



RIO DELL CITY COUNCIL
VIRTUAL MEETING AGENDA
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, SEPTEMBER 7, 2021
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

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

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

Due to the unprecedented public health threats posed by COVID-19 and the resultant need for social distancing, changes to the City Council meeting format are required. Executive Order N-25-20 and N-29-20 from Governor Gavin Newsom allow for telephonic Council meetings of the City Council and waives in-person accessibility for Council meetings, provided that there are other means for the public to participate. Therefore, and effective immediately, and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the Rio Dell City Council will only be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink channels on Cable TV.

Public Comment by Email:

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

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

Zoom Public Comment:

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

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
 - 1) 2021/0817.01 - **Conference with Legal Counsel** –Litigation/Consideration of Initiation Pursuant to Gov’t Code §54956.9(d)(4): One Matter
 - 2) 2021/0817.02 - **Conference with Legal Counsel** – Threat of Litigation Pursuant to Gov’t Code § 54956.9(a)(2): One Matter
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION
- F. RECONVENE INTO OPEN SESSION – 6:30 P.M.
- G. ORAL ANNOUNCEMENTS REGARDING CLOSED SESSION
- H. PLEDGE OF ALLEGIANCE
- I. CEREMONIAL MATTERS
- J. PUBLIC PRESENTATIONS

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

K. CONSENT CALENDAR

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

- 1) 2021/0907.03 - Approve Minutes of the August 17, 2021 Regular Meeting
(ACTION)

- 2) 2021/0907.04 - Authorize Mayor to Sign Correspondence to the Chamber of Commerce Endorsing the Display of Flags Along Wildwood Avenue **(ACTION)** 11
- 3) 2021/0907.05 - Approve Appointment of one (1) Public Members to the Beautification, Walkability, and Pride Committee **(ACTION)** 13
- 4) 2021/0907.06 – Authorize Purchase of Turbidity Meters for the Surface Water Treatment Facility **(ACTION)** 16
- 5) 2021/0907.07 - Authorize Mayor to Sign a Letter to the Governor Requesting a Veto of SB9 Related to Housing **(ACTION)** 20
- L. ITEMS REMOVED FROM THE CONSENT CALENDAR
- M. REPORTS/STAFF COMMUNICATIONS
 - 1) 2021/0907.08 - City Manager/Staff Update **(RECEIVE & FILE)** 23
- N. SPECIAL PRESENTATIONS/STUDY SESSIONS
- O. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS
- P. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS
 - 1) 2021/0907.09 - Approve Resolution No. 1501-2021 Adopting a Display of Flags Policy **(DISCUSSION/POSSIBLE ACTION)** 30
- Q. COUNCIL REPORTS/COMMUNICATIONS
- R. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, September 21, 2021 at 6:30 p.m.*

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 17, 2021**

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

ROLL CALL: Present: Closed Session: Mayor Garnes, Mayor Pro Tem Johnson, Councilmembers Carter, Wilson and Woodall, City Manager Knopp and City Attorney Gans

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

Others Present: City Manager Knopp, Chief of Police Conner, Finance Director Dillingham, Water Roadways Superintendent Jensen, Wastewater Superintendent Taylor, and City Clerk Dunham.

Absent: Community Development Director Caldwell

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

The Council adjourned to closed session at 5:00 p.m. to discuss the following items:

Conference with Legal Counsel – Litigation/consideration of Initiation Pursuant to Gov't Code §54956.9(d)(4): One Matter; and

Public Employee Performance Evaluation – Chief of Police – Pursuant to Gov't Code §54957

PUBLIC COMMENT REGARDING CLOSED SESSION

No public comment was received.

ORAL ANNOUNCEMENTS REGARDING CLOSED SESSION

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

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment. No public comment was received.

CONSENT CALENDAR

Mayor Garnes asked if any councilmember, staff or member of the public, would like to remove any item from the Consent Calendar for separate discussion.

Councilmember Carter removed Consent Calendar item 3 for separate discussion.

Motion was made by Johnson/Woodall to approve the Consent Calendar including approval of Minutes of the July 20, 2021 regular meeting, approval of Minutes of the July 27, 2021 special meeting, to accept completed contract for the Active Transportation Program Project – Safe Routes to School STPL-5396, approval of Resolution No. 1500-2021 related to Abandoned Vehicle Taxes and the June 7, 2022 Primary Election, to receive and file the Check Register for July, and declaring the 2014 Ford SUV Police Inceptor as surplus. Motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Appointment of two (2) Public Members to the Beautification, Walkability, and Pride Committee

Councilmember Carter extended sincere thanks to the public members who stepped up and volunteered to serve on the committee. She thanked them in advance for their time and service to the community.

Mayor Garnes called for public comment. No public comment was received.

Motion was made by Carter/Johnson to approve the appointment of Ania Laniewski and Elizabeth Warren to the Beautification, Walkability and Pride Committee. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and said that staff had been working with Whitchurch Engineering and GHD on setting up the 2022 streets capital projects and hoped to return to Council on September 7th with additional action items related to street infrastructure to help set up those projects for next year in accordance with the multi-year street projects plan.

He reported that staff is also in submission for a bid for the electrical upgrade at City Hall to change out the panel to allow for generator and solar connections as the current power drop is not sufficient for that activity.

In addition, he said that some questions had been asked about cannabis cultivation water use in the City. He reported that in 2020, legal cannabis cultivators used a total of 632 units of water which represents 00.527% of total citywide water use. He noted that based on upcoming developments along with the current cultivators, a potential total demand of 4,600 units of water could be used on an annual basis, or 03.72% of anticipated citywide water usage.

Mayor Garnes called for questions from the Council on the staff update.

Councilmember Woodall thanked the public works department for opening up the trail and installing the steps to the river bar from Davis St., and also for their efforts in helping to make the City look great for Wildwood Days.

She said that the Rio Dell Volunteer Fire Department indicated that they worked very well with the police officers during Wildwood Days and said that it was great to have the officers visible around town. She said that she had asked Sabrina at the Police Department if new flags could be put up before the weekend and said that they were up the next day. She expressed special thanks to her for helping to make that happen.

Mayor Garnes thanked City staff for everything they did to prepare for Wildwood Days and make the City look great. She also thanked the Rio Dell Fire Department for the amazing fireworks display. She said that it gave the City a sense of pride and community and pointed out that we normally have to leave town and go to Ferndale or Fortuna to watch fireworks. She said that the 50th Anniversary of Wildwood Days was amazing and they did a beautiful job with the event.

Councilmember Woodall pointed out that it was the volunteer firemen who raised funds for the fireworks rather than the funds coming from the Fire District.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

Discussion on Sidewalk Flag Holders

City Manager Knopp said that at the request of Mayor Pro Tem Johnson and with the consensus of the Council, this item was placed on the agenda related to the discussion of flag holders located in the sidewalk on the southern end of Wildwood Ave. He then turned the discussion over to Mayor Pro Tem Johnson.

Mayor Pro Tem Johnson said as the Council is aware, the Chamber of Commerce has been very active in getting donations and putting out flags and honoring our veterans. That said, 25 years before incorporation of the City, in 1940 the Division of Highways had a contract to pave and widen main street. At that time, dozens of flag holders were installed in the sidewalk. Since then, most of those flag holders have been filled with dirt and gravel and other debris. He said that the only one conspicuously used is the one in front of Grundman's Sporting Goods, shouting out a great big thank you for their patriotism.

He indicated that he talked to President Chamber Nick Angeloff and told him that he would like to get the two dozen or so flag holders cleaned out and back into service and he was all for it and thought it would a great addition to flags they are proposing at the north end of town and also give good coverage to the south end of town.

Mayor Pro Tem Johnson suggested an endorsement by the City Council to demonstrate to the Chamber that the City would like the flags to continue down the entire stretch of Wildwood Ave.

City Manager Knopp said that with consensus of the Council, staff would bring back to the Council correspondence endorsing the flag holders and encouraging the downtown businesses to incorporate a flag display, whether it is in the sidewalk or on their building.

AUGUST 17, 2021 MINUTES
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Councilmember Woodall asked for clarification that the recommendation is for the City Council to endorse the concept and not directing staff to auger out the flag pole holders.

Mayor Pro Tem Johnson clarified that he would work with the Chamber to get the work done rather than Public Works.

Consensus of the Council was to support the endorsement related to flag pole holders and direct staff to return to Council with an agenda item at the next meeting.

Discussion on Police Department Staffing

City Manager Knopp said that at the request of Mayor Pro Tem Johnson and with a consensus of the Council, this item was placed on the agenda related to police department staffing, specifically the idea of an additional full-time sworn officer.

Mayor Pro Tem Johnson stated that several months ago, Sergeant Beauchaine was involved in an accident at home resulting in an injury and has been off work. He said that it reminded him of a time when the department was down to the Chief and one officer which was rough. He said that he is a proponent of having one more officer than we think we need so that officers can take full advantage of vacations, training, and court time. He said that unfortunately it is a vocation that is beset with way too many injuries which is impossible to plan for. He said that he would like the City to be pro-active with regard to staffing and asked Chief Conner to provide his thoughts on how to keep the department strong and stable.

Chief Conner said that in moving forward with the current climate, it is going to be more and more difficult to hire police officers. He noted that the average academy in the past has been between 30 and 40 students; the academy that graduated at the beginning of the summer, graduated with 11 cadets and the current academy only has 14 and they are only about a third of the way through. He noted that the vast majority of those candidates have already been hired by other agencies and are being paid to attend the academy.

He said if the goal is to keep the police department as healthy as possible, he believes the first goal should be to try and keep the officers we already have. Police officers become the most efficient after they have had at least two years of experience. By that time, they have learned about the people in town, learned how to do their jobs, and have had the experiences they need to develop skills in dealing with people. Unfortunately, this is also the time they start looking to transfer to other departments where there is better pay and more opportunities for advancement.

Things that the department might be able to do to alleviate this is perhaps to offer longevity pay. He said that he is already trying to increase the opportunities we have such as perhaps having a part-time officer through Measure Z on the Drug Task Force.

In terms of hiring, something the City should consider is rather than trying to pick up officers from other agencies or from the academy, to create a new position of Police Officer Cadet and hire somebody before they attend the academy, pay them to go through the academy and hire them afterwards. He noted that there is some risk in this as it is a significant expense and not

everyone graduates from the academy. Also, there is no guarantee that they will stay any length of period once they come to work for the City. However, in moving forward, he believes that this is the City's best opportunity to hire a qualified candidate.

He said that another thing the City could consider is to offer hiring bonuses which is very common in police departments throughout the state and most of the larger agencies in the County already do this. The goal would be to try and hire laterals away from some of those other departments. He noted that the City has actually been successful in hiring employees from other cities and if we could do this in the police department, would get those officers with a year or two of experience and wouldn't have to invest in the time it takes for them to become truly efficient.

Councilmember Woodall asked Chief Conner if he currently is having trouble allowing officers time off for vacations or training.

Chief Conner indicated that it isn't really a problem and that everybody with exception of himself and Officer Johnson has had at least some time off this summer. He said that he is scheduled for a 2 ½ week vacation starting September 1st and Officer Johnson has asked for time off around Christmas. He noted that people are still attending training as it becomes available, mostly local and said that the Perishable Skills training is still on hold as there were considerable revisions that were required due to legislative changes. College of the Redwoods is not yet offering those classes so there will be a higher crunch for training when those classes become available. He pointed out that there is a fairly large amount of overtime due to officers being called in to cover while officers on duty are in court.

Councilmember Woodall asked Chief Conner's opinion on adding another full-time officer.

Chief Conner explained that the main advantage of having a seventh full-time officer is to provide 24/7 coverage which he believes is one of Mayor Pro Tem Johnson's concerns. Currently they only have a graveyard officer 4 days/week and that shift is the first shift that gets pulled in the event an officer is out with an injury. He said that if the Council wants to direct more money to the police department, his primary goal would be to find ways to retain the current officers although they could always use another officer.

Councilmember Wilson asked if the amount spent for overtime pay outweighs the cost of an additional full-time officer.

Chief Conner explained that the cost of overtime pay is cheaper than the cost of a full-time officer but there is a cost to the employees working the extra hours because officers need time off to de-stress.

Councilmember Wilson commented that he sees the workforce shifting and that law enforcement is not the most desirable career these days. He said he was concerned about the additional expense for another officer but also concerned about officers getting burned out on the job. He asked if it was a problem not having an officer during the full graveyard shift.

Chief Conner said that he did an analysis of calls from 3:00-7:00 a.m. which is when they don't have coverage. During the months of May-July, there were 28 calls for service and only 5 of those calls were between the hours of 4:00-6:00 a.m. He said that the majority of them occurred shortly after the officer went off duty or shortly before the arriving officer came on duty and believes that it is indicative of officers staying over their shift because they had an ongoing investigation they were working on. He said he was not sure what the demand is during those hours in terms of calls for service. He noted that one metric that cannot be determined is how many crimes would be prevented if there were an officer on patrol between 3:00-7:00 a.m.

Councilmember Carter commented that she is a fan of employee retention across the board and thanked the Chief for the analysis and opinion on the current status of the department.

Mayor Garnes said that retaining officers is good so if there is some mechanism to make that happen, that's great but that she would also like to see some numbers on the cost of overtime versus a full-time benefited officer. She didn't see the need to add another officer at this time.

City Manager Knopp pointed out that part of the City Council prioritization was employee retention noting that additional funds were allocated in the budget for a human resources specialist who would come in and work directly with individual employees and the bargaining groups and make recommendations to the City Manager and the City Council in order to make appropriate changes. The law enforcement climate is changing rapidly and suggested keeping with the plan to look at it holistically across all the employees and the bargaining units and to bring it back to the City Council for consideration.

Mayor Pro Tem Johnson agreed with the City Manger to bring in a professional to talk to the bargaining units to see what is important to them for continued long-term dedicated service to the city of Rio Dell.

American Rescue Plan Act Funding Recommendations.

City Manager Knopp provided a staff report and said that on March 11, 2021, President Biden signed into law a nearly \$1.9 trillion coronavirus relief bill (HR 1319) known as the American Rescue Plan Act (ARPA) of 2021. He said that the law represents the sixth COVID-19 recovery measure that Congress has passed since last March and this most recent legislation established the Local Coronavirus Relief Fund and includes robust, direct and flexible federal COVID-19 related financial support to cities. Rio Dell is expected to receive \$801,152 in total ARPA funds by the end of 2022. Funds must be obligated by December 31, 2024 and expended by December 31, 2026.

He reviewed the four main options of eligible uses for ARPA funds as outlined by the U.S. Treasury in an Interim Final Rule. In broad terms, the funds may be used for the following:

- A. To respond to the public health emergency or its negative economic impact, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel, and hospitality;

- B. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- C. For the provisions of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency; and
- D. To make necessary investments in water, sewer, or broadband infrastructure.

He continued with review of three staff recommendations for use of the funds.

He commented that serious collection system deficiencies have led to sanitary sewer overflows requiring intense action by staff to mitigate these problems. By not addressing these problems, it could result in significant fines and penalties levied upon the city and the ratepayers.

Recommendation No. 1 was that the Council earmark \$640,922 (80%) towards the Painter St. Upsizing or other collection system projects identified through the SSES.

The estimated cost for the Painter Street Upsizing was \$1.2 million which is a significant outlay of funds which the wastewater capital fund cannot pay alone. As such, grant funding or ARPA funds are needed to fill the gap.

Recommendation No. 2 was that the Council earmark \$140,201 (17.5%) towards the Open Space Facility concept.

This facility could be utilized by interested members of the public to hold festivals, car shows, farmers markets or other similar events, creating long-term economic benefits to the community. A conceptual drawing was presented for the *Wildwood Avenue Event Space* between Memorial Park and City Hall.

Recommendation No. 3 was that the Council earmark \$20,028 (2.5%) for reimbursement of unbilled or future unidentified COVID-19 related expenses through 2026.

Councilmember Carter said that she liked the breakdown of options and was happy to see funds allocated for the Painter Street Upsizing. She also supported the concept of an outdoor event space and said if nothing else, COVID has taught us the importance of outdoor event space.

Mayor Pro Tem Johnson asked if there is a timeline on the Painter Street Upsizing project and if the work could be done prior to the completion of the Sanitary Sewer Evaluation Study (SSES) and if that is acceptable according to the Act.

City Manager Knopp said that there are basically two things going on with the SSES. It could identify inexpensive solutions to the City's I & I problem in certain areas of town which could negate the need for the upsizing. Because of the timeline of the grant, the City would not need to obligate until 2024 and should have the results of the SSES back prior to that time. If the SSES results were available prior to the start of the upsizing project, the item could come back to the Council to identify the most efficient method for handling the I & I situation. He

commented that we know the Painter Street upsizing would solve the I & I problem in that area but is it the most efficient method which a question that can only be answered by completion of the SSES. He said that he believes there is enough of a timeline for the City to determine that.

Councilmember Woodall asked if ARPA funds come in the form of a loan.

City Manager Knopp said that the funding comes in the form of a direct allocation and the City has already received close to half of the total amount however, the City is given guidelines in terms of appropriate expenditures so we need to be compliant with the law or the money would have to be paid back. He indicated that all three of these options are eligible projects as far as we know.

He said that with regard to the Painter Street upsizing, the idea is to leverage grant funds to make up the difference over the \$640,922 to avoid passing the costs onto the ratepayers.

Councilmember Woodall asked if the funds could be used before the final obligation date of December 31, 2024.

City Manager Knopp said that the funds could be used immediately provided the projects meet the eligibility criteria.

Councilmember Woodall said that she liked all three options but asked if something else came up, if the Council could revisit the issue and reallocate the funds to other projects.

City Manager Knopp said that the Council is simply establishing a plan to move forward but at any time prior to the contractual commitment, the fund could be reassigned so long they are within the eligibility and not past the end cap date of 2024.

Councilmember Wilson commented that all three options are all great ideas but expressed concern that since COVID-19 is still evolving, perhaps more money should be set aside for that purpose. He also thought it might be wise to wait on any I & I improvements until after completion of the SSES. He suggested that there might be some other good ideas for economic development as well. He noted that the government is putting out a lot of money under the American Rescue Plan which is concerning on a national level how the government is going to pay for the trillions of dollars that are being spent. He pointed out that Rio Dell will benefit from the funding so should move forward.

Mayor Garnes agreed that it was a great plan as presented. She said that to be able to earmark money for these activities is good and liked the idea of being able to shift the priorities around if needed. She said that this is a very good first step.

Mayor Garnes called for public comment. No public was received.

Motion was made by Carter/Johnson to approved the proposed American Rescue Plan Act recommendations as presented. Motion carried 5-0.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson reported on the July 21, 2021 LAFCo meeting and said that the city's request for annexation of the city's wastewater disposal field was approved. He said that as they often do with annexation requests, when roads are going to be changing from one jurisdiction to another, they will often want a road maintenance agreement. In this case it would be subject to a road maintenance agreement on approximately 1,000 feet of the road that fronts the City's parcel. He recommended that the City not enter into an agreement with the County and that staff send it back to LAFCo with reasons why the City should not bear that cost as a single property owner compared to the twenty plus other property owners..

He also reported that he attended a Last Change Grade Stakeholders meeting yesterday via Zoom and they didn't really move the ball forward much with regard to the project. He said there would be another meeting possibly in September or October and hopefully at that time they will see some information coming back on all of the studies that the State has done. As an update, this fall they plan on doing one more field boring and as reported before there are two alternates on the floor; one is a tunnel and the other is a more conventional road that would be uphill from the current alignment. As far as timeline, he estimated the draft environment document completed in 2023, the final environment document in 2025 with construction beginning in 2030.

Councilmember Woodall reported that she attended the Fire Department meeting and said that they had 49 calls for service for the month of July. She also requested an Adhoc meeting regarding the school be scheduled and announced that there would be a Nuisance Advisory Committee meeting tomorrow at 3:00 p.m.

Councilmember Wilson reported on the last Humboldt Waste Management Authority (HWMA) meeting and said that positive movement was made with regard to a CRV facility and said that Hambro decided to move forward with securing the CRV redemption center in Arcata.

Councilmember Carter reiterated on how nice Wildwood Days was this year and said that she was really impressed with the fireworks display.

Mayor Garnes reported that she attended the third Redwood Empire Division Cal Cities meeting via Zoom on Friday and that they discussed various legislative bills. She said the next meeting would be her last meeting as President of the Redwood Empire Division and that Tami Trent from Fortuna City Council would be moving into the First Vice-President position.

She shouted out a big "Hello" to a dear friend, Nancy Kurtz who was watching the meeting live.

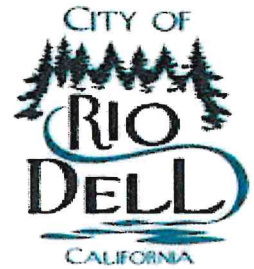
ADJOURNMENT

Motion was made by Johnson/Carter to adjourn the meeting at 7:38 p.m. to the September 7, 2021 regular meeting. Motion carried 5-0.

Attest:

Debra Garnes, Mayor

Karen Dunham, City Clerk



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

September 7, 2021

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Authorize the Mayor to Sign Correspondence to the Chamber of Commerce
Endorsing the Display of Flags Along Wildwood Avenue

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the Mayor to sign the attached letter.

BACKGROUND AND DISCUSSION

During a City Council meeting on August 3rd at the request of Mayor Pro Tem Johnson and with the consensus of the Council, it was requested that an item be placed on the Councils August 17th Agenda discussing flags. During the regular meeting of the Rio Dell City Council on August 17, 2021 staff was directed to return to tonight's meeting with correspondence to the Chamber of Commerce endorsing the display of flags along Wildwood Avenue. A copy of the correspondence is attached.

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



September 7, 2021

Nick Angeloff, President
Rio Dell Chamber of Commerce
406 Wildwood Avenue
Rio Dell, CA 95562

RE: Endorsement of the Display of the U.S. Flag Along Wildwood Avenue

Dear President Angeloff,

During the August 17, 2021 meeting of the Rio Dell City Council a discussion on sidewalk flag holders was held. During that discussion, Mayor Pro-Tem Johnson stated that during the 1940's there was significant work undertaken to install many of the sidewalks in the downtown area. This work also included dozens of flag holders built into the sidewalk.

On behalf of the Rio Dell City Council, I am writing to you today to endorse the display of flags along the entirety of Wildwood Avenue. We encourage downtown businesses to incorporate a flag display on or adjacent to their building. We also deeply appreciate the work of the Chamber to display U.S. flags along Wildwood Avenue.

Sincerely,

Debra Garnes, Mayor
City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562



TO: Mayor and Members of the City Council

FROM : Karen Dunham, City Clerk

THROUGH: Kyle Knopp, City Manager

DATE: September 7, 2021

SUBJECT: Appointment of Public Members to the Beautification,
Walkability and Pride Committee

RECOMMENDATION

Approve appointment of one member of the public to the Beautification, Walkability and Pride Committee.

BACKGROUND AND DISCUSSION

At the regular meeting of June 15, 2021, the Council adopted Ordinance No. 389-2021 amending Chapter 2.55 of the Rio Dell Municipal Code to create the Beautification, Walkability and Pride Committee.

The Committee is made up of two (2) members of the City Council, and three (3) members of the public.

At the meeting of July 20, 2021, Mayor Garnes and Councilmember Carter were appointed to fill the two (2) Council positions followed by the appointment of two public members, Ania Laniewski and Elizabeth Warren at the August 17, 2021 regular meeting.

The following application was received from a member of the public expressing interest in serving:

- Rey De La Cruz

Staff's recommendation is to appoint the applicant to fill the vacancy for the third public member.

ATTACHMENTS: (1) application

CITY OF RIO DELL
AUG 23 2021
RECEIVED



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

APPLICATION FOR COMMISSION/BOARD

NAME Rey De La Cruz DATE 8/22/21
ADDRESS 1988 Pacific ave HOME PHONE (707) 292-1516
Rio Dell, CA 95562 BUSINESS PHONE (707) 292-1516

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

Beautification, Walkability and Pride Committee

OCCUPATION Utility Maintenance

HOW LONG HAVE YOU LIVED IN RIO DELL? 2 years 6 months

PROFESSIONAL/AND/OR COMMUNITY ACTIVITIES I served on the board of directors for the Laura Jepsen Institute from 1999 thru 2001. It is a non profit

Institute in Tallahassee, Florida. friends of laura.org

ADDITIONAL PERTINENT INFORMATION/REFERENCES

These are 3 personal and professional references.

Nita Davis - Laura Jepsen Institute - (850) 545-1278

Michael Barasch - City of Santa Rosa - (707) 293-4396

Richard Kyle - Friend - (530) 409-1060

EDUCATION
Santa Rosa Junior College 87-89

Please answer the following two questions:

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

In my experience in living in different places, I have found the places that have stood out to me are the ones where pride is reflected through creative redevelopment. I believe a thoughtfully located mural or art sculpture not only shows pride but community identity as well. The possibility to utilize public spaces to engage the community is exciting to me. The City of Rio Dell has an identity but from a visitor's point of view I think it's hard to see right now.

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

As a board member of the Laura Jepsen Institute I worked to develop and maintain the property without degrading the aesthetic integrity as it was left by Laura Jepsen. This experience taught me the importance of good stewardship and was very rewarding. I worked for 4 years as a Interior Design Consultant and high end furniture salesman. I have studied Interior design and architecture and feel my experience would bring a varying range of ideas to the table. Thank you

Note: A Resume may be attached

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

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



DATE: August 30, 2021
TO: Rio Dell City Council
FROM: Randy Jensen, Water and Roadways Superintendent
THROUGH: Kyle Knopp, City Manager
SUBJECT: Replacement of Turbidity Meters for the Surface Water Treatment Facility

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the purchase of 6 TU5300 and sc200 controllers (NTU Turbidity Meters) for Rio Dell Surface Water Treatment Facility as per attached Quote for \$26,991.40 (TAX NOT INCLUDED)
Adopted City Budget - Account # 6200 14 062 0000, Project # 9022 from USA Bluebook Equipment Provider.

BACKGROUND AND DISCUSSION:

The City of Rio Dell Surface Water treatment facility contains 1 Roberts Water Technologies Reliant Model PFS350 and 4 Pacer Model P175P filters. Each filter including the Reliant has a Nephelometric Turbidity Unit (NTU) meter connected to it to monitor the effluent turbidity of the treated water. There is also a final effluent turbidity meter that is required for monitoring as well. The first 3 turbidity meters were installed in 2001 and an additional 3 were added with the 2006 Water Treatment Plant Expansion Upgrade. The manufacturer (HACH Company) had sent out a product release sheet on the new TU5300 meters a few years ago as the current 1720 D and E series turbidity metes were on their way of being discontinued in the very near future. Furthermore, some maintenance kits and parts have already become unavailable. With this information, planning for the new TU5300 turbidity meters has come to

light and was budgeted for in the 2021-2022 Capital budget for the Water System. Also, staff will be installing the new TU5300 meters in place of the old 1720D and E's.

BUDGETARY IMPACT

The TU5300 NTU Turbidity Meters were incorporated and adopted in our 2021-2022 Capital budget and approved for this fiscal year in the amount of \$30,000. The proposal provided from USA Bluebook has a total of \$26,991.40 (Tax was not included) and an estimated tax of \$2361.71 for a total of \$29,353.12. A second quote was requested for the same equipment from Hach Company as well however, their overall cost was slightly higher at \$27,378.20 minus the \$1,204 maintenance kit.

ATTACHMENTS:

USA Bluebook quote # 284206 for the purchase of 6 TU5300 turbidity meters and sc200 controllers plus 1 TU5 Maintenance Kit.

QUOTATION
HDSFM
D/B/A USABLUEBOOK
PO Box 9004
Gurnee, IL 60031-9004
Toll free: 1-800-548-1234
Fax: (847) 689-3030

NO. 284206

Page 1

08/13/21

Ship-to: 1
RIO DELL, CITY OF

Bill-to: 20533
RIO DELL CITY OF

475 HILLTOP DR
RIO DELL CA 95562-1440
USA

675 WILDWOOD AVE
RIO DELL CA 95562
USA

```
=====
REFERENCE # | EXPIRES | SLSP | TERMS | WH | FREIGHT | SHIP VIA
-----
U5300 SC | 08/27/21 | CMC | NET 30 | 21 | FXD/PPD | OAK HARBOR
=====
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QUOTED BY: CMC | QUOTED TO: RANDY JENSEN

```
=====
ITEM | DESCRIPTION | QUANTITY | UM | PRICE | UM | EXTENSION
-----
01929 | TU5300 w/SysChk,RFID,Flo,ACM & | 6 | EA | 4297.80 | EA | 25786.80
| 2Ch sc200 Controller (8627000) | | | | | |
2855 | TU5 Maint.Kit w/RFID Stds & | 1 | EA | 1204.60 | EA | 1204.60
| Glass Rod (LZY907.97.00002) | | | | | |
| | | | | | |
| PRICE GOOD TIL 8/27 DUE TO HACH PRICE INCREASES COMING ON |
| THE 28th. | | | | | |
=====
```

Any quoted item(s) without a 5 digit stock # is not normally stocked by USABlueBook and is not normally returnable for credit UNLESS it is determined to be defective and covered under the vendor's warranty. With this in mind, please carefully review this quote BEFORE ordering to be certain it is appropriate for your application. This quote and all sales by HD Supply Facilities Maintenance, Ltd. d/b/aUSABlueBook shall be governed exclusively by the Terms of Sale available at hdsupplysolutions.com/terms.

Please note that your order may be subject to applicable taxes based on current rates at the time your order is completed.

CONTINUED

QUOTATION
 HDSFM
 D/B/A USABBLUEBOOK
 PO Box 9004
 Gurnee, IL 60031-9004
 Toll free: 1-800-548-1234
 Fax: (847) 689-3030

NO. 284206
 Page 2
 08/13/21

Ship-to: 1
 RIO DELL, CITY OF

Bill-to: 20533
 RIO DELL CITY OF

475 HILLTOP DR
 RIO DELL CA 95562-1440
 USA

675 WILDWOOD AVE
 RIO DELL CA 95562
 USA

REFERENCE #	EXPIRES	SLSP	TERMS	WH	FREIGHT	SHIP VIA
U5300 SC	08/27/21	CMC	NET 30	21	FXD/PPD	OAK HARBOR

QUOTED BY: CMC | QUOTED TO: RANDY JENSEN

ITEM	DESCRIPTION	QUANTITY	UM	PRICE	UM	EXTENSION
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TO ORDER --

For your convenience, you may simply sign below and return via fax to 847-689-3030. We will process your order promptly and fax a confirmation so you know we have it. If you prefer to call your order in or have additional questions or concerns, you may contact our Customer Service Department @ 800-548-1234. Please note any changes to the quantities or shipping address. Thanks for choosing USABBlueBook.

Authorization Signature

PO Number (if required)

MERCHANDISE	MISC	TAX	FREIGHT	TOTAL
26991.40	.00	.00	.00	26991.40

USE THIS QUOTE # ON PO's!



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

September 7, 2021

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Authorize the Mayor to Sign a Letter to the Governor Requesting a Veto of SB9
Related to Housing

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the Mayor to sign the attached letter.

BACKGROUND AND DISCUSSION

SB 9 (Atkins) is legislation that will require a local government to ministerially approve a housing development containing up to four units on a parcel that was otherwise designated for one single-family home *and* require local governments to ministerially approve an urban lot split, thus creating two independent lots that may be sold separately.

Earlier this week, SB 9 was voted out of the Assembly and Senate floors and is on its way to the Governor's desk for action.

Cities are asked by the League of California Cities to send a Request for Veto letter to the Governor.

///

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



September 7, 2021

The Honorable Gavin Newsom
Governor, State of California
First Floor, State Capitol
Sacramento, CA 95814
leg.unit@gov.ca.gov

**RE: SB 9 (Atkins) Increased Density in Single-Family Zones
VETO REQUEST**

Dear Governor Newsom:

The City of Rio Dell writes to request your VETO on SB 9 (Atkins).

SB 9 would require nearly all cities, regardless of existing circumstances, to ministerially approve, without condition or discretion, a housing development containing up to four units on a parcel that was otherwise designated for one single-family home. Additionally, this measure would require local governments to ministerially approve an urban lot split, thus creating two independent lots that may be sold separately.

Housing affordability and homelessness are among the most critical issues facing California cities. Affordably priced homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in the state. Cities lay the groundwork for housing production by planning and zoning new projects in their communities based on extensive public input and engagement, state housing laws, and the needs of the building industry. Importantly, cities are currently updating housing plans to identify sites for more than two million additional housing units.

While we appreciate President pro Tempore Atkins' desire to pursue a housing production proposal, as currently drafted, SB 9 does not guarantee the construction of affordable housing nor will it spur additional housing development in a manner that supports local flexibility, decision making, and community input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements that are certified by the California Department of Housing and Community Development.

Policy makers must avoid pushing new, unproven policies that would undermine local planning, change the rules mid-stream, or conflict with the myriad of new housing laws recently passed that cities are now implementing.

For these reasons, the City of Rio Dell strongly urges you to VETO SB 9.

Sincerely,

Debra L. Garnes
Mayor
City of Rio Dell

cc: Senator McGuire and Assembly Member Wood
Ronda Paschal, Deputy Legislative Secretary, Office of Governor Newsom,
Ronda.Paschal@gov.ca.gov
Sara Sanders, Regional Public Affairs Manager, Cal Cities, sanders@calcities.org
League of California Cities, cityletters@calcities.org



Staff Highlights – 2021-09-07

City Council

Mayor Garnes was appointed by Governor Newsom to the State Seismic Safety Commission.

City Manager

Meetings and information exchange with Water / Wastewater rate consultant.

Issued Newsletter.

Discussions over Clean California grant project proposals.

RFP proposal for energy resiliency allocation.

N-95 Mask distribution.

RFQ for architectural services related to open space events facility proposal.

Issued asphalt striping bid.

Discussions with the County over Monument Road slip-out repair.

City expects to receive and deploy new public trash/recycling cans over the next two weeks.

Initial discussions with neighboring jurisdictions over 2022 cooperative street slurry project.

Attended SCORE Board of Directors meeting.

Met with engineers over 2022 street projects.

City Clerk

Processed Eight (8) Building Permit Applications:

- 117 Meadowbridge Lane – Carport
- 345 Dixie St. – Service Panel Upgrade
- 275 Belleview Ave. – On Demand Water Heater
- 148 Douglas St. – New Single-Family Residence
- 625 Northwestern Ave. – Grading Permit
- 528 First Ave. – PV Solar
- 145 Meadowbridge Lane – Re-Roof Residence
- 120 First Ave. – Re-Roof Residence



Processed Four (4) Business License Applications:

Dinsmore Plateau Farms. LLC – Cannabis Cultivation
Larry Walker Associates. Inc. – Environmental Consultants
California Heating – Non-Resident Contractor
Sac/SoCal Energuy - IT Support

Processed Two (2) Encroachment Permits

206-210 Willow Lane – Water/Sewer Tie-Ins
100 Atlanta St. – Water Connection

Misc:

Submitted CHF-CIRB Building Permit Report – July
Submitted completed CDBG loan documents to County for recording – M. Brady
Responded to Public Records Request

City Attorney

Human Resources, Risk & Training

Finance Department

Public Works Water

Water leak repairs at the following addresses:

794 and 796 Ireland St, 725 Rigby apartments and 158 Davis St.

Water leaks at 1054 Monument Rd

Water Leak on East Bridge St

Water Leak at Old Ranch Road and Monument Rd

Installed 5 water meters at 455 Wildwood Ave apartment complex.

Replace Effluent Valve on filter 4 at Surface water treatment plant

Maintenance on Chemical Feed pumps and Storage Tanks.

Meter Reading and High Usage Checks

Public Works Wastewater



Routine Sewer Jetting in the Collection system.

Mowed and Baled irrigation fields.

Sewer lateral inspections at 351 1st Ave, 310 Wildwood Ave, 206 Willow and 471 2nd Ave.

206 Willow new sewer and water tie in to the system.

Fixed the Motor control arm on back gate at Corp yard.

Local Public works workers riding Bikes to work.

Drafted Response letter to EPA in response to site visit in June.

Assisted Streets crew in drainage project on pacific

Cleaned and switched Contact basins.

Tesla update: Civil work on concrete pads finished and cured. Tesla crew is on site pulling wires and setting equipment.

Public Works Streets, Buildings and Grounds

Weekly safety meeting.

Shut down irrigation on the North Gateway, City Hall and Blue Star Park.

Cut back fallen trees on the corner of Painter/ Center St.

Trim back trees at Edwards Drive and Infiltration Gallery

Remove Dangerous tree at River Bar Access on Edwards Dr.

Repair Drainage inlet at 775 Pacific Ave

Repairs on BlueSlide Rd at rock wall retaining wall

Garbage Cleanup through out city including Blueslide Rd.

Public Works City Engineer

Public Works Capital Projects

Police Department

The Department had the following statistics for the period of August 11, 2021, to August 30, 2021. This period of time saw slightly below average numbers across all of the metrics. This is primarily due to



reduced staffing stemming from vacation and injury. The summation of Calls for Service may be greater than the total as multiple officers can now be assigned to the same call for service. There may also be administrative calls for service that are not documented below.

Officer	Calls for Service	Reports	Arrests
Conner	35	6	2
Beauchaine	6	4	2
Landry	96	12	6
Mitchell	0	0	0
Burns	63	4	1
Johnson	99	13	9
Fielder	5	1	0
Clark	15	0	N/A
Totals	306	40	20
Averages	15.3 per day	13.3 per week	6.7 per week
2021 Yearly Average	17.5 per day	15.4 per week	8.0 per week

Calls for Service at 355 Center Street

Type	Date	Time	Location	Primary Unit	Case #
FOOT	08/11/2021	18:32:44	355 CENTER ST	R615	
415V	08/12/2021	09:48:40	355 CENTER ST	6S2	
FU	08/17/2021	11:43:55	355 CENTER ST	6R9	
WELFARE	08/18/2021	19:57:18	355 CENTER ST	R615	
WELFARE	08/22/2021	10:25:06	355 CENTER ST	6A1	
WELFARE	08/27/2021	18:43:46	355 CENTER ST	R618	
WELFARE	08/29/2021	02:08:44	355 CENTER ST	R618	

FOOT – Foot patrol through the facility

FU – Follow up or a generic contact

415V – Verbal argument or disturbance

WELFARE – Welfare check on a person

R615 – Officer Liam Burns

R618 – Officer Conan Johnson

6R9 – Officer Charlie Fielder

6A1 – Chief Jeff Conner

During the period of August 11 to August 30, 2021, there were 19 calls for service related to animal control issues. Three dogs were transported to Miranda’s Rescue. On August 18, 2021, Chief Conner responded to a report of an injured opossum on Belleview that had apparently been hit by a car. Chief Conner was able to capture the injured animal and transport it to a safe location where it was dispatched. He also picked up a second opossum that had been hit by a car on Belleview, but had already succumbed to its injuries.



Officer Mitchell took a much-needed vacation

Sergeant Beauchaine is still working on light duty

On August 12, 2021, Corporal Landry responded to a residence to take a hit and run traffic accident report. However, she noticed that while there was damage to the rear of the vehicle parked in the driveway, there was no associated debris on the ground. She asked if there was a chance that someone else could have driven the car during the night. The owner's teenage daughter eventually admitted that she had taken her parent's car and lost control on Waddington Road in Ferndale. She had slid into a parked trailer and then fled. Sergeant Beauchaine contacted the owner of the trailer who declined to press charges as the trailer was not damaged.

On August 14, 2021, Corporal Landry was told about a man who was repeatedly striking his dog with a clenched fist. Corporal Landry was able to identify the man and then locate him at an address on First Avenue. The man was taken into custody for animal cruelty and the dog was transported to Miranda's Rescue as it did not appear to be seriously injured.

On August 21, 2021, Corporal Landry was called to the scene of an unwitnessed death. The deceased was found in the backyard with a minor wound on his forehead. The owner of the property told Officer Landry that the dead man had been sick for several days and he suspected that he had Covid. Corporal Landry and the deputy coroner investigated and determined that the wound had been inflicted post-mortem and the man had died of natural causes. It was later determined that he had tested positive for Covid. According to the Coroner's Office, there are no reported instances of someone catching the disease from a corpse, but that all safety precautions should still be used.

On August 27, 2021, Officer Johnson attempted to stop a motorcyclist for not having a license plate on his bike. The rider refused to yield and raced south, through town at speeds of over 50 mph. He then continued south on Highway 101 at speeds up to 100 mph. Officer Johnson discontinued the pursuit at the Pepperwood exit due to safety concerns. When he discussed the suspect's vehicle with Corporal Landry, she recognized the bike as one she had seen at a residence, even taking pictures of it. Officers Johnson and Burns continued to investigate, including obtaining surveillance video of a man leaving the residence in question, getting on the motorcycle and heading in the direction where he was seen by Officer Johnson. The man was contacted and interviewed. He was then arrested and taken to jail for evading an officer.

On August 29, 2021, Chief Conner was dispatched to an argument between a man and a woman on Eeloa. While he was en route, he was further advised that the argument may actually be a burglary in progress. When Chief Conner arrived, he was directed to a local business where the Fire Chief had detained the suspect. Chief Conner learned that the resident had noticed that a gate he had closed the night before was now open and began checking his property. He found his travel trailer was locked when the night before it had been unlocked. He retrieved a key from the house and when he opened the door, he found a woman sound asleep in the trailer's bed. He ordered her out and she fled up the street, leaving some of her belongings behind. She was followed by the residents of the house and some of their neighbors, including the Fire Chief. I spoke to the residents and they could not be certain if the woman had stolen anything, but she was wearing some of their clothes including the husband's



sweatpants and the wife's underwear and top. The woman declined to answer where she had gotten the clothes and was arrested for burglary. She was transported to the jail without incident.

Code Enforcement

During the period of August 11, to August 30, 2021, the Department opened fourteen new cases and closed seven dealing with junk or inoperable vehicles. All seven of the closed cases had the vehicles moved by their owners. There were thirteen open cases at the end of this reporting period.

During the period August 11 to August 30, 2021, the Department opened one code enforcement case and closed another. The new case was for improper parking and solid waste while the closed case was for a carport built without permits. This issue was resolved when the property owner obtained a permit. The Department initiated an abatement at a house on Davis Street that included loading a 30-yard refuse bin. The abatement will be completed when Chief Conner returns from vacation in September. There are currently sixty-nine open code enforcement cases.

Community Development Department

Review Flag policies, prepare staff report, resolution and draft policy

Olea framing inspection 162 Grayland Heights

Insulation and sheetrock inspection 210 Willow Lane

Review other jurisdictions RFP's/RFQ's, work on RFP/RFQ for Todd property Master Plan

Attend wall bracing webinar

Telephone call with Retail Strategies, market/leakage studies. Receive and review study.

Guidry Solar Plan Check 528 First Avenue

Progress inspection 655 Rigby Avenue

Foundation and framing inspection 11281 Blue Slide Road

Windshield street parking survey with Councilmember Woodall

Begin Roscoe PMS staff report, discuss with Fire Chief, City Engineer

Refer Pancoast lot line adjustment and construction drawings

Foundation inspection 425 Hilltop (Tesla project)

Review proposed Cortazar subdivision



Electrical, siding and window inspection 345 Dixie Street

Attend virtual Climate Action Plan meeting

Review and approve Wendt grading permit

Intergovernmental

Humboldt-Rio Dell Business Park

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



For Meeting of: September 7, 2021
 Consent Item; Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: August 24, 2021

Subject: City Flag Policy

Recommendation:

That the City Council:

1. Receive staff's report regarding a potential flag policy for the City;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Consider possible revisions to staff's draft flag policy;
5. Adopt Resolution No. 1501-2021 (Attachment 1) approving a flag policy for the City.

Discussion

Staff has recently discussed the possible need for a City flag policy. The discussion arose after a citizen complained about one of the flags recently displayed on City Hall grounds. As such, staff has drafted a possible flag policy for the Council's consideration. The draft policy is included as Attachment 2. Staff has also included copy of the State's flag regulations, Government Code 430 *et. seq.* as Attachment 3.

Attachment 1: Resolution No. 1501-2021 (Attachment 1) approving a flag policy for the City.

Attachment 2: Draft Flag Policy.

Attachment 3: A copy the State's flag regulations, Government Code 430 *et. seq.*

RESOLUTION NO. 1501-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ADOPTING A DISPLAY OF FLAGS POLICY**

BE IT RESOLVED BY THE CITY OF RIO DELL AS FOLLOWS:

WHEREAS, establishing a policy on the display of flags will provide guidelines for the exhibition of the United States of America flag, the California State flag, and the City of Rio Dell flag at Rio Dell City Hall and City facilities;

WHEREAS, establishing the Display of Flags policy will help ensure that flags will be displayed in conformance with Federal and State laws and regulations;

WHEREAS, the Display of Flags policy affirms that the City of Rio Dell's flagpoles and/or grounds are not intended to serve as a forum for free expression by the public;

WHEREAS, the Display of Flags Policy, attached hereto as Attachment 2, provides guidance and the procedure for the display of federal, state, and City flags, as well as the display of ceremonial flags including, but not limited to: flags of governments recognized by the United States, flags of official Sister Cities of the City of Rio Dell, flags of significance to the City's history, and flags that commemorate special observances.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF RIO DELL
AS FOLLOWS:**

1. That the Display of Flags Policy, attached hereto as Attachment 2, is hereby approved and adopted, and the City Manager is directed to number (and renumber,

as appropriate) the Council Policy Manual such that they are organized in a logical fashion.

2. Effective date. This resolution shall become effective immediately

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on September 7, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Garnes, 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 Resolution No. 1501-2021 adopted by the City Council of the City of Rio Dell on September 7, 2021.

Karen Dunham, City Clerk, City of Rio Dell

Attachments incorporated by reference: 1. Display of Flags Policy



DISPLAY OF FLAGS POLICY

City of Rio Dell Council Policy Manual

Purpose: To establish clear guidelines for: 1) the exhibition of the United States of America flag, the California State flag, the City of Rio Dell flag at City facilities and at City Hall, and 2) the display of ceremonial flags.

Policy: It is the policy of the City of Rio Dell that flags should be displayed in conformance with Federal and State laws and policies, as stated in the Federal "The Flag" publication of the Congress, Title 4, Chapter, 1 of the United States Code, and the State of California Government Code Sections 430 and 437.

The City's flagpoles, facilities or grounds are not intended to serve as a forum for free expression by the public. The City will not display a ceremonial flag based on a request from a third party, nor will the City use its flagpoles, facilities or grounds to sponsor the expression of a third party.

Procedure: Federal, State, and City Flags

1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States of America flag; second, the California State flag; third, the City of Rio Dell flag;
2. The City of Rio Dell flag will be flown wherever there are sufficient poles to do so. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The Federal, State, and City flags shall not be flown on a single pole of any height.

3. Indoor City flags shall be displayed at a minimum in the City Hall Council Chambers.

4. The flag of the United States shall be displayed at half-staff on Memorial Day (until noon), and by order of the President, usually upon the death of principal figures of the United States government, the governor of a state, or other officials or foreign dignitaries, or to commemorate other days of observance. On these occasions, the flag of the State of California shall be similarly displayed at half-staff.

The flag of the United States and the flag of the State of California shall be displayed at half-staff upon proclamation of the governor to acknowledge the death of a present or former official of the state government.

The Mayor shall have the authority to direct that flags displayed at County facilities be flown at half-staff upon the death of an official or person of significant public import, the death of a City employee while on duty, or the death of citizens occurring in a disaster of significant proportion.

Ceremonial Flags

1. Flags of governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council, or the City Manager. If flags of two or more nations are flown, the foreign flag(s) must be of equal size and displayed on staffs of equal height as the United States flag.

2. The flags of official Sister Cities of the City of Rio Dell may be displayed in conjunction with an event involving the Sister City or Cities, and shall follow the City flag in the order of precedence of Federal, State, and City flags.

3. Ceremonial flags of significance to the City's history may be displayed as designated by City Council by adoption of a resolution in conjunction with official actions or proclamations of the City Council.

4. Ceremonial flags that commemorate special observances must be approved by City Council by adoption of a resolution prior to the observance and shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 10 continuous days.

5. All ceremonial flags shall be no larger than three feet by five feet and no smaller than two feet by four feet.

GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914]

(Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 2. STATE SEAL, FLAG, AND EMBLEMS [399 - 447]

(Division 2 enacted by Stats. 1943, Ch. 134.)

CHAPTER 3. Display of Flags [430 - 439]

(Chapter 3 added by Stats. 1953, Ch. 170.)

430. The Flag of the United States and the Flag of the State of California (the Bear Flag) shall be prominently installed, displayed, and maintained in the following places:

- (a) In the courtrooms of all courts of the State.
- (b) In all rooms where any court or any state, county, or municipal commission holds any sessions.

(Added by Stats. 1953, Ch. 170.)

431. The Flag of the United States and the Flag of the State shall be prominently displayed during business hours upon or in front of the buildings or grounds of or at each of the following places:

- (a) Each public building belonging to the State, a county, or a municipality.
- (b) At the entrance and exit of every state park.
- (c) At the entrance or upon the grounds of each campus of the University of California.
- (d) At the entrance or upon the grounds or upon the administration building of every university, college, high school, and elementary school, both public and private, within the State.
- (e) Upon or at every agricultural inspection station just inside California and located on every highway leading into California.
- (f) At the entrance of or within every state highway maintenance station where personnel reside or are on duty at the time necessary to raise and lower the Flag.

(Amended by Stats. 1953, Ch. 1227.)

432. The Flag of the United States and the Flag of the State shall be prominently displayed during any and all games and performances of every kind which take place in a coliseum, stadium, bowl, or other open air sites, and at all race tracks where racing is being conducted.

(Added by Stats. 1953, Ch. 170.)

433. The National and State Flags shall be carried at the head of any procession or parade of:

- (a) The National Guard.

- (b) The California State Guard.
- (c) Any other state military organization.
- (d) Sheriff's posse.
- (e) City police or fire department.

(Added by Stats. 1953, Ch. 170.)

434. Where the installation or display of the Flag of the United States and the Flag of the State in a place publicly owned, whether by the State, a county, or a municipality, is prescribed, public officials charged with furnishing the place shall provide for the acquisition of the flags and their installation, display, and maintenance pursuant to this chapter.

(Added by Stats. 1953, Ch. 170.)

434.5. (a) As used in this section, the following terms have the following meaning:

(1) "Legal right" means the freedom of use and enjoyment generally exercised by owners and occupiers of land.

(2) "Local government agency" means a county, city, whether general law or chartered, city and county, town, municipal corporation, school district or other district, political subdivision, or any board, commission, or agency thereof, or other local agency.

(b) (1) No person, private entity, or governmental agency shall adopt any rule, regulation, or ordinance, or enter into any agreement or covenant, that prevents any person or private entity that would otherwise have the legal right to display a Flag of the United States on private property from exercising that right, unless it is used as, or in conjunction with, an advertising display.

(2) Nothing in this subdivision shall be construed to prevent a city, county, or city and county from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the public's health, safety, or order.

(c) (1) A local government agency may not adopt any policy or regulation that prohibits or restricts an employee of that agency from displaying a Flag of the United States, or a pin of that flag, on his or her person, in his or her workplace, or on a local government agency vehicle operated by that employee.

(2) Nothing in this subdivision shall be construed to prevent a local government agency from imposing reasonable restrictions as to the time, place, and manner of placement or display of a

Flag of the United States when necessary for the preservation of the order or discipline of the workplace.

(d) No restrictions solely to promote aesthetic considerations shall be imposed pursuant to paragraph (2) of subdivision (b) or paragraph (2) of subdivision (c).

(Amended by Stats. 2002, Ch. 73, Sec. 1. Effective January 1, 2003.)

434.7. (a) On and after January 1, 2017, any Flag of the United States or the Flag of the State of California purchased by the state or any local government agency shall be made in the United States.

(b) For purposes of this section, the term "local government agency" means a county, city, city and county, town, municipal corporation, school district or other district, political subdivision, or any board, commission, or agency thereof, or other local agency.

(Added by Stats. 2016, Ch. 717, Sec. 1. (SB 1012) Effective January 1, 2017.)

435. Where a city or county has adopted an official flag, it is unlawful for any other city or county to adopt an official flag so similar that it might deceive or mislead anyone as to the city or county to which it belongs.

(Added by Stats. 1953, Ch. 170.)

436. Where the National and State Flags are used, they shall be of the same size. If only one flagpole is used, the National Flag shall be above the State Flag and the State Flag shall be hung in such manner as not to interfere with any part of the National Flag. At all times the National Flag shall be placed in the position of first honor.

(Added by Stats. 1953, Ch. 170.)

437. The superior court having jurisdiction of the offense shall enforce this chapter on the complaint of any citizen of the county.

(Added by Stats. 1953, Ch. 170.)

438. All United States Flags now in the possession of state, county, city, and district agencies, or hereafter acquired by such agencies under contracts awarded prior to March 18, 1959, may be utilized until unserviceable.

(Added by Stats. 1959, Ch. 1521.)

439. The Adjutant General shall, by regulation, prescribe rules regarding the times, places, and manner in which the State Flag may be displayed. He shall, periodically, compile the laws and regulations regarding the State Flag. Copies of the compilation shall be printed and made available to the public at cost by the Department of General Services.

(Amended by Stats. 1965, Ch. 371.)