and address challenges that may arise in program implementation.

For these reasons, the City of Rio Dell respectfully requests the Legislature appropriate \$180 million (General Fund) for local assistance as outlined above.

Sincerely,

Debra Garnes
Mayor
CITY of Rio Dell

cc: Senator McGuire & Assemblymember Wood
The Senate Budget Committee
The Assembly Budget Committee
Sara Sanders, Cal Cities, sanders@calcities.org



Staff Highlights – 2022-04-05

City Council

On March 22nd, Mayor Garnes attended a virtual meeting of the CPUC to give public comment regarding PG&E's tardiness in updating critical energy conveyance facilities and its impact on economic development in Rio Dell and Humboldt County.

City Manager

Bids received for 2022 Street Asphalt projects. The project was awarded to GR Sundberg by the Council on March 29th. Work is expected to be completed by June of this year.

Met with CalFire representatives to discuss their search for a new headquarters.

Provided additional information to the Water Board regarding Water CIP grant application.

Submitted application with PG&E to begin operation of the new solar and battery project.

Responses to Records Requests regarding pave project.

Ongoing discussions with Façade Improvement Project applicants.

Ongoing discussions with local area experts on Rio Dell Community Forest concept.

City Clerk

Processed Thirteen (13) Building Permit Applications:

- 471 Second Ave. – Residential Re-Roof
- 115 Belleview Ave. – Fire Damage Repair (Electrical)
- 655 Rigby Ave. – 100 Amp Service Panel Upgrade
- 655 Rigby Ave. – Residential Re-Roof
- 754 Rigby Ave. – Residential Re-Roof
- 345 Dixie St. – Residential Re-Roof
- 160 River St. #1 – Gas Furnace
- 101 Painter St. – Sewer Lateral
- 177 Birch St. –225 Amp Service Panel Upgrade
- 381 Ogle Ave. – Sewer Cleanout
- 671 Side St. - Water Line
- 84 Edwards Dr. – In-Ground Pool and Spa
- 218 Belleview Ave. – Residential Addition/Remodel



Processed Four (4) Business License Applications:

Freedom Forever, LLC – Non-Resident Solar Contractor
Under Cover Roofing – Non-Resident Contractor
Lost Coast Power Washing – Mobile Business
Tim’s Plumbing – Non-/resident Contractor

Misc:

Filed Request for Reconveyance on CDBG Loan
Submitted Property Insurance Renewal Documents to SCORE
Submitted Bureau of Labor Statistics Report for March
Submitted CHF/CIRB Building Permit Report for February

City Attorney

Human Resources, Risk & Training

Finance Department

Public Works Water

Replaced water service line for 105 Douglas St.

Replaced valve for meter on 483 Fourth Ave.

Replaced Meter box on 420 Sequoia St

General Maintenance on Water Treatment Plant Filter system

Complete Water Rights Reports to Division of Water Rights SWRCB

Meter Reading and re- reads for the month of March

Public Works Wastewater

Cleared sewer plug at 210 Second Ave.

Sewer jetted hotspots.

Manhole inspections

Sewer lateral inspections: 101 painter st, 381 Ogle, 106 Meadow Bridge, 381 Center st.

Sewer manhole rings and lids replacement as a part of the street patching project: 7 total



Meeting with GHD to discuss SSES project: working on the chloramine construction design and SCADA software upgrades.

Spring mowing and Cleaning at the plant.

Routine Collection system cleaning Weekly

Setting up interviews for filling vacancies.

Switching effluent location to the Irrigation fields.

Fields mowed and Baled preparing for dry season discharge.

Repaired influent pump VFD at the Wastewater plant.

Lift station generators have been ordered and are being built.

Public Works Streets, Buildings and Grounds

Mowed Douglas tank site, Pacific and Belleview

Mowed South Gateway, front of tennis courts, school walkway by Dollar General and City Hall.

Cleaned Street signs on Wildwood Ave and Dais St.

Work with GR Sundberg on Patch paving project.

Repair sink hole with Wendt Construction on South Sequoia.

General vehicle maintenance

Meeting with Whitchurch Engineering for Belleview and Ogle Storm Drain Project

Public Works City Engineer

Public Works Capital Projects

Police Department

The Department had the following statistics for the period of February 9 to March 29, 2022. This period of time saw average numbers for all of the metrics. Staffing was reduced during portions of the reporting period due to training, vacations, and extended illness. The summation of Calls for Service may be greater than the total as multiple officers can now be assigned to the same call for service. There may also be administrative calls for service that are not documented below.

Officer	Calls for Service	Reports	Arrests
Conner	76	11	1



Beauchaine	77	10	4
Landry	98	32	22
Burns	207	23	8
Johnson	112	10	7
Fielder	41	5	2
Clark	98	3	N/A
Totals	697	94	44
Averages	14.2 per day	13.4 per week	6.3 per week
2021 Yearly Average	15.6 per day	14.2 per week	5.7 per week

Calls for Service at 355 Center Street

Type	Date	Time	Location	Primary Unit	Case #
459A	02/10/2022	08:46:06	355 CENTER ST	R615	
FU	02/17/2022	12:38:28	355 CENTER ST	R615	
FOOT	02/18/2022	15:08:01	355 CENTER ST	R615	
FU	02/25/2022	15:30:25	355 CENTER ST	R615	
FI	02/28/2022	18:33:59	355 CENTER ST	6S2	22-0000130
FOOT	03/01/2022	19:59:38	355 CENTER ST	6S2	
459A	03/08/2022	09:34:38	355 CENTER ST	6R9	
VI	03/11/2022	14:41:58	355 CENTER ST	R615	22-0000144
FU	03/13/2022	11:31:44	355 CENTER ST	6A1	
VI	03/19/2022	17:03:58	355 CENTER ST	6S2	
FOOT	03/19/2022	23:05:00	355 CENTER ST	6S2	
CWS	03/23/2022	11:00:44	355 CENTER ST	R615	
VI	03/25/2022	21:40:54	355 CENTER ST	R618	
VI	03/28/2022	00:58:43	355 CENTER ST	6S2	22-0000174

459A – Burglary alarm

FU – Follow-up or other generic call for service

FOOT – Foot patrol through the complex

FI – Field Interview or pedestrian contact

VI – Vehicle investigation

CWS – Possible child abuse investigation

R615 – Officer Liam Burns

R618 – Officer Russell Johnson

6A1 – Chief Jeff Conner

6S2 – Corporal Crystal Landry

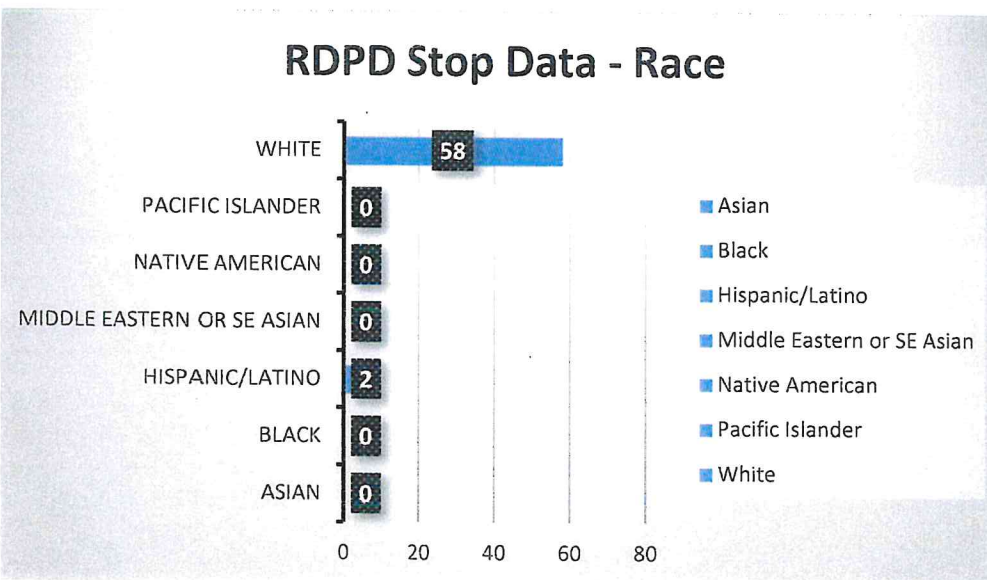
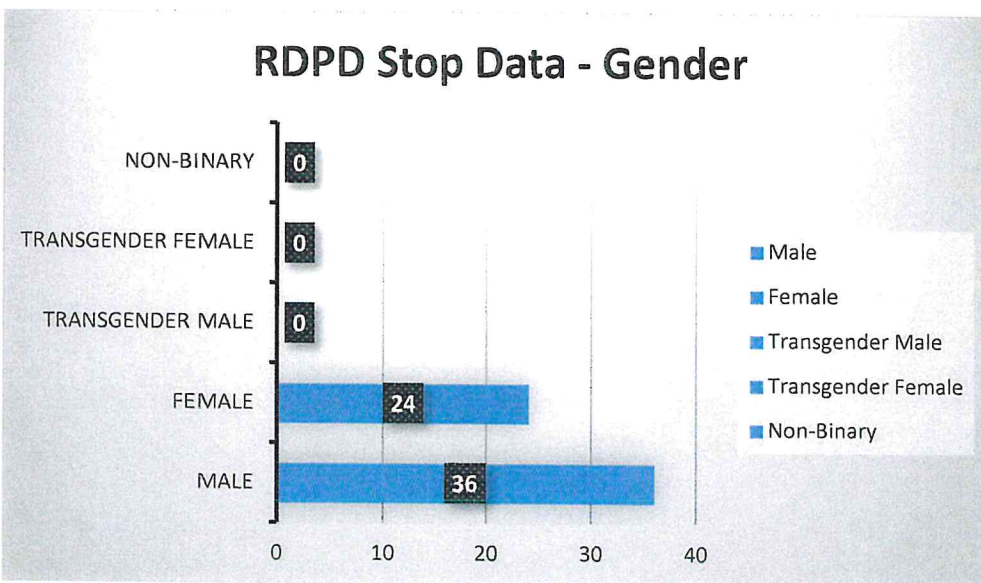
6R9 – Officer Charlie Fielder

During the period of February 9 to March 29, 2022, there were 24 calls for service related to animal control issues. Three dogs were transported to Miranda’s Rescue. One of these dogs was a pitbull who had obviously been without care for an extended period of time. The dog was taken to the vet for a



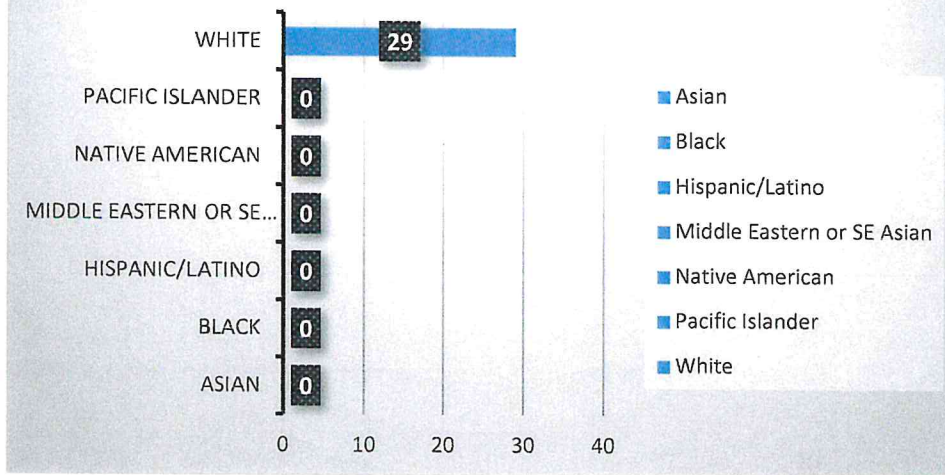
wellness check who confirmed several issues that needed to be dealt with, but none that could not be treated. The dog was then transported to Miranda's Rescue, who found him a new home within a day. A cat that could not make use of its rear legs was also taken to the vet. However, it's prognosis was not as good and it was put down.

The Department has started to collect stop data as required by the Race and Identity Profiling Act of 2015. The following charts show the data for gender, race, searched by race, and arrested by race in the month of February, 2022. There were 60 detentions/searches in that time period. We have started to submit our data to the Department of Justice. Larger agencies have been doing this since 2018 and so there is data viewable for the years 2018 and 2019 at the site [State of California Department of Justice - OpenJustice](#)

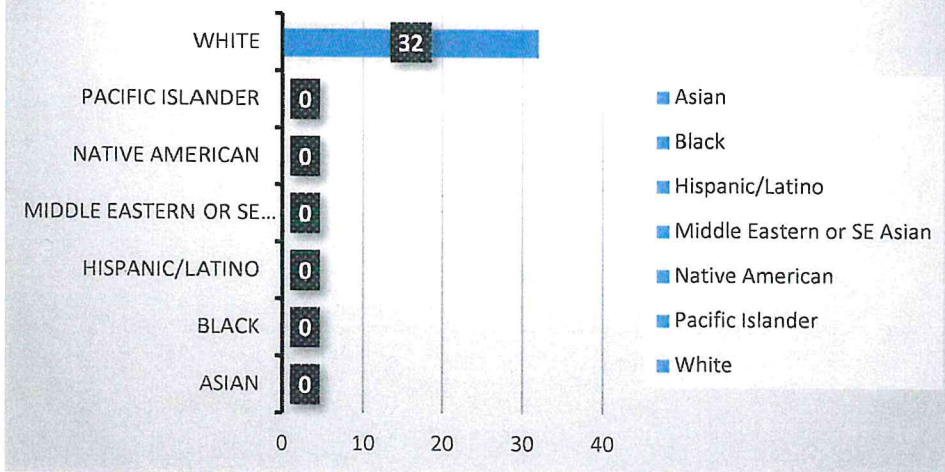




RDPD Stop Data - Search by Race



RDPD Stop Data - Arrest by Race



On February 16, 2022, Sergeant Beauchaine responded to a residence where the occupant reported that he had been assaulted. Sergeant Beauchaine learned that an acquaintance of the occupant came to his house and asked to use his phone. When the occupant was hesitant, the man assaulted him. The occupant then let the acquaintance use his phone, but the man walked out the door with it. Sergeant Beauchaine looked for the man without success. Two days later, Officer Burns located the suspect and took him into custody. He was transported to the jail where he was booked for robbery, burglary and assault.

On February 20, 2022, Officer Johnson stopped a car on the freeway. He observed a man in the driver's seat and an infant in a car seat attached to the passenger seat. Corporal Landry arrived as a backing officer and contacted a woman sitting in the rear of the truck. Both adults were on probation/parole and the truck was searched. Syringes and drugs were found inside of the truck, including drugs hidden



in the baby's bassinette. Both persons were cited for child endangerment, possession of a controlled substance, and possession of drug paraphernalia. The truck was towed.

On February 22, 2022, Chief Conner responded to a family fight at an apartment. Chief Conner contacted the father, who was wearing shorts and a T-shirt on a cold and blustery day. Both of the man's hands had abrasions on the back that were bleeding. Chief Conner learned that the man's son had allegedly been breaking property inside of their shared apartment. When the son refused to stop, his father sprayed him with pepper-spray. The son responded by pushing his father out of the door. When the father tried to reenter the apartment, the son slammed the door on his hands, causing the injuries. The father was able to get back into the apartment once he was sure that his son had left. He requested an emergency protective order (EPO) to prevent elder abuse. The son was contacted and served with the EPO. The order required him to move out of the apartment. Later that same evening, Corporal Landry and Sergeant Beauchaine learned that he had returned to the apartment when his father was not home. They contacted him there and he was taken into custody booked into the jail for violating the restraining order. The original report was sent to the District Attorney for review.

On March 5, 2022, Officer Burns responded to a fight between a man and a woman. The two had been arguing and the woman tipped over the man's motorcycle and then got into her car in an effort to get away. The man responded by getting in the back seat of the car, pulling the woman's hair, compressing her chest and striking her in the face. The woman suffered a black eye and some other minor injuries. She was six months pregnant at the time. The couple's toddler was strapped into her car seat during the assault. The man fled before Officer Burns arrived, but he was arrested by the Fortuna Police Department two days later and booked into the jail for domestic violence. He has since pled guilty to several charges related to this case as well as others.

On March 6, 2022, Chief Conner was dispatched to a report that a woman was driving a van in the area of Painter and Riverside, yelling at pedestrians. Chief Conner contacted the woman, who was no longer driving and was holding a bloody towel against her abdomen. She removed the towel when asked and it was apparent that she had been stabbed. Chief Conner requested medical assistance and after the Fire Department arrived, he went in search of the woman's ex-boyfriend. Corporal Landry was assisted by the Fire Department in searching the riverbar when Chief Conner went to St. Joseph's hospital to check on the victim. The wound did not penetrate all the way through her abdominal muscles and, consequently, surgery was not required. The search for the suspect continued and the following day, he was located in the backyard of his residence by Chief Conner and Corporal Landry. He was taken into custody without incident. He admitted to fighting with the victim, but denied that he had stabbed her, claiming she had stabbed herself to get him in trouble. He was booked into the jail on charges of assault with a deadly weapon, domestic violence, and violation of domestic violence restraining order. The day after that, Chief Conner and Corporal Landry conducted a probation search of his house and located the clothing that he was believed to be wearing at the time of the assault. There was a small pocket knife in the pocket and blood stains on the pants' legs. The suspect has since pled guilty to assault with a deadly weapon and a probation violation. He is expected to spend at least two and a half years in prison.

On March 7, 2022, Corporal Landry responded to an apartment where a man and a woman had been fighting. The woman had called claiming that she had been assaulted by her husband. She had minor injuries on her face. But she was vague about what had happened. As the man was on parole, Corporal Landry searched the apartment for him, but he had already left. She searched the surrounding area and



located him in the parking lot. She learned that the man had been asleep when his wife jumped on top of him. He tried to push her away and she responded by scratching his neck and punching him in the face. He had numerous scratches on his neck. The man was able to escape and go to a friend's house until things calmed down. Corporal Landry went back to the apartment and took the woman into custody for domestic violence. When she was brought to the jail, she struggled with correctional deputies and had to be physically subdued.

On March 8, 2022, Chief Conner took a stolen vehicle report. The truck in question did not run and the victim had video of it being towed away by another truck that looked very similar. Officer Fielder was checking the Shively Road area for the stolen truck when he came upon two trucks of same make and model. One was the stolen truck and the other matched the description of the pickup seen towing it away. The three men present fled into the brush as Officer Fielder attempted to detain them. The suspect vehicle was searched. An ID was found that identified one of the thieves. In addition, over \$2000 in counterfeit money was seized. In the bed of the truck, officers found several totes that held more than sixty-five pounds of processed marijuana. All of these items were seized and a report was filed with the DA's Office requesting a warrant be issued for the identified suspect.

On March 13, 2022, Officer Johnson was patrolling in Scotia when he spotted a suspicious vehicle at the Renner fuel station. Before he could read the car's license plate, the driver fled at a high rate of speed. Officer Johnson attempted to stop the vehicle for speeding, but it continued to accelerate while heading south on Main Street and then onto the freeway. Officer Johnson terminated the pursuit when he reached top speed of the patrol vehicle and the suspect was still pulling away (125 mph). A request was made to Renner for any surveillance video that might help identify the vehicle and its driver. They supplied several still photographs that have helped identify the make and model of the car. However, the suspect has yet to be identified.

Code Enforcement

During the period of February 9 to March 29, 2022, the Department opened twenty-three new code enforcement cases dealing with junk or inoperable vehicles and closed sixteen. Of the closed cases, six cars were towed by the City while the other ten were moved by their owners. At the end of this reporting period, there were nine open cases involving junk vehicles.

During the period of February 9 to March 29, 2022, the Department opened one new code enforcement case dealing with a violation of the Building Code. The Department closed five cases in the same time frame. Three of the closed cases dealt with excessive vegetation that was removed by the owners. Another was a violation of the City's short-term rental ordinance that was cleared by the owner. The last was a property that had been abated several years ago and was closed when no further action was needed. The Department conducted an abatement on a property located on Pacific Avenue where a work crew loaded a dumpster with scrap metal and another with solid waste. It was agreed that the property owner could dismantle and scrap the two junk vehicles on the property. One of these has been removed and the other is in the process of being disassembled.



Community Development Department

Review and approve Solar Plans 177 Birch Avenue

Interior Shear and covered entry Inspection 1275 Northwestern Avenue; Northwestern Flower Company

Office framing, office rough electrical and partial sheetrock Inspection 1325 Northwestern Avenue, Marathon 102.

Final roof Inspection 959 Rio Dell Avenue.

Insulation Inspection 162 Grayland Heights.

Continue work on Residential Addition handout.

Review CDBG Supplemental Guidelines, prepare list of potential Supplemental Activity projects. Prepare Staff Report for Council direction. Email to HCD representative requesting direction/assistance.

Attend REAP Virtual meeting.

Rock Notice of Violation Letter – Unpermitted Roof.

Will Notice of Violation Letter – Unpermitted Roof.

Attend SVABO Braced/Shear Wall CBC Requirements Workshop.

Electrical and Sheetrock Inspection 115 Belleview Avenue

Roof Inspections 538 Third Avenue

Roof Inspections 2nd Avenue

Site Inspection 282 Belleview Ave

Staff Report 3/15/2022 Cannabis Taxes

Window Inspection 329 Douglas Ave

HCD Zoom meeting re: Program Income

Roof Inspections 471 2nd Avenue

Review Dinsmore Plateau State Cannabis License Status

Health and Safety Inspection 174 2nd Ave



Inspections 230 Smither Court

Inspections 1275 Northwestern Avenue

Sheetrock Inspection 162 Grayland Heights

Inspections 115 Belleview Avenue

Attend CAP Virtual meeting.

Prepare Council Staff Report regarding Cannabis taxes. Review cannabis tax rates throughout the State.

Prepare/Revise Income Survey questionnaire, identify survey area, consult with HCD.

Furnace Inspection 160 River Road, Unit 1.

Meeting w/CalFire – Todd Property

Intergovernmental

Humboldt-Rio Dell Business Park



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

April 5, 2022

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Appoint an Ad Hoc Committee of the City Council to participate in the Rio Dell Police Chief Interviews

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Appoint two members of the City Council to participate in interviews for the Chief of Police.

BACKGROUND AND DISCUSSION

The City is currently recruiting for the position of Chief of Police. The City has received applications that are currently under review. Scheduling for interviews is expected to begin soon.

///

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



For Meeting of: April 5, 2022

To: City Council
From: Kevin Caldwell, Community Development Director *K*
Through: Kyle Knopp, City Manager *K*
Date: March 23, 2022
Subject: Dinsmore Plateau Cannabis Taxes

Recommendation:

That the City Council:

1. Receive a brief presentation regarding the Council's direction to return to the Council with a Resolution to reduce the cultivation tax for non-electrified cannabis cultivation on the Dinsmore Plateau from \$2.00 a square foot to \$.50 a square foot for the 2022 growing season (Fiscal Year 2022/2023); and
2. Open the public hearing, receive public input, close the public hearing; and
3. Approve Resolution No. 1533-2022 reducing the current cultivation tax for non-electrified, outdoor, no artificial light cannabis cultivation from \$2.00 a square foot to \$.50 a square foot and reducing the cultivation tax for Mixed-Light from \$2.00 a square foot to \$1.00 a square foot on the Dinsmore Plateau for the 2022 growing season (Fiscal Year 2022/2023).

Background and Discussion

At your meeting of March 15th, your Council directed staff to prepare a Resolution temporarily reducing the cultivation tax **for non-electrified cannabis cultivation** on the Dinsmore Plateau from \$2.00 a square foot to \$.50 a square foot for the 2022 growing season (Fiscal Year 2022/2023). The Council's action was at the request of the Dinsmore Plateau farmers based on the current market price of cannabis.

In reviewing the State licenses for the three approved farms on the Dinsmore Plateau, all three farms have either a Mixed-Light Tier 1 license (Dinsmore Plateau Farms & Rio's Diamond Farm) or Mixed-Light Tier 2 license (Sweet Grass). A Mixed-Light Tier 1 license is for the use of artificial light at a rate of six watts per square foot or less. The Mixed-Light Tier 2 license is for the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

It's clear that the intent of the Council's direction was to provide financial relief to those farmers on the Dinsmore Plateau that do not use electricity (artificial light). Farmers that do not use supplemental lighting grow one crop annually. Mixed-Light farms typically produce two, sometimes three crops annually. Indoor farmers can produce at least four and sometimes five crops annually depending on the strain.

Because the Council's direction was based on misinformation, staff is recommending the Council lower the cultivation tax for Mixed-Light cultivation as well. This would provide relief to the farmers on the Dinsmore Plateau which is consistent with the Council's intent.

In reviewing cultivation tax rates throughout the state, many jurisdictions have a tiered approach, Outdoor (no artificial lighting), Mixed-Light and Indoor. Of course, there are a lot of jurisdictions that only allow indoor cultivation. The tiered tax approach is based on the number of expected harvests per year based on the cultivation technique. A significant number of jurisdiction's tax rates are based on gross receipts and others are based on a per square foot rate. Jurisdictions imposing a gross receipt tax have expressed regret due to the potential of under reporting gross receipts and necessary audits associated with a gross receipt tax.

Mixed-Light cultivation taxes range from Humboldt County's recently approved reduction from \$2.00 per square foot to \$.30 a square foot for the 2022 growing season to the Cities of Coachella and Gonzalez tax rates of \$15.00 per square foot. It should be noted that Calaveras County recently reduced their Mixed-Light tax from \$2.00 per square foot to \$1.20 a square foot. The City of Adelanto's Mixed-Light tax rate is \$1.25 per square foot.

Staff has identified fourteen (15) jurisdictions throughout the State that allow and tax mixed-light based on square footage. The average tax rate is \$4.91 per square foot. Staff has also identified twenty-five (25) jurisdictions that tax indoor cultivation. The average tax rate for those jurisdictions is \$7.36 per square foot. Attachment 1 includes a list of those jurisdictions contacted by staff that impose cultivation taxes based on square footage. Please note that it is very likely the list is not all inclusive.

Again, because the Council's intent was to provide tax relief to the existing farmers in the Dinsmore Plateau, based on the tax rates of other jurisdictions throughout the State, staff is recommending reducing the cultivation tax for Mixed-Light cultivation from \$2.00 a square foot to \$1.00 a square foot on the Dinsmore Plateau for the 2022 growing season (Fiscal Year 2022/2023). This reduced tax rate would be one of the lowest cannabis cultivation tax rates in the State.

Attachments

Attachment 1: List of California jurisdictions imposing cannabis taxes based on square footage.

Attachment 2: Resolution No. 1533-2022 reducing the current cultivation tax for non-electrified, outdoor, no artificial light cannabis cultivation from \$2.00 a square foot to \$.50 a square foot and reducing the cultivation tax for Mixed-Light from \$2.00 a square foot to \$1.00 a square foot on the Dinsmore Plateau for the 2022 growing season (Fiscal Year 2022/2023).

Cannabis Tax Rates Per Square Foot
City of Rio Dell Cannabis Tax \$2.00 Per Square Foot

Mixed-Light		
	Jurisdiction	Tax Rate
1	Humboldt County	\$.30 (\$2.00)
2	Calaveras County	\$1.20 (\$3.00)
3	Adelanto	\$1.25
4	Lake County	\$2.10
5	Williams	\$2.75
6	Redding	\$3.00
7	Monterey County	\$3.00 (\$5.00)
8	El Dorado County	\$4.00
9	Hanford	\$4.00
19	California City	\$5.00
11	San Benito County	\$5.00
12	San Jacinto	\$5.00
13	Coalinga	\$7.00
14	Coachella	\$15.00
15	Gonzales	\$15.00
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
	AVERAGE	\$4.91

Indoor	
Jurisdiction	Tax Rate
Humboldt County	\$.45 (\$3.00)
Adelanto	\$1.25
Calaveras County	\$1.60 (\$4.00)
Willits	\$2.50
Williams	\$2.75
Del Norte County	\$3.00
Redding	\$3.00
Lake County	\$3.15
Grover Beach	\$5.00
San Benito County	\$5.00
Sonoma County	\$5.06
California City	\$7.00
Coalinga	\$7.00
El Dorado County	\$7.00
Hanford	\$7.00
Monterey County	\$7.00 (\$8.00)
Cathedral City	\$10.00
Palm Springs	\$10.00
San Jacinto	\$10.00
Watsonville	\$10.00
Desert Hot Springs	\$10.20 (\$25.00)
Long Beach	\$13.41
Coachella	\$15.00
Gonzales	\$15.00
Greenfield	\$15.00
Salinas	\$15.00
	AVERAGE
	\$7.36

RESOLUTION NO. 1533-2022



**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
REDUCING THE CULTIVATION TAX BASED ON THE STATE'S DEFINITIONS OF
OUTDOOR (NON-ELECTRIFIED/NO ARTIFICIAL LIGHT) AND MIXED-LIGHT
CANNABIS CULTIVATION ON THE DINSMORE PLATEAU FROM \$2.00 A SQUARE
FOOT TO \$.50 A SQUARE FOOT FOR OUTDOOR CULTIVATION AND FROM \$2.00
A SQUARE FOOT TO \$1.00 A SQUARE FOOT FOR MIXED-LIGHT CULTIVATION
FOR THE 2022 GROWING SEASON (FISCAL YEAR 2022/2023).**

WHEREAS, at the City Council meeting of March 1st, your Council heard comments during the Public Comment portion of the meeting regarding the state of the cannabis industry and requests that the City consider reducing the cultivation tax; and

WHEREAS, the City currently imposes a \$2.00 per square foot tax on cultivation whether cultivation occurs indoors or in greenhouses; and

WHEREAS, although the market for indoor cannabis has been impacted, the market for outdoor and greenhouse cannabis has been significantly impacted

WHEREAS, cannabis farmers have been burdened by the onerous nature of State regulations, illicit cultivation, and the economic instability of the legal market; and

WHEREAS, Council directed staff to agendize a discussion regarding the City's commercial cannabis cultivation taxes; and

WHEREAS, at the City Council meeting of March 15, 2022 your Council once again heard from two Dinsmore Plateau farmers requesting tax relief; and

WHEREAS, there are three approved farms on the Dinsmore Plateau; and

WHEREAS, all three Dinsmore Plateau farms have not paid any taxes for the 2021 season; and

WHEREAS, after hearing comments, Mayor Pro Tem Johnson made a motion to temporarily reduce the cultivation tax **for non-electrified cannabis cultivation** on the Dinsmore Plateau from \$2.00 a square foot to \$.50 a square foot for the 2022 growing season (Fiscal Year 2022/2023); and

WHEREAS, in reviewing the State licenses for the three approved farms on the Dinsmore Plateau, all three farms have either a Mixed-Light Tier 1 license (Dinsmore Plateau Farms & Rio's Diamond Farm) or Mixed-Light Tier 2 license (Sweet Grass); and

WHEREAS, the Mixed-Light Tier 1 license is for the use of artificial light at a rate of six watts per square foot or less; and

WHEREAS, the Mixed-Light Tier 2 license is for the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot; and

WHEREAS, the intent of Mayor Pro Tem Johnson's motion was to provide financial relief to those farmers on the Dinsmore Plateau that do not use electricity; and

WHEREAS, farmers that do not use supplemental lighting grow one crop annually; and

WHEREAS, mixed-Light farms typically produce two, sometimes three crops annually; and

WHEREAS, indoor farmers can produce at least four and sometimes five crops annually depending on the strain; and

WHEREAS, because the Council's direction was based on the premise that the Dinsmore Plateau farmers were not utilizing electricity or Mixed Light techniques, staff is recommending the

Council reduce the current cultivation tax for Mixed-Light cannabis cultivation as well from \$2.00 a square foot to \$1.00 a square foot; and

WHEREAS, consistent with the Councils direction of March 15, 2022, the cultivation tax for Outdoor (no artificial light) cultivation is recommended to be reduced from \$2.00 a square foot to \$.50 a square foot for the 2022 growing season (Fiscal Year 2022/2023).

NOW, THEREFORE BE IT RESOLVED, the Rio Dell City Council approves Resolution No. 1533-2022 reducing the cultivation tax based on the State's definitions of Outdoor (non-electrified/no artificial light) and Mixed-Light cannabis cultivation on the Dinsmore Plateau from \$2.00 a square foot to \$.50 a square foot for Outdoor cultivation and from \$2.00 a square foot to \$1.00 a square foot for Mixed-Light cultivation for the 2022 growing season (Fiscal Year 2022/2023).

I HEREBY CERTIFY that the forgoing Resolution was PASSED, APPROVED and ADOPTED at a MEETING of the City Council of the City of Rio Dell on April 5, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

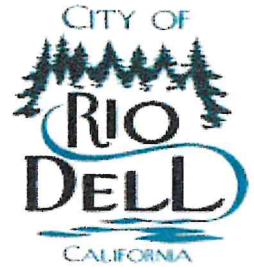
Mayor Debra Garnes

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 Resolution No. 1533-2021 adopted by the City Council of the City of Rio Dell on April 5, 2022.

Karen Dunham, City Clerk, City of Rio Dell

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH: Kyle Knopp, City Manager

DATE: April 5, 2022

SUBJECT: Resolution Declaring the Need for Continued In-Person/
Hybrid Meetings or Resolution Resuming with Virtual
(Zoom) Meetings in Accordance with AB 361

RECOMMENDATION

Adopt Resolution No. 1531-2022 (Version 1) declaring the need for continued in-person/hybrid City Council and Commission meetings during declared State of Emergency pursuant to Gov't Code Section 54953 (AB 361); or

Adopt Resolution No. 1531-2022 (Version 2) declaring the need to resume with virtual (Zoom) meetings.

BACKGROUND AND DISCUSSION

At the March 1, 2022 regular meeting, the City Council adopted Resolution No. 1528-2022 declaring the need to discontinue virtual meetings and resume with in-person/virtual (hybrid) meetings effective March 1, 2022. Staff was directed to return to the Council at this meeting to reconsider the circumstances of the emergency and either vote to continue with in-person/virtual (hybrid) meetings or resume with virtual (Zoom) meetings.

The Humboldt County Public Health Division reported 24 new cases for the seven-day period ending March 29 (3.43 per day) in Humboldt County. There was one reported death of a person over the age of 80 and one (1) hospitalization.

California's indoor mask mandate expired on February 15, 2022 for anyone who is fully vaccinated. Humboldt County aligned with the state and also lifted the mandate. Those who are unvaccinated are encouraged to wear masks in all indoor spaces although it is no longer a requirement.

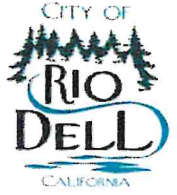
The latest data from the Centers for Disease Control and Prevention (CDC) reported the COVID-19 community levels for Humboldt County as "Low" risk which means that people should only wear masks based on personal preference and personal level of risk.

With passage of Resolution 1531-2022 to continue conducting City Council meetings in-person/virtually, staff will bring the item back at the May 3, 2022 regular meeting to reconsider the circumstances of the emergency and, if appropriate, make findings to continue to hold in-person/virtual (hybrid) meetings, or to resume with virtual (Zoom) meetings.

Attachments:

Resolution No. 1531-2022 - Continuing with In-Person/Virtual Meetings

Resolution No. 1531-2022 - Resuming with Virtual (Zoom) meetings



RESOLUTION NO. 1531-2022

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
DECLARING THE NEED TO CONTINUE CONDUCTING CITY
COUNCIL AND COMMISSION MEETINGS IN-PERSON/VIRTUALLY
DURING DECLARED STATE OF EMERGENCY PURSUANT TO
GOVERNMENT CODE SECTION 54953 (AB 361) RESCINDING
RESOLUTION NO. 1525-2022**

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

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

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

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

WHEREAS, on November 8, 2022, the Humboldt County Health Department extended the order requiring all individuals to wear face coverings when indoors in workplaces and public settings, with limited exceptions; and

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

WHEREAS, on October 5, 2021 the City Council adopted Resolution No. 1505-2021 declaring the need for virtual City Council and Commission meetings

during declared State of Emergency pursuant to Government Code Section 54953 (AB 361) and continued extending the declaration through April 2022; and

WHEREAS, on March 1, 2022 the City Council adopted Resolution No. 1528-2022 declaring the need to discontinue virtual (Zoom) meetings and resume with in-person/virtual (hybrid) meetings effective immediately; and

WHEREAS, the State and the County no longer have social distancing guidance; and

WHEREAS, the latest data from the Centers for Disease Control and Prevention (CDC) reported the COVID-19 community levels for Humboldt County as “Low” risk which means that people should only wear masks based on personal preference and personal level of risk; and

WHEREAS, the City Council reviewed the findings and determined that the state of local emergency does not continue to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and

WHEREAS, AB 361 provides that, if the state of emergency remains active for more than 30 days, a local agency must make certain findings by majority vote every 30 days to continue using the bill’s exemption to the Brown Act teleconferencing rules; and

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

- a. The City Council has reconsidered the circumstances of the state of emergency; and
- b. The state of local emergency does not continue to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and
- c. The State and County of Humboldt no longer have social distancing guidance but urges all unvaccinated individuals in public spaces to maintain social distancing; and the City can maintain those social distancing requirements for unvaccinated Councilmembers, Commissioners, staff and the public in the meeting spaces.

City Council and Commission meetings will continue as in-person/virtual (hybrid) meetings until such time the order is rescinded, superseded or amended by the Rio Dell City Council.

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk of the City of Rio Dell, certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on April 5, 2022 and was adopted thereafter by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Karen Dunham, City Clerk



RESOLUTION NO. 1531-2022

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
DECLARING THE NEED TO RESUME WITH VIRTUAL ((ZOOM))
CITY COUNCIL AND COMMISSION MEETINGS DURING DECLARED
STATE OF EMERGENCY PURSUANT TO GOVERNMENT CODE
SECTION 54953 (AB 361) RESCINDING RESOLUTION NO. 1525-2022**

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

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

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

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

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N08-21, which placed an end date of September 30, 2021, for agencies throughout the state and requiring local agencies to observe all the usual Brown Act requirements as they existed prior to the issuance of the orders; and

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

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

WHEREAS, on November 8, 2022, the Humboldt County Health Department extended the order requiring all individuals to wear face coverings when indoors in workplaces and public settings, with limited exceptions; and

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

WHEREAS, on October 5, 2021 the City Council adopted Resolution No. 1505-2021 declaring the need for virtual City Council and Commission meetings during declared State of Emergency pursuant to Government Code Section 54953 (AB 361) and;

WHEREAS, the City Council extended the declaration through November, 2021 with passage of Resolution No. 1509-2021 and continued the declaration through April, 2022; and;

WHEREAS, the City Council on March 1, 2022 then declared the need to resume with in-person/virtual (hybrid) meeting effective immediately; and

WHEREAS, AB 361 provides that, if the state of emergency remains active for more than 30 days, a local agency must make certain findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules.

WHEREAS, the City Council reviewed the findings and determined that social distancing requirements cannot be maintained for the public, staff, Councilmembers, and Commissioners in their respective meeting locations.

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

- a. The City Council has reconsidered the circumstances of the state of emergency; and
- b. The state of local emergency continues to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and
- c. County of Humboldt Health Department orders recommends all individuals in public spaces to maintain social distancing; and the City cannot maintain those social distancing requirements for the

Councilmembers, Commissioners, staff and the public in the meeting spaces.

City Council and Commission meetings will resume as virtual (Zoom) meetings effective on April 6, 2022 in accordance with AB 361 and extend through the month of April or until such time the order is rescinded, superseded or amended by the Rio Dell City Council.

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk of the City of Rio Dell, certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on April 5, 2022 and was adopted thereafter by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Karen Dunham, City Clerk