



RIO DELL CITY COUNCIL
REGULAR MEETING - 6:30 P.M.
TUESDAY, JULY 19, 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. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not 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.

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the 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) 2022/0719.01 - Approve Minutes of the July 5, 2022 Regular Meeting
(ACTION) 1
- 2) 2022/0719.02 – Approve Renewal of College of the Redwoods Firearms Agreement for FY 2022-23 and Authorizing Chief Conner to Execute Agreement **(ACTION)** 8
- 3) 2022/0719.03 - Authorize the Finance Director to sign and submit the City’s Annual Regional Surface Transportation Program (RSTP) Claim to Humboldt County Association of Governments (HCAOG) for FY 2021-22 **(ACTION)** 15
- 4) 2022/0719.04 - Approve Cost Recovery for the Abatement of 833 Pacific Ave. in the amount of \$718.45 and schedule Public Hearing for August 16, 2022 **(ACTION)** 22

5) 2022/0719.05 - Authorize the Finance Director to sign and submit the City's Annual Transportation Development Act (TDA) Claim for FY 2022-23 (ACTION)	24
6) 2022/0719.06 – Receive and File Check Register for June (ACTION)	31
G. ITEMS REMOVED FROM THE CONSENT CALENDAR	
H. REPORTS/STAFF COMMUNICATIONS	
1) 2022/0719.07 - City Manager/Staff Update (RECEIVE & FILE)	34
I. SPECIAL PRESENTATIONS/STUDY SESSIONS/PUBLIC HEARINGS	
J. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS	
1) 2022/0719.08 - Public Hearing – Approve the Findings and Order Confirming Accounts and Assessment for the Abatement of 66 Davis St. (DISCUSSION/POSSIBLE ACTION)	40
2) 2022/0719.09 - Public Hearing – Approve the Findings and Order Confirming Accounts and Assessment for the Abatement of 520 First Ave. (DISCUSSION/POSSIBLE ACTION)	43
K. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS	
1) 2022/0719.10 - Introduction and first reading (by title only) of Ordinance 395-2022 - Organics Reduction and Recycling (DISCUSSION/POSSIBLE ACTION)	50
L. COUNCIL REPORTS/COMMUNICATIONS	
M. ADJOURNMENT	

*The next regular City Council meeting is scheduled for
Tuesday, August 2, 2022 at 6:30 p.m.*

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
JULY 5, 2022**

The regular meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Garnes.

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

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

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

Absent: Finance Director Dillingham and Management Analyst Sanborn (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation – Consider Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of the California Government Code §54956.9: Three (3) Potential Cases

The Council recessed into closed session at 5:30 p.m. to discuss the above matter.

The Council reconvened into open session at 6:30 P.M.

Mayor Garnes announced that there was nothing to report out of closed session.

CEREMONIAL MATTERS

Proclamation Acknowledging and Thanking Jeffrey Conner, John Beauchaine and Carolyn Schaffer for the Investigation and Prosecution of Johnny Mack Renfro

Mayor Garnes read the proclamation expressing heartfelt thanks and pride on behalf of the City Council, staff, the residents and businesses of Rio Dell for the work of Chief of Police Jeffrey Conner, Sergeant John Beauchaine and Deputy District Attorney Carolyn Schaffer in the successful pursuit of justice in the investigation and prosecution of the murder of Johnny Mack Renfro.

Chief Conner and Deputy District Attorney Schaffer were present to receive the proclamations.

Mayor Garnes thanked District Attorney Maggie Fleming and District Attorney Elect Stacey Eads for attending.

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment on non-agenda items. No public comments were 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/Woodall to approve the consent calendar including the minutes of the June 21, 2022 regular meeting.

Motion carried 4-0; 1 abstention (Garnes).

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and said that the City's website experienced a complete failure and details are not readily available from the City's website service provider. Since publication of the agenda, there is no additional information on the status or the cause of the failure. It appears that the website will need to be completely rebuilt and the vendor has provided no estimated time as to when the website would be reactivated. The main page of the website has been placed back online to allow for online bill pay but nothing else on the website works. Staff will be meeting with another vendor next week, *Civic Plus* to provide website services to the City, noting that they are more tailored to municipalities. He said that this will be moving up on staff's priority list to see if the vendor will be able to assist in migrating the data over from the web archives.

He also announced that the street sweeping by the County was rescheduled tentatively from July 8th to July 15th due to the breakdown of equipment.

Mayor Pro Tem Johnson asked if the G. R. Sundberg paving contract was accepted.

City Manager Knopp reported that the project was not quite complete and the Streets Superintendent was out today working with the contractor on some finishing touches.

Councilmember Wilson referred to the shut down of the City's website and asked if the City's website vendor, Precision Intermedia had a backup file for the City.

City Manager Knopp said that it appears that there is no backup and it is not clear whether the site was hacked, if there was a fire somewhere or if there was a catastrophic equipment failure. The City literally received no information as the cause of the outage or even an update on when the website could be restored. He said that it would be standard operating procedure to have a backup of the files which is why the situation is so disappointing.

Councilmember Wilson commented that HWMA was hacked and when you log into the site, everything comes up in a foreign language.

He suggested staff enter into an agreement with the vendor requiring a weekly or monthly backup of the City's files.

Councilmember Woodall referred to the July 15th street sweeping and asked if street sweeping would also be done closer to Wildwood Days.

City Manager Knopp said that nothing was scheduled but he would see if it could be arranged.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Adopt Resolution No. 1545-2022 authorizing staff to make application to the Department of Housing and Community Development (HCD) to utilize Program Income (PI) funds to supplement funding of the Painter Street Sewer Line Replacement

Community Development Director Caldwell provided a staff report and said that at the March 15, 2022 meeting, the Council met and discussed possible uses for the City's Program Income (PI) funds. This was in response to the City recently being informed that the funds must be expended or at least encumbered by June 30, 2022 or the funds would have to be returned to the State.

Staff was directed to allocate the funds for drainage improvements on the western portion of the Belleview/Ogle neighborhood. The City was obligated to conduct an Income Survey demonstrating that the area is a low to moderate income (LMI) area. Staff identified the study area which included 68 households within the study area. In order for the State to consider the study valid, 60 responses were required. Initial surveys were sent out followed by a second request with only 20 responses returned, falling short of the required 60 responses.

Staff reached out to HCD for direction and it was determined that the City identify an LMI area and pursue a supplemental activity within that area. The only recognized LMI area was that portion of the City east of Highway 101. As such, the project to upsize the Painter Street sewer line from the foot of Painter Street to the City's Wastewater Treatment Plant was identified as a potential supplemental activity. Staff discussed the project with HCD staff, who were supportive of the use of PI funds to supplement funding of the project.

JULY 5, 2022 MINUTES
Page 4

Community Development Director Caldwell noted that the City currently has approximately \$550,000 of Program Income funds with the probable cost of the Painter Street sewer line replacement estimated at \$1,490,550.

He recommended the City Council open the public hearing to receive public input, close the public hearing and approve Resolution No. 1545-2022 authorizing staff to make application to the Department of Housing and Community Development (HCD) to utilize Program Income funds to supplement funding of the Painter Street sewer line replacement.

Mayor Pro Tem Johnson noted that the City has approximately \$500,000 in Program Income (PI) yet the resolution is requesting the use of \$1 million+/- of Program Income (PI).

Community Development Director Caldwell explained that HCD staff suggested the amount be increased so the City is not limited to the lower amount in the event that additional funds become available.

Mayor Garnes opened the public hearing to receive public input on the proposed resolution. No public comment was received and the public hearing was closed.

Motion was made by Johnson/Carter to approve Resolution No. 1545-2022 authorizing staff to make application to the Department of Housing and Community Development (HCD) to utilize Program Income funds to supplement funding of the Painter Street sewer line replacement.

Adopt Resolution No. 1547-2022 declaring the need for continued in-person/hybrid City Council and Commission meetings during declared State of Emergency pursuant to Government Code §54953 (AB 361); or declaring the need to resume with virtual (Zoom) meetings

City Manager Knopp provided a staff report and explained that this is a standard item that is required to come back to the Council every 30 days 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.

Mayor Pro Tem Johnson pointed out a typo on the first page of the resolution (5th paragraph) noting an obvious error on the November 8, 2022 date as stated since this is only July.

City Clerk Dunham acknowledged the error and agreed to make the correction

Mayor Garnes opened a public hearing to receive public comment on the proposed resolution.

Johnathan Brodeur agreed that meetings should continue to be held in-person/virtual so citizens unable to attend in person could still participate via Zoom.

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

Motion was made by Carter/Johnson to approve Resolution No. 1547-2022 declaring the need for continued in-person/hybrid City Council and Commission meetings during declared State of Emergency pursuant to Government Code §54953 (AB 361). Motion carried 5-0.

Second Reading (by title only) and adoption of Ordinance No. 393-2022 amending the City's Zoning Regulations, Chapter 17 of the Rio Dell Municipal Code (RDMC) to include (1) establishing definitions of Emergency Shelters, Supportive Housing and Low Barrier Navigation Centers, (2) identify Low Barrier Navigation Centers as a permitted use in the Residential Multi-Family (RM) Designation, and (3) amending the City's Commercial Designations to identify Emergency Shelters, Supportive Housing, Transitional Housing and Low Barrier Navigation Centers as principally permitted uses as required by State Law Community Development Director Caldwell provided a staff report and said that as discussed at the Council meeting of June 7, 2022, the City's Zoning Regulations need to be amended to be consistent with State law to include definitions of emergency shelters, supportive housing, and low barrier navigation centers. In addition, to identify low barrier navigation centers as a principally permitted use in the Residential Multi-Family (RM) designation and amending the City's commercial designations to identify emergency shelters, supportive housing, transitional housing and low barrier navigation centers as principally permitted uses as required by state law.

He noted that the required findings for the zone amendments can be made and recommended approval of the Ordinance No. 393-2022.

Mayor Garnes opened the public hearing to receive public input on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Johnson/Carter to approve the second reading (by title only) and adopt Ordinance No. 393-2022 amending the City's Zoning Regulations, Chapter 17 of the Rio Dell Municipal Code (RDMC) to include (1) establishing definitions of Emergency Shelters, Supportive Housing and Low Barrier Navigation Centers, (2) identify Low Barrier Navigation Centers as a permitted use in the Residential Multi-Family (RM) Designation, and (3) amending the City's Commercial Designations to identify Emergency Shelters, Supportive Housing, Transitional Housing and Low Barrier Navigation Centers as principally permitted uses as required by State Law . Motion carried 5-0.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson mentioned that the two downtown murals were coming along nicely and suggested the Council consider the idea of a mural at City Hall. He asked

that staff agenize an item for a future meeting with renderings of potential mural ideas.

He then expressed special thanks to the Rio Dell Fire Department and Fortuna Ambulance for their quick response to a medical emergency in his neighborhood.

Mayor Pro Tem Johnson reported on the Last Chance Grade project and said that the road could possibly be open to 2-way traffic sometime this fall barring any unforeseen emergencies.

Councilmember Woodall reported that she would be attending an HTA meeting tomorrow.

Councilmember Wilson reported on the RCEA meeting and said that with regard to solar, the State is trying to change to net zero qualification so installation of solar might not be the best option for residents in the future. Existing solar customers will be grandfathered in but for new customers, they are talking about a transition charge and a reduction in the payback rate which has a penalizing effect. RCEA is opposed to the idea of penalizing customers for saving power. As he mentioned before, the thought is that lower income residents are subsidizing higher income people that can afford solar.

He reported that he would be attending an HWMA meeting next week.

Councilmember Carter reported that she attended the Chamber of Commerce meeting and that they are getting gearing up for Wildwood Days. She indicated that the murals are the talk of the town and if anyone is interested in a mural they should get in touch with Jim Brickley through the Chamber. She said that they are looking for children to volunteer and dress up as first responders and ride on a float or walk alongside of the float. Any interested parties should contact the Chamber of Commerce for information.

Mayor Garnes reported that she would be attending Cal Cities Seismic Commission meeting on Thursday in Sacramento.

She asked the City Clerk to announce the opening date for the nomination period for candidates running for City Council.

City Clerk Dunham announced that the nomination period opens on July 18, 2022 and City Council Candidate packets would be available for pickup at 8:00 a.m.

ADJOURNMENT

Motion was made by Johnson/Carter to adjourn the meeting at 7:00 p.m. to the July 19, 2022 regular meeting. Motion carried 5-0.

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk

June 23, 2022

Rio Dell Police Department
Attn: Training Manager
675 Wildwood Avenue
Rio Dell, CA 95562

RE: 2022-2023 Firearms Range Use
College of the Redwoods

To Whom It May Concern:

In order to provide continued use and maintenance of the Firearms Range facility at College of the Redwoods, a Range Use Fee is assessed for those agencies utilizing the range facilities. Beginning this Fiscal Year (22/23), we will be charging based on range usage rather than round count. This is to more accurately account for facility use. Round counts will only be used to track maintenance needs.

Use of the College of the Redwoods Range pricing:

- 4-Hour Session \$100
- 8-Hour Session \$150
- 12-Hour Session \$200

Agencies will be billed in January 2023 for July 1, 2022 - December 31, 2022.
Agencies will be billed in June 2023 for January 1, 2023 - June 30, 2023.

Please submit the following as soon as possible:

- A signed Firearms Range Agreement.
- Current Proof of Insurance for your agency showing CR as “additional insured”. Please note that this agreement pertains to the range only.

Your cooperation is appreciated. Please contact the Public Safety Training Center at 476-4334 if you have any questions regarding the range policy and/or fee.

Mike Perkins

*Michael T. Perkins, Director
Public Safety Training Center*

www.redwoods.edu

Eureka
7351 Tompkins Hill Rd
Eureka, CA 95501
(707) 476-4100

Del Norte
883 W. Washington Blvd
Crescent City, CA 95531
(707) 466-2380

Eureka Downtown
525 D Street
Eureka, CA 95501
(707) 476-4500

Klamath-Trinity
65 Orchard St.
Hoopa, CA 95548
(530) 625-4821

COLLEGE OF THE REDWOODS – RANGE USE LOG

Agency _____ Rangemaster(s) _____ Date _____

Rounds fired by lane:

1	11		
2	12		
3	13		
4	14		
5	15		
6	16		
7	17		
8	18		
9	19		
10	20		

Red range flag posted Brass collected Trap cleaned & leveled Rake stored

Red range flag stored Gate locked

Range use log submitted (can be in person at AJ office, slide under the office door if after hours, by FAX to 476-4411 or email to [Esmeralda Ramirez at esmeralda-ramirez@redwoods.edu](mailto:Esmeralda.Ramirez@redwoods.edu). Please submit within a week of the range use.

College of the Redwoods
FIREARMS RANGE AGREEMENT
July 1, 2022 – June 30, 2023

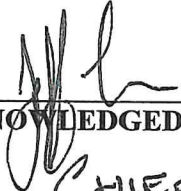
ACKNOWLEDGMENT:

I have read, understand, and acknowledge the Firearms Range Policy relating to the use of the firearms range and facilities at College of the Redwoods. I have shared this information with all staff responsible for firearms training.

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Agency agrees to defend, indemnify and hold harmless the Redwoods Community College District, its Board of Trustees, the individual members thereof, and all District Officers, employees and agents from any and all losses or injuries that may result in any way from the agency's use of the Firearms Range, regardless of cause and including the condition of College equipment, premises and facilities.

To be signed by the chief executive officer or their designated representative.

 _____ ACKNOWLEDGED BY	7/12/2022 _____ DATE
CHIEF _____ TITLE	RIO DEL POLICE DEPARTMENT _____ AGENCY

Use of the College of the Redwoods Range pricing:

- 4-Hour Session \$100
- 8-Hour Session \$150
- 12-Hour Session \$200

Agencies will be billed in January 2023 for July 1, 2022 - December 31, 2022.

Agencies will be billed in June 2023 for January 1, 2023 - June 30, 2023.

Please return to the Public Safety Training Center:

- This signed Firearms Range Agreement page
- A certificate of insurance naming Redwoods Community College District as "additional insured" at a minimum amount of \$1 million.

Requests for use of the firearms range will not be accepted until the above documents are on file with the Public Safety Training Center.

Please contact the Public Safety Training Center should you have any questions, 707-476-4334.

College of the Redwoods
FIREARMS RANGE AGREEMENT
July 1, 2022 – June 30, 2023

ACKNOWLEDGMENT:

I have read, understand, and acknowledge the Firearms Range Policy relating to the use of the firearms range and facilities at College of the Redwoods. I have shared this information with all staff responsible for firearms training.

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To be signed by the chief executive officer or their designated representative.

ACKNOWLEDGED BY	DATE
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TITLE	AGENCY
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Use of the College of the Redwoods Range pricing:

- 4-Hour Session \$100
- 8-Hour Session \$150
- 12-Hour Session \$200

Agencies will be billed in January 2023 for July 1, 2022 - December 31, 2022.

Agencies will be billed in June 2023 for January 1, 2023 - June 30, 2023.

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- This signed Firearms Range Agreement page
- A certificate of insurance naming Redwoods Community College District as "additional insured" at a minimum amount of \$1 million.

Requests for use of the firearms range will not be accepted until the above documents are on file with the Public Safety Training Center.

Please contact the Public Safety Training Center should you have any questions, 707-476-4334.

- Damage to range property or range deficiencies should be reported to the Public Safety Training Center as soon as possible.

EMERGENCY PROCEDURES:

Any incident resulting in injuries will be reported to Campus Safety (**476-4111 or extension 4111**) as soon as possible followed by notification to the Public Safety Training Center.

- Each agency using the range is responsible for providing their own first aid / trauma kits equipped to treat any potential injury. Campus Safety Officers are trained EMTs.
- A first aid / trauma kit and AED are also located in the range tower.
- Before conducting any firearms training, emergency communications capability, either in the form of portable radios or cellular telephones must be available to the Range Master.

CAMPUS SERVICES:

Campus Safety Officers can be contacted at 476-4112 (or extension 4112), or after business hours, dial the **emergency number 476-4111 (or extension 4111)** if access is needed to the building:

- A Campus Safety Officer is on duty 24 hours a day, seven days a week.
- At the conclusion of your training session, if assistance in securing the facility is required, please contact the on-duty Campus Safety Officer at 476-4112 (or extension 4112).

- Each department will be expected to assist staff with policing the range at the conclusion of each session. Used targets will be removed from the target backs and placed in the garbage cans. Used brass will be collected and either left at the range for recycling or removed by the agency. Shot shells are not recycled.

RANGE SAFETY RULES AND REGULATIONS:

The following range safety rules and regulations are to be followed at all times. Violations could jeopardize further use of the range. Any exception must first be cleared through the Public Safety Training Center:

- Each department or agency must provide a certified Range Master who will be in attendance and responsible for use of the range during all phases of a training session. It is understood the College is neither providing nor responsible for, any supervision of firing range activities during use by any agency.
- Any time the range is in use for live fire exercises, the gate must be closed and the RED FLAG hoisted on flag pole.
- No fewer than two persons shall be permitted on the firearms range during live fire exercises. At least one of the two persons must be a certified Range Master.
- The entrance to the firearms range must be kept clear of parked vehicles at all times. With the exception of the Range Master's vehicle, no other vehicles are to be parked on the range. Exceptions to this rule are vehicles used as a prop or in a training exercise. Because parking is limited, carpooling is encouraged. If additional parking is needed, the Public Safety Training Center lot should be used.
- Only authorized law enforcement personnel from the department or departments reserving use of the range will be permitted on the range (i.e. no family members or other spectators without prior approval from the Public Safety Training Center).
- Agencies are responsible for providing eye and ear protection for any of their personnel on the range. The wearing of soft body armor by all personnel is strongly encouraged.
- Unless prior authorization has been obtained from the Public Safety Training Center the use of weapons on the range shall be limited to handguns, patrol rifles (.223 caliber) and shotguns.
- All weapons shall only be loaded and unloaded while shooters are on the firing line, and only while under the direction of a Range Master.
- Live fire shall only be directed at authorized posted range targets. Trap and skeet shooting is not permitted.
- Shotgun fire should be directed at inner tubes set on the rubber pieces in the bullet trap. Please do not fire shotguns at targets requiring foam target backers.
- Metal silhouette targets are prohibited without prior approval from the Public Safety Training Center.
- Alcoholic beverages and tobacco products are not permitted on campus.
- Retrieving lead from the trap system is prohibited at all times.

College of the Redwoods
FIREARMS RANGE POLICY
July 1, 2022 – June 30, 2023

REQUESTING USE OF THE RANGE:

- Departments are requested to make all range use reservations through the Public Safety Training Center at 476-4334, Monday - Friday, 0800-1630 hours.
- Person(s) authorized to reserve the range for their agency are requested to exercise the following considerations:
 - Consolidate requests for use of the range by planning and accomplishing as much as possible during each range exercise.
 - Range Hours: 0800 - 2200, Monday through Friday
 0900 - 1800, Saturday
 Closed Sunday
- To cancel a range use reservation, please contact the Public Safety Training Center (476-4334).
- On rare occasion, we may need to change or cancel a range use reservation. This might be due to repairs to the range, adverse weather conditions, instructional conflicts, etc. Your agency will be contacted as soon as possible regarding any adjustment in the schedule.

USE OF THE RANGE:

***THERE MUST BE A RANGE MASTER ON DUTY AT THE RANGE
AT ALL TIMES WHEN IN USE***


- Accumulation of rounds: Due to the need for regular maintenance and cleaning of the bullet trap, Range Masters will be required to note the number of rounds shot at each session. Forms will be provided for this purpose. Prior to use by each agency, one Range Master per department will be required to attend a training session that will clarify procedures.
- It will be the direct responsibility of the Range Master or firearms instructor to assure that all personnel under their direction are following safe and proper procedures in the handling of firearms while on the firearms range and College of the Redwoods property in general.
- Agencies using the range may only park within marked general parking spaces (white lines).
- Range instructors may use range equipment such as the public address system and range lights. Please contact our office if you are unfamiliar with the availability and use of above services.
- Recreational shooting is prohibited at all times. Use of the range is restricted to official departmental qualification, re-qualification and/or training exercises.
- Entry into, and removal of any materials from the range storage shed must first be cleared with the Public Safety Training Center.

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



DATE: July 19, 2022

TO: Mayor and Members of the City Council

FROM: Cheryl Dillingham, Finance Director 

THROUGH: Kyle Knopp, City Manager

SUBJECT: Regional Surface Transportation Program claim for Fiscal Year 2021-22

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the Finance Director to sign and submit the City's annual Regional Surface Transportation Program (RSTP) claim to the Humboldt County Association of Governments (HCAOG).

BACKGROUND AND DISCUSSION

RSTP funds come from the federal excise tax on gasoline and are distributed each year to the County, cities and tribes by HCAOG. The City of Rio Dell will receive \$28,841 in RSTP funding for Fiscal Year (FY) 2021-22. The funds can be used to support various eligible transportation projects and the City is required to provide a list with the names of all streets with potential projects and the type of project. Rio Dell primarily uses RSTP funds for street maintenance projects. The attached RSTP Policy and Allocations guide prepared by HCAOG describes the eligible projects and distribution formula used to allocated RSTP revenues to local agencies.

The RSTP claim will be submitted to HCAOG based on actual final expenditure for FY 2021-22.

ATTACHMENTS

FY 2021-22 HCAOG RSTP Policy and Allocations

Fiscal Year 2021-22

**Regional Surface Transportation Program
Policy and Allocations**

June 2022



Humboldt County Association of Governments
611 I Street, Suite B
Eureka, CA 95501
Phone: 707.444.8208
www.hcaog.net

Background

The Regional Surface Transportation Program (RSTP) was established by California State Statute utilizing Surface Transportation Program Funds that are identified in Section 133 of Title 23 of the United States Code. California Streets and Highways Code Section 182.6(d) was enacted under federal transportation bills, beginning in 1991 with the Intermodal Surface Transportation Efficiency Act (ISTEA) legislation, subsequently under the Transportation Equity Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Federal Aid Urban (FAU) and Federal Aid Secondary (FAS) regulations implemented through Section 182.6(d) were repealed by the federal government through the passage of Moving Ahead for Progress in the 21st Century (MAP-21). However, the FAU/FAS regulations currently remain in State law.

RSTP funds originate from the federal excise tax on gasoline. The State of California distributes the funds to regional agencies and counties based on population. HCAOG is allowed to participate in an exchange of these federal funds to nonfederal State Highway Account funds. Prior to an annual distribution of funds, an Exchange Agreement is executed between HCAOG and the State Department of Transportation (Caltrans). This exchange allows for greater flexibility with fewer administrative burdens. The County of Humboldt receives RSTP funds through a separate Exchange Agreement. Exchange funds are subject to financial and compliance audits by State of California auditors.

RSTP funds support a broad range of transportation projects. In the Humboldt region, most are used to augment city and county road budgets. Beginning with the 2007-08 RSTP cycle, HCAOG began setting aside funds for tribal governments. The County of Humboldt has agreed to administer the funds for a single project.

Eligible Projects

Eligible projects are subject to Title 23-Section 133 of the Federal Aid for Highway regulations, in accordance with the State of California Constitution. Section 133(b) provides for the following eligible projects:

- (1) Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways (including Interstate highways) and bridges (including bridges on public roads of all functional classifications), including any such construction or reconstruction necessary to accommodate other transportation modes, and including the seismic retrofit and painting of and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions on bridges and approaches thereto and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under this title.
- (2) Capital costs for transit projects eligible for assistance under chapter 53 of title 49, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus.
- (3) Carpool projects, fringe and corridor parking facilities and programs, bicycle transportation and pedestrian walkways in accordance with section 217, and the

modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) Highway and transit safety infrastructure improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife and railway-highway grade crossings.

(5) Highway and transit research and development and technology transfer programs.

(6) Capital and operating costs for traffic monitoring, management, and control facilities and programs, including advanced truck stop electrification systems.

(7) Surface transportation planning programs.

(8) Transportation enhancement activities.

(9) Transportation control measures listed in section 108 (f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408 (f)(1)(A)).

(10) Development and establishment of management systems under Section 303.

(11) In accordance with all applicable Federal law and regulations, participation in natural habitat and wetlands mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetlands mitigation banks; contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands; and development of statewide and regional natural habitat and wetlands conservation and mitigation plans, including any such banks, efforts, and plans authorized pursuant to the Water Resources Development Act of 1990 (including crediting provisions). Contributions to such mitigation efforts may take place concurrent with or in advance of project construction. Contributions toward these efforts may occur in advance of project construction only if such efforts are consistent with all applicable requirements of Federal law and regulations and State transportation planning processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

(12) Projects relating to intersections that—

(A) have disproportionately high accident rates;

(B) have high levels of congestion, as evidenced by—

(i) interrupted traffic flow at the intersection; and

(ii) a level of service rating that is not better than “F” during peak travel hours, calculated in accordance with the Highway Capacity Manual issued by the Transportation Research Board; and

(C) are located on a Federal-aid highway.

(13) Infrastructure-based intelligent transportation systems capital improvements.

(14) Environmental restoration and pollution abatement in accordance with Section 328.

(15) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.

Agreement with Jurisdictions

The following administrative requirements are hereby implemented to assure that the agencies receiving the RSTP funds are using the funds properly, and to assure that HCAOG is properly tracking the funds.

1. Project Lists. Prior to funds being distributed by HCAOG, each entity shall be required to submit to HCAOG a list of eligible projects on which they expect to expend the funds. The list shall include the name of all streets and roads with potential projects, the type of project (rehabilitation, maintenance, etc.) and the functional classification based on the “annual maintained mileage report” prepared by each agency. (Form is attached)
2. Exchange Agreement Compliance. HCAOG is required to sign an annual Exchange Agreement with the State which states that HCAOG (and project sponsors) agree to comply with required conditions. Therefore, each entity shall receive a copy of the agreement and be required to sign a statement of compliance in order to receive funds. Compliance includes a requirement that a special fund for the purpose of depositing exchange funds has been established within a jurisdiction’s special gas tax street improvement funds or county road fund. (Form is attached)
3. Annual Report. Each entity shall be required to submit an annual report before receiving new RSTP funds each annual cycle. The report shall indicate how funds were expended or explain if funds are being carried over for a larger project. (Note: The annual report should agree with the project list submitted, otherwise a written explanation will be required).

RSTP Formula Distribution

During a normal funding cycle, HCAOG receives instructions from the State to begin the process to exchange the RSTP funds sometime during the calendar year, resulting in an executed Exchange Agreement and receipt of funds by or near June 30 of each fiscal year. HCAOG staff then prepares a draft RSTP Program for stakeholder and public review and discussion at HCAOG Technical Advisory Committee (TAC) and Board meetings. Upon HCAOG Board approval, HCAOG notifies eligible claimants of the approved amount of available funding per the formula distribution. Funds are then distributed to the County, Cities, and tribes upon compliance with the Agreement with Jurisdictions, as explained above.

**Humboldt County Association of Governments
Regional Surface Transportation Program FY 2021-22**

FY 21-22 RSTP Allocation	1,441,218
Regional Apportionment	(262,188)
Excess Fund Apportionment	\$1,179,030

The **Regional Apportionment** is apportioned first, in the amount of \$262,188. This amount has remained constant in this formula of distribution. Of this amount, \$100,000 is taken off of the top and allocated to Humboldt County in exchange for an annual dedication of \$200,000 of County Local Transportation Funds to transit agencies supporting capital improvements.

Regional Apportionment	262,188
Transit Set Aside (County of Humboldt)	(100,000)
Balance	\$162,188

The remaining amount (\$162,188) is then apportioned to the four FAU areas based on the following percentages set in the 1990s:

FAU Jurisdiction	FAU %	Allocation
McKinleyville	15.0%	\$ 24,328
City of Arcata	23.8%	\$ 38,601
City of Eureka	46.6%	\$ 75,580
City of Fortuna	14.6%	\$ 23,679
Total	100.0%	\$ 162,188

The **Excess Fund Apportionment** (\$1,179,030) is then apportioned to the County, the seven cities and TAC tribal members. The first amount apportioned goes to the **Small Agency Program**. This is based on the population percentages of the four small cities (Blue Lake, Ferndale, Rio Dell and Trinidad) and tribal land populations for tribes that are members of the TAC (Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, Hoopa Valley Tribe, Karuk Tribe, Trinidad Rancheria and the Yurok Tribe).

Jurisdiction	Population Estimates	% of Small Agency Program	% of Total Population	Allocation
Blue Lake	1,151	8.49%	0.85%	\$ 11,229
Ferndale	1,367	10.09%	1.01%	\$ 12,057
Rio Dell	3,342	24.66%	2.47%	\$ 28,841
Trinidad	296	2.18%	0.22%	\$ 2,955
Tribal Areas*	7,395	54.57%	5.47%	\$ 63,119
Total	13,551	100.00%	10.03%	\$ 118,201

*Tribal populations provided by North Coast Tribal Transportation Commission

Population data for the small cities is taken from the California Department of Finance Estimate Table E-1. The North Coast Tribal Transportation Commission (NCTTC) provides tribal population estimates. For FY 21-22, the Small Agency Program population is 10.05% of the total population in Humboldt County. The Excess Fund for FY 21-22 amounts to \$118,201.

The remaining Excess Fund Apportionment (\$1,023,948) is available to the FAU and Federal Aid Secondary (FAS) agencies. Humboldt County is the only FAS recipient and therefore receives 67.2% of the remaining Excess Fund Apportionments. The FAU recipients receive the remaining 32.8% of the Excess Fund Apportionment. The 32.8% allocation is apportioned according to the 1990 percentages for each FAU recipient. The FAU/FAS funds for FY 21-22 are equal to \$1,060,829.

FAU/FAS Program			
	FAS: 67.2 % of FAU/FAS Program	FAU: 32.8% of FAU/FAS Program	Allocation
	\$ 712,877	\$ 347,952	
County	100%	N/A	\$ 712,877
Arcata	N/A	23.8%	\$ 82,813
Eureka	N/A	46.6%	\$ 162,146
Fortuna	N/A	14.6%	\$ 50,801
McKinleyville	N/A	15.0%	\$ 52,193
Total	100%	100%	\$ 1,060,829

The final allocation for FY 21-22 is as follows:

RSTP 21-22 Allocations	
County	\$ 889,398
Arcata	\$ 121,413
Blue Lake	\$ 11,229
Eureka	\$ 237,725
Ferndale	\$ 12,057
Fortuna	\$ 74,480
Rio Dell	\$ 28,841
Trinidad	\$ 2,955
Tribal Governments	\$ 63,119
Total	\$ 1,441,218



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

For Meeting of: July 19, 2022
■ Consent Item; □ Public Hearing Item

To: City Council
From: Mary Clark, Community Service Officer
Through: Kyle Knopp, City Manager
Date: June 28, 2022
Subject: Discussion of Cost Recovery for the Abatement of 833 Pacific Avenue

Recommendation:

That the City Council review the cost recovery for the abatement that took place on March 8, 2022 at 833 Pacific Avenue and approve the placement of a public hearing on the Council's agenda so that a lien may be placed on the property. The hearing is tentatively scheduled for August 23, 2022. The total cost for the abatement was determined to be \$718.45.

Background and Discussion

On March 8, 2022, 3 workers from Redwood Teen Challenge and myself conducted an abatement at 833 Pacific Avenue in the City of Rio Dell. During the abatement, solid waste, scrap metal and excessive vegetation were removed from the property. A 15-yard dumpster was filled with scrap metal and a 4-yard dumpster was filled with solid waste. The City's cost for the abatement were determined to be \$718.45.

The cost assessment was sent via certified mail to the property owner on May 6, 2022. The property owner has not made any attempt to pay or make a plan with the City for this debt. Rio Dell Municipal Code (RDMC) Sections 8.10.310 through 8.10.330 cover the cost recovery process. RDMC Section 8.10.330 references the California Government Code Section 38773.5 which spells out the process for establishing taxes and assessments. This process requires two meetings, a public meeting followed by a public hearing. The public hearing is anticipated to be held on August 23, 2022.

Attachment(s): Cost recovery assessment

Rio Dell Police Department
 675 Wildwood Avenue, Rio Dell, California 95562
 [707] 764-5642

COST RECOVERY ASSESSMENT

Name: **Stuart Cox**
 Address: 833 Pacific Avenue
 Rio Dell, California 95562
 A.P.# 052-201-010
 File # CE18-5
 Location: **833 Pacific Avenue**
Rio Dell, California

Staff/		Staff Time		
Date	Vendor	Description	Hours/10ths	Cost
7/15/2019	JC	Draft Notice of Violation	0.50	\$43.30
7/16/2019	SL	Mail Notice of Violation	0.25	\$6.59
10/21/2019	JC	Draft Notice of Nuisance and Order to Abate	0.75	\$64.95
10/22/2019	SL	Mail Notice of Nuisance	0.25	\$6.59
3/2/2022	MC	Obtain Abatement Warrant	1.00	\$44.06
SUB-TOTAL - Staff Time				\$165.49

Contractors and Other Agencies/Departments		
CONTRACTORS:		
3/8/2022	Eel River Transportation- 20 yard metal dumpster. Delivery and pickup	\$145.00
3/9/2022	Recology- 4 yard dumpster	\$241.55
OTHER AGENCIES/DEPARTMENTS		
3/8/2022	Redwood Adult and Teen Challenge- 3 workers	\$300.00
CREDITS		
4/14/2022	Eel River Transportation- scrap metal credit	-\$153.75
SUB-TOTAL - Contractors and Other Agencies		\$532.80

Office Costs		Amount
Date	Description	
7/16/2019	Certified Mail Notice of Violation	\$6.72
10/22/2019	Certified Mail for Notice of Nuisance and Order to Abate	\$6.72
3/4/2022	Certified Mail Warrant	\$6.72
SUB-TOTAL - Office Cost		\$20.16
TOTAL		\$718.45

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



DATE: July 19, 2022

TO: Mayor and Members of the City Council

FROM: Cheryl Dillingham, Finance Director *CD*

THROUGH: Kyle Knopp, City Manager

SUBJECT: Transportation Development Claim for Fiscal Year 2022-23

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the Finance Director to sign and submit the City's annual Transportation Development Act (TDA) Claim for Fiscal Year (FY) 2022-23.

BACKGROUND AND DISCUSSION

Each year the City submits a request for approval of its annual transportation claim to the Humboldt County Association of Governments (HCAOG). The 2022-23 projected allocation is \$142,049 in comparison to last year's TDA claim of \$111,465. Estimated costs for proposed projects outlined in the City's 2022-23 financial plan include \$47,610 to be provided to Humboldt Transit Authority for share of costs for transit services within the City, \$6,500 to be provided to the Adult Day Health Care for transportation, and \$87,939 for ongoing street repair, maintenance, and construction within the City.

ATTACHMENTS

HCAOG Resolution
Claim Request
Annual Project and Financial Plan
Statement of Conformance



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS
Regional Transportation Planning Agency
Humboldt County Local Transportation Authority
Service Authority for Freeway Emergencies
611 I Street, Suite B
Eureka, CA 95501
(707) 444-8208
www.hcaog.net

RESOLUTION 22-06
RESOLUTION OF THE HUMBOLDT COUNTY ASSOCIATION OF
GOVERNMENTS APPROVING THE TRANSPORTATION DEVELOPMENT ACT
LOCAL TRANSPORTATION FUND FISCAL YEAR 2022-23 FINDINGS OF
APPORTIONMENT AND ALLOCATION

WHEREAS, the Humboldt County Association of Governments is the Regional Transportation Planning Agency for Humboldt County, and is responsible for the administration of the Transportation Development Act of 1971, as amended thereafter; and

WHEREAS, the Humboldt County Association of Governments has established rules and regulations, consistent with existing law, whereby there shall be a set-aside for pedestrian and bicycle allocations equivalent to 2% of the money remaining in the fund after allocations to higher purposes; and

WHEREAS, the Humboldt County Association of Governments did not make a finding for better use; and

WHEREAS, the County of Humboldt, and the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell and Trinidad are each required to file annual transportation claims for the funds which remain after necessary expenditures for administration, planning and the 2% set aside for pedestrian and bicycle uses from the Local Transportation Fund (LTF) of Humboldt County, in accordance with their populations, apportioned to them by the Humboldt County Association of Governments, pursuant to the Act; and

WHEREAS, it is the responsibility of the Humboldt County Association of Governments, under the provisions of the Act, to review the annual transportation claims and to make allocations of monies from the LTF; and

WHEREAS, the Auditor of Humboldt County is instructed to pay monies in the fund to the claimants pursuant to allocation instructions received from the Humboldt County Association of Governments; and

WHEREAS, the County Auditor issued an estimate of \$5,900,896 of revenues available for FY 2022-2023.

NOW, THEREFORE, BE IT RESOLVED that the Humboldt County Association of Governments shall make the following allocations based on population estimates determined by the California Department of Finance:

1. To the Humboldt County Association of Governments for TDA administration and for planning and programming in the amount of \$600,000, per Section 99233.1 and 99233.2.
2. To the Humboldt County Auditor Controller for TDA Administration in the amount of \$4,000, per Section 99243.
3. To be reserved by the Humboldt County Auditor's Office for future reimbursements to the Cities and County for pedestrian and bicycle facilities purposes for local agencies as programmed and claimed in the amount equal to 2% of remaining incoming funds estimated to be \$120,426 per Sections 99233.3 and 99234.
4. To the Cities and County in the amounts listed below, upon review of claims filed:

Jurisdiction	Dept. of Finance Population Projection	% of Total Population	FY 2022-23 Apportionment
Arcata	18,857	13.82%	\$ 815,409
Blue Lake	1,219	0.89%	\$ 52,712
Eureka	26,512	19.43%	\$ 1,146,425
Ferndale	1,330	0.97%	\$ 57,512
Fortuna	12,516	9.17%	\$ 541,214
Rio Dell	3,285	2.41%	\$ 142,049
Trinidad	345	0.25%	\$ 14,918
Humboldt County	72,399	53.05%	\$ 3,130,658
Total	136,463	100.00%	\$ 5,900,896

PASSED AND ADOPTED by the Humboldt County Association of Governments, in the City of Eureka, County of Humboldt, State of California, this 17th day of February 2022, by the following vote:

AYES: MEMBERS: *Wilson, Jones, Seaman, Atkins-Salazar, M. Johnson, G. Johnson, West*

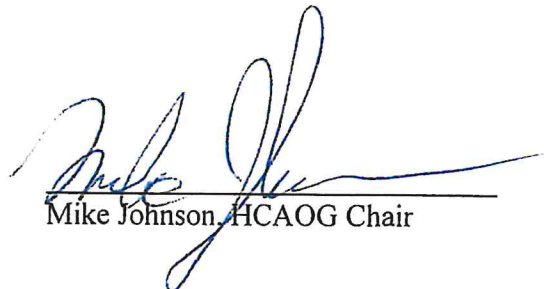
NOES: MEMBERS:

ABSENT: MEMBERS:

ABSTAIN: MEMBERS:

Attest:


 Debbie Egger
 HCAOG Fiscal Administrative Officer


 Mike Johnson, HCAOG Chair

**APPENDIX C. ANNUAL CLAIM FORMS
CHECKLIST FOR ANNUAL LTF & STAF CLAIMS**

■ **ALL Claims:** Claimants shall submit items (a) through (e) as part of the claim.

■ **Transit Claims:** An operator or claimant shall submit items (a) thru (i), inclusive, to file a claim.

ALL claims must include items (a) through (e), inclusive.

HCAOG forms for parts (a), (b), and (c) are provided in this Excel file and on-line at www.hcaog.net.

Claimants are responsible for making sure they submit the most current forms.

- a) This Checklist
- b) Claim Request form
- c) Annual Project and Financial Plan form
- d) Statement of Conformance
- e) Claimants who want to designate funds for a future, specific capital project must request it as part of a claim. The claim must indicate any reserved monies in the subsequent annual claim(s). Before expending these funds for any other purpose, the claimant must identify its proposed changes in an amended claim or subsequent annual claim. [CCR §6648]
- f) If not submitted previously, claimants must submit a complete and accurate record of STA expenditures from the 2009/10 fiscal year to present, citing actual vs. budgeted expenditures and a report of excess LTF funds reclassified for future capital purchases. [CCR §6637]
- g) Claimant has submitted the annual report of operations, and or roads report to the State Controller and a required copy to HCAOG. [CCR §6733]

Transit claims must include items (g) through (m):

- h) To receive an allocation of funds for service outside the claimant's area, a claimant must provide, or have on file with HCAOG, an executed contract pursuant to PUC sections:
- i) If applicable, a statement identifying and substantiating the reason or need for: (1) increasing the operating budget in excess of 15% above the preceding year; (2) a substantial increase or decrease in scope of operations; or (3) capital provisions for major new fixed facilities.
- j) A Satisfactory certification by CHP verifying that the operator is in compliance with §1808.1 of the Vehicle Code, as required in PUC §99251. The certification shall have been completed within the last 13 months, prior to filing claims.
- k) Operating budget. Claimant certifies that its operating budget is not more than 15% greater than its previous year budget unless supported by documentation that substantiates the increase.
- l) An explanation that summarizes how the claimant has addressed applicable audit findings from annual fiscal and compliance audit.
- m) An explanation that summarizes how the claimant has addressed applicable audit findings from triennial performance audit reports.
- n) Claimant certifies that it is making full use of federal funds available under the Federal Transit Act [CCR 6754] (STA claims only)

- o) Claimant certifies that all purposes for claim expenditures are in conformance with the City/Town or Regional Bicycle Plan. (Bike and Ped claims only)

For full information on claim requirements, see HCAOG's TDA Rules (part IV, "TDA REQUIRED REPORTS" Report #16).

CLAIM REQUEST
Local Transportation Fund (LTF)

Claimant: City of Rio Dell
Address: 675 Wildwood Ave
Contact Person: Cheryl Dillingham
Title: Finance Director
Phone: (707) 764-3532
E-mail: dillinghamc@cityofriodell.ca.gov

The City of Rio Dell hereby requests, in accordance with the Transportation Development Act (TDA) of 2017, Chapter 1400, and applicable rules and regulations, that the TDA claim be approved in the amount of \$ 142,049 for fiscal year 2022-23. These monies are to be drawn from the local transportation fund or the state transit assistant fund held at the County of Humboldt for the purposes and amounts shown in the attached "Annual Project and Financial Plan."

When approved, the claim will be submitted to the County Auditor of the County of Humboldt for payment. Approval of the claim and payment by the County Auditor to this applicant is subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms of the approved annual financial plan.

Authorized representative of claimant:

By: Cheryl Dillingham
(print name)

Title: Finance Director

Signature: _____ Submittal date: 7/19/2022

APPROVED:

By: _____ Date: _____
Beth Burks
Executive Director, Humboldt County Association of Governments

ANNUAL PROJECT AND FINANCIAL PLAN

Local Transportation Fund (LTF)

Give each project a title and number in sequence, and briefly describe the transportation projects that your jurisdiction proposes. Indicate proposed expenditures for the ensuing fiscal year for all that apply:

- (i) public transportation operating and capital expenditures;
- (ii) construction of facilities for the exclusive use by pedestrians and bicyclists;
- (iii) construction of local streets and roads; and/or
- (iii) right-of-way acquisition.

Claimant: City of Rio Dell Fiscal Year: 2022-23

PROJECT (Project number, title, & brief description)	TDA - LTF \$ amount	PUC Article & Section	Local Fund Balance	Other	TOTAL
06-01 HTA/RTS Share of Cost	\$ 47,610	4-99260(a)	\$ -		\$ 47,610
06-02 HSRC Share of Cost	\$ 6,500	8-99400(c)	\$ -		\$ 6,500
06-03 Street Construction & Maintenance	\$ 87,939	8-99402	\$ -		\$ 87,939
	\$ -		\$ -		\$ -
	\$ -		\$ -		\$ -
	\$ -		\$ -		\$ -
	\$ -		\$ -		\$ -
	\$ -		\$ -		\$ -
	\$ -		\$ -		\$ -
	\$ -		\$ -		\$ -
TOTAL	\$ 142,049		\$ -		\$ 142,049

Attach a copy of transit revenues and expenditures for the last full fiscal year.

STATEMENT OF CONFORMANCE

LTF

Claimant: City of Rio Dell

Fiscal Year of Claim: 2022-23

Certify all that apply.

- LOCAL TRANSPORTATION FUND (LTF) - TRANSIT CLAIM
- LTF funds are **not** being used for operating
- LTF FUNDS are being used for operating
- A total of \$ _____ STA funds will also be claimed for operating during this fiscal year.

If funds are being used for Operating please provide the following information:

Provide information for the last 3 audited fiscal years.

	Previous Fiscal year	Fiscal year	Fiscal year	Fiscal year
System Operating Costs				
System Revenues				
System Vehicle Service Hours				
System operating cost per revenue vehicle hour	\$ -	\$ -	\$ -	\$ -

- The claimant named above hereby certifies that this annual claim for local transportation funds in the amount of \$ 142,049 that is not being used for operating conforms with the requirements of Article 8, PUC Section 99400, of the Transportation Development Act of 1971, and applicable rules and regulations.

CERTIFIED BY CLAIMANT:

By: Cheryl Dillingham

Title: Finance Director

Signature: _____

Date: 7/19/2022

**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
11048	6/01/2022	[5752] MICAH BIGELOW	REFUND CUSTOMER DEPOSIT	31.14
11049	6/01/2022	[4491] CODE PUBLISHING, INC	RIO DELL MUNICIPAL CODE WEB HOSTING MAY 2022-	480.00
11050	6/01/2022	[6456] GARCIA, JOEY & HERRERA, CAROLINA	REFUND CUSTOMER DEPOSIT	29.27
11051	6/01/2022	[6486] GREEN TO GOLD ENTERPRISES LLC	Utility Knives	29.34
11052	6/01/2022	[6625] KING, GIA	REFUND CUSTOMER DEPOSIT	175.66
11053	6/01/2022	[3006] MISSION LINEN SUPPLY, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS;	258.58
11054	6/01/2022	[5934] NORTH COAST JOURNAL, INC	Open Positions Help Wanted Ads	612.00
11055	6/01/2022	[4393] NYLEX.net. Inc.	MONTHLY MAINTENANCE FOR JUNE 15 THROUGH JULY	1,280.00
11056	6/01/2022	[7185] STAPLES ADVANTAGE	High Yield Toner, Brother DR730 Drum and Posted Stamps, Post-Its, Paper Clips, 2-Hole Punch, 3-Hole P	288.57
11057	6/01/2022	[5606] SWRCB/Safe Drinking Water State Revolving Fund	Drinking Water State Revolving Fund, Loan Payment	68,000.00
11058	6/01/2022	[2772] WENDT CONSTRUCTION, INC	Mowed Strip Between Hwy 101 & Northwestern Ave, Mowed Northwestern Ave Ditch, Dinsmore Tank Project:	5,796.91
11059	6/01/2022	[2744] JULIE WOODALL	Reimbursement for Two Bags of Fox Farm Happy, Reimbursement for Seven Jumbo Pack Wave Petunias	94.09
11060	6/07/2022	[2218] AMERICAN WATER WORKS ASSN	ANNUAL MEMBERSHIP DUES 7/1/22-6/30/23	473.00
11061	6/07/2022	[3975] AT&T - 5709	FAX LINE EXPENSES FOR MAY 2022-PD, FAX LINE EXPENSES FOR MAY 2022-CITY HALL	53.87
11062	6/07/2022	[2273] CALIFORNIA RURAL WATER ASSOCIATION	MEMBERSHIP DUES JULY 2022 - JULY 2023	857.00
11063	6/07/2022	[2293] CITY OF FORTUNA	POLICE DISPATCH SERVICES FOR JUNE 2022, LIVE SCAN FOR PRE-EMPLOYMENT - Cheif of Police	5,801.66
11064	6/07/2022	[2303] COAST CENTRAL CREDIT UNION	POA Dues for PPE 5/20/2022	120.00
11065	6/07/2022	[2405] FORTUNA ACE HARDWARE	Plugs and Bush Hex	12.56
11066	6/07/2022	[2423] GEORGE'S GLASS, INC	Windshield Replacement on '17 Ford Taurus	575.07
11067	6/07/2022	[5052] GHD, INC	For Professional Services 8/31/21 - 5/28/22 Sanitary Sewer Evaluation, Rio Dell Engineer Services.	75,090.33
11068	6/07/2022	[6884] GR SUNDBERG, INC.	2022 Rio Dell Road Improvements Projects	168,995.00
11069	6/07/2022	[6486] GREEN TO GOLD ENTERPRISES LLC	PVC 1 1/2" Female Adapter	1.75
11070	6/07/2022	[2447] HILFIKER PIPE CO.	24" Cast Iron Frame & Cover Sanitary Sewer	2,425.35
11071	6/07/2022	[2551] MIRANDA'S ANIMAL RESCUE	Animal Control for May 2022	1,900.00
11072	6/07/2022	[5934] NORTH COAST JOURNAL, INC	Open Positions Help Wanted Ads	56.00
11073	6/07/2022	[3343] PITNEY BOWES RESERVE ACCOUNT	Postage Purchased for Reserve on 6.3.2022	400.00
11074	6/07/2022	[2619] PITNEY BOWES, INC.	QUARTERLY LEASING PAYMENT 03/30/2022 - 06/29/	98.11
11075	6/07/2022	[6349] RECOLOGY EEL RIVER	Mother Day's Cleanup	1,546.69
11076	6/07/2022	[4525] SHERLOCK RECORDS MGMT	STORAGE SERVICE FOR JUNE 2022	137.60
11077	6/07/2022	[7316] SILKE COMMUNICATIONS SOLUTIONS, INC	Toggle Switch Replacement and Labor	164.38
11078	6/09/2022	[2719] STATE WATER RESOURCES CONTROL BD	Water Arrerage Return Funds	2,484.15
11079	6/10/2022	[6653] CRYSTAL L LANDRY	Sexual Assault Training-75% pre event pay	232.13
11080	6/15/2022	[0576] 101 AUTO PARTS	Chain, Super HC V-Belt, Male Connector and Croft:Worn.Set, Belt, Belts	278.64
11081	6/15/2022	[3297] ARCATA ECONOMIC DEVELOPMENT CORP.	Redwood Coast Region Economic Development Sum	1,500.00
11082	6/15/2022	[5410] BELLACH, TYSON	REFUND CUSTOMER DEPOSIT	240.83
11083	6/15/2022	[2303] COAST CENTRAL CREDIT UNION	POA Dues for PPE 6/3/2022	120.00

**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
11084	6/15/2022	[2340] DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	Fingerprint APPS; Fingerprint - FBI	49.00
11085	6/15/2022	[2356] DOWNEY BRAND LLP	Services Rendered Through May 31, 2022	200.00
11086	6/15/2022	[2437] HACH	3 Reagent Set, Cholorine Free CL17; 3 Reagent	536.33
11087	6/15/2022	[2457] HUMBOLDT COUNTY CLERK-RECORDER	Filing Fee	26.00
11088	6/15/2022	[5934] NORTH COAST JOURNAL, INC	Open Positions Help Wanted Ads, Open Positions Help Wanted Ads	381.00
11089	6/15/2022	[2569] NORTH COAST LABORATORIES, INC.	ACID DIGESTION; AMMONIA NITROGEN UN-IONIZED;	765.00
11090	6/15/2022	[4393] NYLEX.net. inc.	1.98 KW Backup Server Battery	1,513.51
11091	6/15/2022	[3343] PITNEY BOWES RESERVE ACCOUNT	Postage Purchased for Reserve on 6.13.22	400.00
11092	6/15/2022	[6349] RECOLOGY EEL RIVER	Garbage Bags Month of May 2022	126.85
11093	6/15/2022	[2659] RIO DELL PETTY CASH	PETTY CASH FOR MAY 2022: PD Vehicles- Gas & C	48.28
11094	6/15/2022	[2693] SHELTON'S AUTO LUBE	Oil Change '17 Ford Taurus	68.58
11095	6/15/2022	[6825] SUDDENLINK	INTERNET SERVICES JUNE 2022	900.00
11096	6/15/2022	[4908] THE MITCHELL LAW FIRM, LLP	LEGAL SERVICES FOR MAY 2022, LEGAL SERVICES FOR MAY 2022	3,224.42
11097	6/22/2022	[6038] ACCURATE TERMITE & PEST SOLUTIONS	RODENT & INSECT CONTROL @ 475 HILLTOP DR	140.00
11098	6/22/2022	[2224] AQUA BEN CORPORATION	Hydrofloc 856 275 gal tote	4,131.41
11099	6/22/2022	[6841] BADGER METER INC.	Registers for Meters	2,743.27
11100	6/22/2022	[2304] COLLEGE OF THE REDWOODS	Arcon (6) Training	85.00
11101	6/22/2022	[2405] FORTUNA ACE HARDWARE	Bulb, Safety Tape Silver, Reflective Tape Both Red	78.87
11102	6/22/2022	[6486] GREEN TO GOLD ENTERPRISES LLC	2 Quikrete Concrete Mix, 60 lb Bag	15.20
11103	6/22/2022	[6653] CRYSTAL L LAUNDRY	Sexual Assault Training-25% post event pay	187.63
11104	6/22/2022	[7195] METER, VALVE & CONTROL, Inc	Itron 100W+ Water Meter Endpoint, Pit Set, 2-	125.67
11105	6/22/2022	[5934] NORTH COAST JOURNAL, INC	Open Positions Help Wanted Ads, Open Positions Help Wanted Ads	281.00
11106	6/22/2022	[6621] PAPE MACHINERY	Hook, Seat Belt, Return Hook	81.87
11107	6/22/2022	[6806] PINTERMEDIA LLC	MONTHLY WEB HOSTING FEE FOR JULY	30.00
11108	6/22/2022	[5553] STACK, TIMOTHY	Claim for Damaged Lawnmower	200.00
11109	6/22/2022	[2319] SUDDENLINK COMMUNICATIONS	PUBLIC WORKS INTERNET & CITY HALL/PD/ PW PHON	534.28
11110	6/22/2022	[7295] SUPERIOR TANK CO., INC.	Furnish and Install 10 Gauge DR Staves - Chi	8,240.23
11111	6/22/2022	[2754] US CELLULAR	MONTHLY SERVICE FOR SAFETY PHONE 06/08-07/02/	62.11
11112	6/22/2022	[2750] USA BLUEBOOK	DPD Dispenser, Total Chlorine Reagent Set for	154.52
11113	6/29/2022	[2224] AQUA BEN CORPORATION	Hydrofloc 750l 55gal drum	2,437.09
11114	6/29/2022	[2303] COAST CENTRAL CREDIT UNION	POA Dues for PPE 6/17/2022	120.00
11115	6/29/2022	[2340] DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	BLOOD ALCOHOL ANALYSIS FOR MAY 2022	70.00
11116	6/29/2022	[3782] EUREKA-HUMBOLDT FIRE EXTINGUISHER CO., INC	ANNUAL FIRE EXTINGUISHER MAINTENANCE SERVICE, ANNUAL FIRE EXTINGUISHER MAINTENANCE SERVICE	1,649.99
11117	6/29/2022	[2405] FORTUNA ACE HARDWARE	Gorilla Tape, Map Pro Gas, Torch Head Pro	140.99
11118	6/29/2022	[3180] JENSEN, RANDY	Reimbursement: Sport & Cycle Boot Allowance	108.35
11119	6/29/2022	[4570] SHRED AWARE	Shredding	72.10

**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
11120	6/29/2022	[7185] STAPLES ADVANTAGE	Business Cards, Blue Pens, Laminating Pouches, Binder Clips, 3Hole Punch, Mouse Pad,	217.32
11121	6/29/2022	[2724] STATE WATER RESOURCES CONTROL BOARD	Renewal Application for Wastewater Treatment	110.00
11122	6/29/2022	[6634] DEREK R TAYLOR	Reimbursement: Sport & Cycle Boot Allowance	314.64
11123	6/29/2022	[6037] WELLS FARGO VENDOR FIN SERV	KYOCERA COPIER PAYMENT FOR JULY 2022	391.07
11124	6/29/2022	[2787] WYCKOFF'S	Conduit, Strut, Coupling, Pipe Nipples	308.24
Total Checks/Deposits				371,909.50

Ref#	Date	Vendor	Description	Amount
6012022	6/02/2022	WITHDRAWAL	DEPOSITED ITEM RETURNED	-678.64
759432	6/07/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR AFLAC INSURANCE ONLINE PAYMENT FOR MAY 2022.	-814.86
06/07/2022	6/07/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR ALLIED ADMINISTRATORS-DELTA DENTAL ONLINE PAYMENT FOR JULY 2022.	-2,099.49
9837131	6/07/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR MISSIONSQUARE RETIREMENT ONLINE PAYMENT FOR PPE 06/17/2022	-11,039.76
307039	6/10/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR BANK OF AMERICA CREDIT CARDS ONLINE PAYMENT FOR MAY/JUNE 2022	-876.12
9837137	6/10/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR WEXBANK/SHELL FUEL COMPANY ONLINE PAYMENT FOR MAY & JUNE FY2021-2022.	-4,177.82
6132022	6/13/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 06/03/2022	-19,828.94
99980096	6/13/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR PPE 06/03/2022	-3,865.11
9837133	6/21/2022	WITHDRAWAL	BANK ANALYSIS FEE FOR JUNE 2022	-274.02
62122	6/21/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR PG&E ONLINE PAYMENT FOR MAY/JUNE 2022.	-21,503.04
9837136	6/21/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR VSP INSURANCE ONLINE PAYMENT FOR JULY 2022.	-395.63
06/22/2022	6/22/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR DEARBORN LIFE INSURANCE ONLINE PAYMENT FOR JULY 2022.	-382.50
2100449/A	6/22/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR MISSIONSQUARE RETIREMENT ONLINE PAYMENT FOR PPE 06/17/2022	-11,052.39
6232022	6/23/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR BENEFIT BRIDGE/PUBLIC AGENCY COALITION ONLINE PAYMENT FOR JULY 2022.	-25,515.26
APR 2022	6/27/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR PPE 06/17/2022	-2,825.09
6272022	6/27/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 06/17/2022	-15,876.18
Total EFT's/Bank Withdrawals				-121,204.85

Ref#	Date	Vendor	Description	Amount
TRX TO PR	6/06/2022	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCT FOR PPE 06/06/2022	-45,182.32
TRX TO PR	6/23/2022	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCT FOR PPE 06/17/2022	-39,835.60
Total Transfer Between Accounts				-85,017.92

Ref#	Date	Vendor	Description	Amount
6282022	6/29/2022	WITHDRAWAL	DEBIT FOR POSTAGE TO MAIL U/B BILLS FOR JUNE 2022	-446.89
Total Debit Card Withdrawals				-446.89



Staff Highlights – 2022-07-19

City Council

City Manager

Work is underway to create a new website using Civic Plus, a service provider that specializes in municipalities.

Street Sweeping was conducted on July 15th. The original date of the 8th had to be scrubbed due to a technical issue with the equipment.

Met with the slurry seal project contractor to over this year's program.

The George Bertain sign rehab should be completed and rehung this week at the City parking lot.

The City will be participating in the 2022 Humboldt County Trails summit to provide information about the Eel River Trail funded through Clean California. The event is on Saturday September 24th from 9:00am to noon at the Sequoia Conference Center.

City Clerk

Processed Two (2) Building Permit Applications:

65 Davis St. – Sewer Lateral
1264 Riverside Dr. – Residential Repairs

Processed Two (2) Business License Applications:

Thompson Squared DBA: Plumb Construction – Non-Resident Contractor
Sunkissed Baby Boutique – Online Sales

Misc:

Submitted Quarterly Seismic Building Permit Report
Submitted Quarterly SB 1473 Building Standards Report
Submitted Quarterly SB 1186 Disability Access & Education Fee Report
Submitted Employment Data Report for July to Bureau of Census
Submitted Change of Address/Verification of Address letters
Completed City Council Candidate Information Packet



City Attorney

Human Resources, Risk & Training

Finance Department

Public Works Water

Leak on city side at 64 Davis St.

Pave Trench for 64 Davis St

Meter reading. Re-reads, zero and leaks checks.

Monthly Water Reports to SWRCB

Completed Consumer Confidence Report

Grounds and Building Maintenance at Infiltration Gallery

Public Works Wastewater

Sewer jetted hotspots around town.

SSMP (Sanitary Sewer Management Plan) Audit with Larry Walker and Associates and discussing Recertification of SSMP for council approval at a later date.

On going discussion with State Board about MMP's.

Operation Crew is repairing rag screw compactor

Irrigation Field grass cutting and some dirt work in the fields.

Training new OIT and setting up class work to get OIT certificate.

Working with utilities crew with City mowing.

Received permission to operate from PG&E for Tesla batteries.

Submitting 2nd QTR report.

Public Works Streets, Buildings and Grounds

Street Paving Punch list walk through with GR Sundberg

Hot Patch BlueSlide Rd Offsets/Cracks



Meeting with Dryco for Slurry Seal work this summer.

Corp Yard Cleanup and Prep work for Dryco Slurry Seal Project

On site meeting at Northwestern to go over drainage and roadway improvements

Cleaned up trucks and equipment from 64 Davis St leak.

Removed fallen tree from Edwards Dr pump station.

Removed broken branch off a plum tree at Blue Star Park.

Trimmed trees on Monument/ S Orchard Ln, S Sequoia and Willow tree by 33 Monument Rd.

Did traffic control for Wendt Co. mower on Blue Slide Rd, Monument Rd and Edwards Dr.

Mowed City Hall, Blue Star, Memorial, Davis and Riverside Parks.

Mowed Davis and Painter overpasses, Belleview/ Wildwood, Belleview strip by the Journeys End Church and North Gateway.

Public Works City Engineer

Public Works Capital Projects

Police Department

The Department had the following statistics for the period of June 29 to July 12, 2022. 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	19	3	0
Beauchaine	15	0	0
Landry	47	13	12
Burns	48	4	3
Johnson	58	8	2
Fielder	22	2	0
Clark	25	0	N/A
Totals	218	30	17
Averages	15.6 per day	15.0 per week	8.5 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 #
FU	07/02/2022	14:52:26	355 CENTER ST	R618	
415	07/05/2022	12:49:45	355 CENTER ST	6A1	
SHOTS	07/07/2022	12:00:04	355 CENTER ST	R618	22-0000357
FU	07/07/2022	15:49:05	355 CENTER ST	R618	
415	07/07/2022	17:52:03	355 CENTER ST	R615	
FU	07/08/2022	12:43:10	355 CENTER ST	R618	
415	07/09/2022	02:50:20	355 CENTER ST	6S2	
WELFARE	07/09/2022	10:29:49	355 CENTER ST	R618	
415V	07/11/2022	12:54:14	355 CENTER ST	6A1	
VI	07/11/2022	18:46:11	355 CENTER ST	6S2	22-0000368

FU – Follow up or generic contact
SHOTS – Report of shots fired
WELFARE – Welfare check on a person or animal
VI – Vehicle investigation
415 – Argument or general disturbance
415V – Verbal argument

6A1 – Chief Jeff Conner
R618 – Officer Russell Johnson
R615 – Officer Liam Burns
6S2 – Corporal Crystal Landry

During the period of June 29, to July 12, 2022, there were twelve calls for service related to animal control issues. Two mother cats, four kittens, and two dogs were transported to Miranda’s Rescue. The two adult cats and two of the kittens were abandoned by a former tenant while the remaining two kittens appear to be feral. One of the dogs was a repeat offender named Poppy who was bailed out of dog jail by her humans.

Sergeant John Beauchaine is on medical leave recovering from surgery.

On July 6, 2022, Officer Burns responded to a residence where a man was allegedly beating his dog. Several neighbors called as the animal sounded “like it was dying.” The man retreated into his house, but would exit to brandish a knife and make insults. Officer Burns requested additional units and three Fortuna Police officers responded to assist. In addition, the Fire Department staged nearby to assist with any injuries. There was an initial concern that the man’s mother was still in the house, however, this was determined not to be correct after the dispatcher made several phone calls. The man could be heard and seen vandalizing furniture and the interior of the house. In the process of doing so, he managed to inflict a large laceration on his forehead. Eventually, the man entered the backyard without any weapons in his hands. While one Fortuna Police Officer deployed a pepperball gun, two other officers tackled the man and he was taken into custody. He was transported to the station where he received medical care. He was returned to the back of the patrol car, but he began striking the partition with his head. This exacerbated his wounds and he was bleeding heavily when he was removed from the car a second time. He was placed in The Wrap to prevent further self-injury and he was transported



to the hospital by ambulance. There he received five staples in his forehead and was cleared for transport to the jail. He was booked on charges of animal abuse, vandalism, resisting an officer, and assault on an officer (spitting). CSO Mary Clark took custody of the dog the following day and took it to the vet. The dog's lacerations were found to not require stitching and he was sent home with a topical antibiotic. He has been fostered to a member of the man's family.

On July 7, 2022, Officer Johnson responded to the River Bluff Cottages after the manager reported that a shot had been fired in the parking lot the previous week. Officer Johnson watched the facility's surveillance cameras and saw a man approach a couple as they began to enter their vehicle. The couple's dog runs at the man and he can be seen firing a single shot that hits the ground near the dog. Officer Johnson was able to identify the couple in the video and examined their vehicle. After the bullet hit the ground, it ricocheted upwards and struck the inside of the open door and disintegrated inside of the door. Officer Johnson was able to collect some of the bullet fragments. The couple was reluctant to speak to the police about the incident, but they, as well as others, identified the shooter. He was recently released from prison and is currently on Post Release Community Supervision (PRCS). He has not yet been apprehended, but both Probation and the Rio Dell Police Department have put out requests for his arrest.

On July 8, 2022, Corporal Landry conducted a vehicle investigation on a car parked in a business' parking lot. The driver was on probation and he was searched without incident. When Corporal Landry looked in the car, she saw drug paraphernalia in plain sight. She then searched the female passenger and her purse. Inside of the purse she found more than an ounce of methamphetamine, packaging materials, a scale, and more money than most people carry on a regular basis. She admitted that the drugs did not belong to the driver and she was arrested for possession of a controlled substance for sale. She was booked into the jail on that charge.

On July 11, 2022, Corporal Landry conducted a vehicle investigation on a car parked in the parking lot of the River Bluff Cottages. The passenger seat was occupied by a woman who appeared to have just nodded off. Corporal Landry woke the woman and again spotted drug paraphernalia in the car. She searched the woman and the passenger compartment. She located more than three ounces of fentanyl, packaging material, and a small scale in the woman's purse. The woman claimed that she was holding the drugs for a man named "Cowboy," although she could not or would not supply any more information about him. She was arrested for possession of a controlled substance for sale, cited, and released.

Code Enforcement

During the period of June 29, to July 12, 2022, the Department opened eleven new cases dealing with inoperable, junk, unregistered, or illegally parked vehicles. In the same time period, the Department closed seven such cases. Four of the cars were towed by the City, while the remaining violations were cleared by the vehicle owners. There were fourteen open cases as of the end of this reporting period.

During the period of June 29, to July 12, 2022, the Department opened one new code enforcement case and closed six. Of the six closed cases, two dealt with crowing roosters, two for illegal camping, one for excessive vegetation, and one for a zoning violation. All the cases were abated by the property owners. There were 41 open cases at the end of this reporting period.



Community Development Department

Intergovernmental

Humboldt-Rio Dell Business Park

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



For Meeting of: July 19, 2022
□ Consent Item; ■ Public Hearing Item

To: City Council
From: Mary Clark, Community Service Officer
Through: Kyle Knopp, City Manager
Date: June 28, 2022
Subject: Public Hearing on the Cost Recovery for the Abatement of 66 Davis Street

Recommendation:

1. Open the Public Hearing
2. Receive any testimony/evidence concerning the cost recovery for the abatement conducted at 66 Davis Street
3. Close the Public Meeting
4. Discuss the matter
5. Approve the Findings and Order Confirming Accounts and Assessment for the abatement of 66 Davis Street

Background and Discussion

On August 24, 2021, Chief Conner, Sergeant Beauchaine, a crew from Reaching for Independence and myself conducted an abatement at 66 Davis Street in the City of Rio Dell. During the abatement, trash, solid waste and junk vehicles were removed throughout the property. The City's costs for the abatement were determined to be \$1,906.68. The cost assessment was sent via certified mail to the property owner on November 30, 2021. The property owner has not made any attempt to pay or make a plan with the City for this debt.



FINDINGS AND ORDER CONFIRMING ACCOUNT AND ASSESSMENT

In Re: Cost Recovery Hearing
City of Rio Dell v, Margaret Sager
66 Davis Street, Rio Dell, California
AP# 052-233-005

July 19, 2022

On July 19, 2022, the Rio Dell City Council convened a hearing under Rio Dell Municipal Code Section 8.10.320 for the assessment of costs related to nuisance abatement activities at the subject premises recited above.

At said hearing the Council considered the evidence presented to it concerning the subject premises, including relevant documents, writings, codes, ordinances, as well as oral testimony at the hearing, and now, therefore, it makes the following:

FINDINGS:

1. The property located at 66 Davis Street, Rio Dell, California is located in an Urban Residential zone within the City of Rio Dell, Humboldt County, California and is referred to as Assessor's Parcel Number 052-233-005; and
2. The Rio Dell Police Department received a complaint concerning the existence of violations on the property, to wit: Property use in violation of Rio Dell Municipal Code Section 8.10.020(a)(1), solid waste; and Section 8.10.020(c), junk vehicles; and
3. The property owner, Margaret Sager, was served with a Notice of Violation dated November 13, 2021, pursuant to Rio Dell Municipal Code Section 8.10.230, describing the violations and ordering abatement of those conditions; and
4. The property owner had significant and reasonable time to correct all violations and refused and/or failed to meet the deadlines prescribed by the Notice of Violation; and
5. The property owner was served with a Notice of Nuisance and Order to Abate dated June 1, 2021, pursuant to Rio Dell Municipal Code Section 8.10.260, giving the property owner additional, significant, and reasonable amount of time to correct the violations; and



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

Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment

May 20, 2022

Via Certified Mail

To: Margaret Sager
66 Davis Street
Rio Dell, California 95562

Location: AP# 052-233-005
66 Davis Street
Rio Dell, California

This Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment follows the Notice of Violation, served on April 13, 2021; the Notice of Nuisance and Order to Abate, served on June 1, 2021; and the Notice of Abatement Cost issued on December 6, 2021. Notice is hereby given that the City of Rio Dell ("City") has completed the abatement of the nuisance condition(s) on the property located at 66 Davis Street, Rio Dell, California, known as Assessor's Parcel Number 052-233-005, under the authority of the Section 8.10.290 of the Rio Dell Municipal Code. Attached is a cost recovery assessment, which specifies the work done, including an itemized account of the costs and receipts for the performing the abatement, and the total amount of the assessment to be levied against the property, to wit, \$1906.68. Pursuant to Rio Dell Municipal Code Section 8.10.320, you have already been provided over thirty (30) days to pay this sum to the City.

Notice is further given that, on June 7, 2022 at its regular public meeting scheduled for 6:30 PM or as soon thereafter as the matter can be heard, the Rio Dell City Council, located at 675 Wildwood Avenue, Rio Dell, California, will schedule a public hearing on whether to impose a lien on your property in an amount equal to the City's nuisance abatement costs. The public hearing will be scheduled for July 19, 2022. If the costs of abatement are imposed by the City Council following the July 19, 2022, public hearing, the City will impose the costs of abatement as a special assessment against your real property; and the special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary County



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

For Meeting of: July 19, 2022
 Consent Item; Public Hearing Item

To: City Council
From: Mary Clark, Community Service Officer
Through: Kyle Knopp, City Manager
Date: June 28, 2022
Subject: Public Hearing on the Cost Recovery for the Abatement of 520 First Avenue

Recommendation:

1. Open the Public Hearing
2. Receive any testimony/evidence concerning the cost recovery for the abatement conducted at 520 First Avenue
3. Close the Public Meeting
4. Discuss the matter
5. Approve the Findings and Order Confirming Accounts and Assessment for the abatement of 520 First Avenue

Background and Discussion

On December 7, 2021 and December 8, 2021, 3 workers from Redwood Teen Challenge and myself conducted an abatement at 520 First Avenue in the City of Rio Dell. During the abatement, solid waste, trash and excessive vegetation were removed from the property, filling two 30-yard dumpsters and one 20-yard dumpster. The exterior of the property was power washed and a utility trailer was towed from the property. The City's costs for the abatement were determined to be \$3,826.11. The cost assessment was sent via certified mail to the property owner on February 15, 2022. The property owner has not made any attempt to pay or make a plan with the City for this debt.

Rio Dell Municipal Code (RDMC) Sections 8.10.310 through 8.10.330 cover the cost recovery process. RDMC Section 8.10.330 references the California Government Code Section 38773.5

which spells out the process for establishing taxes and assessments. This process requires two meetings, a public meeting followed by a public hearing.

Attachment(s): Findings and Order Confirming Account and Assessment
Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost
Recovery



**FINDINGS AND ORDER
CONFIRMING ACCOUNT AND ASSESSMENT**

In Re: Cost Recovery Hearing
City of Rio Dell v, The Estate of Jo An Tolley
520 First Avenue, Rio Dell, California
AP# 053-095-015

July 19, 2022

On July 19, 2022, the Rio Dell City Council convened a hearing under Rio Dell Municipal Code Section 8.10.320 for the assessment of costs related to nuisance abatement activities at the subject premises recited above.

At said hearing the Council considered the evidence presented to it concerning the subject premises, including relevant documents, writings, codes, ordinances, as well as oral testimony at the hearing, and now, therefore, it makes the following:

FINDINGS:

1. The property located at 520 First Avenue, Rio Dell, California is located in an Urban Residential zone within the City of Rio Dell, Humboldt County, California and is referred to as Assessor's Parcel Number 053-095-015; and
2. The Rio Dell Police Department received a complaint concerning the existence of violations on the property, to wit: Property use in violation of Rio Dell Municipal Code Section 8.10.020(a)(1), solid waste; and Section 8.10.020(c), junk vehicles; and Section 8.10.020(b), abandoned appliances; and
3. The property owner, The Estate of Jo An Tolley, was served with a Notice of Violation dated November 14, 2020, pursuant to Rio Dell Municipal Code Section 8.10.230, describing the violations and ordering abatement of those conditions; and
4. The property owner had significant and reasonable time to correct all violations and refused and/or failed to meet the deadlines prescribed by the Notice of Violation; and
5. The property owner was served with a Notice of Nuisance and Order to Abate dated March 29, 2021, pursuant to Rio Dell Municipal Code Section 8.10.260, giving the property owner additional, significant, and reasonable amount of time to correct the violations; and

6. The property owner did not contest the imposition of the Notice of Violation and Order to Abate; and
7. The property owner refused and/or failed to meet the deadlines imposed by the Notice of Violation and Order to Abate; and
8. On December 7, 2021 and December 8, 2021, the City of Rio Dell did, in fact, abate said nuisances; and
9. The City of Rio Dell maintained an accurate and itemized account of the cost of the abatement, pursuant to Rio Dell Municipal Code Section 8.10.310; and
10. The property owner was served with a Cost Recovery Assessment outlining the costs incurred by the City and requesting that payment be made within thirty days; and
11. The property owner has refused and/or failed to make payment to the City for the cost of the abatement within the time allotted; and
12. The property owner was served with a Notice of Assessment, pursuant to Rio Dell Municipal Code Section 8.10.320, specifying the work done; an itemized account of the cost and receipts of performing the abatement; the amount of the assessment proposed to be levied against the property, the time and place where the Rio Dell Police Department would submit the account to the Rio Dell City Council for confirmation; and a statement that the City Council would hear and consider objections and protests to said account and proposed assessment; and
13. The costs of the abatement as set forth in the Notice of Assessment were necessarily incurred and are reasonable.

Following the said meeting and hearing, the City Council for the City of Rio Dell does hereby ordain and declare as follows:

ORDER:

1. That the account and proposed assessment of \$3,826.11 be, and is hereby, confirmed in full; and
2. That the Rio Dell Police Department shall cause to be prepared and recorded in the Office of the County Recorder, a Notice of Lien, which shall contain the identity of the property, a description of the proceedings under which the assessment was made (including this Order Confirming Assessment), the amount of the assessment, and a claim of lien on the described premises.

The City Council votes are tabulated as follows:

Mayor Debra Garnes: Yes ; No

Councilmember Amanda Carter: Yes ; No

Councilmember Frank Wilson: Yes ; No

Councilmember Gordon Johnson: Yes ; No

Councilmember Julie Woodall: Yes ; No

DATED: _____

Mayor of the City of Rio Dell

DATED: _____

Clerk of the City of Rio Dell



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

Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment

May 20, 2022

Via Certified Mail

To: The Estate of Jo An Tolley
 520 First Avenue
 Rio Dell, California 95562

Location: AP# 053-095-0158
 520 First Avenue
 Rio Dell, California

This Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment follows the Notice of Violation, served on November 24, 2020; the Notice of Nuisance and Order to Abate, served on March 29, 2021; and the Notice of Abatement Cost issued on February 15, 2022. Notice is hereby given that the City of Rio Dell ("City") has completed the abatement of the nuisance condition(s) on the property located at 520 First Avenue, Rio Dell, California, known as Assessor's Parcel Number 053-095-015, under the authority of the Section 8.10.290 of the Rio Dell Municipal Code. Attached is a cost recovery assessment, which specifies the work done, including an itemized account of the costs and receipts for the performing the abatement, and the total amount of the assessment to be levied against the property, to wit, \$3,826.11. Pursuant to Rio Dell Municipal Code Section 8.10.320, you have already been provided over thirty (30) days to pay this sum to the City.

Notice is further given that, on June 7, 2022 at its regular public meeting scheduled for 6:30 PM or as soon thereafter as the matter can be heard, the Rio Dell City Council, located at 675 Wildwood Avenue, Rio Dell, California, will schedule a public hearing on whether to impose a lien on your property in an amount equal to the City's nuisance abatement costs. The public hearing will be scheduled for July 19, 2022. If the costs of abatement are imposed by the City Council following the July 19, 2022, public hearing, the City will impose the costs of abatement as a special assessment against your real property; and the special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary County

taxes; and shall be subject to the same penalties, interest, under the same procedure for foreclosure and the sale in the case of delinquency as is provided for in ordinary County taxes.

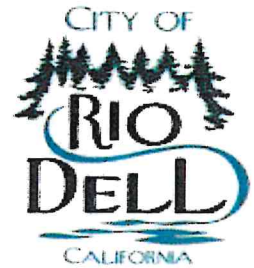
Notice is further given that at public hearing on June 7, 2022 the City Council will hear and consider any objections and protests to the assessment. You may appear with an attorney or other representative, call and cross-examine witnesses, and present evidence on your behalf. Should the assessment be levied, the property may be sold after three years by the tax collector for unpaid delinquent assessments in accord with Rio Dell Municipal Code Section 8.10.330 and California Government Code Section 38773.5.

Jeff Conner
Chief of Police
Rio Dell Police Department

A handwritten signature in black ink, appearing to read "Mary Clark". The signature is fluid and cursive, with the first name "Mary" being larger and more prominent than the last name "Clark".

Mary Clark
Community Service Officer
Rio Dell Police Department

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



July 19, 2022

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: First Reading of Ordinance No. 395-2022 Organics Reduction and Recycling by Title Only

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Receive a short presentation from staff.
2. Open the public hearing and take questions.
3. Continue the reading of Ordinance No. 395-2022 to August 16, 2022.

BACKGROUND AND DISCUSSION

As required by SB 1383 Regulations, local jurisdictions throughout the State, including the City, must adopt an ordinance or other similarly enforceable mechanism to mandate that organic waste generators (those who create organic waste, including residents and businesses), haulers, and others comply with SB 1383 Regulations (California Code of Regulations, Title 14, Division 7, Chapter 12) to divert organic waste and edible food from landfills.

The City has filed and received approval for a five year waiver from many of SB 1383's requirements. However, some requirements remain related to education and outreach, commercial edible food recovery, and building and landscaping code for new construction. The attached Ordinance addresses those issues. Because of Rio Dell's existing food business inventory is limited, and most (if not all) do not meet current criteria, the impacts to the business community are anticipated to be light and thus, enforcement costs are expected to be low.

The City is pursuing grants to assist with the overall implementation of SB 1386.

Attachment:

Draft Ordinance No. 395-2022

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ORDINANCE 395-2022
ORGANICS REDUCTION
AND RECYCLING ORDINANCE

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ORDINANCE 2021-01: ORGANICS REDUCTION AND RECYCLING ORDINANCE

The City hereby ordains as follows:

SECTION 1. PURPOSE AND FINDINGS

- (a) The purpose of this Ordinance is to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators. This Ordinance repeals seeks to provide a single framework to achieve its purposes and comply with various state laws as set forth below.
- (b) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (approved by the Governor of the State of California on September 29, 1989, which among other things, added Division 30 (Section 40000, et seq.) to the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (c) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multi-family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling service and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- (d) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multi-family property owners that generate a specified threshold amount of Solid Waste, recycling, and Organic Waste per week to arrange for recycling service for those materials, requires counties and cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and to implement a Mandatory Commercial Organics Recycling program.
- (e) State organics recycling law, Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016 (approved by the Governor of the State of

California on September 19, 2016, which added Sections 39730.5, 39730.6, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), took effect on January 1, 2017 and sets Statewide Organic Waste disposal reduction targets of 50 percent by 2020 and 75 percent by 2025, based on the 2014 organics waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code, and requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The SB 1383 Regulations place requirements on multiple entities, including counties, cities, residential households, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of statewide Organic Waste disposal reduction targets with compliance required beginning January 1, 2022.

- (f) In furtherance of the food recovery objectives of the laws noted above and to reduce legal risks associated with food recovery, the State food donation law, Assembly Bill 1219 of 2017, the California Good Samaritan Food Donation Act of 2017 (approved by the Governor of the State of California on October 9, 2017, which amended Section 1714.25 of the Civil Code, amended Section 58502 of, and repealed Section 58506 of, the Food and Agricultural Code, and amended Sections 114432, 114433, and 114434 of, and added Section 114435 to, the Health and Safety Code, as amended, supplemented, superseded and replaced from time to time), provides additional protections for entities that donate and distribute food for human consumption.
- (g) By January 1, 2022, the SB 1383 Regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations.
- (h) It is in the public interest for haulers, processors, facility operators, businesses, institutions, and the public to work together to advance the goals in the state legislation noted above.

SECTION 2. TITLE OF ORDINANCE

This Ordinance is titled "Organics Reduction and Recycling Ordinance".

SECTION 3. DEFINITIONS

The following definitions govern the use of terms in this Ordinance:

- (a) "Back-Haul" means generating and transporting Organic Waste to a destination owned and operated by a generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- (b) "C&D" means construction and demolition debris.
- (c) "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SB 1383 Regulations.
- (d) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- (e) "Certification of Recycling Service Form" means documentation certifying that a Commercial Business does not subscribe to collection services for Compost Containers and/or Recycling Containers because the Commercial Business has arranged for collection of its Source Separated Compost Container Organic Waste and/or Source Separated Recyclable Materials by self-hauling, Back-Haul,

contracting with a third-party hauler, or shares service with another Commercial Business.

- (f) "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, institution or association (whether incorporated or unincorporated or for-profit or nonprofit), strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6).
- (g) "Commercial Edible Food Generator" includes a Tier One, or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (h) "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (i) "Compliance Review" means a review of records by the Enforcement Agency to evaluate compliance with this Ordinance.
- (j) "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.
- (k) "Compost Container" has the same meaning as "Green Container" in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Compost Container Organic Waste.
- (l) "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 and D6868 standards for compostability and are certified by the Biodegradable Products Institute (BPI) or similar third-party and are approved by the City of Rio Dell for placement in the Compost Container.
- (m) "Container Contamination" or "Contaminated Container" means a container, regardless of type, which contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (n) "Designee" means an entity that the City of Rio Dell contracts with or otherwise arranges to carry out or assist with any of the City of Rio Dell with the SB 1383 Regulations or administration or enforcement of this Ordinance. A Designee may be a government entity, a private entity, or a combination of those entities.
- (o) "Edible Food" means food intended for human consumption, or as otherwise

defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, et seq.

- (p) "Enforcement Action" means an action of the relevant Enforcement Agency to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (q) "Enforcement Agency" means an entity with the authority to enforce part, or all of this Ordinance as specified herein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this Ordinance. Nothing in this Ordinance authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity.
- (r) "Excluded Waste" means hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City of Rio Dell and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the reasonable opinion of the City of Rio Dell or a Regulated Hauler operating in Rio Dell would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose Rio Dell or a Regulated Hauler to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City of Rio Dell's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the City of Rio Dell or the Regulated Hauler providing service to the generator.

- (s) "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (t) "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (u) "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (v) "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

- (w) "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (x) "Food Scraps" means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (y) "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (z) "Food-Soiled Paper" is compostable paper material that has come in contact with

food or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes, and is approved by the applicable the City of Rio Dell for placement in the Compost Container.

- (aa) "Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable Plastics in combination or separately.
- (bb) "Grocery Store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (cc) "Hauler Route" means the designated itinerary or sequence of stops for each segment of a Rio Dell's collection service area, or as otherwise defined in 14 CCR Section 18982(a) (31.5).
- (dd) "Health Facility" has the same meaning as in Section 1250 of the Health and Safety Code.
- (ee) "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (ff) "Hotel" has the same meaning as in Section 17210 of the Business and Professions Code.
- (gg) "Inspection" means an Enforcement Agency's electronic or on-site review of records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (hh) "Landfill Container" has the same meaning as "Gray Container" in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Landfill Container Waste.
- (ii) "Landfill Container Waste" means Solid Waste that is collected in a Landfill Container that is part of a three-container or three-plus container collection service that prohibits the placement of Organic Waste in the Landfill Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section

17402(a) (6.5). (Three container collection service refers to service collecting materials in Landfill Containers, Organics Containers, and Recycling Containers.)

- (jj) "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Ordinance. For the purposes of this definition of Large Event, "local agency" means all public agencies except those that are not subject to the regulatory authority of the City of Rio Dell.
- (kk) "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Ordinance.
- (ll) "Mixed Waste Organic Collection Stream" or "Mixed Waste" means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a) (11.5).
- (mm) "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing this Ordinance. Consistent with the SB 1383 Regulations, residential premises that consist of fewer than five units are not "Multi-Family" and instead are "Single-Family" for the purposes of implementing this Ordinance. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered other types of Commercial Businesses.
- (nn) "MWELO" is the Model Water Efficient Landscape Ordinance.
- (oo) "Non-Compostable Paper" includes, but is not limited to, paper that is coated, lined or treated with a non-compostable material, or otherwise unacceptable to the compostable materials handling facility processing the material.
- (pp) "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable

materials including but not limited to recyclable food and beverage glass containers, metal (aluminum and steel) food and beverage cans, HDPE (high density polyethylene) bottles and PET (polyethylene terephthalate) bottles, and other materials specified in 14 CCR Section 18982(a)(43).

- (qq) "Notice of Violation" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- (rr) "Organic Waste" means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (ss) "Organic Waste Generator" means a Person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (tt) "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (uu) "Person" includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever, or as otherwise defined in Public Resources Code Section 40170.

- (vv) "Printing and Writing Paper" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (ww) "Prohibited Container Contaminants" includes all of the following: (i) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the Recycling Container; (ii) materials placed in the Compost Container that are not identified as acceptable Source Separated Compost Container Organic Waste for the Compost Container; (iii) materials placed in the Landfill Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Compost Container Organic Waste that can be placed in the Compost Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container.
- (xx) "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (yy) "Recycling Container" has the same meaning as "Blue Container" in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials and Source Separated Recycling Container Organic Waste.
- (zz) "Regulated Hauler" means a Person that collects Solid Waste (other than Solid Waste generated by a permitted building project) originating in Rio Dell from Compost Containers, Recycling Containers, and/or Landfill Containers, and does so under a contract, franchise agreement, or permit with the City of Rio Dell.
- (aaa) "Remote Monitoring" means the use of mechanical or electronic devices to identify the types of materials in Recycling Containers, Compost Containers, and/or Landfill Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- (bbb) "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (ccc) "Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical or electronic Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

- (ddd) "SB 1383" means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.
- (eee) "SB 1383 Regulations" means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (fff) "Self-Hauler" means a Person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another Person for disposition as allowed by the City of Rio Dell and otherwise in accordance with all applicable laws. Self-Hauler also includes a Person who Back-Hauls such materials, and as otherwise defined in 14 CCR Section 18982(a)(66).
- (ggg) "Single-Family" means, for purposes of this Ordinance, of, from, or pertaining to any residential premises with fewer than five units.
- (hhh) "Solid Waste" has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
- (1) Hazardous waste, as defined in the Public Resources Code Section 40141.
 - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
 - (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.
- (iii) "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Ordinance,

Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Landfill Container Waste or other Solid Waste for the purposes of collection and processing.

(jjj) "Source Separated Compost Container Organic Waste" means Source Separated Organic Waste that can be placed in a Compost Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Recycling Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

(kkk) "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Recycling Container Organic Waste.

(lll) "Source Separated Recycling Container Organic Waste" means Source Separated Organic Wastes that can be placed in a Recycling Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables, as defined herein or as otherwise defined in Sections 18982(a)(43) and 18982(a)(46). Source Separated Recycling Container Organic Waste shall include materials as determined by the City of Rio Dell and includes unsoiled Paper Products and Printing and Writing Paper.

(mmm) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(nnn) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Ordinance.

(ooo) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.

(ppp) "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

SECTION 4. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3 or such later deadline established by State law or regulations.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024, or such later deadline established by State law or regulations.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection for Food Recovery of Edible Food that would otherwise be disposed; or (ii) acceptance of Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
 - (4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
 - (5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (6) Allow the Enforcement Agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR Section 18991.4.
 - (7) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or Food Recovery Organization

that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

- (B) A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this Ordinance.
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - (D) If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Services pursuant to Section 7(c)(2), a record that describes (i) its direct donation of Edible Food to end recipients (including employees) and/or (ii) its food waste prevention practices that result in it generating no surplus Edible Food that it can donate.
- (8) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agency that includes the information in Section 7(c)(7). Entities shall provide the requested information within 60 days of the request.
- (d) Nothing in this Ordinance shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 commencing with Section 49580 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or (2) otherwise applicable food safety and handling laws and regulations.
 - (e) Nothing in this Ordinance prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).
 - (f) The Enforcement Agency for the provisions of this section is the City of Rio Dell.

SECTION 5. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

- (a) Nothing in this Ordinance prohibits a Food Recovery Service or Food Recovery Organization from refusing to accept edible food from a Commercial Edible Food Generator, in accordance with 14 CCR Section 18990.2(d).
- (b) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (c) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in Rio Dell and contract with or have written agreements

with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City of Rio Dell the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) according to the following schedule: (i) no later than August 15, 2022, submit an initial report covering the period of January 1, 2022 to June 30, 2022; and (ii) no later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.

- (e) In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in Rio Dell shall provide, upon request, information and consultation to the City of Rio Dell regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the City of Rio Dell. A Food Recovery Service or Food Recovery Organization contacted by the Enforcement Agency shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the Enforcement Agency.
- (f) The Enforcement Agency for the provisions of this section is City of Rio Dell or its designee.

SECTION 6. REQUIREMENTS FOR REGULATED HAULERS AND FACILITY OPERATORS

- (a) Requirements for Regulated Haulers.
 - (1) A Regulated Hauler providing Single-Family, Commercial, or industrial Organic Waste collection service to generators within Rio Dell shall meet the following requirements and standards in connection with collection of Organic Waste:
 - (A) Through written notice to the City of Rio Dell annually on or before March 31, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Compost Container Organic Waste if applicable.
 - (B) Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Compost Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (C) Obtain approval from the City of Rio Dell to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a

manner that complies with 14 CCR Section 18989.1 and any City of Rio Dell rules.

- (2) Within the boundaries of Rio Dell in which it has customers, a Regulated Hauler collecting Organic Waste shall:
 - (A) Up to four times per year, provide reports to the City of Rio Dell on Commercial Business account information and service levels in a form to be specified by the Rio Dell.
 - (B) Assist in the dissemination of SB 1383 educational materials to Single-Family and Commercial Business accounts.
 - (C) At least annually and during new staff on-boarding, train Regulated Hauler's customer service representatives and account managers/recycling coordinators serving Organic Waste Generators in Rio Dell on any generator requirements.
 - (D) Provide quarterly reports to the Rio Dell identifying Single-Family and Commercial accounts that are subscribed to Landfill Container collection service, Recycling Container service, and/or Compost Container collection service. If a Regulated Hauler providing Landfill Container collection service does not offer Recycling Container Collection Service and/or Compost Container collection service to its Landfill Container collection service customers, the requirements of subsection (D) and (E) shall not apply with respect to those customers and the type(s) of service that is not offered.
 - (E) Inform generators when Container Contamination is observed by the Regulated Hauler.
 - (F) If requested by the Enforcement Agency, assist generators with verification of physical space constraints when generator submits an application for a physical space waiver.
 - (G) Provide Commercial Business accounts with interactive assistance such as employee trainings, in a virtual or in-person format, when Recycling Container collection service or Composting Container collection service is added, or upon request.

- (3) The Enforcement Agency for this section is the City of Rio Dell or its designee.
- (b) Requirements for Facility Operators and Community Composting Operations
- (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon request from the City of Rio Dell, provide within 60 days information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.
 - (2) Community Composting operators shall, upon request from the City of Rio Dell, provide within 60 days information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation.
 - (3) The Enforcement Agency for the provisions of this section is the City of Rio Dell or its designee.

SECTION 7. COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS

- (a) Persons applying for a permit from the Jurisdiction for new construction and building additions and alternations shall comply with the requirements of this section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen. If the requirements of CALGreen are more stringent then the requirements of this section, the CALGreen requirements shall apply.

Project applicants shall refer to Jurisdiction's building and/or planning code for complete CALGreen requirements.

- (b) For projects covered by CALGreen, the applicants must, as a condition of the Jurisdiction's permit approval, comply with the following:
- (1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the three container collection program offered by the Jurisdiction, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

- (2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three container program offered by the Jurisdiction, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
- (3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with Jurisdiction's C&D ordinance, and all written and published Jurisdiction policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

SECTION 8. MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS

- (a) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the Jurisdiction, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of Compost and mulch.
- (b) The following Compost and mulch use requirements that are part of the MWELO are now also included as requirements of this ordinance. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7
- (c) Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 8(a) above shall:
 - (1) Comply with Sections 492.6 (a)(3)(B)(C), (D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
 - (A) For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - (B) For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for

beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

- (C) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
- (2) The MWELo compliance items listed in this Section are not an inclusive list of MWELo requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in Section 14(a) shall consult the full MWELo for all requirements.
- (d) If, after the adoption of this ordinance, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo September 15, 2015 requirements in a manner that requires Jurisdictions to incorporate the requirements of an updated MWELo in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

SECTION 9. INSPECTIONS AND INVESTIGATIONS

The Enforcement Agency is authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with the provisions of this Ordinance for which it has enforcement authority by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, Regulated Haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for Inspection.

- (a) A Person subject to the requirements of this Ordinance shall provide or arrange for access during all Inspections (with the exception of a private residential dwelling unit) and shall cooperate with the Enforcement Agency during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Ordinance. Failure to provide or arrange for: (i) access to the premises; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties .
- (b) Any records obtained by the Enforcement Agency during Inspections and other

reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

- (c) The Enforcement Agency is authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.
- (d) The Enforcement Agency shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this Ordinance.
- (e) The Enforcement Agency is the City of Rio Dell and any Designee authorized by Rio Dell to enforce one or more sections of this Ordinance.

SECTION 10. ENFORCEMENT

Violation of any provision of this Ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Agency. Enforcement Actions under this Ordinance are issuance of an administrative citation and assessment of a fine. The Enforcement Agency's procedures on imposition of administrative citations and fines as contained shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this Ordinance and any rule or regulation adopted pursuant to this Ordinance, except as otherwise indicated in this Ordinance.

- (a) Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The Enforcement Agency may pursue civil actions in the California courts to seek recovery of unpaid administrative citations, and fines. The Enforcement Agency may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of Enforcement Agency staff and resources.
- (b) Process for Enforcement
 - (1) All provisions of this Ordinance may be enforced beginning on January 1, 2024:
 - (2) The Enforcement Agency will monitor compliance with this Ordinance through Compliance Reviews, investigation of complaints, and an inspection program.
 - (3) The Enforcement Agency may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
 - (4) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Enforcement Agency shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the Enforcement Agency's standard procedures.

(c) Penalty Amounts for Violations

The penalty levels are as follows:

- (1) For a first violation, the amount of the penalty shall be \$50 to \$100 per violation, or such higher amount as may be established by the Enforcement Agency.
- (2) For a second violation, the amount of the penalty shall be \$100 to \$200 per violation, or such higher amount as may be established by the Enforcement Agency.
- (3) For a third or subsequent violation, the amount of the penalty shall be \$250 to \$500 per violation, or such higher amount as may be established by the Enforcement Agency.

(d) Compliance Deadline Extension Considerations

The Enforcement Agency may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of nature such as earthquakes, wildfires, flooding, and other emergencies or natural disasters.
- (2) Delays not within the control of respondent or their agents in obtaining discretionary permits or other government agency approvals; or,

(e) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed in the administrative citation and consistent with the Enforcement Agency's appeal procedures.

(f) Education Period for Non-Compliance

With respect to provisions of this Ordinance subject to enforcement starting January 1, 2024, the Enforcement Agency will, prior to that date, conduct Inspections, Compliance Reviews, and other enforcement investigative actions depending upon the type of regulated entity, to determine compliance, and if the Enforcement Agency determines that Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Ordinance and a notice that compliance is required and that violations may be subject to administrative citations, penalties, or other remedies starting on January 1, 2024.

(g) Civil Penalties for Non-Compliance

If the Enforcement Agency determines that an Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Ordinance, it may document the noncompliance or violation, issue a Notice of Violation, and/or take Enforcement Action pursuant to this section, as needed and consistent with the enforcement commencement dates set forth above.

- (h) The Enforcement Agency for the provisions of this section is the City of Rio Dell and any Designee authorized by the City of Rio Dell to enforce one or more sections of this Ordinance.

SECTION 11. SEVERABILITY

If any provision of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such invalidity shall not affect the remaining provisions or application of the remaining provisions of this Ordinance, which can be given effect without the invalid provisions or application.

SECTION 12. EFFECTIVE DATE AND REPEAL OF ORDINANCE 2022-02

This Ordinance shall be posted at City Office after its adoption and shall take effect commencing on January 1, 2022.

Following introduction on _____ 2022, passed and adopted _____ 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Ordinance No. 2022-02.

XXXX XXXX
CLERK OF THE BOARD
