



**AGENDA**  
RIO DELL CITY COUNCIL  
CLOSED SESSION – 6:00 P.M.  
REGULAR MEETING – 6:30 P.M.  
TUESDAY, JULY 2, 2013  
CITY COUNCIL CHAMBERS  
675 WILDWOOD AVENUE, RIO DELL

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

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

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

- A. CALL TO ORDER – 6:00 p.m.
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:
  - 1) 2013/0702.01 - CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
Consider Initiation of Legal Review and Potential Litigation Pursuant to Subdivision (c) of Section 54956.9: 1 Potential Case (facts and circumstances known to adverse parties), Adverse Claims to 5.5 Acre City of Rio Dell Real Property Parcel Located off Monument Road (APN 205-041-014)
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION
- F. RECONVENE INTO OPEN SESSION – 6:30 p.m.
- G. ORAL ANNOUNCEMENTS
- H. PLEDGE OF ALLEGIANCE
- I. CEREMONIAL MATTERS

## J. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

## K. CONSENT CALENDAR

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

- 1) 2013/0702.02 - Approve Minutes of the June 18, 2013 Special Meeting (**ACTION**) 1
- 2) 2013/0702.03 - Approve Minutes of the June 18, 2013 Regular Meeting (**ACTION**) 8
- 3) 2013/0702.04 - Approve Minutes of the June 26, 2013 Special Meeting (**ACTION**) 18
- 4) 2013/0702.05 - Approve Letter of Response to the 2012-13 Grand Jury Findings and Recommendations (**ACTION**) 21

## L. SPECIAL PRESENTATIONS

## M. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 1) 2013/0702.06 - Direct the City Manager to Authorize the Purchase of Capital Equipment for the Wastewater Treatment Plant (**ACTION**) 27
- 2) 2013/0702.07 - Conditionally Approve the \$6,250 Contribution to the Rio Dell/Scotia Chamber of Commerce as Set Forth the in Full Plan Submitted by the Chamber (**ACTION**) 36

## N. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2013/0702.08 - Public Hearing/Second Reading (by title only) and Adoption of Ordinance No. 303-2013 Repealing the Current Nuisance Regulations Chapter 8.10 of the Rio Dell Municipal Code and Adopting New Nuisance Regulations (**ACTION**) 62

## O. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director
4. Community Development Director

P. COUNCIL REPORTS/COMMUNICATIONS

Q. ADJOURNMENT

*The next regular meeting will be on July 16, 2013  
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL  
SPECIAL MEETING  
JUNE 18, 2013  
MINUTES**

A Special Meeting of the Rio Dell City Council was called to order at 5:36 p.m. by Mayor Thompson.

ROLL CALL: Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson and Woodall

Others Present: City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, Community Development Director Caldwell and City Clerk Dunham

Absent: Water/Roadways Superintendent and Wastewater Superintendent Chicora (excused)

**SPECIAL MEETING MATTERS**

Special Presentation by Michael O'Connor, CPA, R. J. Ricciardi, Inc./Fiscal Year 2011-2012 Audit

Finance Director Beauchaine deferred this item to Michael O'Connor, CPA from the firm of R. J. Ricciardi, Inc. to present the Fiscal Year 2011-2012 Audit Report.

Mr. O'Connor began by saying that it was a pleasure working on the audit for the City of Rio Dell and that he has 2 documents to present; the Financial Statements and the Management Report.

He provided a brief overview of the Financial Statements and said there were no financial statement findings and that the City received an unqualified opinion on the audit which means there were no material weaknesses identified, significant deficiencies or instances of non-compliance.

He stated that pages 3-11 of the Financial Statements provide discussion and analysis of the City's financial activities and performance and a basic overview for the fiscal year ended June 30, 2012.

He then directed the Council's attention to page 12 of the report which reflects the City's total net assets at \$20,561,749. Total Revenues were reported at \$103,186 in excess of activities.

Next was review of the Balance Sheet for all Governmental Funds. He reported the total fund balance for General Fund at \$1,159,676; CDBG at \$5,012; Other Governmental Funds at \$692,974; with a the total of all Governmental Funds reported at \$1,857,662.

**JUNE 18, 2013 MINUTES**

**Page 2**

Under the Proprietary Funds, total net assets for the Sewer Fund were reported at \$6,728,022; and Water Fund at \$6,900,148. The Operating Income for the Sewer Fund showed a loss of \$2,480,814 and a loss of \$349,385 for the Water Fund.

Mr. O'Connor explained that the notes contained in the Financial Statements provide a little more detail.

He then reviewed the Management Report and said during the course of the audit, they looked at internal controls of the City to safeguard assets. He said there were 4 observations reported; 1) it was noted that the payroll tax returns were not being reconciled to the general ledger on a quarterly basis; 2) wire and electronic transfers required no written approval prior to the transfer; 3) the City does not have a formal accounting, administrative and fraud procedures manual that documents the City's internal controls to safeguard assets and accounting records; and 4) the Finance Director's audit working papers were of the highest quality and they commend her on the maintenance of those records.

He said that there is a policy that the City Council approves all warrants/checks and his recommendation is that the Council also approves electronic transfer forms.

Finance Director Beauchaine commented that she has implemented during the current year a wire/electronic transfer form to be signed by 2 check signers prior to performing transfers.

Councilmember Marks commented that she and Councilmember Woodall had met with the auditors earlier and one thing that was brought up was whether the City was insured against employee theft; Finance Director Beauchaine confirmed that the City does have adequate coverage.

Councilmember Marks also noted that it was mentioned by the auditor that there are outside firms that can explain financial statements to Council so that they have a better understanding of the City's financial position. Mr. O'Connor said it is sometimes a good idea to establish an audit or finance committee to do a quarterly review of the City's financial statements. He said an important job of the City Council is to oversee management and if the Council feels they don't have the expertise to analyze the financial statements, they could form a committee or hire an outside firm to review any significant changes. He said if that is the case, he would recommend having that done.

Councilmember Wilson commented that it was reported that one of the auditors recommendations was implemented but wanted to know if that was true with regard to the other recommendations; Finance Director Beauchaine stated that reconciling Payroll with the General Ledger has always been a problem and that as of March of this year, it is reconciled. She said the accounting manual will be in place once the Accountant position is filled.

## JUNE 18, 2013 MINUTES

### Page 3

Councilmember Johnson said on page 9 of the Basic Financial Statements, it states that operating revenue for the Water Fund decreased by \$121,833 due to a reduction in water sales and expenses increased by \$188, 837 due to an increase in maintenance and construction costs. He expressed concern that the water revenues were not accurately reported in the FY 2013-2014 budget.

Finance Director Beauchaine explained the change was not actually due to a reduction in sales but was the result of the debt service not being set up in a separate fund. She said the debt service was shifted over and is now being recorded correctly. She said there were a number of repairs done in the water department with the use of reserves because the water department is underfunded. With the last rate adjustment, the rates were set up to cover operating cost and debt service but no capital improvement component. She said this is something that needs to be addressed.

Councilmember Marks said the history of water revenue from 2007 to now shows a decline. Finance Director reiterated that money was shifted from the water operating fund to a non-operating fund to cover the debt service stating that the money did not go away; it simply shifted. She said water sales are in line with the budget and that the 3% annual adjustment keeps up with inflation. She said she will provide Council with a water revenue report.

City Manager Stretch commented that staff was also asked to bring back to Council a copy of the 2010 Water Rate Analysis Report done by Winzler & Kelly (GHD).

Water/Roadways Superintendent Jensen arrived at this time, 6:05 p.m.

#### Public Hearing/Review Proposed 2013-2014 Budget and Direct Staff to Schedule a Special Meeting for Adoption of the Final 2013-2014 Budget for June 25, 2013

City Manager Stretch provided a staff report and said the Council held a 3 ½ hour study session on June 11, 2013 on the Draft Budget for Fiscal Year 2013-2014. He said that Draft, with a few adjustments is what is before the Council now as the Proposed Budget subject to input received at this public hearing.

City Manager Stretch stated the Proposed Budget for the year for all funds totals \$7,467,458; with the General Fund portion of that total at 11.83% or \$883,239. He noted that Capital Projects consume 70% of the total budget at \$5,188,496; the largest being the completion of the Wastewater Treatment Plant Upgrade & Disposal Project. He said other projects include the Wildwood Avenue Streetscape Project and the Safe Routes to Schools Project.

City Manager Stretch said staff took a conservative approach in developing the budget this year and focused on infrastructure needs relating to street and drainage, water and sewer improvements as well as equipment purchases. He said the budget includes the replacement of 2 police vehicles, and a 40' x 100' public works metal building for storage of vehicles and equipment. He pointed out that the budget as proposed, is balanced with \$64,603 coming from

**JUNE 18, 2013 MINUTES**

**Page 4**

General Fund Reserves for one-time expenditures. With that, the projected General Fund Revenue at the end of the fiscal year is estimated at \$1,119,000 which he said is commendable considering the many cities that are struggling with budget cuts. He said it is fortunate that the City Council 3 years ago, took action early on and reduced staff by 26% and trimmed programs or the City would not be where it is today.

City Manager Stretch continued with review of the 23 final budget adjustments as presented in his staff report to the Council.

Councilmember Wilson referred to Item 6 related to the installation of sprinkler systems at City Hall and Memorial Park and asked if it was referring to a fire sprinkler system or for lawn irrigation. City Manager Stretch explained the idea is to install sprinkler heads to eliminate public works from having to move hoses around all the time.

Councilmember Marks asked if the work will be done in-house or contracted out; City Manager Stretch said it was discussed with staff and determined it would be best to contract out the work.

Councilmember Wilson questioned Item 9 related to the replacement of public seating in the Council Chambers; City Manager Stretch said the existing chairs have served the City since 1965 and it is time to replace them.

Councilmember Wilson asked if Item 10 for live streaming with Humboldt Access is tied in with Item 15 for video equipment for live streaming; City Manager Stretch explained live streaming Council meetings is something that has been discussed for quite some time and said he has been working with Access Humboldt and received a quote of \$18,000 for the video equipment; and an additional \$50.00/hr. for Humboldt Access staff to be present during meetings.

Wastewater Superintendent Chicora arrived at this time, 6:15 p.m.

Councilmember Wilson said he likes the idea of live streaming meetings as it creates a cleaner, smoother operation.

Mayor Thompson asked about the possibility of paying staff overtime to video stream rather than paying Humboldt Access staff \$50.00/hr. City Manager Stretch said that one option would be to contract with Humboldt Access to get the equipment set up then perhaps train staff to operate the equipment.

Councilmember Marks referred to Item 3 related to City Hall improvements and asked if the \$37,000 includes solar panels. City Manager Stretch said that solar is not included in that amount and that the estimate for the solar installation was around \$38,000. He said it can be discussed further when the additional City Hall improvements are discussed.

**JUNE 18, 2013 MINUTES**

**Page 5**

City Manager Stretch reported 2 additional items not included on the list: 1) a reduction in the police department equipment line item due to the Chief of Police securing a Homeland Security Grant in the amount of \$1,050; and 2) an adjustment to Recycling since the \$5,000 grant application was not submitted by the March, 2013 deadline. He said he sent an e-mail to the State to see if there is a way to recapture that money but was not very optimistic.

City Manager Stretch referred to the Position Allocation Table which reflects 17.75 positions; the same as the prior fiscal year.

Mayor Thompson opened the public hearing to receive public comment on the final budget adjustments and the proposed 2013-2014 Rio Dell City Budget.

Nick Angeloff addressed the Council as a representative of the Rio Dell-Scotia Chamber of Commerce and said he submitted a request to the City for an in-kind grant contribution. He said the Chamber was successful in securing a Headwaters Grant but did not expect to have a 100% cash match requirement. He said the request is for an in-kind contribution from the City of \$6,250; 25% of the required cash match. He said the business incubator program is moving along and this funding will allow the Chamber to further those efforts. He said that new businesses are coming into the downtown which benefits the City. He thanked the City Manager for putting the request in the draft budget as a consideration.

Councilmember Johnson asked Mr. Angeloff if he sees the business incubator program being self-sustaining in the future or if they would be looking for grants and future contributions. Mr. Angeloff said they will be pursuing future grant opportunities but do not foresee the need for future contributions. However, they would like to see the Chamber receiving a portion of the City's Transient Occupancy Tax (T.O.T.) at some point.

Mr. Angeloff said without the City's contribution it will be extremely difficult to come up with the cash match and show the community support that the Headwaters Fund is requiring.

Councilmember Woodall asked what the City's contribution to the Chamber was in the past. Finance Director Beauchaine said at one point the City allocated 10% of the local T.O.T. equating to approximately \$1,200/year. She commented that the Chamber came back to the City a couple of years ago asking for a contribution and when the City asked them to provide financial documentation, Jim Rich withdrew the request on behalf of the Chamber.

City Manager Stretch said funds can be allocated to the Chamber on an annual basis from the General Fund but the City can't promise a portion of the T.O.T.

Councilmember Wilson said he would like to see the City do something to promote business and is in support of the request.



**JUNE 18, 2013 MINUTES**

**Page 6**

City Manager Stretch commented that should the Chamber fail to get the 100% in-kind match of \$24,725 and the City allocates the requested \$6,250 contribution, they should not be allowed to use those funds for other purposes as Mr. Angeloff indicated they would.

Gary Chapman, 921 Hilda Ct., stated that he supports the efforts of the Chamber of Commerce and said both the Cities of Fortuna and Eureka, by voter approval, contribute T.O.T. funds to their respective Chamber of Commerce organizations.

Carol Theuriet urged the Council to support the Chamber by approving the contribution and said there are several people working diligently to promote business in the City.

Adam Dias thanked the City Council and the City Manager for consideration of the contribution. He said the Chamber representatives worked very hard to get the grant and they were all shocked to see the in-kind contribution changed. He noted that he came to the City Council a couple of years ago and shared his ideas for promoting business. He said with the establishment of the Eagle Prairie Arts District, we now have a County recognized art walk. He commented that 5 of the vacant buildings downtown are now occupied and with the Headwater Grant funding and other local contributions, he has no doubt the remaining vacant buildings will be occupied with new businesses.

City Manager Stretch said if the Council is agreeable, they can ask the Chamber to come back to the Council with a program on how the funds will be used. Mr. Angeloff concurred to come back with a line item budget for the \$50,000 and assured the Council the funds will help to keep the business incubator on track.

Gary Chapman said he likes the City Manager's suggestion to basically retain the funds until such time the Chamber is able to secure the remaining public match.

Councilmember Marks agreed and said she likes the idea of supporting the Chamber but she would like to see what was proposed in the Headwaters Grant application. She commented that that \$50,000 does more than pay for a part-time employee.

Mr. Angeloff said he will provide a copy of the grant application and explained a business incubator generally has several businesses in 1 building whereas their program moves the incubator from building to building. In the meantime, the businesses will split the overhead costs of the building such as staff, rent and utilities. He said in the future when the revenue exceeds the overhead costs, the plan is to move on to promoting industrial sites.

Adam Dias commented that a part-time Chamber employee has a lot of other duties beyond just providing staff support for the incubator program.

Mayor Thompson reviewed the consensus is to allocate the 25% in-kind contribution of \$6,250 to the Chamber only if they are successful in securing the remaining 75% through public support.

**JUNE 18, 2013 MINUTES**

**Page 7**

Also, it was agreed that the Chamber of Commerce come back to the Council with a presentation and plan at the July 2, 2013 regular meeting.

City Manager Stretch stated with Council's direction, he will prepare a staff recommendation and bring it back to the Council for formal approval. Council concurred.

City Manager Stretch said with regard to other contributions, the City contributed \$50.00/month to the Fire District for the past 2 years for maintenance of the restrooms at Fireman's Park. Although they did not submit a request for continued support, he gave them the opportunity to come to this meeting and address the City Council should they wish to do so. He said since they are not present, apparently they are in agreement to terminate the contract.

City Manager Stretch commented that the City receives recycling money and since Fireman's Park has recycled playground equipment the City may be able to help the Fire District at a much greater extent.

Councilmember Wilson said in talking with the Fire Chief he learned that although they do receive money from assessments the fire district is still underfunded. He said the City should do what they can to help offset their expenses.

Motion was made by Wilson/Woodall to direct staff to make the recommended adjustments to the Proposed Budget and schedule a Special meeting for June 25, 2013 for approval of the Resolution adopting the Final Budget for fiscal year 2013-14. Motion carried 5-0.

Councilmembers Marks and Johnson announced they will be out of town and unable to attend the Special meeting on June 25<sup>th</sup>.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 6:52 p.m. to the June 18, 2013 regular meeting.

---

Jack Thompson, Mayor

Attest:

---

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
JUNE 18, 2013  
MINUTES**

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

**ROLL CALL:** Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson and Woodall

Others Present: City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, Community Development Director Caldwell, Water/Roadways Superintendent Jensen, Wastewater Superintendent Chicora and City Clerk Dunham

**PUBLIC PRESENTATIONS**

Nick Angeloff addressed the Council and said the east-west rail is going well and that negotiations were underway with a private investor to fund the feasibility study. He said the North Coast Tribal Chairman's Association will be meeting on June 26<sup>th</sup> at the Warfinger Building; from there going to the Samoa Cookhouse to meet with the Harbor District and a tour on the Madaket with Sacramento valley representatives.

Nick Angeloff then announced that Dennis Wendt re-graded and re-seeded the Little League field at Fireman's Park.

**CONSENT CALENDAR**

Councilmember Wilson asked that Item No. 7 *Approval of Resolution No. 1205-2013 Authorizing the City Manager to Execute the Settlement Agreement and Stipulation for Entry of Order; Administrative Civil Liability Order No. R1-2013-0036 with the North Coast Regional Water Quality Control Board* be removed from the consent calendar and placed under *Special Call Items* for separate discussion.

Likewise, Councilmember Marks asked that Item No. 6 *Authorizing the City Manager to Engage the Auditing Services of R. J. Ricciardi, Inc. to Complete the 2012-2013 FY Audit* be removed; and Mayor Thompson asked that Item No. 4 *Approval of Annual Rate Adjustment with Eel River Disposal as an Amendment to the Solid Waste Franchise Agreement Effective July 1, 2013* be removed.

Motion was made by Johnson/Marks to approve the consent calendar including the approval of minutes of the June 4, 2013 special meeting; approval of minutes of the June 4, 2013 regular meeting; approval of minutes of the June 11, 2013 budget study session; and authorize the city

manager to work with GHD Engineer to identify potential grant sources for Water Infiltration Gallery Modifications. Motion carried 5-0.

## **SPECIAL PRESENTATIONS**

### Public Hearing – Draft Supplemental Environmental Impact Report (SEIR) - Rio Dell Wastewater Reuse Project – SHN Consulting Engineers, Inc.

Finance Director Beauchaine provided a staff report and said SHN Consulting Engineers has prepared the draft Supplemental Environmental Impact Report (SEIR) for the Wastewater Treatment Plant Upgrade and Disposal Project for the purpose of analyzing the impacts of a proposed project modification to run the sewer transmission pipeline underneath the river using horizontal directional drilling rather than running the line through the existing Highway 101 CalTrans Bridge.

Finance Director Beauchaine said the draft SEIR analyses determined that with the incorporation of mitigation measures, all impacts will be less than significant. She said the SEIR was circulated for review by all oversight agencies and appropriate noticing requirement were met. She said the public comment period is open until June 30, 2013.

Stein Corriell from SHN Consulting Engineers was present to answer any questions regarding the SEIR.

Councilmember Wilson asked if there was a project timeline established. Mr. Corriell explained once the public comment period is closed, the comments will be reviewed and included in the SEIR. After that, the document is presented to the City Council for approval. He said the turn-around depends on how many comments are received.

Councilmember Marks asked if the nearby property owners were notified. Mr. Corriell said notices were sent to surrounding property owners as well as a notice published in the Times-Standard newspaper.

A public hearing was opened at 7:15 p.m. to receive public comment on the SEIR. There being no public comment, the public hearing closed.

### Special Presentation by Bartle Wells Re: Wastewater Rate Study/Provide Staff Direction on How to Proceed

Finance Director Beauchaine provided a staff report and said Bartle Wells was engaged by the City to develop a new wastewater rate structure based on volume rather than flat rate, and to update the City's wastewater capacity fee.

She said they developed 2 options for the City Council to consider based on 5 criteria: 1) Revenue Sufficiency; 2) Rate Impact; 3) Equitable; 4) Practical; and 5) Provide Incentive.

Finance Director Beauchaine pointed out that the idea is not to increase wastewater rates but simply re-distribute the rates proportionately based on volume.

Doug Dell from Bartle Wells then provided a brief summary of the Draft Wastewater Rate and Capacity Fee Study and proceeded with a power point presentation.

He said Option 1 would allocate 70% of costs to the fixed charge and 30% of the costs to the volume (variable) charge; whereas Option 2 would allocate 50% of the costs to the fixed charge and 50% of the costs to the volume charge. He explained the average residential customer in the City has a wastewater flow of 500 cubic feet and under Option 1 would have a monthly bill of \$73.20 which is a decrease of \$0.74 from the current monthly bill of \$73.94. Under Option 2 the monthly bill would be \$73.28 representing a \$0.66 decrease to the current bill. He noted the benefit of implementing a volume rate is equitability since lower wastewater users pay a lower monthly rate than high wastewater users.

Mr. Dell went on to explain that under Option 1 the monthly fixed charge would be \$51.15 per EDU (Equivalent Dwelling Unit) based on the previous winter water usage with a volume rate based on 1 of 4 customer classes ranging from \$3.53 per hundred cubic feet (ccf) for the low class, up to \$7.72 per ccf for the high class. He said his recommendation is for Option 1 as it provides more revenue stability with a higher fixed charge.

He said under the current billing policy, when accounts are deactivated, they are not billed until reactivation. Under the proposed rate structure, all accounts will be billed the fixed charge of \$51.15 regardless of account status since the City continues to incur fixed costs for closed accounts related to maintenance and upkeep of the sewer system.

In regard to the wastewater capacity fee, he said they conducted a capacity fee survey of the typical fees for new single-family residential connections and found that the fees range from a low of \$950 for Rio Dell to a high of \$12,240 for Ukiah Valley Sanitation District. Their recommended capacity fee was proposed at \$5,220 to be competitive with other local agencies. He indicated that typically the jurisdictions with newer wastewater treatment plants have the higher capacity fees.

Councilmember Johnson asked if the proposed 26 unit Danco Project will have 26 capacity fees or 1; Finance Director Beauchaine stated they would have a capacity fee for each unit.

Councilmember Wilson asked for clarification of Proposition 218 requirements. Mr. Dell explained that Prop 218 establishes requirements for imposing or increasing property related taxes, assessments, fees and charges and basically requires the City mail a notice of the proposed rate changes to all affected property owners; hold a public hearing prior to adoption of the proposed rates; and if more than 50% of the affected property owners submit written protests against the proposed rates, the rates cannot be adopted. He noted that water and wastewater rate

**JUNE 18, 2013 MINUTES**  
**Page 4**

adjustments are exempt from additional voting requirements of Prop 218 provided the charges do not exceed the cost of providing service and are adopted pursuant to procedural requirements of Prop 218.

Councilmember Marks commented there will need to be a policy established for sewer rate adjustments to coincide with the water leak adjustment policy.

Councilmember Wilson asked if the City's existing billing software will be able to implement the proposed rates. Finance Director Beauchaine said it is her understanding that the current software will be able to handle the rate changes.

Councilmember Woodall asked Councilmember Marks from a landlord's perspective how she feels about being charged a fixed fee for vacant rental units; Councilmember Marks commented that she understands that it is something that needs to be implemented to cover the cost of maintaining the sewer system.

A public hearing was opened at 7:45 p.m. to receive public comment on the proposed rate adjustments.

Gary Chapman, Hilda Ct. stated the method for the proposed rates sounds fair with the volume charge being based on winter water consumption. He said he also feels the Capital Connection fee for sewer of \$5,220 is appropriate and is necessary to cover the various regulatory fees.

Sharon Wolff, 3 Painter St. asked for confirmation that the sewer rate will be based on average water usage for the months of December through February, and asked about the process for notification to property owners.

Mr. Dell explained the monthly volume charge will be based on the previous winter water consumption and under Prop 218 requirements; there is a 45 day window before adoption of the new rates with the rates to take effect 30 days after adoption.

Councilmember Marks asked about the possibility of split billing whereas the property owner is billed the base monthly fee and the tenant is billed the volume charge. Finance Director Beauchaine said it would be much more difficult and said the easiest solution will probably be to bill the owner and have the owner negotiate the rent to cover the bill.

Nick Angeloff questioned the possibility of a house being vacant during the winter months, but since then a family of 6 has moved in. He said there will need to be a mechanism for establishing average usage for those types of situations.

There being no further public comment, the public hearing closed at 7:55 p.m.

Councilmember Johnson asked if the intent is to bill both the water and sewer charges to the property owner since water and sewer has historically been billed together. Finance Director Beauchaine said the idea is to have the bill in the property owner's name; with the property owner and tenant to work out the details of how the bill will be paid.

Councilmember Woodall asked about the possibility of sending duplicate bills; 1 to the owner and 1 to the tenant. Finance Director Beauchaine said she was not sure if the system can process duplicate bills.

Councilmember Wilson said there were some good points raised with regard to the proposed wastewater rates and said the intent is good but there are some things that need to be worked out.

City Manager Stretch pointed out that Prop 218 is a rather lengthy process so there is sufficient time to work out the details.

Motion was made by Woodall/Wilson to proceed with Option 1 as proposed with the increased connection fee. Motion carried 5-0.

City Engineer Project Status Report – Merritt Perry

City Engineer Perry provided a project status report and said they are currently working on 3 projects for the City; the Wildwood Ave. Streetscape Improvement Project, the Safe Routes to School Project, and permitting for the improvements to the Water Infiltration Gallery. He reported that he received the authorization to proceed from CalTrans and will be submitting the advertisement for bids on the Wildwood Ave. Streetscape Improvement Project and Safe Routes to School project. He noted that since the projects are on the same timeline, the authorization to award the bids can be done at the same time.

Engineer Perry then reviewed the bidding schedule and said the bids will be opened on July 18, 2013, awarded on July 23, 2013 with construction to begin on August 5, 2013 following Wildwood Days activities.

Mayor Thompson requested that in addition to the public outreach done by the previous City Manager, that all property owners on Wildwood Ave. be notified of the construction timeline.

Councilmember Wilson said with the recent relocation of the Chamber of Commerce downtown, perhaps the City should utilize their location to advertise meetings and post notices.

Community Development Director Caldwell suggested we take advantage of the Every Door Direct Mailer (EDDM) through the post office as a way of notifying the public.

Councilmember Marks commented that after the last meeting the engineer attended, he sat down with Councilmember Johnson and went over the plans and specifications for the Wildwood Ave. Streetscape Project and asked if any changes were made based on Councilmember Johnson's questions. Engineer Perry said Councilmember Johnson had some very good questions but no changes were made to the plans.

Engineer Perry stated that he worked with Water/Roadways Superintendent Jensen to prepare the permit applications for the infiltration gallery improvements which were completed and submitted electronically to the California Department of Fish & Game and the Regional Water Quality Control Board. He said we should have a response on the permit approval within 30-45 days although if the situation becomes an emergency the process may be able to be expedited.

Councilmember Johnson asked what is being proposed under these permits.

Engineer Perry stated that a piece of equipment will be thoroughly cleaned before going into the river, a fishery biologist will be present, no vegetation will be disturbed, and an opening will be dug to the infiltration gallery that will not allow fish to be present.

Engineer Perry reported he was also providing input to the City on the Regional Transportation Plan.

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

##### Approve Annual Rate Adjustment with Eel River Disposal and Accept as an Amendment to the Solid Waste Franchise Agreement Effective July 1, 2013

Mayor Thompson stated he requested this item be removed from the consent calendar for clarification of the calculations as presented.

Finance Director Beauchaine explained there are essentially 2 components that establish the basis for the charges; Exhibit A-1 outlines Eel River Disposal's direct costs at \$14.00 and the various pass-through costs per contract which total \$111.74 per ton. Exhibit A represents disposal rates, Exhibit B represents collection and Exhibit C represents combined rates. She noted that the proposed rate adjustment is very insufficient.

Mayor Thompson asked for public comment on the proposed rate increase. There were public comments received.

Motion was made by Woodall/Marks to approve the annual rate adjustment with Eel River Disposal and accept as an amendment to the Solid Waste Franchise Agreement effective July 1, 2013. Motion carried 5-0.

##### Authorize the City Manager to Engage the Services of R. J. Ricciardi, Inc. to Complete the 2012-2013 FY Audit



**JUNE 18, 2013 MINUTES**  
**Page 7**

Councilmember Marks stated that previously the Council had to amend the contract with the auditor to include the cost of preparing the Annual State Controller's Report and asked if staff will be coming back to the Council again this year with the same amendment.

Finance Director Beauchaine explained that the former auditors, Mann, Urrutia, Nelson, CPA's will prepare the report and the expense is already included in the 2013-14 budget.

Motion was made by Woodall/Marks to authorize the City Manager to engage the auditing services of R. J. Ricciardi, Inc. to complete the 2012-2013 Fiscal Year Audit. Motion carried 5-0.

Approve Resolution No. 1205-2013 Authorizing the City Manager to Execute the Settlement and Stipulation for Entry of Order; Administrative Civil Liability Order No. R1-2013-0036 with the North Coast Regional Water Quality Control Board

Councilmember Wilson asked if the Settlement changes the overall cost of the Wastewater Treatment Plant Upgrade and Disposal Project. Finance Director Beauchaine said the NCRWQCB is essentially waiving the fine as a cash requirement and allowing the \$366,000 to be applied against the cost for bringing the wastewater treatment plant into compliance.

Motion was made by Wilson/Johnson to approve Resolution No. 1205-2013 authorizing the City Manager to execute the Settlement and Stipulation for Entry Order; Administrative Civil Liability Order No. R1-2013-0036 with the North Coast Regional Water Quality Control Board. Motion carried 5-0.

**ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Public Hearing/Second Reading (by title only) and Approval of Ordinance No. 301-2013 Amending the Non-Conforming Regulations, Section 17.30.160 of the Rio Dell Municipal Code  
Community Development Director Caldwell provided a staff report and said the ordinance was introduced to the Council at the June 4, 2013 regular meeting; a public hearing was held and continued to this meeting for further comment.

Community Development Caldwell reviewed the proposed amendments to the non-conforming regulations and said basically the provisions are expanded to allow a non-conforming owner-occupied residence that is destroyed by any casualty, to be restored within 2 years after such destruction, whereas before that provision was limited to structures in the Town Center Zone.

He said the second amendment allows maintenance and repairs to be made to a non-conforming structure or a structure in which a non-conforming use is conducted beyond the 25% of the actual value in one year as the code currently states.

Councilmember Wilson recused himself from discussion of this matter due to a potential conflict of interest.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Woodall/Marks to conduct second reading (by title only) of *Ordinance No. 201-2013 Amending the Non-Conforming Regulations, Section 17.30.160 of the Rio Dell Municipal Code*. Motion carried 4-0; Councilmember Wilson abstained.

Continued Public Hearing/Approve Resolution No. 1204-2013 Adopting the Circulation Element; or Make Changes and Direct Staff to Bring it Back for Adoption at the July 2, 2013 Regular Meeting

Community Development Director Caldwell provided a staff report and said this constitutes the sixth public hearing before the City Council or Planning Commission on the proposed Circulation Element and at this time, staff is recommending adoption of the final draft.

A public hearing was opened to receive public comment on the proposed resolution. There being no public comment, the public hearing closed.

Motion was made by Johnson/Woodall to approve *Resolution No. 1204-2013 Adopting the Circulation Element*. Motion carried 5-0.

Public Hearing/Introduction and First Reading (by title only) of Ordinance No. 303-2013 Establishing Nuisance Abatement Procedures

Chief of Police Hill provided a staff report and said at the study session held on April 23, 2013, the issue of how appeal hearings were to be handled was discussed and staff was directed to amend that portion of the draft so that the hearing officer was not the City Manager or another City employee. The revised draft was brought back to the Council at the June 4, 2013 regular meeting with a recommendation that 3 City Councilmembers be appointed to act as the hearing committee. Upon review by the City Attorney, he expressed concern over 3 elected officials serving on the committee and the potential of a Brown Act violation. He said to address the Brown Act concern the language was amended to have the hearing committee include 2 City Councilmembers and the City Manager. He noted that this was the only significant change to the draft ordinance.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Woodall/Wilson to introduce and conduct the first reading (by title only) of *Ordinance No. 303-2013 Establishing Nuisance Abatement Procedures*. Motion carried 5-0.

**REPORTS/STAFF COMMUNICATIONS**

City Manager Stretch stated he met with the architect with regard to handicap access improvements at City Hall and will provide a report at the next meeting. He commented that the agenda was very lengthy this evening and included a lot of significant items and personally wanted to thank staff and also the City Council for taking the time to review the material.

Chief of Police Hill reported on recent activities in the police department and said Officer Lungi returned from attending the ICC Course; he was successful in securing a \$4,400 Homeland Security Grant; and his department will be participating in a DUI checkpoint with Arcata Police Department and assisting Fortuna Police Department during Fortuna Rodeo week.

Finance Director Beauchaine reported on recent activities in the finance department and said the budget process is moving along; and said she spoke to the Wastewater Treatment Plant Upgrade & Disposal Project construction manager and he informed her that Ken Wahlund was in contact with CalTrans and the permit has been approved for the horizontal drilling.

Community Development Director Caldwell reported on recent activities in the community development department and said a portion of the business license renewals were sent out with the remainder to go out this week.

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Johnson asked if there are grants available for a new water clarifier. Staff responded that GHD is currently in the process of identifying potential grant sources for the infiltration gallery modifications.

Councilmember Johnson also reported that he met with Jill Duffy at HWMA and toured the Cummings Landfill along with Mayor Thompson. He said it was a very good meeting.

Councilmember Marks stated there will likely be a lot more questions that evolve regarding the wastewater rate study and asked if it will be possible to move in another direction if the Council deems necessary.

City Manager Stretch stated that during the public comment process the Council may come to a different conclusion or through the Prop 218 process, the rate adjustments could be protested. In any case, the Council will have sufficient opportunity to work out the details.

Finance Director Beauchaine commented that there are several policy issues that will need to be developed before the rates are adopted.

**ADJOURNMENT**

**JUNE 18, 2013 MINUTES**  
**Page 10**

There being no further business to discuss, the meeting adjourned at 8:39 p.m. to the June 25, 2013 special meeting.

Attest:

\_\_\_\_\_  
Jack Thompson, Mayor

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

**RIO DELL CITY COUNCIL  
SPECIAL MEETING  
JUNE 26, 2013  
MINUTES**

A special meeting of the Rio Dell City Council was called to order at 5:00 p.m. by Mayor Thompson.

**ROLL CALL:** Present: Mayor Thompson, Councilmembers Wilson and Woodall

Absent: Councilmembers Johnson and Marks (excused)

Others Present: City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, Wastewater Superintendent Chicora and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen and Community Development Director Caldwell (excused)

**SPECIAL MEETING MATTERS**

Approve Resolution No. 1206-2013 Adopting the Final Budget for Fiscal Year 2013-2014

City Manager Stretch began by explaining the only significant change from the last draft budget review is the addition of the \$6,250 contribution to the Rio Dell/Scotia Chamber of Commerce approved by the City Council at the last meeting. He added that he also prepared a list of General Fund One-Time Expenditures for the 2013-2014 Budget as an attachment to the staff report.

Finance Director Beauchaine proceeded with a power point presentation of the City of Rio Dell Operating and Capital Budget for Fiscal Year 2013-2014.

She began with a recap of the budget process followed by the Recommended Budget; Operating and Capital Budget; Operating & Capital Revenue by Type; Expenditures by Department; Capital Expenditures; Reserve Balance by Fund Type; and Staff Recommendation.

In summary, Finance Director Beauchaine reported the Operating & Capital Budget for Fiscal Year 2013-2014 includes revenues totaling \$7,421,935; expenditures in the amount of \$7,467,658 and appropriation of reserves in the amount of \$45,722.

She said that recommendations, suggestions, and corrections noted have been implemented into the proposed draft and staff is now recommending the City Council approve Resolution No. 1206-2013 adopting the budget.

Councilmember Wilson asked if there is a page identifying capital expenditures. Finance Director Beauchaine directed his attention to the third page of the final budget.

Mayor Thompson asked for public comment on the proposed final budget.

Nick Angeloff complimented the City Manager and Finance Director and said the City's budget is the most appropriately presented budget he have ever seen presented and thanked the City Council for the contribution to the Chamber of Commerce.

Councilmember Wilson said what he would like to see is a list of capital projects like the list prepared by the City Manager for the one-time expenditures. City Manager Stretch referred to Page 3 of the budget and read the list of capital expenditures. He noted that the detail shows how each of the capital projects will be funded.

Councilmember Wilson commented that the numbers on this page were very small and difficult to read and asked where the contribution to the Chamber of Commerce was reflected. City Manager Stretch explained the contribution was not included in the capital expenditures but under expense account 5450 in the City Council budget.

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

Motion was made by Woodall/Wilson to approve *Resolution No. 1206-2013 Adopting the Operating & Capital Budget for the Fiscal Year 2013-2014*. Motion carried 5-0.

Approve Change Order No. 6 for Wahlund Construction/Sequoia Construction Specialties, Inc. in the Amount of \$26,974.43 for Work Related to the Wastewater Treatment Plant Upgrade and Disposal Project

Finance Director Beauchaine provided a staff report and said the City has completed its' fourteenth month of construction for the Wastewater Treatment Plant Upgrade and Disposal Project. She stated the project began with a 1.5% contingency totaling \$189,000. She said with approval of this change order, the project contingency will decrease to \$140,687.62; leaving 74% of the original contingency budget with 30% of the project left to be completed.

A list of potential change orders (PCO's) was presented with the written staff report for council review.

Councilmember Woodall questioned PCO 47 for a washer and dryer at the wastewater treatment plant. Wastewater Superintendent Chicora said the reason for the washer and dryer is so that rags and clothing covered with sewer can be washed at the facility and not taken home.

Mayor Thompson questioned PCO 51 for Milgard aluminum sliders at the operations building. Wastewater Superintendent Chicora explained this is for nicer double-paned windows. Mayor Thompson recommended oxidized aluminum for the window frames.

**JUNE 26, 2013 MINUTES**  
**Page 3**

Motion was made by Woodall/Wilson to approve Change Order No. 6 for Wahlund Construction/Sequoia Construction Specialties, Inc. in the Amount of \$26,974.43 for Work Related to the Wastewater Treatment Plant Upgrade and Disposal Project. Motion carried 5-0.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 5:20 p.m. to the July 2, 2013 regular meeting.

---

Jack Thompson, Mayor

ATTEST:

---

Karen Dunham, City Clerk



---

*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*

July 2, 2013

TO: Honorable Mayor and City Council  
FROM: Jim Stretch, City Manager  
SUBJECT: Response to 2012-13 Grand Jury Recommendation

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the attached letter to the presiding Judge of the Superior Court, responding to Findings and a Recommendation mentioned in the 2012-13 Grand Jury Report, and direct the Mayor to sign.

BACKGROUND AND DISCUSSION

The attached report from the 2012-13 Humboldt Grand Jury is in response to a complaint filed with the Grand Jury, alleging that in or around 2008 an employee of the City committed illegal acts that amounted to felony violations. The City Council is required to respond to both the Findings and the Recommendation in the report.

The Findings of the Grand Jury state that the City hired an Investigator to examine claims of misuse of City property and misconduct of personnel and that it received a confidential report in 2009 on the matter. The City Council directed that the Report be filed with the District Attorney's Office (DA) for action. There is a Finding that the employee mentioned in the report separated from City employment and that the DA chose not to pursue prosecution on any matter in the report. The Grand Jury also found that the City revised a number of its policies and procedures after the Report was released to strengthen internal controls.

Specifically, it is recommended that the Council concur with Grand Jury Findings F2, F3, F4, and F5. As to Finding F1, felonies may have been committed and that's why the City had the matter investigated and sent to the Humboldt County District Attorney for his evaluation. Since the DA did not pursue prosecution, we do not know if "felonies were apparently committed", but we agree that the conduct raised concerns about potential criminal acts and warranted reporting to the DA for evaluation. That is why the City caused the information to be submitted to the DA in 2009.

Finding F6 states that the complainant "did not provide the Grand Jury any evidence that the City's employees continue to commit crimes, misuse public funds, or otherwise continue the pattern of misconduct substantiated by the Stokes Report".

In response, what the complainant said and what evidence was provided to the Grand Jury is unknown to the City. However, what we do know is that substantial and direct corrective action was taken by the Rio Dell City Council when the Stokes Report was received, establishing a zero tolerance for the misuse of



public property and tightening internal controls. The City concurs that there is no evidence to support the claim, and that it was properly found by the Grand Jury to have no factual support.

A redacted copy of the investigative report was ultimately ordered by the Superior Court to be made public, deleting the information that the Court determined would serve no public purpose. Releasing an unredacted copy of the Report that the complainant wanted would have been in violation of a court order.

The Recommendation of the Grand Jury, to which the City Council must respond, is as follows:

“In order to more responsibly serve its residents, the City of Rio Dell should continue to improve its policies and procedures. Its employees should receive annual training covering any changes in those policies and procedures.”

The City’s response to the Recommendation is that it agrees with the recommendation and in fact has implemented new policies and updated others as far back as 2009 on matters mentioned in the Report. Those policies are strictly enforced today and training in this area occurs with every new hire.

It is recommended that the Council direct the Mayor to sign the attached letter addressed to the Presiding Judge of the Superior Court, responding to the Findings and Recommendation mentioned in the Grand Jury Report of 2012-13..

## **CITY OF RIO DELL**

### **BACKGROUND**

The 2012-13 Cities and Districts Committee of the Humboldt County Grand Jury received a complaint alleging that in or around 2008 1) public official/s employed by the City of Rio Dell committed a number of improper acts that amounted to felony violations of the law in the course of their employment by the City, 2) the City retained the services of a firm named Stokes and Associates to investigate those allegations, 3) Stokes and Associates prepared a report (Stokes Report) that concluded a number of felonies had indeed been committed, and 4) the City failed to take any action to punish the employees involved, or to prevent further, similar conduct. The complaint also stated that a redacted version of the Stokes Report was made available to the public last year. The complainant asked the Grand Jury to investigate the matter, and to determine 1) whether any charges were filed against the official/s involved, and 2) whether an unredacted copy of the Stokes Report should be made available to the public.

### **APPROACH**

The committee conducted numerous interviews during its investigation. The committee reviewed the Stokes Report, other documents, and requested additional documents from the City, the complainant, and the Humboldt County District Attorney.

### **FINDINGS**

F1. The Grand Jury agrees with the complainant and the Stokes Report that felonies were apparently committed.

F2. The Grand Jury found no support for the claim that the release of an unredacted copy of the Stokes Report would serve the public interest.

F3. The City presented a copy of the Stokes Report to the Humboldt County District Attorney's Office for review. The City was informed by the District Attorney's Office that if the City dealt with the employee/s involved, the District Attorney's Office would be disinclined to pursue the matter. The District Attorney's Office has complete discretion with regard to the decision whether to prosecute alleged crimes brought to its attention.

F4. Because the deliberations and/or decisions relating to the employment status of the employee/s alleged to have committed the criminal violations at issue occurred in closed sessions of the City Council, and are thus confidential and protected under the Brown

Act, the Grand Jury was unable to obtain additional information from the City, its public officials, or its city attorney relating to the dismissal/resignation of the offending employee/s.

BACKGROUND

F5. The City has adopted revised policies and procedures intended to prevent future incidents of misconduct like those at issue.

F6. The complainant did not provide the Grand Jury with any evidence that the City's employees continue to commit crimes, misuse public funds, or otherwise continue the pattern of misconduct substantiated by the Stokes Report.

### RECOMMENDATION

In order to more responsibly serve its residents, the City of Rio Dell should continue to improve its policies and procedures. Its employees should receive annual training covering any changes in those policies and procedures.

### REQUEST FOR RESPONSE

Pursuant to Penal Code section 933.05, the Grand Jury requests response from the following:

- The City of Rio Dell to respond to the recommendation.

The governing body indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.



*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*

July 2, 2013

Honorable Dale A. Reinholtsen, Presiding Judge  
Humboldt County Superior Court  
825 5<sup>th</sup> Street, Room 231  
Eureka, CA 95501

Re: Response to 2012-13 Grand Jury Recommendation

Dear Judge Reinholtsen:

On July 2, 2013 the Rio Dell City Council considered the Findings and Recommendation made in the 2012-13 Humboldt Grand Jury Report that pertained to Rio Dell. The Report was placed before the Council and community as a regular agenda item and the Council's action as set forth herein was adopted by the unanimous vote of the Council.

We would like to note that the incidents reported to the Grand Jury occurred 4 years ago and more. This Council took immediate action to investigate the matter and had the results of that investigation delivered the Humboldt County District Attorney for prosecutorial determination. Corrective actions as to policies and procedures were taken by the City immediately thereafter in 2009, perhaps 3 years before a complaint was filed with the Grand Jury.

The Findings of the Grand Jury state that the City hired an Investigator to examine the claims and that it received a confidential report on the matter which was directed by the City Council to be given to the District Attorney's Office (DA) for action. The employee named in the report separated from City employment. The Grand Jury also found that the City revised numerous policies and procedures to strengthen internal controls.

Specifically, the Council concurs with Grand Jury Findings F2, F3, F4, and F5. As to Finding F1, felonies may have been committed and that's why the City had the matter investigated and sent to the Humboldt County District Attorney. Since the DA did not pursue prosecution, we do not know if "felonies were apparently committed", but we agree that the conduct raised concerns about potential criminal acts and warranted reporting to the DA for evaluation. That is why the City caused the information to be submitted to the DA in 2009.

Finding F6 states that "complainant did not provide the Grand Jury any evidence that the City's employees continue to commit crimes, misuse public funds, or otherwise continue the pattern of misconduct substantiated by the Stokes Report".

In response, what the complainant said and what evidence was provided to the Grand Jury is unknown to the City. However, what we do know is that substantial and direct corrective action was taken by the Rio Dell City Council when the Stokes Report was received, establishing a zero tolerance for the misuse of

public property and tightening internal controls. The City concurs that there is no evidence to support the claim and that it was properly found by the Grand Jury to be without factual support.

A redacted copy of the investigative report was ultimately ordered by the Superior Court to be made public, deleting the information that the Court determined would serve no public purpose. Releasing an unredacted copy of the Report that the complainant wanted would have been in violation of a court order.

The Recommendation of the Grand Jury, to which the City Council must also respond, reads as follows:

“In order to more responsibly serve its residents, the City of Rio Dell should continue to improve its policies and procedures. Its employees should receive annual training covering any changes in those policies and procedures.”

The City’s response to the Recommendation is that it agrees with the recommendation and in fact has implemented new policies and updated others as far back as 2009 on matters mentioned in the Report. Those policies are strictly enforced today and training in this area occurs with every new hire.

The Rio Dell City Council greatly appreciates the thoroughness of the 2012-13 report and the courtesy followed by the Grand Jury in this matter.

Sincerely,

---

Jack Thompson, Mayor  
City of Rio Dell

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



**TO:** Mayor and Members of the City Council  
**THROUGH:** Jim Stretch, City Manager  
**FROM:** Rick Chicora, Wastewater Superintendent  
**DATE:** July 2, 2013  
**SUBJECT:** Capital Purchases for Wastewater Department

**RECOMMENDATION:**

1. Direct the City Manager to authorize the purchase of capital equipment and electrical service in the amount of \$31,126 for the Wastewater Treatment Plant, and

**BUDGETARY IMPACT**

The costs for these assets will be taken out of Wastewater Reserves, which is projected to have a combined balance estimated of \$723,324 on July 1, 2013. A supplemental budget resolution may be required at a later date to move the funds from the reserve to line item accounts.

**BACKGROUND DISCUSSION**

In our haste to get the WWTF project underway, there were a few details that did not make it into the mix for the State Water Resources Control Board grant, and still other items that may not be eligible for funding under the grant even if there are savings available at the end of the project. The items requested below fall into these categories and the timing is such that they need to be acquired at this time:

- |   |             |
|---|-------------|
| 1. Appliances for new Operations building         | \$ 2,000.00 |
| 2. Furniture for Operations building              | \$ 3,500.00 |
| 3. Steam Cleaner for washing down new equipment   | \$ 5,500.00 |
| 4. Chain Link Fencing by Contact Basin            | \$ 2,695.00 |
| 5. Electric Gate Operator for Back Gate           | \$ 3,995.00 |
| 6. Installing Conduit and Electrical to back gate | \$13,436.00 |

The total estimated costs for these purchases will be \$31,126.00.

The appliances and furniture are for the Operations Building and include a refrigerator, microwave, washer and dryer, conference table and chairs, office desk and chair, book cases and file cabinet. The Steam Cleaner will be used to clean all the equipment at the plant. The back gate opener will allow the back gate to be automated like the front. This will enable quick access through the plant from Edwards Drive at night or on the weekends for the Public Works or Police Department.

details. Valid in-store and on-line.\*

[shop now >](#)

[print >](#)

### What's inside your shopping recap

**Kenmore 18.2 cu. ft. Top-Freezer Refrigerator - White**  
Sears item# 04668802000

Reg Price: ~~\$589.99~~  
Savings: \$118.00  
\$471.99

[Hot Buy](#)

*Kenmore is America's # 1 appliance brand, trusted in the homes of more than 100 million Americans.*

[shop now >](#)   [view measurement guide >](#)

**Kenmore 3.4 cu. ft. Top-Load Washing Machine - White**  
Sears item# 02620022000

Reg Price: ~~\$529.99~~  
Savings: \$130.00  
\$399.99


*Kenmore is America's # 1 appliance brand, trusted in the homes of more than 100 million Americans.*

[shop now >](#)   [view measurement guide >](#)

**Kenmore 6.0 cu. ft. Electric Dryer - White**  
Sears item# 02660022000

Reg Price: ~~\$529.99~~  
\$379.88

Clearance. Intermediate markdowns may have been taken

 [Videos & Product Demos](#)



Welcome. [Sign In](#) | [Create an Account](#) | [Track Orders](#) | [Request Quote](#) | [Bookmark](#)

[View Cart](#) | Items: 9 | \$3,322.00

officefurniture.com®

✓ FREE SHIPPING!

✓ PRICE MATCH PROMISE!

✓ 9-YEAR GUARANTEE!

Code: BDNG4D-43340

[Home](#)

[Top Rated](#)

[Ships Today](#)

[Best Sellers](#)

[Sale Items](#)

[Customer Support](#)


**Shopping Cart**

Need help? Please [email](#) or call one of our furniture experts at 800-933-0053.


[Continue Shopping](#) [Print Page](#)

**CHECKOUT NOW**

**Products from Boss Seating**

Item Name & Number	Quantity	Weight	Price	Shipping	Subtotal
 <p><a href="#">Conference Chair with Chrome Accents</a> Item Number: BOC-B7406 Color/Finish: Black Vinyl</p>	6	47	\$145.00	FREE!	\$870.00
	<a href="#">Update</a>   <a href="#">Remove</a>				

**Products from Global Furniture**



Item Name & Number	Quantity	Weight	Price	Shipping	Subtotal
 <p><a href="#">Figured Mahogany Racetrack Conference Table - 96" x 48"</a> Item Number: GLO-GRT8WABN Select Color/Finish: <input type="text" value="Figured Mahogany"/></p>	1	241	\$859.00	FREE!	\$859.00
	<a href="#">Update</a>   <a href="#">Remove</a>				

**Add Delivery Services**

This order has a total weight of 241 pounds in 1 box. If you are unable to remove your order from the truck, please consider adding additional delivery services. [Click here for details on all delivery options.](#)

- Deluxe \$159.00. Delivered inside (up to 2 flights of stairs), unpacked and all packaging removed. Some exclusions apply, please call for details.
- No additional services needed.

**Products from Sauder Office Furniture**

Item Name & Number	Quantity	Weight	Price	Shipping	Subtotal
 <p><a href="#">Palladia Two Drawer Lateral File Cabinet</a> Item Number: SAU-412015 Color/Finish: Select Cherry</p>	1	124	\$298.00	FREE!	\$298.00
	<a href="#">Update</a>   <a href="#">Remove</a>				
 <p><a href="#">L-Shaped Desk with Bookcase Set</a> Item Number: OFG-LD1238 Color/Finish: Select Cherry Finish</p>	1	627	\$1,295.00	FREE!	\$1,295.00
	<a href="#">Update</a>   <a href="#">Remove</a>				

**Add Delivery Services**

This order has a total weight of 751 pounds in 6 boxes. If you are unable to remove your order from the truck, please consider adding additional delivery services. [Click here for details on all delivery options.](#)

- Deluxe \$208.00. Delivered inside (up to 2 flights of stairs), unpacked and all packaging removed. Some exclusions apply, please call for details.
- No additional services needed.

Sales tax is charged only on orders with shipping destinations in Wisconsin, Nevada and California, and is calculated at checkout. Government and tax-exempt customers will not be charged sales tax.

Please call 800-933-0053 if you'd like to order using a Purchase Order.

Merchandise Total: \$3,322.00  
Shipping: FREE!  
Delivery Services: \$0.00  
Sales Tax: Calculated at Checkout  
Order Total: \$3,322.00

[Continue Shopping](#) [Update Cart](#)

**CHECKOUT NOW**

Shop with Confidence. Safe & Secure Ordering.

**CUSTOMER CERTIFIED**  
00/20/13 by bizrate™

**BBB ACCREDITED BUSINESS**  
A+ BBB Rating

✓ ALL PRODUCTS BACKED BY 9-YEAR GUARANTEE

**McAfee SECURE**  
TE/TEC 27-JUNE

**Norton SECURE**  
VeriSign

# LANDA®

Since 1969

Industrial Pressure Washers  
...Built Right to Do the Job Right

NEW WITH  
**COOL  
BYPASS**

# PHW

Portable, Electric-Powered,  
Diesel-Heated, Hot Water Pressure Washer

■ **Industrial-Strength Electric Motor** with multiple voltage options and thermal overload protection.

■ **Rugged tri-plunger, high-pressure Landa Pump** with U-seals for longer life in harsh conditions comes with 7-year warranty.

■ **Attractive brushed stainless steel Coil Top Wrap** provides a lifetime of rust-free protection.

■ **New! Utilized Structural Base and Frame** with removable fuel tank and end panels for unrestricted access to pump, unloader, motor, belts, and pulleys.

■ **High-efficiency Burner** is shielded by overhanging cover and features a **Fuel-Water Separator** for fuel pump protection.

■ **New! Cool-Bypass** keeps pump water temperature low while in bypass.



■ **New! Large capacity 6-gallon water Float Tank** with corrosion free durable PVC float valve.

■ **Insulated, fatigue-free Trigger Gun** with dual-lance **Variable Pressure Wand** makes for easy cleaning and adjusting of pressure while washing.

■ **50 ft. of steel-wire braid High Pressure Hose** with 24-inch guard for burst protection and rated for up to 4000 PSI.

■ **New! Tru-Trac Pump Rail** belt adjustment keeps belt parallel with pump and motor when adjusting belt tension.

■ **New! Multi-Port Coil Discharge Manifold** with built-in thermostat well and rupture disk assembly.



■ **New! Corrosion-free polyethylene Electrical Box** with easy access door and control panel is pre-wired with **Snap-N-Go Plugs** for adding time delay, auto start/stop or LanCom wireless remote.

■ **Cast-iron, bushing Pulleys** with two notched "V" cogged Belts for cooler operation.

■ **New! Oversized 10-gallon cross-linked polyethylene Fuel Tank** with ratcheting fuel cap to avoid stripping of threads. Also includes recessed fuel level gauge.

■ **Many Safety Features**, including a rupture disk to protect against excessive pressure, and Ground Fault Circuit Interrupter on 1ph models.

■ **New! Optional Snap-N-Go LanCom Wireless Remote** with feedback controls pump, burner and detergent from up to 300 ft. away.

■ **New! Diagnostic Lights** notify the operator of incoming power, burner ignition, and motor overload.

■ **Four quick-couple Nozzles** are made of hardened stainless steel and mounted for ready access.

■ **Inlet Detergent Injection** for applying soap while washing in high pressure mode.

■ **36 ft. of high-grade Electrical Cord** for flexibility in maneuvering (15 ft. on 3ph models).

■ **Helpful Tri-Lingual Labels** with operating instructions and warnings in English, Spanish and French as well as pictograms for owner and operator protection.

■ **New! 13" Tires** provide excellent mobility and weight distribution with a combined load capacity of over 1,400 lbs.



[www.landa.com](http://www.landa.com)

# LANDA®

## Industrial Pressure Washers ...Built Right to Do the Job Right

Since 1969

# PHW

### Portable, Electric-Powered, Diesel-Heated, Hot Water Pressure Washer

- Up to 4.8 GPM, 3000 PSI
- Belt-Drive Landa Pump with 7-Year Warranty
- Cool Bypass
- Optional Time Delay or Auto Start/Stop
- Optional LanCom Wireless Remote Control



Recessed pockets in fuel tank allow for storage of spare parts, nozzle, cleaner, and even a can of pop.

### WHY CHOOSE LANDA'S PHW

For nearly three decades, the PHW has been the flagship of the Landa hot water pressure washer line. Through the years the PHW has become renowned for its quality, innovation and safety:

**QUALITY:** Packed with Landa quality throughout, the PHW is heated by diesel or fuel oil using a high-efficiency burner. Other quality features include: Heating coil made of Schedule 80 steel pipe; top-of-the-line, low-RPM, belt-drive, tri-plunger Landa pump with U-seals and 7-year warranty; detergent metering valve for convenience in adjusting the flow of the soap; and an extra rugged fuel-water separator for burner protection.

**INNOVATION:** The PHW has a removable tank and end panels for unrestricted access to all components. The cool bypass feature keeps water temperature low while in bypass. The balanced distribution of weight, 13" tires and easy-grip handles make maneuvering the PHW a breeze. Snap-N-Go plugs allow the addition of time delay, auto start/stop or LanCom wireless remote options.

**SAFETY:** The PHW is certified to the rigid UL-1776 safety standards and features motor thermal overload protection, a rupture disk attached to the heating coil, 24-inch hose guard, magnetic starter and water-resistant electrical control box.

### PHWS Specifications

Model No.	Part No.	GPM	PSI	Motor HP	Electrical	Amps	Pump RPM	BTU / Hr	L x W x H	Ship Wt
PHW3-11024D *	1.109-078.0	2.8	1000	2	120V 1ph	20	1725	260,000	52" x 32" x 38"	515 lbs
PHW4-22024C	1.109-080.0	4.0	2200	6.2	230V 1ph	11	1025	400,000	52" x 32" x 38"	615 lbs
PHW4-22024D	1.109-081.0	4.0	2200	6.2	230V 3ph	11	1025	400,000	52" x 32" x 38"	615 lbs
PHW4-22024E	1.109-082.0	4.0	2200	6.2	230V 3ph	10	1025	400,000	52" x 32" x 38"	615 lbs
PHW4-22024F	1.109-082.0	4.0	2200	6.2	575V 3ph	10	1025	400,000	52" x 32" x 38"	615 lbs
PHW4-22024G	1.109-083.0	4.0	2200	6.2	208V 1ph	31	1025	400,000	52" x 32" x 38"	625 lbs
PHW4-22024H	1.109-084.0	4.0	2200	6.2	208V 3ph	21	1025	400,000	52" x 32" x 38"	610 lbs
PHW4-30024A	1.109-085.0	3.9	3000	8.2	230V 1ph	38	975	400,000	52" x 32" x 38"	640 lbs
PHW4-30024B	1.109-086.0	3.9	3000	8.2	230V 3ph	29	975	400,000	52" x 32" x 38"	625 lbs
PHW4-30024C	1.109-087.0	3.9	3000	8.2	460V 3ph	19	975	400,000	52" x 32" x 38"	635 lbs
PHW4-30024F	1.109-088.0	3.5	3000	7.5	575V 3ph	12	975	326,000	52" x 32" x 38"	635 lbs
PHW4-30024G	1.109-089.0	3.9	3000	8.2	208V 1ph	36	975	400,000	52" x 32" x 38"	640 lbs
PHW4-30024H	1.109-090.0	3.9	3000	8.2	208V 3ph	26	975	400,000	52" x 32" x 38"	625 lbs
PHW5-30024B	1.109-091.0	4.8	3000	10	230V 3ph	30	1500	448,000	52" x 32" x 38"	625 lbs
PHW5-30024C	1.109-092.0	4.8	3000	10	460V 3ph	16	1500	448,000	52" x 32" x 38"	635 lbs

Note: Landa is constantly improving and updating its products. Consequently, pictures, features, and specifications in this brochure may differ slightly from current models. Flow rates and pressure ratings may vary due to variances allowed by manufacturers of our machine components. Landa product performance is certified by the Cleaning Equipment Trade Association (CETA) to be within 5% of listed specifications.

# LANDA®

Distributed by:

### FIELD INSTALLED OPTIONS:

Part No.	Description
8.917-509.0	Snap-N-Go LanCom Wireless Remote Control Kit
8.917-507.0	Snap-N-Go Auto-Start Stop Kit
8.917-508.0	Snap-N-Go Time Delay Kit
8.917-713.0	Lifting Bracket/Hose Reel Platform with E-Zee Reel & Plumbing (holds 100 ft. of 3/8" hose, not included)
8.917-714.0	Lifting Bracket/Hose Reel Platform Only
8.711-858.0	175 ft. Cox Hose Reel
8.917-683.0	Steam Combo Kit
8.917-798.0	Caster Wheel Kit

[www.landa.com](http://www.landa.com)

Form #9 B01-129 0 • © Copyright 2010 • 2/8/2010

# MATTHEWS PAINTS

Specializing in Automotive Refinishing Materials and Pressure Washers

28 West Sixth St.  
Eureka, CA 95501

707 442-3753  
1-800 853-8375  
FAX 707 442-0869



Quote

Order Date

Invoice #

Cust # CASH1

Page: 1

CITY OF RIO DELLA

Same

TIMES PRINTING COMPANY EUREKA CA 3578242 12

ISlip DAN	Ctrp DAN	ROW	Trms CSH	Ship DELIVERY
Qty	Part Number	Description	Pr Price	Ext Price
1	DAN 11090700	EACH PHW3-110240	4495.00	4495.00

Slip I-0132788 15:41:00 22 May 2013 (4)4

Freight 285.00  
Non-Taxable 0.00  
Taxable 4495.00  
Total Tax 370.84  
Total 5150.84

Received by \_\_\_\_\_  
THANKS! WE APPRECIATE YOUR BUSINESS.

COPY

TAYLOR MADE FENCING

LIC#834877

P. O. Box 145  
Fortuna, Ca. 95540  
Phone/Fax 725-2533

Date: 4-2-13  
C.O.R.D.  
Attn: Dick Behrens  
Fax# 764-3022  
Re: Sewer Plant

We Propose to furnish all materials and perform all labor necessary to complete the installation of approximately 150' of 6' tall standard chain link fencing with three strands of barbed wire.

**Materials**

- 1-5/8" Top Rail Braces
- 2-3/8" Structural Corner Posts
- 1-7/8" Structural Line Posts
- 11-Gauge Chain Link
- 9-Gauge Bottom Wire
- 4-Point Barbed Wire

**Total materials/labor estimated to be: \$ 2695.00**

**Acceptance of Proposal:**

The specifications described above are satisfactory and are hereby accepted. By signing below it is understood that I accept all material costs to proceed with proposal. Due to the instability of wood products, Taylor Made Fencing is not liable for any problems caused by shrinkage, expansion, or warping. Taylor Made Fencing is not liable for any damage/problem due to anything other than workmanship. Payment in full is to be made at completion of job, upon invoice, in cash or check only.

**Sign & Print** \_\_\_\_\_ **Date** \_\_\_\_\_

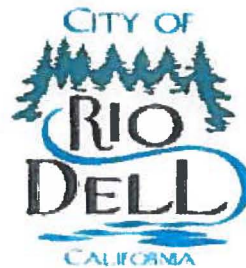
**Amount of Deposit:** \_\_\_\_\_

**\*This proposal may be withdrawn if not accepted within 30 days.**



---

*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



July 2, 2013

TO: Honorable Mayor and City Council  
FROM: Jim Stretch, City Manager  
SUBJECT: Contribution of \$6,250 to Rio Dell Chamber

IT IS RECOMMENDED THAT THE CITY COUNCIL CONDITION THE RECEIPT OF THE \$6,250 CONTRIBUTION AS FOLLOWS:

1. The City's cash contribution to the Chamber is conditioned on the Chamber receiving a \$25,000 grant from the Headwaters Fund for the Rio Dell "Business Incubator" project in 2013-14, wherein a 100% cash match to the grant is required, and
1. The contribution of \$6,250 from the City to the Scotia/Rio Dell Chamber of Commerce is a project specific one-time only contribution for 2013-14, and
2. The contribution is to be used as set forth in the full plan (\$50,000) submitted by the Chamber and approved by the City Council for only the "Business Incubator" project in Rio Dell, and
3. Funds will be disbursed from the City to the Chamber in 2 equal installments, and only after the Chamber has provided written evidence to the satisfaction of the City Manager that other parties have promised, and have the ability to deliver, the balance of the cash match (\$18,750) during the 2013-14 fiscal year, and
4. The Chamber shall quarterly provide to the City Manager a detailed report of expenditures for the program and at the end of the fiscal year (June 30, 2014) the Chamber shall promptly return to the City any monies provided by the City that are unspent.

BACKGROUND AND DISCUSSION

During the June 18, 2013 budget session representatives from the Scotia/Rio Dell Chamber of Commerce made a presentation to the Council, requesting a \$6,250 cash contribution from the City as ¼ of the match required of them in order to receive a \$25,000 grant from the Headwater Fund for the "Business Incubator" in Rio Dell. The

Council tentatively approved the request, pending a full presentation and approval of the program at the meeting of July 2, 2013, and based on certain conditions for the receipt of the funds from the City to be developed by staff. As of this writing the plan from the Chamber has not been received, but staff has prepared several standard conditions that the Council might consider requiring of the Chamber as conditions precedent to receiving the \$6,250 contribution.



## DETAILED SCOPE OF WORK AND PURPOSE- RIO DELL/SCOTIA CHAMBER OF COMMERCE BUSINESS STIMULATOR PROJECT

The Rio Dell/Scotia Chamber of Commerce appreciates the efforts of the City of Rio Dell management and Council to support our economic development efforts. Below is a concise description of our activities, a timeline, and a budget detailing how your funding will be utilized.

The \$6,250 of funding obligated by the City of Rio Dell to the Rio Dell Chamber of Commerce (Chamber) is a one-time contribution and will act as a partial match to a \$25,000 grant awarded to the Chamber by the Headwaters Fund in support of a business incubator. The Headwater Fund grant will only be released when the Chamber acquires a one to one cash match (\$25,000). Once the Chamber has raised the entire \$25,000 cash match, the Chamber will request the \$6,250 from the City of Rio Dell be released in two disbursements to the project specifically for the following purposes:

- Partial funding of the business incubator office employee (\$3,250)
- Partial funding of the business incubator lease at 406 Wildwood Ave (\$2,000).
- Partial funding of the business incubator utilities, 406 Wildwood Ave (\$1,000).

This funding will be kept in a distinct project account, only co-mingled with other grant funds specific to this incubator project, with direct accounting provided by a third party bookkeeper and audited by a Certified Public Accountant prior to the closing of the grant (one year from initiation). The costs of accounting will be provided by the Chamber. Quarterly reports and a final report, will be provided to the City of Rio Dell by the Chamber detailing the financial status and activities accomplished by the project, beginning when the first disbursement is made by the City and culminating in a final report on or before June 30, 2014. If the timeline for the project extends beyond the fiscal year of the City, a separate and distinct final report will be provided to the City, and the \$6,250 provided by the City will be expended at an accelerated rate relative to the balance of the project funding. Any monies from the City of Rio Dell not expended by June 30, 2014 will be promptly returned to the City of Rio Dell by the Chamber.

This project will facilitate the Chamber business stimulator by partially providing for utilities, rent, and one part-time employee for the first year. Part of the duties of the employee will include marketing as directed by the Chamber. Our model is to provide in house services by co-locating the Chamber and the business development company (Redwood Empire Services), both of which provide free services to the stimulator participants. The Eagle Prairie Arts District is offering space to local artists at \$1/per square foot and have rented 28-twenty five square foot spaces to date, generating \$700 of monthly income. The Chamber has established a visitor center in the building to attract tourists to the building, is conducting a marketing campaign, and covers the costs of phone, internet and television serving all businesses. The business consulting firm will guide the development of business plans for each of the businesses in collaboration with their owners and the North Coast Small Business Development Center (NCSBDC). With the help of the Headwaters Fund, the City of Rio Dell, and other granting agencies covering the overhead costs for a period of a year, we will establish a fund to sustain the project into the future from building to building.

In garnering funding from Headwaters (\$25,000) we are leveraging the City of Rio Dell's funding (\$6,250) to continue this project into the future as a self-sustaining entity. We will be applying for a Humboldt Area Foundation Community Fund grant (\$6,250), McLean Foundation (\$6,250), and other sources (\$6,250), leveraging those resources as part of this funding as well. We expect to develop a fund of \$11,200 over the next year by accumulating rents (\$7,200), and utilities

DETAILED SCOPE OF WORK AND PURPOSE- RIO DELL/SCOTIA CHAMBER OF COMMERCE BUSINESS STIMULATOR PROJECT

(\$4,000) from the business stimulator participants. Subsequent stimulator buildings will divide the cost of the employee, utilities, and lease above the actual cost to the stimulator, allowing the project to not only self-sustain, but to grow and serve more businesses throughout the Rio Dell area.

Below a projected timeline and budget are presented.

DATE	MILESTONE
October 2013 (the start date will be determined by complete cash match of \$25,000 acquired by Chamber but not longer than six months from June 2013, as required by Headwaters)	Initiate project, increase marketing of Rio Dell and business stimulator through social media, local outlets, and regional collaborations.
November 2013	Office assistant hired; coordination with NCSBDC for training.
November 2013- March 2014	NCSBDC and internal training is provided, each of the participating businesses creates a business plan.
April 2014- September 2014	Each business creates a business plan, each are assessed, viability of businesses are assessed based on performance, one business is deemed capable of taking over the building lease.

An overall project budget is provided below:

Project Expense Item	Total Cost	Amount from Headwaters Grant Fund	Amount from City of Rio Dell Matching Funds	Other Sources of Matching Funds
Utilities	\$4,000	\$2,500	\$1,000	\$500
Rent	\$7,200	\$5,200	\$2,000	\$0
Employee part time@\$10/hr	\$38,800	\$17,300	\$3,250	\$18,250
<b>Total</b>	<b>\$50,000</b>	<b>\$25,000</b>	<b>\$6,250</b>	<b>\$18,750</b>

Your contact for this funding is Nick Angeloff at:

406 Wildwood Avenue  
 Rio Dell, CA 95562  
 Tel: 707.407.6205  
 email: nangeloff.ceo@gmail.com



# The Headwaters Fund

INVESTING IN OUR COMMUNITY

## Grant Application

Thank you for your interest in the Headwaters Grant Fund. As specified in our Charter, our purpose is to:

- a) Support the growth of industry clusters and increase the number of sustainable jobs that pay near or above the median income;
- b) Enhance the quality of life through social and environmental projects that promote healthy communities and protect and enhance the natural environment.

Please contact Dawn Elsbree, Executive Director, to discuss your project prior to submitting an application. All applications must be submitted electronically to [delsbree@co.humboldt.ca.us](mailto:delsbree@co.humboldt.ca.us). If some attachments are easier to submit as a paper version, you may bring or send those to our office at 520 E Street, Eureka, CA 95501. Complete application packages must be received by 5:00PM on July 1, October 1, or February 1.

This application form, instructions, and information on the Grant Fund may be found on our website at [www.theheadwatersfund.org](http://www.theheadwatersfund.org).

### APPLICATION PACKET CHECKLIST

Please email the following documents to [delsbree@co.humboldt.ca.us](mailto:delsbree@co.humboldt.ca.us):

- Coversheet (Page 1-2 of the Application, attached)
- Narrative (10 pages, 12 point font, 1" margins)
- Project Budget with description of matching funds
- List of members of the Board of Directors
- Up to five letters of support
- Most recent IRS tax status certification (for non-profits only)
- Most recent financial statements (expenses, revenue and balance sheet) audited if available
- Organization's current annual operating budget

Revised 11/16/12

**The Headwaters Fund  
Grant Fund Application  
COVERSHEET**

Date of application: 2/1/13  
Organization Name: Scotia/Rio Dell Chamber of Commerce  
Director/CEO: Jim Rich  
Organization Type: (Government, Nonprofit c3, c4 etc):Chamber of Commerce  
Total current year organizational budget: \$7,500 # of FTE employees:0  
Summarize the organization's mission (in the space provided):

To facilitate and stimulate business in Scotia, Rio Dell, and the county.

Project title: Rio Dell Business Stimulator Project

Please provide a less than 250 word summary of your project which answers the following questions: What are you going to do? For whom? How will they benefit? Why is it necessary? What will be accomplished? How will you accomplish this?

The Rio Dell Business Stimulator project is a variant of the Business Incubator model, providing space to multiple businesses within a single building, centralizing overhead costs and educating entrepreneurs in standard business practices. The stimulator model differs in that successful businesses remain and the stimulator moves. The Rio Dell Business Stimulator has been planned and designed to facilitate the establishment of businesses in buildings along Wildwood Avenue in Rio Dell to address a 40% vacancy rate. Our goal is to populate the six vacant buildings along Wildwood Avenue with successful businesses over the next six years or less. A collaborative relationship has been established between several existing business owners, the Scotia/Rio Dell Chamber of Commerce, and the Eagle Prairie Arts District. We have leased 406 Wildwood Avenue and are initiating this process with four businesses and the Chamber. This grant will facilitate the first year, allowing the stimulator to grow a fund to move into the next building. The mission of the business and associated groups is to facilitate business development through permitting help, educational outreach for entrepreneurs, beautification of Wildwood Avenue through art enhancement projects, and minimizing startup costs associated with building and staff overhead. We are serving both the business community of the Eel River Valley and its general population through providing much needed access to business services.

Amount requested: \$36,725 Total project cost: \$73,450

Grant timeline: Period covered: May/June 2013 to April/May 2014

Total match amount: \$36,725 Match amount as % of project budget 50%  
(Required 50% match for implementation, 25% for planning or technical assistance)

Cash match: \$21,725 In-kind match \$15,000

Cash match as % of project budget 30%

(Required: 25% for implementation, 12% for planning or technical assistance)

Type of project: \_\_\_\_\_ Planning  Implementation \_\_\_\_\_ Technical Assistance

Geographic focus of project: Eel River Valley, Rio Dell

Number of permanent, long term, private sector jobs to be created: 4 plus

Which Industry is your project working with (check off all that apply):

Forest Products

Tourism

Specialty Agriculture

Niche Manufacturing

\_\_\_\_\_ Diversified Health Care

\_\_\_\_\_ Building and Construction

Management Innovation Services

Investment Support Services

Strategy being employed to promote economic development (check off all that apply):

Supporting development of pre-permitted commercial space

Reducing regulatory bottlenecks for business retention or creation

Supporting economic development infrastructure

Developing new strategies for economic development

Providing access to external markets or plugs the economic leaks

Retaining and growing existing businesses

Providing workforce training

Increasing the number of new businesses through supporting entrepreneurship and innovation

Leveraging future funding or projects

Reducing poverty by helping people accumulate assets

\_\_\_\_\_ Other

(describe): \_\_\_\_\_

Contact person name and title: Nick Angeloff, Chamber Board Member

Contact phone: 707-407-6205 Contact email: nangeloff.ceo@gmail.com

Contact address: 406 Wildwood Avenue, Rio Dell, Ca 95562

## **DESCRIBE THE NEED FOR YOUR PROJECT**

The Rio Dell Business Stimulator has been planned and designed to facilitate the population of business buildings along Wildwood Avenue in Rio Dell fulfilling the dire need to revive downtown Rio Dell businesses. There is over 40% vacancy of commercial buildings along our main street which has had the effect of deterring tourists from stopping in our town. The town also suffers from the effects of a lack of local services leading to a bleeding of in-city purchasing to surrounding communities. The facilitation of in-city business development through the business stimulator model will address each of these problems: our long-term goal is to fill all vacant buildings in Rio Dell, coupled with a local main street beautification project to be implemented this summer, we will provide a more appealing environment for tourists to stop in town. We harbor the shortest highway in California in the bridge between Scotia and Rio Dell, this has become somewhat of an internet phenomenon and attracts a substantial number of tourists, currently they drive through town. In a collaboration with Dias Artistries we are establishing an RV parking area next to our building, directing tourists to the new visitors center and accommodating their parking needs and exposing businesses in the incubator to the tourist market. In providing local access to even small scale retail will incentivize local shopping and into the future create a market for full scale retail business to establish them in the next stimulator building, retaining local dollars (and taxes) in the city. Our collaboration between the Chamber, Eagle Prairie Arts District, Humboldt Re-purposing, Archaeological Research and Supply, North Coast Small Business Development Center, and RES; among several other existing businesses in town we have spent the past year developing this model to address our specific problems among our local community.

## **PROJECT OBJECTIVES**

Our objective is to populate the six vacant buildings along Wildwood Avenue with successful businesses over the next six years or less. The mission of the business and associated groups is to facilitate business development through permitting help, educational outreach for entrepreneurs, beautification of Wildwood Avenue through art enhancement projects, and minimizing startup costs associated with building and staff overhead. The measureable outcomes within each Headwaters category are provided below:

### **Supporting development of pre-permitted commercial space:**

We are leasing a 2,500 square foot pre-permitted building at 406 Wildwood Avenue and accommodating four businesses and the Chamber. One of these businesses will be subdivided into a minimum of 12 and maximum of 24 exhibition spaces for individual artists to sell their works. There is well over 15,000 square feet of commercial space among the six vacant buildings in Rio Dell.

### **Reducing regulatory bottlenecks for business retention or creation:**

One of our stated services is to facilitate the permitting and regulatory process for the businesses involved with the stimulator. The Chamber and other partners in this venture are familiar with the regulatory process and will facilitate the permitting and licensing of four businesses initially. Into the future we estimate that no less than 20 businesses will be facilitated.

### **Supporting economic development infrastructure:**

The business stimulator will provide equipment to the businesses, minimizing overhead costs. In this sense we will be developing infrastructure through organizing space to accommodate business. In leasing vacant buildings we are supporting economic development infrastructure.

### **Developing new strategies for economic development:**

The business stimulator model is a tailored economic development strategy for the town of Rio Dell (and potentially the entire Eel River Valley). Initially we will serve four businesses and 12-24 individual artists. As the project expands into other buildings we hope to serve up to 24 business ventures into the future.

### **Providing access to external markets or plugging the economic leaks:**

With the partners involved we are both able to provide heightened access to external markets through enhanced knowledge about internet sales and marketing; and we are plugging economic leaks by enhancing our forest products industry as well as keeping business in Rio Dell as opposed to other regional entities. We know we have a minimum of 500,000 tourist passing by Rio Dell each year (conservatively estimated as less than half our county's annual tourism), we hope to capture a minimum of 50,000 or 10% of these individuals as customers. If we attain this goal we will increase sales in Rio Dell tenfold at a minimum. As current data is unavailable for the town and these are new businesses being established within the tourist market we are unsure of the total increase in sales. Dias Artistries grosses well over \$100,000/year in sales but much of that is internet based. With the increase in tourism and a dedicated exhibition space associated with the Chamber's visitor center, that business alone is expected to double on-site sales. With the tutelage of Mr. Dias, the other artists can expect to enter into the internet market-place and exponentially increase their sales.

### **Retaining and growing existing businesses:**

In creating the Business Stimulator we are retaining and growing businesses that have not had the ability to operate in Rio Dell for the past decade plus, particularly the art industry.

In that we are facilitating and educating new businesses, particularly artisans, we do not know the exact numbers for increased sales. Our best estimates are outlined above.

**Providing workforce training:**

The North Coast Small Business Development Center is providing workforce training through their flight of courses, contractors will also provide resume writing and business building/marketing advice as needed or requested. In addition, Mr. Dias will provide consulting to the businesses as pertains to internet marketing and sales; and Mr. Angeloff will provide consultation on business plan development to the participating businesses. The current stimulator will directly impact a minimum of four businesses but including individual artists, a minimum of 12 will benefit from this program immediately and up to 30 businesses over time. These opportunities will dramatically lower startup costs by providing direct services for the development of business plans and through the strategic planning within these plans lower costs to these businesses into the future. Revenues should see the same type of impact, through the planning and assessment processes developed in business plans revenues will be maximized. Successfully planned businesses have a much higher degree of success and therefore a much higher potential to create jobs. While we are not in a position to predict the number of jobs that will result from this project, we can say that we are facilitating job creation and maximizing the potential number of jobs these businesses can create by providing these services and limiting the overhead associated with starting a business.

**Increasing the number of new businesses through supporting entrepreneurship and innovation:**

This is the point of our model; our mission is to increase the number of new businesses in Rio Dell by supporting entrepreneurship in an innovative way. We know that at a minimum four businesses will benefit as startups, up to 24 individual artists will also benefit as startup businesses.

**Leveraging future funding or projects:**

In requesting funding from Headwaters we are leveraging funding to continue this project into the future as a self-sustaining entity. We will be applying for a Humboldt Area Foundation Community Fund grant (\$15,000) and leverage those resources as part of this grant. Into the future we expect the fund developed (approximately \$10,000) by award of this grant and the potential HAF grant will allow the project to not only self-sustain but to grow and serve more businesses throughout the Eel River Valley. This will allow for leveraging of more funds from both private and public entities creating an entity that can move into large scale industrial development needs in the southern portion of the county.



### **Reducing poverty by helping people accumulate assets:**

Rio Dell is racked with poverty, particularly among the art community. This project will have a significant impact on local poverty levels by allowing people to start and run their own businesses with minimal risk. We will serve a minimum of 16 individuals, up to 30. The accumulated assets generated by this project are difficult to estimate but within the artist community we can estimate a maximum gross revenue equivalent to the \$100,000 of Dias Artistries next door. This would total a maximum of \$3 million in gross revenue if 30 artists are served. Assets generated by this kind of revenue would be significant to our town. A more realistic goal would be \$300,000 of gross revenue generated by the project and an increase of assets in the neighborhood of \$150,000 total, if the project is successful. This is still significant in our town and a good start.

### **DESCRIBE HOW YOU WILL ACHIEVE YOUR OBJECTIVES AND SCOPE OF WORK:**

We have initiated the program by leasing our first building at 406 Wildwood Avenue as of February 1, 2013. We have established the initial businesses as EPAD (Non-profit), Redwood Repurposing (NEWCO), Archaeological Research and Supply (Consulting and retail), RES (business consulting and development), and the Chamber of Commerce. Additionally, the North Coast Small Business Development Center has committed to providing a flight of five business educational courses in Rio Dell over the course of this grant.

This grant will facilitate the establishment of the business stimulator by providing office equipment, furniture, utilities, rent, one part-time employee, and contractors for the first year. Our objective is to provide in house services by co-locating the Chamber and the business development company. The arts district will offer space to local artists at \$1/per square foot and have commitments from six artists to date. The Chamber will establish a visitor center in the building to attract tourists to the building and cover the costs of phone, internet and television serving all businesses. The business consulting firm will develop business plans for each of the businesses in collaboration with their owners and the NCSBDC. The Small Business Development Center will provide five courses and any further consultation for all interested entrepreneurs in the area. With the help of the Headwaters Fund covering the overhead costs for a period of a year, we will establish a fund to sustain the project into the future from building to building.

**Timeline**

DATE	MILESTONE
JUNE 2013	Initiate project, increase advertising of business stimulator through social media and local outlets.
JULY 2013	- All equipment is in place, office assistant hired, consultants hired, coordination with SBDC for flight is in place.
AUGUST 2013- DECEMBER 2013	SBDC flight is provided, each of the participating businesses creates a business plan.
JANUARY 2014- MAY 2014	Each business creates a business plan, is assessed, determined viable and capable of taking over the building.

**DESCRIBE THE WORK WHICH HAS ALREADY BEEN DONE TO ENSURE THAT THIS PROJECT WILL BE A SUCCESS (i.e. prior research, planning or permitting):**

A collaborative relationship has been established between several existing business owners, the Scotia/Rio Dell Chamber of Commerce, and the Eagle Prairie Arts District to plan and move this process forward. These relationships was established through EPAD initially, given their mission to provide a place for art, beautify Wildwood Avenue, preserve our history, and create an atmosphere amenable to conducting business in town, EPAD has held a series of four Arts on the Avenue events at four distinct and existing business locations. This has served to increase business at these locations by approximately 10-15% during the events. They have also served to develop a strong relationship with the business community and particularly with the Chamber of Commerce. In collaboration with the City of Rio Dell, EPAD has been given the opportunity to include art pedestals in a main street improvement project that is moving forward this summer, that relationship has been established and EPAD has gained the support of the City. These developed relationships has led to many hours of planning for filling the empty businesses in town and resulted in the business stimulator concept. We feel that the most appropriate entity to drive the project forward is the Chamber but only with commitment from the private sector. Mr. Dias and Mr. Angeloff has stepped forward to take on the responsibility of leasing and managing the project which has led to the Chamber committing to occupy ¼ of the building and create a visitor center. The City has an established relationship with all entities involved and Mr. Angeloff and Mr. Dias are currently working with City staff to facilitate permitting needs on a case by case basis. Our project has been the product of active research, planning, and relationship building; we are well prepared to succeed.

## **JOBS DIRECTLY CREATED**

While the exact number of jobs created through successful implementation of this project is unknown as it will depend on how many of the businesses and artists are successful, we expect that there will be several. There are currently four businesses participating in the project, as advertisement of the stimulator increases and the word gets out this will likely result in more business participation. By the time this grant is awarded we expect a minimum of 12 artists to be participating in the gallery. Therefore a minimum of four entrepreneurial ventures have been initiated with a total number of 16 individuals expected to be generating income. Of these sixteen we know that a minor increase in sales from Dias Artistries will allow for a minimum of one job to be created. Of the four existing entrepreneurs we expect at least two will generate enough increased business to hire one individual each as the Archaeological Research and Supply Company is an existing business that currently takes on contracts in limited fashion and hires contract labor as needed but with increased visibility and focus it will likely create at least one full time position; and the Humboldt Repurposing business has been wildly successful in their weekend sales research indicating that with increased exposure and daily access to the public will allow for another job. The incubator itself will create a fund that is dedicated to the sustainability of the project which includes the hiring of one staff member as part of the grant and is designed to sustain that position into the future. This leads us to predict a minimum of four direct jobs created as a result of successful implementation of this project. This is not to say that the project won't generate far more jobs during the grant period and into the future.

## **ENVIRONMENTAL BENEFITS**

### **Protects and or improves the natural environment:**

One of the businesses is an archaeological consulting firm which protects cultural resources and conducts research on past environmental conditions in order to create a baseline for our understanding of environmental rehabilitation.

### **Supports the sustainable use of environmental resources:**

Several of the artists and the repurposing business are focused on sustainable use of natural resources and recycling resources that have already been extracted.

### **Utilizes environmental knowledge in the creation of jobs:**

Several of the artists utilize an intimate knowledge of the environment to produce their works and create jobs into the future. This project has the potential to facilitate the hiring of at least one apprentice at Dias Artistries.

## **CONTRIBUTIONS TO QUALITY OF LIFE IN HUMBOLDT COUNTY**

### **Builds leadership:**

By enabling entrepreneurs to pursue their talents through the stimulator and by providing educational opportunities we are building leadership skills.

### **Project is in an underserved area or serves an underserved community:**

Rio Dell has had an unemployment rate as high as 48% since the constriction of the timber industry. While we are hovering around the 18% rate today, we are still at an unemployment rate that far exceeds the region, state and nation. There are now limited job opportunities in the area and a vast majority of those employed are working outside of town. We have limited access to cultural events, limited business opportunities, and limited opportunity to thrive as a community. Rio Dell is likely the most underserved community in the region.

### **Revitalizes communities/infrastructure:**

We have been told that this project will revitalize the community through our efforts to stimulate business, beautify our town, and believe that Rio Dell can thrive once again. We are modeling and implementing a plan to occupy the vacant infrastructure in this town and planning to revitalize the community.

### **Builds public infrastructure:**

EPAD has been given the opportunity to add art to the main street infrastructure project that will happen this summer, in this way we are helping to build public infrastructure.

### **Improves public or pedestrian transportation:**

EPAD is adding art to our main street project which will improve the visual appeal of both public and pedestrian transportation.

### **Utilizes existing buildings:**

Our model is designed to inhabit existing vacant buildings.

### **Fits with the community image and identity:**

Our project fits within the community image in that a vast majority of our businesses are focused around local resources and at the same time we are attempting to change the most recent image of Rio Dell to a more appealing one. We understand that our current image is becoming an internal identity and that this is a very destructive cycle that we intend to interrupt.

**Preserves heritage:**

Two of our businesses, Archaeological Research and Supply and EPAD have missions that are dedicated or include the preservation of our shared heritage.

**Contributes to Humboldt County being a desirable place to live:**

This is the goal of all partners in this venture, we intend to make Rio Dell a more desirable place to live and do business.

**QUALIFICATIONS:**

Jim Rich is the president of the Scotia/Rio Dell Chamber of Commerce and has been a member for over 20 years. He also operates the Pizza Factory in Rio Dell, one of the few businesses that have shown long term success in the town.

Nick Angeloff is the owner of both Archaeological Research and Supply and RES. He has a long history of creating and implementing programs for the local Native American Tribes of the region and is currently Director of Economic Development at the Blue Lake Rancheria, is a board member of the Chamber, Vice President of EPAD, Executive Director of Save the Scotia Gym, and on the Rio Dell Planning Commission.

Adam Dias is the owner of Dias Artistries and Redwood Repurposing. He has built Dias Artistries from the ground up and is now selling both his art and wholesale product internationally. Mr. Dias is also a board member of the Chamber, and President of EPAD.

Karen Bartelson is the Treasurer of the Chamber, a local businesswoman in the agricultural industry, and a noted bookkeeper in the local area.

Ayala Talpai is a local artist, Secretary of EPAD and has run art collectives on a large scale in Portland over her long career.

The Chamber of Commerce is the most qualified to be lead agency in this project through its structure and institutional knowledge. Mr. Angeloff is the most qualified to administer the grant through his experience with millions of dollars in grant administration over the past decade; and to provide advice in business structure and planning through his experience with the tribes. Mr. Dias is the most qualified to provide his experience in developing art related businesses and counsel participants in extra-regional marketing and sales. Ms. Bartelson is the most appropriate person to handle the financial tracking and reporting for the grant as this is what she does for the Chamber. Ms. Talpai is the most appropriate person to develop the art collective's exhibition space and sales as she has many years of managing these type of businesses in her past.

Previous work on this project by the key partners includes planning this project for nearly a year as can be evidenced in our unique business stimulator model. We know our town, we have garnered wide spread support and generated a great deal of excitement over this project. We have committed ourselves to implementing this project and have leased a building as of 2/1/13.

## **CONSULTANTS**

As outlined above, Mr. Angeloff and Mr. Dias will be contracted by the Chamber to provide in-house consultation to the participants. Both have shown their commitment to the project by leasing the building and have the background, knowledge and relationships with the participants and the larger set of players in this project to realize a successful project. Without exception they are the two key individuals to the success of this project. Mr. Dias has intimate knowledge of internet sales within the art industry and Mr. Angeloff has been trained and accomplished business and program development for the past decade. They have formed and grown the groups involved as well as their businesses and this makes them uniquely qualified to provide the contractual services outlined.

The contract to Ms. Bartelson is simply to cover her costs of providing the financial reports and documentation of the grant. This is her role with the Chamber and as the Chamber does not have any full time employees we feel that it is best to contract for her services, compensating her for her time dedicated to the extra workload.

## **RISKS, CHALLENGES, AND RISK MITIGATION**

There is very little risk involved with implementation of this program as associated with Headwaters. The project will be well underway by the time this grant is awarded; many of the unforeseen issues will have already been addressed. Mr. Angeloff and Mr. Dias have taken much of the risk on their shoulders and will work out any issues that come forward during the early months. The overarching risk with this project is ensuring that the businesses associated with the stimulator are viable, that these businesses have access to the training and educational materials necessary to facilitate their success, and that the business stimulator is not overburdened with covering the overhead costs to the point that it can't generate the income to fund moving on to the next building. To mitigate these risks we have developed relationships with training programs, brought in the best of the business community in town, initiated the first building to include a permanent home for the Chamber of Commerce as an anchor bringing both stable income and tourists into the building by its nature, and included EPAD. With EPAD as one of the businesses we increase our chances of success two-fold. Not only does this business have a strong potential to succeed given its experienced leadership and its non-profit status, but it will bring in at least a dozen artists, each of which has the potential to be successful on their own. Many artists do well enough to start their own gallery, others may require a partnership of

several but with a dozen the collective has a very high likelihood of success. With a variety of businesses participating from various industries we further increase our chances of success as a stimulator.

We have gathered our businesses, our artists' commitments, ran test runs with the repurposing business and EPAD, built our consulting firms and the artistry shops which are ready to grow, and developed partnerships which will allow this town to grow in a positive direction. We are staged and ready, well prepared and with this grant we can ensure success through limiting our costs, building our fund, and limiting our risk- all to benefit our community.

### **HEADWATERS ACKNOWLEDGMENT**

We will disseminate knowledge of the success of this model through the various Chambers of the region and at economic development meetings as requested. In addition we will advertise our association and the generosity of Headwaters through local media and social media.

ATTACHMENTS

BUDGET

Project Expense Item	Total Cost	Amount Requested from Headwaters Grant Fund	Amount from Matching Funds	Source of Matching Funds
Consultant Fees Angeloff - \$4000 Dias- \$4000 Bartelson- \$2000	\$25000	\$10,000	\$15,000	In-kind each consultant
Utilities	\$4,000	\$2,500	\$1,500	Chamber
Rent	\$7,200	\$5,400	\$1,800	Chamber
SBDC Flight	\$2,000	\$2,000	0	na
Equipment				
Computer/wifi	\$1,500	\$750	\$750	EPAD
Printer/Copy	\$250		\$250	Chamber
Register	\$500	\$500		
Racks/shelving	\$1500	\$575	\$925	All participants
Chairs/desks	\$1500		\$1500	All participants
Employee part time@\$10/hr	\$30,000	\$15,000	\$15,000	HAF
Total	\$73450	\$36725	\$36725	CASH=\$21,725



**Scotia/Rio Dell Chamber of Commerce**

James Rich- President

Susan Pryor- Board Member

Karen Bartelson- Treasurer

Adam Dias- Board Member

Nick Angeloff- Board Member

**Eagle Prairie Arts District**

Adam Dias President

Nick Angeloff- Vice-president

Ayala Talpai- Secretary

Carol Theriot- Treasurer

Tim Marks- Member at Large.

**Annual Operating Budget-**

\$7500-15,000 depending on year, \$7500 for 2012.

**Organizational Financial Statement- Attached**



SMALL BUSINESS  
DEVELOPMENT CENTER  
*North Coast*

January 31, 2013

To: Headwaters Fund Board  
From: Michael Kraft  
Subject: Collaboration with Rio Dell Business Stimulator

Hello,

This is to confirm that our organization is on board to help with this project. We will provide a series of our Business Basics Workshops in Rio Dell, along with offering business counseling in the Eel River Valley for Stimulator participants who want it.

More generally, we support this project and believe there is market space for an incubation/co-work/stimulator in the Eel River Valley.

I am happy to answer questions if you have them. Just contact me at 445-1163 or [kraft@northcoastsbdc.org](mailto:kraft@northcoastsbdc.org).

The Eagle Prairie Arts District



406 Wildwood Ave Rio Dell Ca 95562

DATE: 1/31/13

RE: Rio Dell Business Stimulator

TO: Dawn Elsbree Headwaters Fund

Dear Ms. Elsbree,

The Eagle Prairie Arts District supports the Rio Dell Business Stimulator project as a collaborating partner. We believe this project will be successful and have committed to being a participant in the project. We have moved into the building where the initial stimulator is located. We are currently contributing to the success of this project by both renting space in the building (\$150/month), will provide furniture and equipment, and will rent space to local and regional artists at \$1/square foot. We will benefit from the low rent and split in overhead costs with the other tenants and the Chamber of Commerce. We have commitments from six artists to cover our rental costs and have been approached by dozens of others about renting exhibition space. As we grow we hope to take over the building from the other businesses, with the exception of the Chamber whom we hope will stay to attract tourists to our space.

This type of project is sorely needed in Rio Dell where we have over 40% vacancy rates along Wildwood Avenue. This project will be successful and self-sustaining into the future as the stimulator moves from building to building offering the same opportunities throughout the years to new and existing entrepreneurs. EPAD is committed to facilitating and collaborating in the success of this project for the long term. We have the energy and drive to dig our way out of the distressed economic reality we now face due to the constriction of the timber/lumber industry. Our mission is to beautify Wildwood Avenue through art and preserve our rich history in an effort to allow business to thrive in Rio Dell and Scotia. We have been directly and significantly impacted by the Headwaters agreement which created your fund and these effects still linger in our community. We believe that this project is a most appropriate use of your fund as it will have significant economic impacts directly in the communities that have suffered most from the agreements that created your fund.

We have been actively planning this project in collaboration with the participants for nearly a year now and are beginning its implementation as of 2/1/13. This project will benefit significantly from an initial cash infusion from the Headwaters Fund in order to build the reserves of the business stimulator as they expand into other buildings. We need to plan for the future of this program and

establish a fund that will ensure its sustainability into the future, within which EPAD will play a continual and significant role. Headwaters is the most appropriate body to provide that funding, please give this project careful consideration as it has the potential to change the face of our town.

Sincerely,

Adam Dias, EPAD President

Handwritten signature and date. The signature is written in cursive and appears to be 'Adam Dias'. To the right of the signature, the date '1/31/13' is written in a similar cursive style.

Dias Artistries  
390 Wildwood Ave Rio Dell Ca. 95562

DATE: 1/31/13

RE: Rio Dell Business Stimulator

TO: Dawn Elsbree Headwaters Fund

Dear Ms. Elsbree, Dias Artistries supports the Rio Dell Business Stimulator project as a collaborating partner. We believe this project will be successful and have committed to being a participant in the project. We have pledged to occupy no less than 4 booth spaces in the building where the initial stimulator is located. We will benefit from the low rent and split in overhead costs with the other tenants and the Chamber of Commerce. Dias Artistries is growing business. As an already successful artist, I took a risk on Rio Dell because I believe in its potential and future. I have been welcomed, as is the stimulator, and as a result, my business has grown exponentially over the last several years. The availability of affordable space in the Rio Dell business stimulator will insure that my business continues to grow.

This type of project is sorely needed in Rio Dell where we have over 40% vacancy rates along Wildwood Avenue. This project will be successful and self-sustaining into the future as the stimulator moves from building to building offering the same opportunities throughout the years to new and existing entrepreneurs. Dias Artistries is committed to facilitating and collaborating in the success of this project for the long term. We have the energy and drive to dig our way out of the distressed economic reality we now face due to the constriction of the timber/lumber industry. Our mission is to beautify Wildwood Avenue through art and preserve our rich history in an effort to allow business to thrive in Rio Dell and Scotia. We have been directly and significantly impacted by the Headwaters agreement which created your fund and these effects still linger in our community. We believe that this project is a most appropriate use of your fund as it will have significant economic impacts directly in the communities that have suffered most from the agreements that created your fund.

We have been actively planning this project in collaboration with the participants for nearly a year now and are beginning its implementation as of 2/1/13. This project will benefit significantly from an initial cash infusion from the Headwaters Fund in order to build the reserves of the business stimulator as they expand into other buildings. We need to plan for the future of this program and establish a fund that will ensure its sustainability into the future, within which Dias Artistries will play a continual and significant role. Headwaters is the most appropriate body to provide that funding, please give this project careful consideration as it has the potential to change the face of our town.

Sincerely,

Adam Dias/ Owner



1/31/13



*RIO DELL – SCOTIA CHAMBER of COMMERCE*

*406 Wildwood Avenue*

*Rio Dell, CA 95562*

DATE: 1/31/13

RE: Rio Dell Business Stimulator

TO: Dawn Elsbree Headwaters Fund

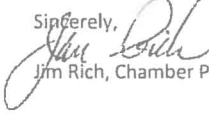
Dear Ms. Elsbree,

The Scotia/Rio Dell Chamber of Commerce would like to support the Rio Dell Business Stimulator project through our collaboration in the project as a partner. We believe this project will be successful and have assumed the responsibility of lead agency. We have shown our dedication to the project by moving our office into the building where the initial stimulator is located. We are currently contributing to the success of this project by both occupying space in the building and therefore contributing a quarter of the rent costs (\$150/month), paying for the phone, internet, and television (estimated at \$150/month), will provide furniture and equipment, and will provide our knowledge base/expertise/contacts to stimulator participants. We will continue this support as a contribution to the grant. In addition we will be creating a visitor center within the building to attract tourists directly to the stimulator participants on a continual basis.

This type of project is sorely needed in the Eel River Valley, particularly in Rio Dell where we have over 40% vacancy rates along our main street of Wildwood Avenue. This project will be successful and self-sustaining into the future as the stimulator moves from building to building offering the same opportunities throughout the years to new and existing entrepreneurs. The Chamber is committed to facilitating and collaborating in the success of this project for the long term. We need the kind of energy and drive Mr. Dias and Mr. Angeloff (both board members of the Chamber) bring to our region in order to dig our way out of the distressed economic reality we now face due to the constriction of the timber/lumber industry. We have been directly and significantly impacted by the Headwaters agreement which created your fund and these effects still linger in our community. We believe that this project is a most appropriate use of your fund as it will have significant economic impacts directly in the communities that have suffered most from the agreements that created your fund.

We have been actively planning this project in collaboration with the participants, Mr. Angeloff, Mr. Dias, and the Eagle Prairie Arts District for some time now and are beginning its implementation as of 2/1/13. This project will benefit significantly from an initial cash infusion from the Headwaters Fund in order to build our coffers as we expand into other buildings. We need to plan for the future of this

program and establish a fund that will ensure its sustainability into the future. Headwaters is the most appropriate body to provide that funding, please give this project careful consideration as it has the potential to change the face of our town.

Sincerely,  
  
Jim Rich, Chamber President



---


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



For Meeting of: July 2, 2013

To: City Council

From: Graham Hill, Police Chief

Through:  Jim Stretch, City Manager

Date: June 27, 2013

Subject: Nuisance Regulations Text Amendment  
Chapter 8.10 Rio Dell Municipal Code

---

---

**Recommendation:**

1. Receive staff's report regarding amending the Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code;
2. Continue the public hearing, receive public input and close the public hearing;
3. Adopt Ordinance No. 303-2013 repealing the existing Nuisance Regulations, Section Chapter 8.10 of the Rio Dell Municipal Code and approving and adopting new Nuisance Regulations;
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

## **Background/Summary**

At your meeting of June 18, 2013 your Council introduced (first reading) Ordinance No. 303-2013 repealing the existing Nuisance Regulations, Section Chapter 8.10 of the Rio Dell Municipal Code and approving and adopting new Nuisance Regulations.

As previously reported, staff recently discovered that some citations and references included in the current Nuisance Ordinance were either outdated or incorrect. Staff requested that the City Attorney review the existing Nuisance Ordinance for consistency with State laws. The City Attorney recommended preparing and adopting a new Nuisance Ordinance. Staff worked with the City Attorney in preparing a new Nuisance Ordinance.

Staff presented the first draft of the new Nuisance Ordinance to the City Council at a Study Session on April 23, 2013. Based on discussions at the April 23, 2013 Study Session, Council directed staff to amend the new draft Nuisance Ordinance so that the City Manager would not be the appeal Hearing Officer. At your June 4, 2013 meeting staff recommended that three Council members as the appeal hearing committee. Due to concerns regarding potential Brown Act violations, the City Attorney recommended that two Council members and the City Manger act as the appeal hearing committee. The draft Nuisance Regulations were amended accordingly and the Ordinance was introduced (first reading) at the Council meeting of June 18, 2013.

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance.

## **Financial Impact**

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

## **Attachments:**

1. Ordinance No. 303-2013 repealing the existing Nuisance Regulations, Section Chapter 8.10 of the Rio Dell Municipal Code and approving and adopting new Nuisance Regulations.
2. Post Adoption Summary.

**ORDINANCE NO. 303 – 2013**



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
REPEALING THE CURRENT NUISANCE REGULATIONS, CHAPTER 8.10  
OF THE RIO DELL MUNICIPAL CODE AND ADOPTING NEW NUISANCE  
REGULATIONS:

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

**WHEREAS** staff recently discovered that some citations and references included in the current Nuisance Ordinance were either outdated or incorrect; and

**WHEREAS** staff referred the existing Nuisance Ordinance to the City Attorney for review and recommendations; and

**WHEREAS** the City Attorney recommended preparing and adopting a new Nuisance Ordinance; and

**WHEREAS** the City Attorney drafted a new Nuisance Ordinance; and

**WHEREAS** staff presented the first draft of the new Nuisance Ordinance to the City Council at a Study Session on April 23, 2013; and

**WHEREAS** at the April 23, 2013 Study Session, Council directed staff to amend the new draft Nuisance Ordinance so that the City Manager would not be the appeal Hearing Officer; and

**WHEREAS** at the June 4, 2013 meeting staff recommended that three Council members as the appeal hearing committee; and

**WHEREAS** due to concerns regarding potential Brown Act violations, the City Attorney recommended that two Council member and the City Manger act as the appeal hearing committee; and

**WHEREAS** the draft Ordinance was amended according and reviewed and approved by the City Attorney; and

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

**Section 1.** The current Nuisance Regulations, Chapter 8.10 is hereby repealed.

**Section 2.** The Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code is hereby amended as follows:

## **Chapter 8.10**

### **NUISANCES**

#### **Article 1. Nuisances Generally**

##### **8.10.010. Application.**

The provisions of this chapter shall apply to all property throughout the City of Rio Dell wherein any of the conditions, hereinafter specified, are found to exist; provided, however, that any condition which would constitute a violation of this chapter, but which is duly authorized under any other City, state or federal law, shall not be deemed to violate this chapter.

##### **8.10.020. Definitions.**

For the purposes of this chapter, the following words shall have the specified meanings:

**(A) Blight.** For purposes of this Code, visual blight is any unreasonable, non permitted or unlawful condition or use of real property, Premises or of building exteriors which by reason of its appearance as viewed from the public right-of-way, is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Visual blight includes, but is not limited to, the keeping, storing, depositing, scattering over or accumulation on the Premises any of the following:

- (1) Lumber, junk, trash, debris, scrap metal, rubbish, packing materials, building materials.
- (2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment.
- (3) Abandoned, wrecked, disabled, dismantled or inoperative vehicles or parts thereof except inoperative vehicles that are not abandoned and are in an active state of renovation or restoration. For purposes of this article, "active state of renovation or restoration" means that the vehicle is actively being restored or renovated in a manner intended to make the vehicle operational, and shall not include restoration or renovation that solely improves the interior or exterior appearance, but not the

operation, of the vehicle. A vehicle shall only be permitted to be in an active state of renovation or restoration for a period that shall not exceed ninety days, whether consecutive or non-consecutive, out of any twelve month period.

(4) Stagnant water or excavations.

(5) Any personal property, object, device, decoration, design, fence, structure, clothesline, landscaping or vegetation which is unsightly by reason of its condition or its inappropriate location.

(6) Vehicles parked on any surface other than an "improved surface" or "driveway" as those terms are defined.

(7) Any condition of a building or structure deemed to be unsafe or that in the discretion of the City Manager or his/her designee, or the Department Head, would constitute a threat to public safety, health, or welfare, or poses a security problem by reason of dilapidation, fire hazard, disaster, damage or other similar occurrence specified in this Code or any other applicable law.

(8) Any condition of a building or portion thereof which constitutes a substandard building, as defined in Health and Safety Code Section 17920.3 or its successor.

(9) Filling of any swimming pool with water prior to the final safety inspection required by the California Code of Regulations, conducted by City inspectors and before such final inspection has been noted on the permit card obtained from the City.

**(B) City.** The City of Rio Dell, a municipal corporation of the State of California.

**(C) City Council.** The duly elected City Council for the City of Rio Dell.

**(D) City Council Member.** Any currently seated member of the City Council for the City of Rio Dell.

**(E) City Manager.** The City Manager for the City of Rio Dell.

**(F) Code or City Code.** The "Code" shall mean the Municipal Code for the City of Rio Dell.

**(G) Code Compliance Administrator.** The City Manager and the authorized representative(s) of the City Manager.

**(H) Department Head.** The Police Chief, the City Manager, and the City Attorney, and their authorized representative(s).

**(I) Highway.** Any road, street, alley, way or place of whatever nature, publicly maintained and opened to the use of the public for purposes of vehicular travel. Highway includes City streets.

**(J) Inoperative vehicle.** Any vehicle which cannot be legally operated on the street because of lack of current registration or, lack of an engine, transmission, wheels, tires, windshield or any other part or equipment necessary to operate on public streets and/or highways.

**(K) Junk.** Any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material, including but not limited to those composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, plaster, plaster of parts, rubber, terra cotta, wool, cotton, cloth, canvas, wood, metal, sand, organic matter or other substance.

**(L) Junkyard.** Any Premises on which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, stored or transported, regardless of whether or not such activity is done for profit.

**(M) Notice and Order.** A Notice and Order is legal notice which details structural or technical Code violations such as illegal construction, conversions, alterations, illegal plumbing, mechanical or electrical installations, dangerous buildings, substandard housing or similar.

**(N) Owner.** Owner of record of real property, occupant, lessee, or interested holder in same, as the case may be including the owner of real property whereon a vehicle(s) or part(s) thereof is located.

**(O) Person.** Any individual, group of individuals, firm, entity or corporation owning, occupying or using any Premises.

**(P) Planning Commission.** The Planning Commission for the City of Rio Dell.

**(Q) Police Chief.** The Police Chief for the City of Rio Dell.

**(R) Premises.** Any real property or improvements thereon located in the City of Rio Dell.

**(S) Service Station.** Any Premises upon which the improvements are designed and built for the primary purpose of selling to or providing others with fuels for internal combustion engines or motor vehicles, whether or not providing related automotive maintenance and repair service.

**(T) Special Assessment Lien.** A special assessment lien is a lien placed on real property and is collected by the county tax assessor.

**(U) Vehicle.** Any device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

### **8.10.030. Nuisances.**

It is hereby declared unlawful and a public nuisance per se for any person owning, leasing, occupying and/or having charge or possession of any Premises or land in this City to permit, allow, or maintain such Premises or land such that any one or more of the following conditions or activities exist:

- (A) Any condition recognized in law or equity as constituting a public nuisance including, without limitation, any condition on or use of property which would constitute a nuisance as defined in California Penal Code §§ 370, 371 and/or 11225;
- (B) Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public;
- (C) Any condition that is in violation of any duly enacted ordinance of the Rio Dell Municipal Code, or resolution or lawful order promulgated by authorized City officials;
- (D) Any condition in violation of Chapters 8, 15, and 17 of this Code, including any condition in violation of any written design finding, including design standard, design guideline, or development standard that may be adopted by resolution or ordinance from time to time by the City Council or the planning commission, or any condition imposed on any entitlement, permit, contract, or environmental document issued or approved by the City;
- (E) Any condition in violation of Chapter 8.25 of this Code entitled "Premises Used for Drug Related Activity."
- (F) Anything defined as a nuisance pursuant to state and federal law including but not limited to California Civil Code Section 3479 et seq.;
- (G) Any condition in violation of the weed and rubbish abatement laws defined at Government Code Sections 39501 et seq. and 39560 et seq. as enacted or hereafter amended and enforced by City ordinance and resolutions;
- (H) Any vacant, unoccupied or abandoned building or structure that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public;
- (I) Any condition that constitutes an attractive nuisance; those objects or conditions that, by their nature may attract children or other curious individuals including, but not limited to, unprotected hazardous or unfilled pools, ponds, including pools or ponds that have not been properly barricaded, ice boxes, refrigerators or excavations;
- (J) Any condition that constitutes a visual Blight.

#### **8.10.040. Responsibility for Property Maintenance.**

(A) Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this chapter and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

(B) Every occupant, lessee, tenant or holder of any interest in property, other than as owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed on the owner thereof shall in no instance relieve those persons referred to from the similar duty.

### **Article 2. Enforcement**

#### **8.10.050. Authority.**

(A) The City Manager is hereby authorized to administer and enforce all of the provisions of this chapter. In accordance with approved procedures, the City Manager may assign said authority to Department Heads and/or employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this chapter. The authority of the City Manager to enforce the provisions of this chapter is independent of and in addition to the authority of other City officials to enforce the provisions of any other chapter of the City Code.

(B) Pursuant to California Code of Regulations, Title 25, Section 52, the procedures contained in this chapter are deemed to be equivalent for the purposes intended by, and may be used in lieu of, the regulations and procedures for abatement contained in Article 6 of Subchapter 1 of Chapter 1 of Division 1 of Title 25 of the California Code of Regulations which addresses mobile homes and parks.

(C) Nothing in this chapter shall be construed to limit the authority of the Police Chief of the City to enforce all laws within the Police Chief's jurisdiction.

#### **8.10.060. Right of Entry.**

(A) Whenever it is necessary to make an inspection of any Premises to enforce the provisions of this chapter, and to the extent authorized by law, the Code Compliance Administrator or a Department Head authorized by the Code Compliance Administrator may enter on such Premises at all reasonable times to inspect the same or to perform any duty imposed upon him/her by this Code, subject to the requirements of Amendment IV of the United States Constitution and any other provisions of applicable law.

(B) Whenever practicable, the Code Compliance Administrator or the Department Head shall contact the occupant of such Premises 24 hours prior to entry and inform the occupant of the



reasons for such entry onto such property, and if the occupant is other than the owner, the Code Compliance Administrator or the Department Head shall also, if practicable, contact such owner. This does not prevent entering the property within the 24 hours of notification with the owner or occupant's permission.

(C) If entry onto any Premises is denied by the owner or occupant of such Premises, or by any third party, the Code Compliance Administrator or authorized Department Head shall have recourse to every remedy provided by law to secure peaceable entry on such Premises to perform the duties required by this chapter.

#### **8.10.070. Violations and Penalties.**

(A) It shall be unlawful for any person, firm, corporation, or other entity to violate any provision of this chapter. Any person, firm, corporation, or other entity, whether as owner, lessee, sub lesser, sub lessee, or occupant of any Premises that violates the provisions of this chapter or any order issued pursuant to this chapter shall be subject to any or all of the following:

- (1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;
- (2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed one thousand dollars, or by imprisonment of not longer than six months, or both for each violation;
- (3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;
- (4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

#### **8.10.080. Additional Enforcement.**

Nothing in this chapter shall be deemed to prevent the City from commencement of any available administrative, civil and/or criminal proceeding to abate a nuisance pursuant to all applicable provisions of law as an alternative and/or in addition to any enforcement proceedings set forth in this chapter.

### **8.10.090. Cumulative Remedies.**

The remedies set forth in this chapter include summary and administrative abatement, administrative citations, civil actions, criminal actions and all other remedies provided for by law. All remedies set forth in this chapter and in all City ordinances for the abatement or punishment of any violation thereof, are cumulative and may be pursued alternatively or in combination. Provisions of this Code are to be supplementary and complementary to all of the City ordinances, the Rio Dell Municipal Code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City to abate any and all nuisances and to enforce its ordinances.

### **8.10.100. Permits Required.**

When a permit is required to correct a Code violation pursuant to a Code compliance action, the property owner shall complete the permit, including all inspections, corrections, and work in accordance with a timeline established by the Code Compliance Administrator. In establishing the timeline the Code Compliance Administrator shall provide a time frame, which in his or her judgment, is reasonable to expeditiously complete the permit. Failure to strictly adhere to the established timeframe shall be deemed a continuing violation subject to the remedies established in this article. Nothing in this chapter shall be construed to relieve the violator from payment of any and all costs incurred by the City in enforcing and/or causing the abatement of any violation of the City of Rio Dell Municipal Code.

## **Article 3. Summary Abatement**

### **8.10.110. Summary Abatement.**

(A) The City may immediately abate any nuisance or violation of this chapter that poses a clear and imminent danger to, or requires immediate action to prevent or mitigate the loss or impairment of, life, health, property, or essential public services. The City may perform this abatement without providing prior notice or hearing to the owner or occupier of the offending Premises. Such summary abatement may proceed only upon the authorization of the manager and the City Attorney, or their respective designees. The abatement shall include all actions necessary to secure the Premises to prevent further occurrences of the nuisance.

(B) The owner and/or occupier of the Premises or the persons creating, causing, committing, or maintaining the nuisance shall be subject to any administrative fines, penalties, fees and costs, including reasonable attorney fees, imposed or incurred by the City pursuant to this chapter.

(C) Any abatement performed by the City pursuant to this section shall be at the expense of the owner and/or occupier of the Premises or the persons creating, causing, allowing, permitting, committing, or maintaining the nuisance. The City shall recover its expenses

pursuant to the special assessment lien procedures contained in this Code or any other applicable provision of law.

(D) As soon as practicable following completion of the abatement, the Code Compliance Administrator or the Department Head shall issue a notice of violation and/or Notice and Order in accordance with this chapter. Persons receiving such notice shall be entitled to all hearing rights as provided herein.

(E) If a structure is deemed untenable pursuant to California Civil Code § 1941.1 and the Code compliance officer determines that the structure is in such a condition as to make it immediately dangerous to the health and safety of the occupants or public, it shall be ordered to be vacated and posted as unsafe.

#### **Article 4. Administrative Abatement**

##### **8.10.120. Commencement of Proceedings.**

(A) Whenever the Code Compliance Administrator or the Department Head has inspected or caused to be inspected any Premises or condition and has found and determined that such Premises or condition are in violation of this chapter, and that such violation does not pose an immediate danger to health or safety, the City Manager or his/her designee may commence proceedings to cause abatement of the nuisance as provided herein. When the City Manager or his/her designee, or Department Head has found that a violation of this chapter poses an immediate danger to health or safety, the City Manager or his/her designee, or Department Head may pursue any remedies available under this chapter or by law, including, but not limited to, summary abatement or administrative citation.

(B) Once proceedings have been commenced pursuant to this chapter to declare a public nuisance, no Premises or building shall be deemed to be in compliance with this chapter solely because such building or Premises thereafter becomes occupied or unoccupied.

##### **8.10.130. Notice of Violation.**

(A) Upon determination by the Code Compliance Administrator or the Department Head that a premise is in violation of this chapter, and a notice of violation and/or a Notice and Order has not been issued against the same Premises, or the same property owner but at a different premise, address or location, within the City, within the last twelve months, and that the violation does not create an immediate danger to health or safety, City Manager or his/her designee or the Department Head may issue a notice of violation to the owner of record of the Premises and to the occupant of the Premises, if any. The notice of violation shall contain:

- (1) The name and address of the person, firm, or corporation in violation, and the street address of the property where the violation is present;

- (2) A statement specifying the condition(s) which constitute a nuisance;
- (3) A statement explaining which specific Code sections has been violated;
- (4) The range of the administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;
- (5) An order to correct the violation within a date certain, said date which shall be specified on the notice of violation and determined by the specific violation; and
- (6) A statement informing the recipient of the name and office telephone number of the person to contact should the recipient desire to explain why he or she believes
  - (a) the Premises should not be declared to be a public nuisance and abated,
  - (b) penalties should not be assessed, and
  - (c) the costs of such abatement should not become a charge and lien against the Premises. The Department Head may rescind or modify the notice of violation based on substantive evidence presented by the recipient.

#### **8.10.140. Stop Work Order.**

If the violation is related to a permit, license or other approval of a project, the notice of violation may be accompanied by a stop work order which orders the recipient to stop immediately any and all work on the project that is subject to the permit, license or approval until the violation is corrected.

#### **8.10.150. Service of Notice of Violation.**

A copy of the notice of violation, and any amended or supplemental notices, shall be served either by personal delivery or by First Class U.S. mail, postage prepaid, upon the record owner at the address as it appears on the latest equalized assessment roll of Humboldt County, and upon the occupant of the Premises, if any. If neither of these methods result in the notice being served upon the record owner and any occupants after reasonable attempts to serve, a copy of the notice shall be posted on the Premises.

#### **8.10.160 Notice and Order—Structural and Technical**

Notice and Orders are primarily used for structural or technical Code violations such as illegal construction, conversions, alterations, illegal plumbing, mechanical or electrical installations, dangerous buildings, substandard housing or similar. When issued, the violation must be remedied in thirty calendar days, unless there is an immediate danger risk. If there is an eminent threat of danger the violation must be remedied immediately.

**(A) Grounds for Issuance.** A Notice and Order may be issued under any of the following circumstances:

- (1) When a notice of violation has been served, and the specified time has passed without adequate correction and abatement of the violation;
- (2) When a stop work order has been issued but has not been complied with;
- (3) When the City has performed a summary abatement pursuant to this chapter;
- (4) When the same type or character of violation has been committed by the same person, or on the same Premises, or a notice of violation, an administrative citation, or a Notice and Order has been served on the same person, or on the same Premises, within the past twelve months.

**(B) Contents of Notice and Order.** A Notice and Order shall contain the following:

- (1) The name and address of the person, corporation, or entity in violation, and the street address of the property where the violation is present;
- (2) A statement specifying the condition(s) which constitute a violation and nuisance;
- (3) A statement explaining which specific Code section(s) have been violated;
- (4) A statement informing the recipient of the number of days from the date of the Notice and Order the recipient has to voluntarily abate the violation and nuisance;
- (5) A statement informing the recipient of his or her right to appeal the determination to a hearing officer by filing with the City Clerk within ten calendar days from the date of the Notice and Order, and on a form available from the City of Rio Dell, a written statement requesting a hearing and providing a factual and specific explanation of:
  - (a) why the Premises should not be declared to be a public nuisance and abated; and
  - (b) why the costs of such abatement should not become a special assessment lien against the Premises;
- (6) A statement informing the recipient of the Notice that there is a fee, which is set by resolution by the City Council of the City of Rio Dell that must be deposited at the time an appeal is filed.
- (7) A statement that if the person, corporation or entity fails to abate the violation and nuisance or fails to file within ten calendar days, a request for an appeal hearing, the

Notice and Order shall be final and not subject to judicial review, and all persons served with such notice shall be deemed to have consented to the abatement of the nuisance and that, at the election of the City, the City will abate the nuisance and the costs of such abatement may be charged against the Premises and may be recorded as a special assessment lien against the Premises.

**(C) Service of Notice and Order.**

(1) Persons Entitled to Service. The Notice and Order shall be served upon the owner of the Premises, any occupants of the Premises, and any other person, corporation, or entity in violation. If the City proposes to impose a special assessment lien on the property, the City official issuing the Notice and Order shall also serve one copy on each of the following if known or disclosed from official public records:

(a) the holder of any mortgage, deed of trust, or other encumbrance of record; and

(b) the owner or holder of any lease of record. The failure of the City official issuing the order to serve any person required to be served shall not invalidate any proceedings under this chapter or relieve any person who was duly served from any duty or obligation imposed on him/her by the provisions of this section.

(2) Method of Service. Unless otherwise provided in this section, service of a Notice and Order shall be made by personal service or by First Class U.S. mail, postage prepaid with confirmation of delivery by the U.S. Postal Service. Service on any property owner in violation is deemed complete when it is served or delivered at the address listed by the property owner on the latest equalized assessment roll of Humboldt County, or as known to the City official issuing the order. If personal service or service by mail with confirmation of delivery is not reasonably feasible, service of the Notice and Order may be made by posting the notice on the subject Premises and sending a copy by regular United States mail service. Service posting in the manner herein provided shall be effective on the date of posting. As an alternative, substituted service of the Notice and Order may be made as follows:

(a) (i) By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and then mailing a copy by first-class mail to the recipient at the address where the copy was left; or

(ii) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and then mailing a copy by first-class mail to the recipient at the address where the copy was left.

(b) If the party entitled to service has a property manager or rental agency overseeing the Premises, substituted service may be made as set forth in above upon the property manager or rental agency.

(c) Substituted service may be made by posting the Notice and Order on the Premises and mailing a copy of the Notice and Order to the person, corporation, or entity in violation at the address of the property on which the violation has occurred or is occurring.

(d) If the person, corporation, or entity in violation or other person entitled to service cannot be located or service cannot be made as set forth in this section, service may be made by publication in a newspaper of general circulation in Humboldt County. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

**(D) Record.** Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended.

#### **8.10.170. Appeal Hearing—Notice and Order.**

**(A) Payment of Appeal Fee.** Any person, corporation, or entity seeking to appeal a Notice and Order shall be required to pay to the City, at the time the appeal is requested, a nonrefundable appeal fee to be set by resolution of the City Council. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

(1) **Hardship Waiver.** If the appealing party establishes to the satisfaction of the City Manager or designee, by means of tax returns, pay stubs or other similar documentary evidence, and submits a declaration under penalty of perjury that paying the appeal fee would cause undue financial hardship to the appealing party the City Manager may grant a waiver of the appeal fee. The City Manager's determination is not appealable and shall be final as to the hardship waiver request.

**(B) Hearing Committee.** The appeal shall be heard by a committee (the "Hearing Committee"). The Hearing Committee shall consist of two Members of the City Council and the City Manager, plus one alternate City Council Member to facilitate timely hearings pursuant to this ordinance and resolve any potential conflicts of interest. The alternate City Council Member shall only participate in appeals where one of the other two City Council Members is unable to serve due to scheduling concerns or a conflict of interest. City Council Members shall be selected to serve on the Hearing Committee at the same time that other committees are formed by the City Council. Committee members shall not participate in the hearing process in cases when the member has had a substantial personal involvement with the party requesting the hearing and

that personal involvement is a conflict of interest. The Hearing Committee shall be advised by the City Attorney to ensure proper legal procedures are followed and adhered to.

**(C) Setting Appeal Hearing.** The appeal hearing shall be set by the City Manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than twenty (20) days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least fifteen (15) days before the date set for hearing.

**(D) Conduct of Appeal Hearing.**

(1) **Testimony at the Hearing.** At the time set for the appeal hearing, the Hearing Committee shall proceed to hear testimony from the representative of the City, the appellant, and any other competent persons with respect to the determination of a violation and nuisance or the imposition of an administrative penalty.

(2) **Record of Oral Evidence at Hearing.** The proceedings at the hearing shall be reported by a tape recording, or video recording. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the requesting party's own expense.

(3) **Continuances.** The Hearing Committee may, upon request of the person, corporation, or entity against whom a penalty is to be imposed, or upon request of the City, grant continuances from time to time for extreme or unusual cause shown, or upon the Hearing Committee's own motion.

(4) **Oaths; Certification.** The City Clerk or certified shorthand reporter shall administer the oath or affirmation.

(5) **Evidence Rules.** Government Code Section 11513, subsections (a), (b), and (c) shall apply to all administrative hearings. At the Hearing Committee's sole discretion, other relevant evidence may be admissible and hearsay evidence may be used for the purpose of supplementing and explaining other evidence.

(6) **Burden of Proof.** The accuracy of the Notice and Order containing the description of the violations and/or public nuisance and the actions required to abate such nuisance or violation is deemed a rebuttable presumption and the burden is on the appellant to provide such facts and information to overcome such presumption by a preponderance of the evidence.

(7) **Rights of Parties.**

(a) Each party shall have the following rights among others:



- (i) To call and examine witnesses on any matter relevant to the issues of the hearing;
- (ii) To introduce documentary and physical evidence;
- (iii) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- (iv) To impeach any witness regardless of which party first called that witness to testify;
- (v) To rebut the evidence against him or her;
- (vi) To represent himself or herself or to be represented by anyone of his or her choice.

(b) If a party does not proficiently speak or understand the English language, that party may provide an interpreter, at that party's own cost, to translate for the party. An interpreter shall not have been a resident of the Premises or have had any personal relationship with or involvement in the parties or issues of the case prior to the hearing.

(8) Official Notice. In reaching a decision, the Hearing Committee may take official notice, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the City or county, or any of their departments.

(9) Inspection of the Premises.

(a) The hearing officer may inspect the Premises involved in the hearing prior to, during, or after the hearing, provided that:

- (i) Notice of such inspection shall be given to the parties before the inspection is made;
- (ii) The parties consent and are given an opportunity to be present during the inspection; and
- (iii) The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusions drawn there from.

(b) Each party shall then have a right to rebut or explain the matters so stated by the hearing officer either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(c) Notice to the parties or the owner(s)' consent to inspect the building and surrounding properties is not required if the property can be inspected from areas in which the general public has access or with permission of the other persons authorized to provide access to the property on which the building is located.

**(E) Form and Contents of the Decision; Finality of Decision.**

(1) Format of Hearing Committee's Decision. The Hearing Committee shall issue a written decision containing findings of fact and a determination of the issues presented. The Hearing Committee may affirm, modify or reverse the notice of violation or the Notice and Order imposed by the City or find that the imposition of the penalty is not warranted or is not in the interest of justice.

(2) Contents of Hearing Committee's Decision. If it is shown by a preponderance of all the evidence that the condition of the Premises constitutes a violation of the Rio Dell Municipal Code or is a public nuisance as defined in this chapter, the decision shall declare the Premises to be a public nuisance and shall order and require the appellant to abate the nuisance not later than ten calendar days after the issuance of the decision or, if ten calendar days is insufficient to abate the nuisance, within such other time as specified by the Hearing Committee not to exceed sixty days. The decision shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the City in such manner as may be ordered by the Department Head and the expense thereof made a special assessment lien upon the property involved. This is in addition to any other legal remedies that the City may choose to compel compliance.

(3) Service of the Hearing Committee's Decision. Upon issuance of the decision, the City shall serve a copy on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The Hearing Committee's decision shall be deemed served three days after the date it is mailed to the address provided by the appellant.

(4) Finality of Hearing Committee's Decision. The decision of the Hearing Committee on an appeal of a Notice and Order shall constitute the final administrative decision of the City and shall not be appealable to the City Council or any committee or commission of the City.

## Article 5. Enforcement of Hearing Committee Order

### 8.10.180. Generally

After any notice of violation or any decision of a Hearing Committee made pursuant to this chapter has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey such order.

### 8.10.190. Failure to Obey Order—Abatement by City.

(A) If, after any notice of violation or any order of a Hearing Committee made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Department Head is authorized and directed to cause the nuisance to be abated by City personnel or private contract. In furtherance of this section, the Department Head shall obtain a warrant, if required, and thereafter is expressly authorized to enter upon the Premises for the purpose of abating the nuisance.

(B) Additionally, any person who fails to obey such order shall be guilty of a misdemeanor punishable as specified in Section 8.10.070(a)(2) of this chapter.

### 8.10.200. Interference with Work Prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City, or with any person who owns or holds any estate or interest in any Premises on which a nuisance exists and which must be abated under the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of the City, or person having an interest or estate in such Premises is engaged in the work of abating any nuisance as required by the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this chapter.

### 8.10.210. Costs of Abatement.

(A) The Department Head shall keep an account of the costs and expenses of abating such nuisance, and the City shall render a statement of such costs to the person or persons receiving the notice to abate.

(B) Such person or persons receiving the notice of violation or decision of the hearing officer shall be liable to the City for any and all costs and expenses to the City involved in abating the nuisance. Such costs and expenses are due upon receipt of the statement required in subsection (A) of this section.

(C) Costs and expenses as referred to in this section shall include all costs allowed to be recovered by law, including attorneys' fees as allowed by Government Code Section 38773.5 or its successor.

**8.10.220. Procedure for Assessing Costs.**

If the person liable to pay the costs of abatement fails to do so within thirty calendar days of receiving the statement of such costs, the City may initiate proceedings to have such costs assessed against the real property or Premises on which the City abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with Section 54954.6 of the California Government Code. The costs of abatement shall be treated as a new assessment for purposes of Section 54954.6. No majority protest rights exist for this assessment. The Department Head shall present to the City Council a report of costs for abating the nuisance at the public meeting required by Section 54954.6.

**8.10.230. Assessment of Costs—Special Assessment Lien Against Property.**

(A) The total cost for abating a nuisance shall constitute a special assessment against the Premises to which it relates, and upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment. The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section 38773.5.

(B) After such recordation, a copy of the lien shall be turned over to the county assessor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section 38773.5 and as provided for ordinary municipal taxes.

**Article 6. Additional Provisions Governing Abatement of Vehicles**

**8.10.240. Application of Article.**

The requirements of this article apply to any action taken under this chapter to abate as a public nuisance an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof from private or public property.

**8.10.250. Exemptions.**

(A) This article shall not apply to:

- (1) A vehicle, or part thereof, that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

(2) A vehicle, or part thereof, that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard.

(B) Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of a law other than Chapter 10, commencing with Section 22650, of Division 11 of the California Vehicle Code and this article.

**8.10.260. Article Not Exclusive Regulation.**

This article is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory Codes, statutes and ordinances heretofore or hereafter enacted by the City, the state or any legal entity or agency having jurisdiction.

**8.10.270. Persons Granted Franchise or Contract—Right of Entry.**

When the City has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article.

**8.10.280. Assessment of Administrative Costs Determination.**

Administrative costs incurred by the City under this article shall be assessed pursuant to Article 8.10.220 of this chapter.

**8.10.290. Abatement and Removal Authority.**

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the City, the Department Head shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter.

**8.10.300. Notice of Violation for Abandoned or Inoperable Vehicles.**

A notice of violation to abate and remove a vehicle or parts thereof as a public nuisance, as required by Section 8.10.130, shall be served by registered or certified mail on the owner of the land as shown on the last equalized assessment roll and the owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notice of violation shall comply with Section 8.10.140, and also shall be in substantially the following forms:

**NOTICE OF INTENTION TO ABATE AND  
REMOVE AN ABANDONED, WRECKED,  
DISMANTLED, OR INOPERATIVE  
VEHICLE OR PARTS THEREOF AS  
A PUBLIC NUISANCE**

(Name and address of owner or land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned, pursuant to Rio Dell Municipal Code Chapter 8.15 has determined that there exists upon your land an abandoned, wrecked, dismantled or inoperative vehicle (or parts thereof) registered to \_\_\_\_\_, license number \_\_\_\_\_, which constitutes a public nuisance pursuant to provisions of Chapter 8.10. You are hereby notified to abate the nuisance by removing the vehicle (or parts of the vehicle) within ten (10) days from the date of mailing of this notice. If you fail to remove the vehicle or parts within ten (10) days, the City will abate the nuisance by removing the vehicle or parts to a scrap yard or automobile dismantler's yard, after which the vehicle or parts shall not again be made operable or reconstructed.

Removal costs and administrative costs will then be assessed to you as owner of the land on which the vehicle or parts are located. As owner of the land on which the vehicle or parts of the vehicle are located, you are hereby notified that you may, within ten (10) days after the mailing of this notice, request a public hearing. If such a request is not received by the Department Head within the ten (10) day period, the Department Head shall have the authority to abate and remove the vehicle or parts of the vehicle as a public nuisance and assess the removal and administrative costs without a public hearing. You may submit a sworn written statement within such ten (10) day period denying responsibility for the presence of the vehicle or parts of the vehicle on your land, with your reasons for denial. Such statement shall be construed as a request for hearing at which your presence is not required.

You may appear in person at the hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement in time for consideration at the hearing. You may, through such sworn written statement deny responsibility for the presence of the vehicle or parts on your land with your reasons for denial.

Notice mailed \_\_\_\_\_ (date) [Department Head]

**NOTICE OF INTENTION TO ABATE AND  
REMOVE AN ABANDONED, WRECKED,  
DISMANTLED OR INOPERATIVE  
VEHICLE OR PARTS THEREOF AS  
A PUBLIC NUISANCE**

(Name and address of last registered and/or legal owner of record of vehicle—Notice should be given to both if different)

As the last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc) you are hereby notified that the undersigned pursuant to Rio Dell Municipal Code Chapter 8.15, has determined that the vehicle (or parts of the vehicle) exist as an abandoned, wrecked, dismantled, or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 8.15.

You are hereby notified to abate the nuisance by removing the vehicle or parts of the vehicle within ten (10) days from the date of mailing of this notice. If you fail to remove the vehicle or parts within ten (10) days, the City will abate the nuisance by removing the vehicle or parts to a scrap yard or automobile dismantler's yard, after which the vehicle or parts shall not again be made operable or reconstructed.

Removal costs and administrative costs will then be assessed to you as owner of the land on which the vehicle or parts are located. As registered (and/or legal) owner of record of the vehicle (or parts of the vehicle), you are hereby notified that you may, within ten (10) days after mailing of this notice, request a public hearing. If such a request is not received by the Department Head within the ten (10) day period, the Department Head shall have the authority to abate and remove the vehicle or parts of the vehicle without hearing.

Notice mailed \_\_\_\_\_ (date) [Department Head]

**8.10.310. Hearing—Generally.**

Upon request by the owner of the vehicle or owner of the land received by the Department Head within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held in accordance with Section 8.10.170 on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

The owner of the land on which the vehicle is located may appear in person at the hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that the landowner has not subsequently acquiesced to its presence, then the City shall not assess costs of

administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect those costs from the landowner, if the vehicle has been removed from the property

**8.10.320. Hearing—Presence of Owner Not Required—Abatement Without Hearing.**

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within ten days after the mailing of the notice of violation to abate and remove, the statement shall be construed as a request for a hearing that does not require the owner's presence. If such a request for hearing is not received within the ten days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

**8.10.330. Order Requiring Removal.**

At the conclusion of the public hearing, the Hearing Committee may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in this article and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

**8.10.340. Hearing—Non-assessment of Costs.**

If it is determined at the hearing that the vehicle was placed on the land without consent of the owner of the land and that he or she has not subsequently acquiesced in its presence, the Hearing Committee shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

**8.10.350. Hearing—Notification of Decision.**

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land but does not appear, or if an interested party makes a written presentation to the hearing officer but does not appear, he or she shall be notified in writing of the decision.

**8.10.360. Removal—When**

Once the decision of the Hearing Committee becomes final, the vehicle or parts thereof found to be a public nuisance may be disposed of by removal to a scrap yard or automobile



dismantler's yard ten calendar days after adoption of the order declaring the vehicle or parts thereof to be public nuisance. After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle plates, pursuant to California Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable.

**8.10.370. Removal—Notice to Department of Motor Vehicles.**

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence or registration available, including registration certificates, certificates of title and license plates.

**8.10.380. Removal—Costs—Assessment—Collection.**

If the administrative costs and the cost of removal which are charged against the owner of the land pursuant to Section 8.10.280 are not paid within thirty days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the assessor for placement on the property tax roll and collected by the tax collector. The assessment shall have the same priority as other City taxes.

**Section 3. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**Section 4. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 5. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on July 16, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 6<sup>th</sup> of August 2013 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 301-2013 adopted by the City Council of the City of Rio Dell on June 18, 2013.

---

Karen Dunham  
City Clerk, City of Rio Dell



**Public Notice**  
**City of Rio Dell City Council**  
**SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE**

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

**Summary**

On **Tuesday, July 2, 2013 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall to approve and adopt Ordinance No. 303-2013 repealing the existing Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code and approving and adopting new Nuisance Regulations. The Nuisance Regulations defines nuisances and the process for enforcing the regulations.

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance and the process should be directed the Graham Hill, Police Chief, City of Rio Dell, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-5641.