

A G E N D A

**RIO DELL CITY COUNCIL
CLOSED SESSION - 5:00 P.M.
REGULAR MEETING – 6:30 P.M.
TUESDAY, APRIL 7, 2009
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL**

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

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

- 1) 2009/0407.01 - To Consider the Appointment, Employment, Evaluation of Performance, Discipline, of a Public Employee (Government Code Section 54957)

E. PUBLIC COMMENT REGARDING CLOSED SESSION

F. RECESS INTO CLOSED SESSION – (5:00 – 6:30 P.M.)

G. CEREMONIAL MATTERS

- 1) 2009/0407.01 - Proclamation Declaring the Month of April as Fair Housing Month 1
- 2) 2009/0407.02 - Citizen Service Awards - Brett Barsanti and Seth Sturdevant 2
- 3) 2009/0407.03 - Citizen Service Awards - Daylyn Mela, Chase Alameda, Bruce Gendreau and Brandon Gendreau 5
- 4) 2009/0407.04 - Proclamation Honoring Kyle Chittenden

H. CONSENT CALENDAR

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

- 1) 2009/0407.05 - Approve Minutes of the January 9, 2009 Special Meeting **(Action)** 9
- 2) 2009/0407.06 - Approve Minutes of the February 17, 2009 Regular Meeting **(Action)** 12
- 3) 2009/0407.07 - Approve Minutes of the March 3, 2009 Regular Meeting **(Action)** 20
- 4) 2009/0407.08 - Approve Check Register **(Action)** 24

I. SPECIAL PRESENTATIONS

- 1) 2009/0407.09 - Update on Public Works Infrastructure Projects – Winzler & Kelly

J. ORDINANCES/ SPECIAL RESOLUTION

- 1) 2009/0407.10 - Introduce and Conduct First Reading (by title only) of Ordinance No. 261-2009 Adopting a Code of Ethics (Public Hearing) **(Action)** 27
- 2) 2009/0407.11 - Introduce and Conduct First Reading (by title only) of Ordinance No. 262-2009 Re-establishing the Position of Building Official and Adopting Building Codes and Fees (Public Hearing) **(Action)** 35

K. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2009/0407.12 - Authorize the Chief of Police to Submit an Application for Funding Through the COPS Hiring Recovery Program (CHRP) **(Action)** 40

L. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action.

M. REPORTS/STAFF COMMUNICATIONS

- 1) City Manager
- 2) Acting Director of Public Works

- 3) Chief of Police
- 4) Finance Director

N. COUNCIL REPORTS/COMMUNICATIONS

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

P. PUBLIC COMMENT REGARDING CLOSED SESSION

Q. RECESS INTO CLOSED SESSION

R. RECONVENE INTO OPEN SESSION

S. ORAL ANNOUNCEMENTS

T. ADJOURNMENT

*The next Regular meeting will be on April 21, 2009
at 6:30 PM in the City Council Chambers*

PROCLAMATION

DECLARING THE MONTH OF APRIL FAIR HOUSING MONTH IN THE CITY OF RIO DELL

WHEREAS, the City of Rio Dell is joining with the United States Department of Housing and Urban Development (HUD) and other housing agencies in celebrating the anniversary of the National Fair Housing Law, Title VII of the Civil Rights Act of 1968.

WHEREAS, the City of Rio Dell encourages fair housing through the sales and rentals, as well as, through its housing rehabilitation and first time homebuyer programs.

WHEREAS, discrimination in housing is against the law. No person shall be discriminated against because of race, color, religion, sex, disability, familial status, or national origin in the sale, rental, or advertising of dwelling, in the provisions of brokerages services, or in the availability of residential real estate related transactions.

WHEREAS, if any City resident believes he or she has been discriminated against, the resident should contact the City Fair Housing Coordinator, **** at (707) 764-3532. The City will provide information, counseling, and referral to the appropriate agency if formal complaint needs to be filed.

WHEREAS, in addition to the City's efforts, there is a Fair Housing Information Office in the office of the Humboldt County/Eureka Housing Authority, (707) 443-4583. Information is also available at the California Rural Legal Assistance (CRLA) office (415) 777-2752. The Fair Housing Information Office helps to ensure that all residents City of Rio Dell and the surrounding communities are treated fairly and that all the property owners and landlords abide by the letter and spirit of the Fair Housing Law.

WHEREAS, the City of Rio Dell the State of California, HUD and various local agencies are working together to ensure equal treatment of all citizens. We urge everyone to practice the Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Woodall and the City Council of the City of Rio Dell, declare the month of April as Fair Housing Month in the City of Rio Dell.

Julie Woodall, Mayor

STAFF REPORT

April 1, 2009

To: Honorable Mayor and members of the City Council

Through: Nancy Flemming, City Manager

From: Graham Hill, Chief of Police

Subject: Civilian Service Award

Summary: The police department will be issuing six separate Civilian Service Awards during the April 7th City Council meeting. Two of the awards will go to two citizens who assisted Officer Bettencourt during an altercation that resulted during an arrest. The actions of the two citizens resulted in the subjects arrest.

Four awards will also be given to four young boys who were confronted by an adult male who approached the boys on the river bar near Davis Street. The adult male turned out to be a registered sex offender and it seems clear his intentions when approaching the boys could very well have been criminally motivated. The boys' actions ultimately ensured their safety and the subject's arrest. The subject is currently incarcerated.

Attachments:

1. Citizen Service Award Summary's
2. Copies of award certificates for:
 - a. Brett Barsanti
 - b. Seth Sturdevant
 - c. Daylyn Mela
 - d. Chase Alameda
 - e. Bruce Gendreau
 - f. Brandon Gendreau

Rio Dell Police Department

City of Rio Dell

Citizen Service Award

Awarded to

Brett Barsanti

On this 7th day of April 2009

For his selfless act of bravery while coming to the assistance of Officer Rhonda Bettencourt who was in a life threatening struggle for her life with an aggressive mentally disturbed individual.

Graham Hill, Chief of Police

Julie Woodall, Mayor

Nancy Flemming, City Manager

Rio Dell Police Department

City of Rio Dell

Citizen Service Award

Awarded to

Seth Sturdevant

On this 7th day of April 2009

For his selfless act of bravery while coming to the assistance of Officer Rhonda Bettencourt who was in a life threatening struggle for her life with an aggressive mentally disturbed individual.

Graham Hill, Chief of Police

Julie Woodall, Mayor

Nancy Flemming, City Manager

Rio Dell Police Department

City of Rio Dell

Citizen Service Award

Awarded to

Daylyn Mela

On this 7th day of April 2009

For his contribution to this community by recognizing an individual who presented a danger to not only himself but his friends as well, and playing a significant role in the capture and arrest of that individual.

Graham Hill, Chief of Police

Julie Woodall, Mayor

Nancy Flemming, City Manager

Rio Dell Police Department

City of Rio Dell

Citizen Service Award

Awarded to

Chase Alameda

On this 7th day of April 2009

For his contribution to this community by recognizing an individual who presented a danger to not only himself but his friends as well, and playing a significant role in the capture and arrest of that individual.

Graham Hill, Chief of Police

Julie Woodall, Mayor

Nancy Flemming, City Manager

Rio Dell Police Department

City of Rio Dell

Citizen Service Award

Awarded to

Bruce Gendreau

On this 7th day of April 2009

For his contribution to this community by recognizing an individual who presented a danger to not only himself but his friends as well, and playing a significant role in the capture and arrest of that individual.

Graham Hill, Chief of Police

Julie Woodall, Mayor

Nancy Flemming, City Manager

Rio Dell Police Department

City of Rio Dell

Citizen Service Award

Awarded to

Brandon Gendreau

On this 7th day of April 2009

For his contribution to this community by recognizing an individual who presented a danger to not only himself but his friends as well, and playing a significant role in the capture and arrest of that individual.

Graham Hill, Chief of Police

Julie Woodall, Mayor

Nancy Flemming, City Manager

**RIO DELL CITY COUNCIL
SPECIAL MEETING
JANUARY 9, 2009
MINUTES**

A Special Meeting of the Rio Dell City Council was called to order at 9:00 A.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Dunker, Marks and Thompson

Others Present City Manager Flemming, Finance Director Beauchaine, and City Clerk Dunham

SPECIAL MEETING MATTERS

City Council Budget Review

City Manager Flemming stated that it was brought to her attention that the projected City Council travel expenses will likely exceed the current budget allocation of \$5,000 and said she would like to see the Council re-evaluate the budget allocations to allow all council members the opportunity to travel for training purposes. She indicated the City Manager's travel budget was used to supplement the Council's travel budget which could be amended.

Councilmember Marks commented that she agreed that \$1,000 per councilmember was inadequate however, during these difficult financial times, the Council should consider if certain training was of benefit to the other councilmembers as well as the City.

Councilmember Barsanti stated that the \$5,000 Council budget was not specifically designated as \$1,000 per Councilmember and thought the Council agreed that Councilmember Dunker should be allowed to attend League of California Cities meetings as representative for the City. He agreed the council budget should be increased to allow for necessary Council travel/training.

Councilmember Dunker said in working with State agencies, the Director can allocate an amount for each department and the budget is prepared based on what you expect to spend which is only an estimate. He pointed out that the budget amount is generally increased according to the level of responsibility.

Councilmember Dunker further explained that he has always been a very active participant in anything he commits to; including the League of California Cities and said although it is not mandatory to attend every session, he has found them all to be very educational and they have helped him become a better councilmember for the City. He said he felt all councilmembers should participate in basic fundamental training for Mayors and Councilmembers.

JANUARY 9, 2009 MINUTES
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Next, was discussion of each of the various departments' budget for travel/training

Finance Director Beauchaine stated once the Council determines their needs, she can make a transferring budget adjustment from another department to the City Council department budget. Another option would be to request a budget amendment allocating reserve funds.

Councilmember Marks suggested all upcoming travel plans be brought to the City Council for approval.

Councilmember Thompson said that he frequents the League of California Cities web site for information and said he was reluctant to allocate travel and training expense other than for training that is required by law. He said he would like to see a list of all League events including estimated expenses for the City.

Mayor Woodall said when considering travel with the City's budget, you should think of it as your own budget.

Finance Director Beauchaine suggested everyone disburse and come back with their own wish list.

Councilmember Barsanti said he would like to think that Councilmember Dunker's position as President on the local division of the League of California Cities sets precedence.

City Manager Flemming said she felt it was important for each councilmember to attend at least one League training session and often times council's and staff go as a group and work cooperatively.

Discussion continued regarding mandatory ethics training for councilmembers; the idea of bringing training sessions to our area; budget accountability; and the idea of purchasing a vehicle for city staff and council travel.

Consensus of the Council was to approve Councilmember Dunker's upcoming travel to attend the Redwood Empire Division meeting of the League in Willits later in the month, and the April League meeting in Sacramento.

Councilmember Dunker commented that the Council would still need to get together and identify upcoming training needs for council.

The Council also directed the Finance Director to develop sub-categories within the budget to show what individual councilmembers have spent.

OTHER COUNCIL COMMENTS

Councilmember Marks asked if the City should consider hiring an advisor to help oversee the City's financial decisions in regard to investments; Finance Director Beauchaine explained that before she makes any investment decisions she contacts other finance directors, the County Treasurer; the City auditors, the Local Agency Investment Fund, and sometimes the League of California Cities for advice. Marks asked if the next finance director would have the same due-diligence. Beauchaine said the City could have a financial advisor available in the event we may need one.

Councilmember Barsanti said he felt comfortable with the decisions our finance director was making and felt another person would just confuse the issue.

Councilmember Marks explained that the intent of her question was to make sure the City was making sound financial decisions and not "putting all their eggs in one basket" in light of the recent decline in financial institutions.

Finance Director Beauchaine explained there are only seven banks qualified as depositories for government funds, one of which is US Bank whom the City banks with. She noted that none of the seven banks are failing; and seemed to be only the smaller banks. She agreed to consult with the City's auditors for advice and report back to the Council.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 10:12 A.M. to the January 20, 2009 regular meeting.

Attest:

Julie Woodall, Mayor

Karen Dunham, City Clerk

RIO DELL CITY COUNCIL
REGULAR MEETING
FEBRUARY 17, 2009
MINUTES

The Regular Meeting of the Rio Dell City Council was called to order at 5:30 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Dunker, Marks, and Thompson

Others Present: City Manager Flemming, Chief of Police Hill, Finance Director Beauchaine, Acting Director of Public Works Jensen, and City Clerk Dunham

CLOSED SESSION

Mayor Woodall announced the City Council would be adjourning to closed session to discuss: *Public Employee Performance Evaluation – City Manager* and asked for public comment. There being no public comment, the council adjourned to closed session at 5:32 P.M.

The regular meeting reconvened at 6:30 p.m. Mayor Woodall announced there was no reportable action taken in closed session.

CEREMONIAL MATTERS

Swearing in of Newly Appointed Planning Commissioner – Rod Sanderson

City Clerk Dunham swore in Rod Sanderson to the Rio Dell Planning Commission for the remainder of the term ending December 31, 2010.

Proclamation in Recognition of Engineer's Week February 15-21, 2009

Mayor Woodall read the proclamation declaring the week of February 15-21, 2009 as Engineer's Week. Rebecca Crow from Winzler & Kelly Consulting Engineers was present to receive the proclamation. She thanked the City Council for giving them the opportunity to work with the city on projects.

CONSENT CALENDAR

Councilmember Marks made a correction to the January 20, 2009 minutes (pg. 2 third paragraph from the bottom) stating that it should read "Councilmember Marks commented that the only other complaints were about the finance department."

Motion was made by Dunker/ Marks to approve the consent calendar including the minutes of the January 6, 2009 regular meeting; the minutes of the January 20, 2009 special meeting (as amended); the minutes of the January 27, 2009 special meeting; the minutes of the January 29, 2009 special meeting; and the check register including the general check register for check numbers 26741-26811; and the payroll check register for check numbers 14497-14549. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1037-2009 Authorizing Community Development Block Grant (CDBG)

Signatures

City Manager Flemming stated the City was awarded a \$1.5 million CDBG grant in 2005 for the continued administration of the City's low income housing rehabilitation program. The State Department of Housing and Community Development changed their report submittal process and are now requiring two signatures on reports. Staff had listed four authorized signers who will be designated to sign on the City's behalf as the Mayor, City Manager, Acting City Manager, and Finance Director.

Motion was made by Thompson/Marks to approve Resolution No. 1037-2009 *Authorizing Community Development Block Grant (CDBG) Signatures*. Motion carried 5-0.

Approve Resolution No. 1038-2009 Approving Budget Amendment TDA Fund

City Manager Flemming stated this budget amendment will provide for the purchase of new traffic signs which makes our streets safer and sends out the message that we are striving to make our City look better.

Acting Public Works Director Jensen stated the public works department is requesting an expense budget amendment in the amount of \$10,000 to come from Transportation Development Act (TDA) Fund 24 to complete the Street Sign Replacement Project and will include the purchase of 120 Street name signs and 30 Stop signs.

Councilmember Thompson asked if staff had researched the city ordinance that governs what type of signs the different streets have; City Manager Flemming said that staff had not done that since they were mostly just replacing existing signage.

Motion was made by Dunker/Marks to approve Resolution No. 1038-2009 *Approving a Budget Amendment – TDA Fund*. Motion carried 5-0.

Conduct Second Reading (by title only) and approve Ordinance No. 259-2009 Business License Ordinance

City Manager Flemming stated this ordinance is back before the City Council for its' second reading (by title only) and adoption.

A Public Hearing was opened at 6:45 P.M. to receive public comment on the proposed ordinance.

Councilmember Barsanti commented that members of the fire department had questioned the new Business License Ordinance and if the fire department would still be exempt from fees; Finance Director Beauchaine said they would be exempt.

There being no further comment, the Public Hearing was closed at 6:47 P.M.

Motion was made by Thompson/Marks to approve Ordinance No. 259-2009 *Business License Ordinance*. Motion carried 5-0.

SPECIAL CALL ITEMS

Approve Scope of Services 2008-01 Amendment 2009-01 for Additional Services to Rio Dell's Wastewater Improvement Project Concept Finalization, and Authorize the City Manager to Execute the Agreement

Rebecca Crow, Winzler & Kelly, reported that as requested at a prior study session, they had prepared a memo to provide the City with an update on the Finalization of the Wastewater Facilities Plan and related tasks. She said they have been working with the City to create the most well balanced approach to compliance with Regional Water Quality Control Board regulations including day to day support on both short-term and long-term planning and operational issues. She briefly described the work that has been completed to date as well as the additional tasks that have been completed as requested by the City.

Councilmember Marks said she would like to talk with Lisa Bernard from the Water Board and also with the representative from Aroumod who spoke to the City Council in regard to plans and components for the Wastewater Facility.

Rebecca Crow said she could arrange to have Lisa Bernard available thru a conference call at the next study session.

Motion was made by Dunker/Thompson to approve the Scope of Services 2008-01 Amendment 2009-01 for additional services to Rio Dell's Wastewater Improvement Project Concept Finalization, and to authorize the City Manager to execute the agreement. Motion carried 5-0.

Authorize the City Planner to amend Zoning Ordinance to allow for Emergency Shelters; and authorize the City Planner to Update the Rio Dell General Plan Housing Element to Comply with HCD Requirements

George Williamson, Contract City Planner, provided an overview of the reason for the Housing Element Update stating that after January 1, 2009 all cities and counties in California must identify potential sites where new emergency shelters, transitional housing or supportive housing can be located without discretionary review by local government. He said Senate Bill 2 also increases protection for providers seeking to open a new emergency shelter, transitional housing or supportive housing development.

He further explained that in providing zoning categories appropriate for emergency shelters, a zone or zones must be identified in the City's General Plan Housing Element and must include sites with sufficient capacity to meet the identified need for emergency shelters.

Since the City does not currently have an identified zone appropriate for emergency shelters; the Zoning Ordinance must be amended to provide a sufficient zone within one year of the adoption of the City Housing Element. The City last updated its' Housing Element in 2004 and all cities in Humboldt County must update their Housing Elements by August 31, 2009, and noted it would be less costly to include provisions for emergency shelters at the same time. He also noted that having a certified Housing Element is a very good conduit for housing programs such as the CDBG Housing Rehabilitation Program.

Councilmember Thompson stated there are currently two similar type facilities within the City and asked if they would satisfy the requirements; George stated it is possible they could however, the City must have provisions in the zoning ordinance that allows for shelters without discretionary review by the Planning Commission.

Councilmember Marks asked if the City had the discretion to select specific areas within the City where they may be located; George said the City would be able to isolate suitable areas and possibly apply a Planned Development Overlay Zone.

George Williamson said he would come back to council and planning commission with exact language at a later date

John Lane commented that emergency housing became a problem in 1992 after the earthquake and that drifters came in to get housing and strained our facilities. He asked if this could be limited to Rio Dell residents; George said he didn't think the City could limit it to local residents but agreed to research that and get back to the City.

Motion was made by Dunker/Marks to authorize the City Planner to amend the Zoning Ordinance to allow for emergency shelters, and authorize the City Planner to update the Rio Dell General Plan Housing Element to comply with Housing and Community Development requirements. Motion carried 5-0.

Approve the Finance Department Mission Statement

Finance Director Beauchaine stated the finance department has been working on drafting a mission statement for several months and felt it was important to develop a statement that represents the goals and values of the department and its' dedication to the people they serve.

As a result of that, they created the following mission statement:

The Finance Department is dedicated to providing financial expertise and quality information to City staff, City Council, and to the citizens of Rio Dell. The finance team takes pride in customer relations, and is committed to providing timely, accurate, clear, and complete information to both internal and external customers with the highest degree of reliability. The department promotes the scholastic development of our team and strives for continuous improvement of the services we provide.

In the spirit of excellence and dedication to our community, we vow to protect the Financial integrity of the City and safeguard the public assets entrusted to us.

Motion was made by Dunker/Thompson to approve the Finance Department Mission Statement as presented. Motion carried 5-0.

Authorize the Finance Director to Engage the Services of Mann, Urrutia, and Nelson, CPA's to Complete the 2008-2009 Fiscal Year Audit.

Finance Director Beauchaine stated the firm of Mann, Urrutia, and Nelson, CPA's have been formally engaged to perform the City's financial audits for the past fiscal years of 2001-2008. She said their services to date have been outstanding and recommended that the City continue to engage in their services.

Motion was made by Marks/Thompson to authorize the Finance Director to engage the services of Mann, Urrutia, and Nelson, CPA's to complete the 2008-2009 Fiscal Year Audit. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

REPORTS/STAFF COMMUNICATIONS

City Manager Flemming reported on recent meetings and activities stating she attended the Chamber of Commerce luncheon today where Humboldt Redwood's attorney spoke about their plans for a Community Services District; stated the Annual Chamber dinner would be at Scotia Inn tomorrow night; reported the final tax sharing documents had gone to Lafco for approval; she would be attending the City Manager's meeting on Thursday; would be starting the Management Academy on February 26th; was still working with US Cellular and T-mobile on the cell tower agreement; the City Clerk received the final draft on the codification; Sherlock Records Management was working with the City on a new records management system; and that the Human Resources department was implementing new forms to increase efficiency within that department.

Acting Director of Public Works Jensen reported on recent activities in the public works department stating he had spent a lot of time with Winzler & Kelly this week getting up to speed on projects; and staff was busy with the installation of the new signs. He said staff had also obtained certified training on the operation of the backhoe and forklift.

Chief of Police Hill presented the results of the citizen survey that was recently conducted and presented his Annual Police Report to Council. In regard to the citizen survey, he admitted he underestimated the size of this project. He said a lot of the complaints had to do with traffic which he expected. On to the annual report he noted that documentation on calls for service were up. Additionally, during 2007, 90 dogs were picked up compared to 150 dogs in 2008 which he said didn't include cats, skunks, possums, or coons. There was a 10% increase in licensing of dogs from 2007 to 2008. He also listed training and some added stats and data in the report.

Councilmember Thompson said the Council might want to review the Animal Control Ordinance and possibly amend to address vicious dogs and barking dogs.

Chief Hill also reported on the Traffic Committee meeting and said at that meeting he gave an overview of funding of the Safe Routes to Schools Grant and discussed the draft design of the Wildwood Avenue Paving Project in regard to crosswalks and sidewalks to help get that project "shovel ready" so we can apply for funding. Also discussed was signage and the width of First Ave.

Fire Chief Wilson agreed to write a letter and let residents know options available to ensure safety and to get input from residents in that area.

Chief Hill then reported on the 1033 Military Surplus Program stating he obtained a 30 kilowatt generator and a 6 X 6 truck free of charge.

Finance Director Beauchaine reported on activities in the finance department and stated it had been an incredibly busy two weeks stating her department had been working on team building and one thing that came out of that was the mission statement for the finance department. She also was working on a training schedule for each of the employees to improve skills; preparing for mid-year budget review and discussing needs with department heads; and as mentioned at last council meeting, said Northwest Chapter of Finance Officers will meet next Tuesday at such time Amy O’Gorman from the League of California Cities will be the guest speaker, along with a representative from Edward D. Jones to discuss investments.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Dunker reported he had attended a couple of League of California Cities policy committee meetings and that he had forwarded copies of the material electronically to the City Manager and Councilmembers.

Councilmember Marks stated George Williamson was asked to place the Economic Development Strategic Plan on the City’s web site and asked if it had been done; City Manager Flemming explained the document was too large but Nylex would be here tomorrow to address some problems with the server.

Councilmember Marks also requested a list of cell phone users under the new cell phone policy.

Councilmember Barsanti commented on the customer survey and said it was kind of an eye opener with the comments and was surprised to see that the overall average for years of residency was 21 years for citizens who participated in the survey. He said the statistics were very informative and with money being so tied up, it helped identify things that could be done at minimal cost that can benefit the City. It said that it would be a shame to see it die now. Chief Hill said his goal is to use the results of the survey as a basis or measuring point as we move into the future. Also it gives us a way to gauge the success and keep up on the needs of the community.

Councilmember Barsanti said the survey provided so much more than identifying needs of the community in regard to police services but identified low cost things the city can do to improve the city such as beautification. He said he would like to see a committee formed to help come up with things that can make a difference at very little cost through community involvement such as painting, mowing grass and weeds, and painting curbs; things that will make our city more inviting. He said the City can build off this and move forward by getting people involved.

Mayor Woodall questioned the purchase of solar lights as stated on the check register; Acting Director of Public Works Jensen explained it was actually a solar powered sprinkler system. She also asked when the Council would have the report on fees associated with processing of business licenses as previously requested and on the schedule for the Employee Handbook; Finance Director Beauchaine said the mid-year budget session was scheduled for the next council meeting but could have a study session on the Handbook at the following meeting if the council desired, or could possibly have it during the day.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:08 P.M. to the March 3, 2009 regular meeting..

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

RIO DELL CITY COUNCIL
REGULAR MEETING
MARCH 3, 2009
MINUTES

The Regular Meeting of the Rio Dell City Council was called to order at 5:30 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Dunker, Marks, and Thompson

Others Present: City Manager Flemming, Chief of Police Hill, Finance Director Beauchaine, and City Clerk Dunham

Absent: Acting Director of Public Works Jensen

CLOSED SESSION

Mayor Woodall announced the City Council would be adjourning to closed session to discuss: *Public Employee Performance Evaluation – City Manager*, and asked for public comment. There being no public comment, the council adjourned to closed session at 5:32 P.M.

The regular meeting reconvened at 6:40 P.M. Mayor Woodall announced there was no reportable action taken in closed session.

CONSENT CALENDAR

Councilmember Marks made a correction to the February 3, 2009 minutes to strike the first sentence on page 7 stating that she did not recall making that statement.

Councilmember Thompson referred to the Bank of America credit card statement submitted with the check register and noted that under the “Business Worldpoints Rewards Summary” that 66,643 points had been earned and asked if it could be applied to in-house travel; Finance Director Beauchaine stated it could be used for numerous things including airfare.

Motion was made by Dunker/Marks to approve the consent calendar including the minutes of the July 25, 2008 special meeting; the minutes of the December 2, 2008 study session; the minutes of the December 2, 2008 regular meeting; the minutes of the February 3, 2009 regular meeting (as amended); the minutes of the February 3, 2009 CDBG Loan Advisory Committee meeting; and the check register including the General Check Register for check numbers 26812-26869 totaling \$111,585.51. Motion carried 5-0; with Councilmember Thompson abstaining

from vote on the February 3, 2009 minutes and Councilmember Barsanti abstaining from vote on all of the minutes.

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1039-2009 Authorizing the City Manager to Approve the Ground Lease Agreement with Omnipoint Communications, Inc.

City Manager Flemming stated that we currently have a lease agreement with US Cellular for the cell tower and was now looking for authorization to negotiate a ground lease agreement with T-mobile at \$900.00 per month.

Councilmember Barsanti asked if they would be using the existing cell tower site; City Manager Flemming explained they would be placing a small structure on a concrete pad on site and that it would not interfere with the City's equipment.

Motion Marks/Thompson to authorize the City Manager to approve the Ground lease Agreement with Omnipoint Communications, Inc. Motion carried 5-0.

PUBLIC PRESENTATIONS

Trudy Barton, 5 Painter St. said she would like to comment on the treatment of a member of the public that was turned away in the rain due to the council chambers doors being locked for a closed session and said it seems like the city council could have closed sessions in an alternate location within City Hall. She also commented that the last time she spoke at a council meeting Rich Ghilarducci was Mayor and he told her she was only allowed to speak three times during a meeting; Councilmember Dunker clarified that it was actually a three minute time limit for each speaker under public presentations. She also asked why there were no recycling containers outside of City Hall; staff directed her attention to the new recycling containers at the bottom of City Hall steps.

REPORTS/STAFF COMMUNICATIONS

City Manager Flemming reported on recent events and meetings and said she was happy to announce that we were missed by this evenings meteorite ; the County Board of Supervisors approved the City Tax Share Agreement; and summarized the report presented by the public works department on the installation of the new street signs. Also submitted from Acting Director of Public Works Jensen was a draft fuel card usage policy for the public works department.

Finance Beauchaine reported on recent activities in the finance department stating it had been a very busy past two weeks with the mid -year budget review and adjustments stating she was

MARCH 3, 2009 MINUTES

Page 3

prepared to schedule a study session with the Council to review the mid-year budget. She stated she was in Ukiah today attended Home training where a round table discussion was held with recipients of the Home Program to discuss the program and to give them the opportunity to talk to representatives. She said representatives from the County as well as the City of Eureka and Arcata were present adding that she was looking forward to the program getting up and running.

Chief of Police Hill reported on recent activities in the police department stating that an officer was injured while attempting to make an arrest but she was now back to work and doing fine. He thanked two citizens who came to her aid and helped get the suspect in custody. He said Awards of Appreciation would be forthcoming.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Marks questioned Finance Director Beauchaine about the check to Accufund for \$5,735; Stephanie explained that it was for maintenance fees including the annual license and tech support. She also stated that she still wanted a report on employee coverage for cell phone usage.

A study session for the mid-year budget review was scheduled for March 10, 2009 at 9:00 a.m.

CLOSED SESSION

Mayor Woodall announced the council would be adjourning to closed session to continue discussion of *Public Employee Performance Evaluation – City Manager* and asked for public comment. There being no public comment, the Council adjourned to closed session at 7:10 P.M.

The regular meeting reconvened at 8:15 P.M. Mayor Woodall announced there was no reportable action taken in closed session.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:16 P.M. to the March 10, 2009 Study Session.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA**

TO: Honorable Mayor and Members of the City Council

THROUGH: Nancy Flemming, City Manager

FROM: Karen Dunham, City Clerk

DATE: April 7, 2009

SUBJECT: Approval of Check Register

RECOMMENDATION

The City Council approve the General check register for check numbers 26954-27027 totaling \$105,442.51; and the Payroll check register for check numbers 14573-14624 totaling \$49,343.57.

<u>Register</u>	<u>Check Numbers</u>	<u>Total</u>
General	26954-27027	105,442.51
Payroll	14573-14624	49,343.57

\$154,786.08

/attachments

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0026954	3/17/2009	[2303] COAST CENTRAL CREDIT UNION	POLICE DUES WITHHELD	300.00
0026955	3/17/2009	[2362] EMPLOYMENT DEVELOPMENT DEPARTMENT	PIT PPE 031309 SDI PPE 031309 SUI PPE 031309	1,254.70
0026956	3/17/2009	[2460] HUMBOLDT COUNTY SHERIFF ATTN: ADMIN. SERVICES	GARNISHMENT	201.60
0026957	3/17/2009	[2481] ICMA	EMPLOYEE 457 DEFERRED COMP FOR PPE 031309	3,592.26
0026958	3/17/2009	[2657] RIO DELL EMPLOYEES ASSOC	EMPLOYEE DUES WITHHELD	46.00
0026959	3/17/2009	[2752] US BANK FEDERAL TAX DEPOSIT	FICA PPE 031309 FWT PPE 031309 M/C PPE 031309	8,302.64
0026960	3/26/2009	[3604] STEPHANIE N. BEAUCHAINE	PER DIEM FOR SCORE MEETING IN REDDING	45.00
0026961	3/26/2009	[2105] KAREN L. DUNHAM	PER DIEM FOR SCORE MEETING IN REDDING	45.00
0026962	3/27/2009	[4524] LEONARD W. CHAPMAN	RESIDENT SATISFACTION SURVEY REPORT	1,200.00
0026963	3/30/2009	[2237] BANK OF AMERICA BUSINESS CARD	BANK CHARGES FROM CITY CLERK BANK CHARGES FROM FINANCE DIRECTOR BANK CHARGES FROM PW DIRECTOR BANK CHARGES FROM POLICE	3,030.60
0026964	3/30/2009	[2245] BEST WESTERN BONANZA INN	2 DAY LODGING FOR ZONE SAFETY SEMINAR	132.00
0026965	3/30/2009	[1576] CARLA RALSTON	PER DIEM FOR 3 DAYS FOR ZONE SAFETY SEMINAR	135.00
0026966	3/31/2009	[2362] EMPLOYMENT DEVELOPMENT DEPARTMENT	M/C PPE 032709 PIT PPE 032709 SDI PPE 032709 M/C SPEC 032609 SDI SPEC 032609	1,194.77
0026967	3/31/2009	[2106] PAULINE W. EVANS	WATER RESIDENCY INCENTIVE	72.10
0026968	3/31/2009	[2460] HUMBOLDT COUNTY SHERIFF ATTN: ADMIN. SERVICES	GARNISHMENT	201.60
0026969	3/31/2009	[2481] ICMA	EMPLOYEE 457 DEFERRED COMP FOR PPE 032709	3,642.26
0026970	3/31/2009	[2752] US BANK FEDERAL TAX DEPOSIT	FICA PPE 032709 FWT PPE 032709 M/C PPE 032709 FICA SPEC 032609 FWT SPEC 032609 M/C SPEC 032609	8,600.88
0026971	3/31/2009	[2757] US POSTMASTER	WATER BILLS FOR MAR09	311.50
0026972	4/02/2009	[3922] ABBOTT & KINDERMANN, LLP	LEGAL LEGAL/WATER INTAKE PROJECT	560.87
0026973	4/02/2009	[4384] ARMONDS WELDING SERVICE	REPAIRS TO GEAR BOX FOR WASTEWATER PLANT	250.00
0026974	4/02/2009	[4247] KAREN BAKER	Customer Deposit # 3441	12.34
0026975	4/02/2009	[4361] BARCO PRODUCTS COMPANY	SMOKER' OUTPOST	236.35
0026976	4/02/2009	[4033] C.S.M.F.O.	REGISTRATION FOR INTRODUCTION GOVERN. ACCT. C	350.00
0026977	4/02/2009	[2270] CALIFORNIA CONTRACTORS SUPPLY	SAFETY VESTS	533.85

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0026978	4/02/2009	[2285] CC MARKET (1)	DRINKS FOR CREW WHILE WORKING ON STORAGE INVE	14.43
0026979	4/02/2009	[4527] COLOR IMPRESSIONS	4 COLORED MATS	12.01
0026980	4/02/2009	[2357] DUN & MARTINEK	LEGAL	844.42
0026981	4/02/2009	[2105] KAREN L. DUNHAM	MILEAGE REIMBURSEMENT FOR FEB 09 MILEAGE REIMBURSEMENT FOR MAR09	176.27
0026982	4/02/2009	[2364] EDGE WIRELESS	CELLPHONE	100.10
0026983	4/02/2009	[2385] EUREKA READY MIX.	SAND BASE CRUSHED ROCK	120.27
0026984	4/02/2009	[2106] PAULINE W. EVANS	MILEAGE REIMBURSEMENT	41.52
0026985	4/02/2009	[2411] FORT DEARBORN LIFE INSURANCE CO.	EMPLOYEE LIFE INSURANCE	165.20
0026986	4/02/2009	[2413] FORTUNA FEED & FARM	TREE STAKES & BARK FOR TREE BASES	198.20
0026987	4/02/2009	[4371] ANGELA GARCIA	CREDIT	70.00
0026988	4/02/2009	[4035] HSBC BUSINESS SOLUTIONS	SUPPLIES COFFEE & HOT CUPS LUNCH FOR STUDY SESSION & STORAGE BOXES	313.38
0026989	4/02/2009	[2456] HUMBOLDT COUNTY DEPT OF HEALTH SERVICES	ASSESSOR MAPS	6.70
0026990	4/02/2009	[2474] HUMMEL TIRE & WHEEL	DUMPTRUCK ('04 F-450) TIRES	600.12
0026991	4/02/2009	[2484] INDEPENDENT BUSINESS FORM	LASER WATER BILLS	563.07
0026992	4/02/2009	[3196] RANDALL W. JENSEN	REIMBURSE FOR PW LUNCH MEETING WITH WINZLER &	49.31
0026993	4/02/2009	[4535] K & M GLASS CO	WINDSHIELD FOR CM'S CAR	321.60
0026994	4/02/2009	[2502] KEMP INSPECTION SERVICE	PERMIT & PLAN CHECK FEES FOR MAR 09	4,418.04
0026995	4/02/2009	[4381] LIEBERT CASSEDY WHITMORE	LEGAL LEGAL	1,020.00
0026996	4/02/2009	[0403] MELISSA MARKS	MILEAGE REIMBURSEMENT FOR RREDE & HWMA MEETIN	61.60
0026997	4/02/2009	[4401] MARLIN LEASING	CONTRACT LEASE FOR XEROX COPIER	357.96
0026998	4/02/2009	[2546] MERCER FRASER CO.	ASPHALT CONCRETE ASPHALT CONCRETE	693.92
0026999	4/02/2009	[2551] MIRANDA'S ANIMAL RESCUE	MONTHLY ANIMAL SERVICE FOR APR 09	1,200.00
0027000	4/02/2009	[2410] NORTH COAST CLEANING SERVICES, INC.	MONTHLY CLEANING SERVICE FOR MAR 09	376.00
0027001	4/02/2009	[2569] NORTH COAST LAB	LAB TESTING	50.00
0027002	4/02/2009	[4393] NYLEX.NET	TROUBLESHOOT FINANCE DIRECTORS COMPUTER LOCKI INSTALL WIRELESS CARD ON FINANCE COMPUTER & S	342.67
0027003	4/02/2009	[4127] WILLIAM PATTISON	CREDIT	70.00
0027004	4/02/2009	[2603] PG&E	ELECTRICITY	9,378.31
0027005	4/02/2009	[3343] PITNEY BOWES RESERVE ACCOUNT	POSTAGE	239.00
0027006	4/02/2009	[2619] PITNEY BOWES, INC.	QUARTERLY RENTAL FOR POSTAGE METER	153.00
0027007	4/02/2009	[2632] PLANWEST PARTNERS	PLANNING	10,935.00

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0027008	4/02/2009	[2634] PUBLIC SAFETY CENTER, INC	POLICE SUPPLIES	699.01
0027009	4/02/2009	[4338] QUILL CORPORATION	OFFICE SUPPLIES	84.20
			OFFICE SUPPLIES	
			OFFICE SUPPLIES	
0027010	4/02/2009	[2648] REDWOOD COMMUNITY ACTION AGENCY	05-STBG-1492 PROGRAM DELIVERY	13,910.51
			05-STBG-1492 GENERAL ADMIN	
			05-STBG-1492 EXPEND REHAB PROGRAM	
0027011	4/02/2009	[2652] REDWOOD EMPIRE DIVISION - LOCC	2009 ANNUAL MEMBERSHIP DUES	50.00
0027012	4/02/2009	[2659] RIO DELL PETTY CASH	PETTY CASH FOR MAR 09	97.33
0027013	4/02/2009	[2689] SECURITY LIFE COMPANY OF AMERICA	EMPLOYEE DENTAL/VISION INSURANCE	1,682.83
0027014	4/02/2009	[2694] SHELL OIL CO.	GAS	1,729.93
0027015	4/02/2009	[4525] SHERLOCK RECORDS MGMT	STORAGE BOXES & STORAGE UNIT	501.22
0027016	4/02/2009	[2709] STAPLES DEPT. 601110002031102	OFFICE SUPPLIES	331.38
			OFFICE SUPPLIES	
0027017	4/02/2009	[2710] STARPAGE	PAGER	12.95
0027018	4/02/2009	[2267] STATE OF CALIFORNIA DEPT OF TRANSPORTATION	STREET LIGHTS	68.67
0027019	4/02/2009	[4450] TERMINIX	PEST CONTROL	40.00
0027020	4/02/2009	[1134] JACK THOMPSON	MILEAGE REIMBURSEMENT FOR RCEA & LAFCO MEETIN REIMBURSE FOR MAP COPIES	102.20
			DOCUMENT COPIES OF RIO DELL SPRINGS	
0027021	4/02/2009	[2747] UNITED RENTALS, INC.	PURCHASE OF A WET/DRY CONCRETE SAW	385.12
0027022	4/02/2009	[1486] BETTY WATERSON	Deposit Date: 12/20/00	60.00
0027023	4/02/2009	[3827] KEVIN WHIPPLE	credit	22.62
0027024	4/02/2009	[0573] WILDWOOD FEED,	MONTHLY PURCHASES FOR JAN & FEB '09	303.05
0027025	4/02/2009	[2784] WINZLER & KELLY CONSULTING ENGINEERS	WASTEWATER IMPROVEMENT PROJECT CONCEPT FINALI SAFE ROUTE TO SCHOOL DESIGN TAC MEETING & TRANSPORTATION PROJECT ASSIST.	14,485.00
0027026	4/02/2009	[3983] MALORIE YERKES	Customer Deposit # 3326	45.28
0027027	4/02/2009	[2792] ZUMAR INDUSTRIES, INC.	130 STREET NAME SIGNS	3,687.79
Total Checks/Deposits				105,442.51

**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
April 3, 2009**

TO: Mayor and Members of the City Council

THROUGH: Nancy Flemming, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: April 7, 2009

SUBJECT: Ordinance No. 261 Code of Ethics

RECOMMENDATION

To introduce and conduct the first reading of Ordinance No. 261-2009 (by title only).

BUDGETARY IMPACT

None.

BACKGROUND AND DISCUSSION

The proposed Code of Ethics is intended to promote the highest standards of conduct and to establish a framework for measuring professional municipal relations and the ethical responsibility of all City of Rio Dell Officials.

An effective ethics policy can reduce potential losses and liability, and was recommended as an internal control measure by the City's Auditors to be implemented prior to the 2008-2009 audit. We have reviewed many municipal ethics policies, and combined them to create a streamlined version tailored to the needs of our City.

The City's Auditor and City Attorney have both reviewed and authorized the Proposed Code of Ethics.

**ORDINANCE NO. 261-2009
CODE OF ETHICS**

WHEREAS, the policy of the City of Rio Dell is to uphold, promote, and demand the highest standards of ethics from all of its employees and officials, whether elected, appointed, or hired. City officers and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants including the appearance of impropriety; and never use their City position or powers for improper personal gain; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby adopt the following Code of Ethics:

Section 1.010.010 Definitions

- A. The following words and phrases as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:
- i) **“Business”** means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.
 - ii) **“City Official”** means any individual elected, appointed, hired, or otherwise selected to an office, position, committee, board, task force, or similar multi-member body with the City, or any subdivision thereof, whether such individual is paid or unpaid.
 - iii) **“Compensation”** means payment in any form for real or personal property or services of any kind.
 - iv) **“Gift”** means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including any reasonable hosting, including travel expenses, entertainment, meals, or refreshments furnished in connection with appearances, ceremonies, and occasions reasonably relating to official City business, where otherwise permitted by law.
 - v) **“Immediate Family”** shall have the meaning mother, father, sister, brother, child, spouse, grandparent.
 - vi) **“Person”** means any individual or corporation, business, or other entity, however constituted, organized, or designated.

Section 1.010.020 Prohibited Conduct

A. The following shall constitute violations of this Code of Ethics:

i) General Prohibition Against Conflicts of Interest

In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no current City official should be involved in any activity that might be seen as conflicting with the conduct of official City business or as adverse to the interests of the City. Even the appearance of the following prohibited conduct alone may be sufficient to constitute a violation of this Code of Ethics.

ii) Beneficial Interests in Contracts Prohibited

No City official shall participate in his or her capacity as a City official in the making of a contract in which he or she has a financial interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the City official has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer(s) having the remote interest. For purposes of this section, a "remote interest" means:

- (1) That of a non-salaried officer of a nonprofit corporation;
- (2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
- (3) That of a landlord or tenant of a contracting party;
- (4) That of a holder of less than one percent of the shares of a corporation, limited liability company, or other entity which is a contracting party.

iii) Beneficial Influence in Contract Selection Prohibited

No City official shall influence the City's selection of, or its conduct of business with, a corporation, person, or firm having or proposing to do business with the City if the City official has a financial interest in or with the corporation, person, or firm, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, as defined in the preceding section.

iv) Representation of Private Person at City Proceedings Prohibited

No City official shall appear on behalf of a private person, other than himself or herself except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City official in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

v) Certain Private Employment Prohibited

No City official shall engage in or accept private employment, or render services for, any private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

vi) Beneficial Interest in Legislation Prohibited

No City official, in appearing before the City Council or when giving an official opinion before the City Council, shall have a financial interest in any legislation coming before the City Council and participate in discussion with or give an official opinion to the City Council, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Council, or similar records of the City, prior to consideration of the legislation by the City Council.

vii) Disclosure of Confidential Information Prohibited

No City official shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

viii) Improper Use of Position Prohibited

No City official shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for gain, or profits of any other persons.

ix) Improper Use of City Personnel Prohibited

No City official shall employ or use any person under his or her official control or direction for the personal benefit, gain, or profit of the City official or another.

x) Improper Use of City Property Prohibited

No City official shall use City-owned vehicles, equipment, materials,

money, or property for personal or private convenience or profit. Use is restricted to the conduct of official business, and for such purposes and under such conditions as are approved by the City Council.

xi) Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited

No City official may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the City official's services with the City of Rio Dell, except this prohibition shall not apply to:

- (1) Attendance of a City official at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the City official as a City representative is appropriate;
- (2) An award publicly presented in recognition of public service; or
- (3) Any gift valued at \$50 or less, which cannot reasonably be presumed to influence the vote, action, or judgment of the City official or be considered as part of a reward for action or inaction.

xii) Impermissible Conduct After Leaving City Service

- (1) Disclosure of Privileged, Confidential, or Proprietary Information Prohibited:
No former City official shall disclose or use any privileged, confidential, or proprietary information gained because of his or her City employment or office.
- (2) Participation in City Matters Prohibited:
No former City official shall, during the period of one year after leaving City office or employment:
 - (a) Assist any person in matters involving the City if, while in the course of duty with the City, the former City official was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter.
 - (b) Represent any person as an advocate in any matter in which the former City official was involved while a City official; or participate as or with a bidder, vendor, or consultant in any competitive selection process for a City contract in which he or

Title 1 General Provisions

she assisted the City in determining the project, or work to be done, or the process to be used.

- (3) **Duty to Inform:**
Whenever a City official wishes to contract with a former City official for expert or consultant services within one year of the latter's leaving City service or office, authorization from the City Council shall be required.
- (4) **Exceptions:**
The prohibitions of subsections 2.a and 2.b of this section shall not apply to a former City official acting on behalf of a governmental agency, unless such assistance or representation is adverse to the interest of the City.

Section 1.010.030 Filing a Complaint

- A. All complaints shall be filed in accordance with the City of Rio Dell Whistleblowing Policy established by Resolution 1028-2009.

Section 1.010.040 Penalties for non-Compliance

- A. The City Council, and their designee as appropriate, may impose upon any person found, by a preponderance of the evidence, to have violated any provision of this Code of Ethics any combination of the following penalties:
- i) **A cease and desist order** as to violations of this Code of Ethics;
 - ii) **An order to disclose** any reports or other documents or information requested by the City Council or their designee;
 - iii) **Discipline**, up to and including termination or removal from any position, whether paid or unpaid, pursuant to all City policies or laws as applicable.
 - iv) **Exclusion from bidding** on City contracts for a period of up to five years; and/or
 - v) **Termination or invalidation of contract(s)** entered into in violation of the Code of Ethics, only if such contract(s) provide for termination in the event of a Code of Ethics violation.

Section 1.010.050 Removal of a Council Member, Commissioner, or Committee Member

- A. In addition to any other penalties that may be imposed under this chapter

and not withstanding any other provisions of City ordinance, the City Council may, for cause and by a majority vote of the City Council, remove from office any person who is currently a member of a City board, commission, committee, task force, or other multi-member body. Prior to implementation of such removal, the City Council shall provide notice to the person subject to removal and hold a public hearing. The findings and conclusions and disposition of the City Council shall be based upon evidence in the record. The provisions of this section shall supplement any other procedures required by the City or other applicable state or federal law for removal of such persons.

- B. In addition to any other penalties set forth in this chapter, any current or former City-elected official against whom a complaint has been made and whom the City Council determines to be found by a preponderance of the evidence to have violated the Code of Ethics may be subject to any one or more of the following actions by a majority vote of the City Council:
- i) **Admonition:** An admonition shall be a verbal statement approved by the City Council and made to the individual by the Mayor, or his or her designee, or if the complaint is against the Mayor, the Deputy Mayor, or his or her designee.
 - ii) **Reprimand:** A reprimand shall be administered to the individual by a resolution of reprimand by the City Council. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Mayor Pro-tem.
 - iii) **Censure:** A resolution of censure shall be a resolution read personally to the individual in public. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Mayor Pro-tem.
 - iv) **Other penalties:** Budget reduction or restriction, loss of seniority, loss of a committee assignment, or loss of appointment as a representative of the City on any board, commission, committee, task force, or other multi-member bodies which require an appointment or confirmation of an appointment by the City Council.

Section 1.010.060 SEVERABILITY

- A. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this policy.

Section 1.010.070 FINANCIAL DISCLOSURE

- B. All persons presently required to file reports under the California Fair Political Practices Commission shall, upon assuming any City office or position, file with the City Clerk true and correct copies of all reports required by law.

I HEREBY CERTIFY that the foregoing Ordinance was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of May, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

Introduction and First Reading Conducted on April 7, 2009

Second Reading and Adoption conducted on April 21, 2009

Effective Date 30 days post adoption: May 21, 2009

**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
April 3, 2009**

TO: Mayor and Members of the City Council

THROUGH: Nancy Flemming, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: April 7, 2009

SUBJECT: Ordinance No. 262 Re-Establishing the Position of Building Official and adopting Building Codes and Fees.

RECOMMENDATION

To open a public hearing and introduce and conduct the first reading of Ordinance No. 262-2009 Re-Establishing the position of Building Official and adopting Building Codes and Fees and repealing Ordinances No. 213, 202, 147, 115, 91, 90, 89, 82, 81, 80, 21, 16, 15, and 14 (by title only).

BUDGETARY IMPACT

None.

BACKGROUND AND DISCUSSION

The Finance Department has been reviewing the City's adopted fee structure as a part of the budget preparation process. When reviewing the Building Department Fees, the City clerk, Building Inspector, and I determined that the City was in need of adopting the new minimum building Standards as adopted by the State of California Building standards Commission, as well as the new Building valuation data published by the International Code Council.

In addition to the needed updates, we identified several Ordinances in conflict with current building standards administration and enforcement, and have identified a total of 14 ordinances in need of being repealed. We also noticed that the most current ordinance identified the City Manager as the Building Official. To update the ordinance in conformance with the current organizational structure, language has been inserted to identify the Building Official as reporting to the City Manager as opposed to being the City Manager.

ORDINANCE NO. 262-2009
RE-ESTABLISHING THE POSITION OF BUILDING OFFICIAL
AND ADOPTING BUILDING CODES AND FEES

WHEREAS, the City of Rio Dell is obligated to administer and enforce the minimum State of California Building Standards and all Standards in excess thereof adopted by the City Council of the City of Rio Dell; and

WHEREAS, the City must maintain a position with the designated authority to administer and enforce all standards adopted by the City of Rio Dell; and

WHEREAS, the City must adopt fees sufficient to sustain all costs associated with the administration and enforcement of building activities; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby re-establish the position of Building official as follows:

Section 15.01.010 Administration

- A. The position of Building Official in and for the City of Rio Dell is here by created. Said Building Official shall report to the City Manager or his or her representative.
- B. It shall be the duty of the Building Official to administer and enforce the provisions of this ordinance and all ordinances of the City and statutes of the State of California relating to the erection, construction, enlargement, alteration, repair, moving, removal, demotion, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all building, and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs, and solar systems in the City of Rio Dell.
- C. Nothing in this ordinance shall be construed as prohibiting the City from contracting with qualified persons, firms, or agencies for building plan review and/or inspection services.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell does hereby adopt the following Building Codes and Fees:

Section 15.020.020 Building Codes

- A. The City of Rio Dell hereby incorporates by reference and adopts as its building standards and regulations applicable to all occupancies in the City of Rio Dell each and all of the terms, conditions, regulations, penalties, and provisions of the following codes as from time to time adopted, amended, added, and deleted by regulation of the California State Building

Standards Commission:

1. California Building Standards Administrative Code
2. California Building Code
3. California Electrical Code
4. California Mechanical Code
5. California Plumbing Code
6. California Energy Code
7. California Elevator Safety Construction Code
8. California Historical Building Code
9. California Fire Code
10. California Green Building Standards Code (*CalGreen Code*)

- B. The above-mentioned codes, new additions, and amendments thereto shall become effective and operative within the City of Rio Dell 30 days after the date of first publication of the State Building Standards Code by the State Building Standards Commission in the California Code of Regulations, the California Regulatory Notice Register or the California Regulatory Code Supplement.
- C. The above-mentioned codes new additions, and amendments thereto shall be and hereby are adopted as the Construction Code of the City of Rio Dell for regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all buildings, and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs, and solar systems in the City of Rio Dell and providing for the issuance of permits and the collection of fees therefore.
- D. Nothing contained herein shall be construed as prohibiting or limiting the authority of the City of Rio Dell from adopting or establishing more restrictive building standards than provided for in the above-mentioned codes and amendments thereto after making the findings required by Government Code Section 17958.7.
- E. The City shall maintain 1 current copy of all building standards codes on

file.

Section 15.01.030 Fees for Permits and Inspections

- A. Any person required to obtain a permit hereunder, shall at the time of filing an application therefore, pay to the City Clerk a deposit for plan review in the amount as set forth in the California Administrative Code referred to in Section 15.01.010 herein above. Notwithstanding any other provision of these regulations to the contrary, the City shall collect upon the issuance of any permit, the actual cost of the plan review services rendered or the plan review fee as set forth in the California Administrative Code, whichever is greater.
- B. Where work is commenced prior to obtaining a permit, a double fee shall be charged.
- C. For the purpose of determining valuation of any work to be performed hereunder, the City may use the Valuation Data Table published by the International Code Council. The above-mentioned table, new editions, and amendments thereto shall become effective and operative within the City of Rio Dell 30 days after the date of first publication. The City may choose to modify the data published as determined by regional conditions, but will not exceed the costs as published.

Section 15.01.040 Person May Do Own Work

- A. Nothing in this ordinance shall be construed as prohibiting any person from doing this own work or employing any person to work on a building or structure to which the provisions of this ordinance apply unless otherwise prohibited by law.

Section 15.01.050 Penalty

- A. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, or causing the violation of any part of this ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00). Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance, or any part hereof, is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

Section 15.01.060 Validity of Ordinance

- A. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such

decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection paragraph, sentence, clause, or phrase thereof irrespective of the fact that one or more sections, subsection, paragraphs, sentences, clauses or phrases might be declared unconstitutional or invalid.

Section 15.01.070 Repealing Ordinances in Conflict

- A. Ordinance No. 213, 202, 147, 115,91, 90, 89, 82, 81, 80, 21, 16, 15, 14 and any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

I HEREBY CERTIFY that the foregoing Ordinance was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of May, 2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

Introduction and First Reading Conducted on April 7, 2009
Second Reading and Adoption conducted on April 21, 2009
Effective Date 30 days post adoption: May 21, 2009

Staff Report

April 2, 2009

To: Honorable Mayor and Members of the City Council

Through: Nancy Flemming, City Manager

From: Graham Hill, Chief of Police

Subject: Application for COPS Hiring Recovery Program.

Requested Action: Council approve the Chief of Police to apply for funding through the COPS Hiring Recovery Program to hire three additional full-time sworn police officers to fulfill department and community needs.

Summary: The Office of Community Oriented Policing Services has announced funding is available through the Cops Hiring Recovery Program (CHRP). The Rio Dell Police Department is eligible to submit an application for this funding. CHRP is meant to supplement current staffing levels, and agencies that are awarded funding will receive funding at entry level salaries, including fringe benefits, for a period of three years. Agencies awarded funding will be responsible for funding positions in the amounts in excess of entry level salaries and will be required to retain those positions for a period of twelve months beyond the 36 month grant period.

If awarded this funding would allow the police department the opportunity to fulfill our goals and meet community needs as determined through our recent survey. The city of Rio Dell has the distinct possibility of expanding its footprint within the county through annexation and placing a greater burden on law enforcement resources. I would expect there to be development in these annexed areas and the likelihood of resources to become available through these developments to fulfill the funding requirements beyond the 36 month grant period.

The deadline to submit grant applications is April 14, 2009.

Fiscal Impact: If awarded the fiscal impact would be negligible for 36 months, with a potential impact of 7% of the entry level step for each officer at the beginning of their second year of employment and an

additional 7% at the beginning of their third year of employment. The grant requires retention for a fourth year (approximately 2013) of employment and I would expect to be able to fund these positions through the general fund for at least a one year period by means of redefining City fee schedules and receiving funding through increased development in newly annexed areas.