

A G E N D A
RIO DELL CITY COUNCIL
REGULAR MEETING - 6:30 P.M.
TUESDAY, JULY 3, 2012
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

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

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

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

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL
- E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the 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) 2012/0703.01 - Approve Minutes of the June 19, 2012 Regular Meeting (**ACTION**) 1
- 2) 2012/0703.02 - Approve Resolution No. 1160-2012 Confirmation of FY 2012-2013 Tax Assessment for 1978 Sewer Assessment Bonds (**ACTION**) 9

- | | |
|--|----|
| 3) 2012/0703.03 - Approve Resolution No. 1161-2012 Adopting Gann Appropriations Limit for FY 2012-2013 (ACTION) | 23 |
| 4) 2012/0703.04 - Approve Progress Pay Request No. 4 to Wahlund Construction, Sequoia Construction Specialties in the Amount of \$761,214.41 for work related to the Wastewater Treatment Plant Upgrade and Disposal Project (ACTION) | 31 |

G. SPECIAL PRESENTATIONS

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- | | |
|--|-----|
| 1) "SPECIAL CALL ITEMS" from Consent Calendar | |
| 2) 2012/0703.05 - One-Way Streets and Town Center Zoning (ACTION) | 49 |
| 3) 2012/0703.06 - Consideration of a new Street Improvement Measure for November 6, 2012 Election (ACTION) | 55 |
| 4) 2012/0703.07 - Direct Staff to Proceed with an RFP for a Wastewater Rate Study (ACTION) | 57 |
| 5) 2012/0703.08 - Draft July 2012 Employee Handbook (RECEIVE & FILE) | 58 |
| 6) 2012/0703.09 - Status Report on State Budget and Potential Effect on Approval of M.O.U.'s and Employment Agreements (RECEIVE & FILE) | 110 |

I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- | | |
|--|-----|
| 1) 2012/0703.10 - Introduce and Conduct First Reading (by title only) of Ordinance No. 290-2012 and Approve Resolution No. 1157-2012 Approving (or denying) the Albin General Plan and Zone Reclassification (ACTION) | 112 |
| 2) 2012/0703.11 - Approve Resolution No. 1153-2012 Amending the 2006 CDBG Housing Rehabilitation Program Guidelines (ACTION) | 135 |
| 4) 2012/0703.12 - Introduce and Conduct First Reading (by title only) of Ordinance No. 291-2012 Establishing Design Review Guidelines, Section 17.25.050 of the Rio Dell Municipal Code (RDMC) (ACTION) | 142 |
| 5) 2012/0703.13 - Conduct Second Reading (by title only) and Approve of Ordinance No. 292-2012 Approving Eel River Industrial Park General Plan Amendment and Zone Reclassification (ACTION) | 161 |

J. REPORTS/STAFF COMMUNICATIONS

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

K. COUNCIL REPORTS/COMMUNICATIONS

L. STUDY SESSIONS/PUBLIC HEARINGS

M. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED CLOSED SESSION AS FOLLOWS:

N. PUBLIC COMMENT REGARDING CLOSED SESSION

O. RECESS INTO CLOSED SESSION

P. RECONVENE INTO OPEN SESSION

Q. ORAL ANNOUNCEMENTS

R. ADJOURNMENT

*The next Regular meeting will be on July 17, 2012
at 6:30 PM in the City Council Chambers*

**RIO DELL CITY COUNCIL
CLOSED SESSION
REGULAR MEETING
JUNE 19, 2012
MINUTES**

The Closed Session/Regular Meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Woodall.

ROLL CALL: Present: (Closed Session) Mayor Woodall, Councilmembers Leonard, Marks, Thompson and Wilson, City Manager Stretch and City Attorney Gans (Councilmember Leonard recused himself and was not present for the Wolff portion of the closed session)

Present: (Regular Meeting) Mayor Woodall, Councilmembers Leonard, Marks, Thompson and Wilson

Others Present: City Manager Stretch, Finance Director Beauchaine, and City Clerk Dunham

Absent: Community Development Director Caldwell, Chief of Police Hill, Water Superintendent Jensen and Wastewater Superintendent Chicora (excused)

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Pursuant to Government Code Section 54956.9(a) Name of Case:
Steven and Sharon Wolff v. City of Rio Dell, Humboldt Superior Court Case No. CV120162

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Pursuant to Government Code Section 54956.9(a) Name of Case:
Anthony Micheli v. City of Rio Dell, Humboldt County superior Court Case No. CV100171

Mayor Woodall announced the Council would be adjourning to closed session to discuss the above matters and asked for public comment. There being no public comment, the Council adjourned to closed session at 6:00 p.m. The closed session ended at 6:25 p.m.

The Council reconvened into open session at 6:30 p.m.

ORAL ANNOUNCEMENTS

JUNE 19, 2012 MINUTES
Page 2

Attorney Gans announced the Council was in closed session on 2 matters as posted on the agenda. With respect to the first item related to the Wolff existing litigation, the City Council reviewed with the City Attorney a form of a stipulation requesting an in-camera review and release of public records and said a form of the stipulation has been agreed upon by a motion of Councilmember Marks; and a second by Councilmember Wilson; Mayor Woodall and Councilmember Thompson voting in favor, to direct the City Council to sign the stipulation, file with the court and proceed as stated in the stipulation to make a copy available for public review.

Attorney Gans announced that with respect to the second item related to the Micheli existing litigation, the City Council discussed with the City Attorney a proposed form of stipulation judgment proposed by Micheli which was refused by the Council. The City Council voted unanimously to approve a form of the stipulation judgment and to direct the City Manager and City Attorney to sign a form of the stipulation and forward it to the court and make a copy available for public review.

CEREMONIAL

Proclamation Honoring John M. Lane

Mayor Woodall read a proclamation honoring John Lane for his commitment and relentless service to the community as a public official and citizen of the City over the past thirty years.

Councilmembers expressed special thanks for his timeless hours spent volunteering on various City projects.

Mr. Lane thanked the Council and said whatever it's worth, involvement in your City is important and he thanked the City Council for allowing him the opportunity to be involved. He said it has been a wonderful experience seeing the actions of government.

PUBLIC PRESENTATIONS

None

CONSENT CALENDAR

Councilmember Thompson asked that Item 5 *Approval of Resolution No. 1159-2012 Relating to the Requirement of Water Deposits for all Customers*, be removed from the Consent Calendar and placed under Special Call Items for separate discussion.

Motion was made by Marks/Thompson to approve the consent calendar including approval of minutes of the June 5, 2012 regular meeting; approval of Proposed Annual CPI Rate Adjustment with Eel River Disposal Co.; approval of Humboldt Waste Management Authority (HWMA) Rates for FY 2012-2013; and approval of Resolution No. 1155-2012 Requesting that the

JUNE 19, 2012 MINUTES
Page 3

Humboldt County Elections Department include Rio Dell in the 2012 General Election. Motion carried 5-0.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Resolution No. 1159-2012 Amending Resolution No. 998-2010 Relating to the Requirement of Water Deposits for All Customers

Councilmember Thompson stated that he was not opposed to the change in the water deposit policy however; felt that all prior resolutions should be repealed for the purpose of creating a cleaner paper trail.

Councilmember Marks asked if there would be difficulty in tracking the changes on the web site; City Clerk Dunham explained that resolutions are not part of the Rio Dell Municipal Code; only ordinances, and that the reason the prior resolution was amended rather than repealed is because there are other fees and charges that are still in effect.

Motion was made by Thompson/Marks to approve Resolution No. 1159-2012 *Amending Resolution No. 998-2008 Relating to the Requirement of Water Deposits for all Customers*, and to direct staff to consolidate remaining water fee resolutions into one resolution and bring it back to the Council for adoption.

Councilmember Thompson stated that he had discussed the matter with staff and learned that one of the problems with charging owners a deposit along with renters had to do with problems involved with turning water on for cleaning of rental properties.

Motion then carried 5-0.

One-Way Streets and Town Center Zoning (Direct Staff to Schedule Study Session with the Planning Commission)

City Manager Stretch provided a staff report and said staff held a community meeting on May 16, 2012 regarding designating a number of the streets in the "Avenues" neighborhood as one-way streets and re-designating much of that area from Town Center (TC) to Urban Residential (UR).

He said as expected there were concerns from citizens regarding changing streets to one-way streets; however everyone agreed that there is both an access problem and a parking problem on most of the streets in the neighborhood. Four options were discussed which were: 1) one-way streets; 2) parking restricted to one side of the street only; 3) parking by permit only; and 4) no change at all.

City Manager Stretch said basically everyone agreed that the one-way concept would work although it would be more inconvenient and would require some time getting used to the change.

JUNE 19, 2012 MINUTES

Page 4

He said the purpose of bringing this item to the Council is to see if the Council wants to proceed as proposed and possibly schedule a joint study session with the Planning Commission to discuss the matter further. He said the other issue relates to the concept of re-designating all but those parcels that front on Wildwood Avenue from Town Center (TC) to Urban Residential (UR). The reason being is that the Town Center zone allows a number of uses which may not be compatible with the residential character of the neighborhood; and also some lenders have questioned the residential use in a commercial zone.

Councilmember Thompson said one potential problem with changing the streets to one-way is the mail delivery and suggested the postmaster be invited to attend the study session and provide input on a solution for new mail box units.

City Manager Stretch said the postmaster did express concerns regarding mail delivery which will need to be addressed.

Councilmember Thompson commented that there is a narrow lot on Wildwood Ave. near Berkeley Ave. that continues through to First Ave. and suggested split zoning be considered for that particular parcel.

The Council agreed to a tentative date of July 10, 2012 at 5:30 p.m. for a study session with the Planning Commission, provided Planning Commissioners are available.

ORDINANCES/SPECIAL RESOLUTIONS

Mayor Woodall announced that action on items 1-3 would be continued to the next meeting, provided there were no objections since Community Development Director Caldwell was called away due to a family emergency. The continued items were:

- Albin General Plan and Zone Reclassification
- Resolution No. 1153-2012 Amending the 2006 CDBG Housing Rehabilitation Program Guidelines
- Ordinance No. 291-2012 Establishing Design Review Guidelines

Consider Albin General Plan and Zone Reclassification

City Manager Stretch suggested a public hearing be conducted to allow citizens the opportunity to comment on the proposed General Plan and Zone Reclassification at this time.

Mayor Woodall opened the public hearing at 7:00 p.m.

Adam Dias said it was his understanding that the parcel, if changed to residential would likely not be developed for 5-10 years and with the difficulty in changing zoning back from residential to commercial, it seems short sided to take one of the few viable commercial properties and turn

JUNE 19, 2012 MINUTES
Page 5

it into residential without a definite plan. He said he would like to see the Council delay approving any change in zoning until there is a more definitive commitment from the developer.

Wally Wright referred to an unrecorded subdivision map from 1941 which proposed 14 residential lots bordering Wildwood Ave. He said the proposed use back them was residential and developers see that area being developed as residential long before any potential commercial development is proposed.

John Egan, a Fortuna resident, applauded the Planning Commission and the City Council for carefully considering the zone reclassification as proposed and said with this troubling economy Cities need to do what they can to boost the economy. He suggested the Council consider opening up zoning opportunities and possibly reduce fees to encourage commercial development. He noted that the City of Fortuna is opposed to retail development on the Riverwalk area which he feels is a mistake.

Dennis Wendt commented that this zone reclassification was supported by the previous City Manager and that he actually drafted a potential subdivision map. He said they have already improved May and Pine Streets and with a proposed residential subdivision they will be able to loop the streets which will increase traffic flows and increase emergency response time for fire and police. With respect to commercial development, he pointed out that there is no viable access from Wildwood Ave. and due to the steep slope of the land, not as practical for commercial development. He reminded the Council that this is not the first time this has been before the Planning Commission or the City Council and to keep in mind that development provides for infrastructure improvements at the expense of the developer, not the City.

Alice Millington stated that in 1981 when she moved to Rio Dell there were remnants of a used car lot at that particular site. She said at the last meeting, Wally Wright mentioned that residential development was likely 5-10 years out so you would think that in that amount of time, a commercial development would be probable.

There being no further public comment, the public hearing was continued to the July 3, 2012 regular meeting.

Mayor Woodall asked for public input on the proposed CDBG Program Guidelines and Design Review Guidelines. There being no public comment, those public hearings were also continued to the July 3, 2012 regular meeting.

Introduce and Conduct First Reading (by title only) of Ordinance No. 292-2012 approving Eel River Industrial Park General Plan Amendment and Zone Reclassification

City Manager Stretch provided a staff report and said this item relates to amendment of the General Plan and Zoning designation of approximately 18 acres from Public Facility to Industrial Commercial and approximately 7 acres from Public Facility to Natural Resources. He stated that

JUNE 19, 2012 MINUTES
Page 6

in 2008 the City annexed a 244.6 acre area located on the north side of the Eel River to the City for the purpose of providing a potential site for the City's proposed wastewater treatment plant, incorporating the existing commercial/industrial uses along Highway 101 into the City, and preserving pasture and open space for use as treated wastewater disposal area. Later it was determined that it was more economically feasible to upgrade the City's wastewater treatment plant at its existing location. As such, there is no need for the approximate 25 acre parcel to be zoned as Public Facility. He said the matter was presented to the Planning Commission at their May 30, 2012 meeting and at that time, the Commission voted unanimously to recommend the City Council approves the proposed amendments.

A public hearing was opened at 7:15 p.m. to receive public input on the proposed ordinance.

There being no public comment, the public hearing closed.

Motion was made by Leonard/Thompson to introduce and conduct first reading (by title only) of Ordinance No. 292-2012 and Resolution No. 1156-2012 approving the Eel River Industrial Park General Plan Amendment and Zone Reclassification. Motion carried 5-0.

Approve Resolution No. 1158-2012 Adopting the Operating Budget for Fiscal Year 2012-2013
City Manager Stretch stated the budget as presented represents four minor recommended adjustments including:

- Addition of 300 hours or \$3,120 to the Public Works department for a seasonal worker
- Addition of \$15,000 to the Finance Department for the Budget module
- Addition of \$1,140 under Contract Services for additional janitorial services
- Addition of \$600 for maintenance costs for the restrooms at Fireman's Park

Councilmember Marks stressed the importance of implementing the budget module, stating it will save finance department staff time with preparation of the budget.

Motion was made by Marks/Leonard to approve *Resolution No. 1158-2012 Adopting the Operating Budget for Fiscal Year 2012-2013*. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Stretch reported on recent activities and stated there is an assembly bill being proposed whereby transportation projects will not require the current 66% voter approval but rather 55% which is a good public policy; and said he received a telephone call from a local television station indicating that the final election results were out and that the City of Rio Dell did not receive the 66% voter approval of Measure X. He said he went to the County Election's web site and the final results had not yet been posted. He said the Elections Department has until July 3rd to certify the vote so we may not have the official results until then.

JUNE 19, 2012 MINUTES

Page 7

Finance Director Beauchaine reported on recent activities in the finance department and said the check register for May was submitted in the packet for council review; and said she received a quote from the engineer for the proposed sewer rate study and since the range was quite large, she would be coming back to the Council once she has it narrowed down with information on how to proceed.

Councilmember Wilson suggested definitive information be given to the engineer to keep costs down.

Finance Director Beauchaine said since the rates must be legally defensive; she was suggesting the City hire a consultant to do the rate study.

Councilmember Leonard asked about the possibility of getting assistance from Rural Community Assistance Corporation (RCAC); Finance Director Beauchaine said in the past they had assisted with the study for flat rates but not consumption based rates and that they no longer have funding available to assist with rate studies. She said staff looked into alternative methods such as grants for funding such a study but was unsuccessful.

Councilmember Leonard asked if the new rates will have any effect on repayment of the wastewater loan; Finance Director Beauchaine explained the loan is not in jeopardy and that the goal of the consumption base rates is to generate the same amount of revenue; just change the way the rates are distributed.

Councilmember Wilson said customers on both ends of the spectrum (in regard to consumption) will most likely be affected; but those in the middle will probably not be affected.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Wilson stated that he received a survey call and was asked if he thought crime has increased or decreased in the United States and whether he felt safe in his community and said the result is that he does feel safe which he owes to the police department. He said he wants to commend them for making that possible and express his appreciation.

Councilmember Thompson reported on his attendance at recent meetings and said he attended an HWMA meeting and one of the topics of discussion was adoption of a plastic bag ban ordinance. He said he relayed the Council consensus that Rio Dell will not adopt such an ordinance and is asking that the City pay a pro-rated cost of the study estimated at \$20,000 to \$150,000 if contracted out or \$5,000 if done in-house by HWMA staff. He said he also expressed the need for the City to be protected against potential liability. He stated the JPA amendment was passed and per his request, "indemnify" was added to the list of definitions. He said he asked that legal counsel come back with a letter to say that Rio Dell will not incur any debt in the event of unknown liability.

JUNE 19, 2012 MINUTES
Page 8

Councilmember Thompson also reported that he attended a RCEA meeting and that everything is running smoothly.

Councilmember Marks referred to items on the Consent Calendar regarding the ERD CIP and HWMA rate adjustments and said she went to the dump and as a self- hauler paid \$175/ton at Eel River Disposal compared to \$146/ton at HWMA and asked why there is a difference in rates. Councilmember Thompson agreed to follow up on how the rates are determined.

Mayor Woodall commented on the nice job done on refinishing of the memorial park signs and asked if it would be possible to get a new sign put up at the tennis courts.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:50 p.m. to the July 3, 2012 regular meeting.

Attest:

Julie Woodall, Mayor

Karen Dunham, City Clerk

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



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
July 3, 2012**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch,  City Manager

FROM: Stephanie Beauchaine, Finance Director 

DATE: June 28, 2012

SUBJECT: Resolution 1160-2012 Confirmation of the FY 2012-2013 Tax Assessment for financing of the 1978 Sewer Assessment Bonds

RECOMMENDATIONS

Approve Resolution 1160-2012 Confirmation of the FY 2012-2013 Tax Assessment for financing of the 1978 Sewer Assessment Bonds

BACKGROUND AND DISCUSSION

In 1978 bonds were issued for the construction of wastewater infrastructure improvements within the City. At that time a sewer assessment was levied for repayment.

Each year the City submits the sewer assessment charges by parcel to the County Auditor-Controllers office for inclusion on the current year property tax bill. Prior to submission, a resolution of the governing body is required for authorization for the levying of current year taxes/assessments.

The City's Fiscal Year 2012-2013 assessment to be levied totals \$29,914.89

BUDGETARY IMPACT

None.

Attachment: Sewer Assessment by Parcel

RESOLUTION NO. 1160-2012
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
CONFIRMATION OF FISCAL YEAR 2012-2013 TAX ASSESSMENT
1978 SEWER ASSESMENT BONDS

WHEREAS, the City of Rio Dell City Council levied a 40 year tax assessment to fund the sewer infrastructure improvement project of 1978; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby authorize the Humboldt County Auditor Controllers Office, for the thirty-first consecutive year, to place this assessment in the amount of \$29,914.89, on the tax roll effective July 1, 2012; and

BE IT FURTHER RESOLVED, The City of Rio Dell shall be solely liable and responsible, and will defend, indemnify and hold the County and this office harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City of Rio Dell by the County.

PASSED AND ADOPTED by the City of Rio Dell on this 3rd day of July, 2012.

Ayes:

Noes: None

Abstain: None

Absent: None

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

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Receipts

Total to County

29,914.89

29,914.89

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



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
July 3, 2012**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch,  City Manager

FROM: Stephanie Beauchaine, Finance Director 

DATE: June 28, 2012

SUBJECT: Gann Appropriations Limits for the year 2012-2013

RECOMMENDATIONS

Adopt Resolution No. 1161-2012 adopting the Gann Appropriations Limit for the year 2012-2013

BACKGROUND AND DISCUSSION

Article XIII B of the California State Constitution, more commonly referred to as the Gann Initiative or Gann Appropriations Limit, was adopted by California voters in 1980 and placed limits on the amount of proceeds of taxes that state and local governmental agencies can appropriate and spend each year.

The limit is different for each agency and changes every year. The limit each year is based on the amount of tax proceeds that were authorized to be spent in Fiscal Year 1978-1979 in each agency and is modified for changes in inflation and population in each subsequent year. Inflationary adjustments are, by law, based on increases in the California per capita income or the increase in non-residential assessed valuation due to new construction. Population adjustments are based on city population growth or county population growth. The annual adjustment factors used in making this calculation are the cost of living adjustment-CPI based on the percentage change in California per capita income and the population adjustment based on the annual population change for the City.

For fiscal year 2012-2013, the City of Rio Dell's estimated tax proceeds to be received, as well as tax proceeds appropriated by the City Council, will, as in prior years, continue to be well

under the legal limit. The Appropriations Limit for fiscal year 2012-2013 is \$1,081,361.91. This is the maximum amount of tax proceeds the City will be able to appropriate and spend this fiscal year. For the Fiscal Year of 2012-2013 just over \$650,000 of budgeted revenues are subject to the Gann limits, which is well below the limit.

Section 9710 of the State Government code, added in 1980 by the State Legislature, requires a governing body to annually adopt, by resolution, an Appropriations Limit each year.

RESOLUTION NO. 1161-2012

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF RIO DELL
ADOPTING GANN APPROPRIATIONS LIMIT
FOR THE YEAR 2012-2013**

WHEREAS, the voters of the State of California in November 1979 approved Proposition 4, commonly known as the Gann Initiative; and

WHEREAS, the Proposition created Article XIII B of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of the government within the State; and

WHEREAS, these limits require a municipality to determine an appropriations limit each year in accordance with a formula set forth by state law; and

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Rio Dell hereby adopts the Gann Appropriations limit of \$1,081,361.91 for year 2012-2013.

I HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 3rd day of July, 2012 by the following vote:

AYES:

NOES: None

ABSENT: None

ABSTAIN: None

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

**Appropriations Limit Calculation
2012-2013**

Prior Year Appropriations Limit	1,076,946.43
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Adjustment Factors for the Current Year

Population Change	1.0062
Inflation	<u>0.9979</u>
Total	1.0041

Annual Adjustment	<u>4,415.48</u>
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Current Year's Appropriations Limit	<u><u>1,081,361.91</u></u>
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EDMUND G. BROWN JR. ■ GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

May 2012

Dear Fiscal Officer:

Subject: Price and Population Information**Appropriations Limit**

The California Revenue and Taxation Code, Section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2012, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2012-2013. Enclosure I provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2012-2013 appropriations limit. Enclosure II provides city and unincorporated county population percentage changes, and Enclosure IIA provides county and incorporated areas' summed population percentage change. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code, Section 2228 for further information regarding the appropriations limit. You can access the Code from the following website: "<http://www.leginfo.ca.gov/calaw.html>" check box: "Revenue and Taxation Code" and enter 2228 for the search term to learn more about the various population change factors available to special districts to calculate their appropriations limit. Article XIII B, Section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. Consult the following website: "http://www.leginfo.ca.gov/const/article_13B" for additional information. Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No State agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. Revenue and Taxation Code Section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2012.**

Please Note: Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

ANA J. MATOSANTOS

Director

By:

MICHAEL COHEN

Chief Deputy Director

Enclosures

May 2012

Enclosure I

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost-of-living factor to compute their appropriation limit by a vote of their governing body. The cost-of-living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the 2012-2013 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2012-2013	3.77

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2012-2013 appropriation limit.

2012-2013:

Per Capita Cost of Living Change = 3.77 percent
 Population Change = 0.68 percent

Per Capita Cost of Living converted to a ratio: $\frac{3.77 + 100}{100} = 1.0377$

Population converted to a ratio: $\frac{0.68 + 100}{100} = 1.0068$

Calculation of factor for FY 2012-2013: $1.0377 \times 1.0068 = 1.0448$

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2011 to January 1, 2012 and Total Population, January 1, 2012

County City	<u>Percent Change</u> 2011-2012	<u>--- Population Minus Exclusions ---</u>		<u>Total</u> <u>Population</u>
		1-1-11	1-1-12	1-1-2012
Humboldt				
Arcata	0.40	17,681	17,752	17,752
Blue Lake	0.08	1,254	1,255	1,255
Eureka	-0.27	27,034	26,960	26,960
Ferndale	0.00	1,362	1,362	1,362
Fortuna	-0.26	11,871	11,840	11,840
Rio Dell	-0.21	3,351	3,344	3,344
Trinidad	-0.27	365	364	364
Unincorporated	0.06	71,443	71,488	71,710
County Total	0.00	134,361	134,365	134,587

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Appropriations Limit Calculation
2012-2013**

Prior Year Appropriations Limit	1,076,946.43
Adjustment Factors for the Current Year	
Population Change	1.0062
Inflation	<u>0.9979</u>
Total	1.0041
Annual Adjustment	<u>4,415.48</u>
Current Year's Appropriations Limit	<u><u>1,081,361.91</u></u>

675 Wildwood Avenue
Rio Dell, CA 95562



TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager *JS*

FROM: Stephanie Beauchaine, Finance Director *SB*

DATE: July 3, 2012

SUBJECT: Wahlund/Sequoia Construction Pay Request #4

RECOMMENDATION

Approve Pay Request

BUDGETARY IMPACT

Pay Request #4 in the amount of \$761,214.41 will be funded through the SRF Loan/Principal Forgiveness.

BACKGROUND AND DISCUSSION

Pay Request #4 has been approved for payment by the City's Construction Manager and City Manager.

Progress Payment Summary

Owner: City of Rio Dell
Project Title: Rio Dell Wastewater Treatment Plant
Upgrade and Disposal

Job #: 24-11
Payment #: 4
Period Ending: 30-Jun-2012

1. Analysis of Authorized Contract Amount to Date

a. Authorized Contract Work Amount	\$ 10,631,000.00
b. Total Change Orders Work Amount	\$ -
c. Adjusted Contract Amount to Date	\$ 10,631,000.00

2. Analysis of Work Performed

a. Contract and Change Orders Performed to Date	\$ 2,078,194.22
b. Retainer, 5%	\$ 103,909.71
c. Net Contract Work to Date	\$ 1,974,284.50
d. Previous Billed	\$ 1,213,070.09
e. Balance Due This Period	\$ 761,214.41

3. Certification of Contractor

According to the best of my knowledge and belief, I certify that all items and amounts shown on the Schedule of Values are correct; that all work has been performed and/or material supplied in full accordance with the requirements of the referenced Contract, and/or duly authorized deviations, substitutions, alterations, and/or additions.

All previous progress payments received on account of the Work have been applied on account to discharge Contractor's legitimate obligations associated with prior Applications for Payment.

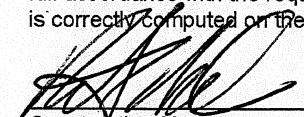
Wahlund Construction, Inc./
Sequoia Construction Specialties
Contractor

Ken Wahlund
Authorized Representative

Date: 6/25/2012 Title: Joint Venture Administrator

4. Certification of Construction Manager

I certify that I have checked and verified the above and foregoing Schedule of Values; that to the best of my knowledge and belief it is a true and correct statement of work performed and/or material supplied by the Contractor; that all work and/or material included in this Progress Payment Summary has been inspected by me and/or my duly authorized representative or assistants and that it has been performed and/or supplied in full accordance with the requirements of the referenced contract; and that the payment due to the Contractor is correctly computed on the basis of work performed and/or material supplied to date.


Construction Manager

Date: 6/26/12

5. Approval for Payment

City Manager

Date: _____

6/26/2012

WAHLUND CONSTRUCTION, INC./ SEQUOIA CONSTRUCTION SPECIALTIES

A Joint Venture

License No. 855844

Eureka Office: 707-268-0150

Fax: 707-268-0137

Rio Dell Wastewater Treatment Plant Upgrade and Disposal Project HDR Project No. 152932

To: City of Rio Dell
675 Wildwood Avenue
Rio Dell, California 95562

Pay Request No.: 4
Period Ending: 06/30/12

Item	Description of Item	Qty	Unit	Unit Cost	Total Cost	Previous		This Period		Total To Date	
						Qty	\$	Qty	\$	Qty	\$
1	Bid Item 1										
	Sheeting, shoring and bracing or equivalent method conforming to applicable safety order.	1	LS	\$ 5,000.00	\$ 5,000.00	75%	\$ 3,750.00	0%	\$ -	75%	\$ 3,750.00
	Bid Item 1 Total				\$ 5,000.00		\$ 3,750.00		\$ -		\$ 3,750.00
2	Bid Item 2										
	Over-excavation and disposal of undesirable material and compaction of fill material under biological treatment facility as defined in Section 02200 of the specifications.	2,500	CY	\$ 35.00	\$ 87,500.00	422	\$ 14,770.00	0	\$ -	422	\$ 14,770.00
	Bid Item 2 Total				\$ 87,500.00		\$ 14,770.00		\$ -		\$ 14,770.00
3	Bid Item 3										
	14- inch recycled water pipeline from Station 1+50 (+/-) to Station 101+50 (+/-), including all appurtenances as required to complete work.	10,000	LF	\$ 108.00	\$ 1,080,000.00	0	\$ -	0	\$ -	0	\$ -
	Bid Item 3 Total				\$ 1,080,000.00		\$ -		\$ -		\$ -
4	Bid Item 4										
	Recycled water pipeline from Station 101+50 (+/-) to Station 201+50 (+/-), including all work in Caltrans right-of-way.	1	LS	\$ 1,500,000.00	\$ 1,500,000.00	0%	\$ -	0%	\$ -	0%	\$ -
	Bid Item 4 Total				\$ 1,500,000.00		\$ -		\$ -		\$ -
5	Bid Item 5										
	All work at disposal site on north side of Eel River outside of Caltrans right-of-way.										
5.1	Site Clearing	1	LS	\$ 15,000.00	\$ 15,000.00	0%	\$ -	0%	\$ -	0%	\$ -
5.2	Earthwork	1	LS	\$ 289,475.00	\$ 289,475.00	0%	\$ -	0%	\$ -	0%	\$ -
5.3	Distribution and Turnout Boxes	1	LS	\$ 15,000.00	\$ 15,000.00	0%	\$ -	0%	\$ -	0%	\$ -
5.4	Precast Concrete Pump Station	1	LS	\$ 28,000.00	\$ 28,000.00	0%	\$ -	0%	\$ -	0%	\$ -
5.5	Pump Station Base & Equipment Pad	1	LS	\$ 6,825.00	\$ 6,825.00	0%	\$ -	0%	\$ -	0%	\$ -
5.6	Overflow Valve Concrete Pads	1	LS	\$ 20,475.00	\$ 20,475.00	0%	\$ -	0%	\$ -	0%	\$ -
5.7	Hydroseeding	1	LS	\$ 54,059.25	\$ 54,059.25	0%	\$ -	0%	\$ -	0%	\$ -
5.8	Submersible Non-Clog Tailwater Pumps	1	LS	\$ 32,386.10	\$ 32,386.10	0%	\$ -	0%	\$ -	0%	\$ -
5.9	REW Piping	1	LS	\$ 150,000.00	\$ 150,000.00	44.67%	\$ 67,003.22	0.00%	\$ -	44.67%	\$ 67,003.22
5.10	DFD Piping	1	LS	\$ 145,000.00	\$ 145,000.00	34.63%	\$ 50,211.42	0.00%	\$ -	34.63%	\$ 50,211.42
5.11	Tailwater Pump Piping - Material	1	LS	\$ 20,002.50	\$ 20,002.50	0%	\$ -	0%	\$ -	0%	\$ -

33

5.12	Tailwater Pump Piping - Labor	1	LS	\$ 7,381.50	\$ 7,381.50	0%	\$ -	0%	\$ -	0%	\$ -
5.13	Tailwater Pump Installation per D04	1	LS	\$ 6,460.65	\$ 6,460.65	0%	\$ -	0%	\$ -	0%	\$ -
5.14	HDG Bar Grating 2x per 1/D03	1	LS	\$ 2,625.00	\$ 2,625.00	0%	\$ -	0%	\$ -	0%	\$ -
5.15	PVC Stilling Well per D04	1	LS	\$ 2,310.00	\$ 2,310.00	0%	\$ -	0%	\$ -	0%	\$ -
Bid Item 5 Total				\$ 795,000.00			\$ 117,214.64		\$ -		\$ 117,214.64
6	Bid Item 6										
	All work as required per the MMRP as outlined in Specification Section 01560.	1	LS	\$ 70,000.00	\$ 70,000.00	20%	\$ 14,000.00	0%	\$ -	20%	\$ 14,000.00
Bid Item 6 Total				\$ 70,000.00			\$ 14,000.00		\$ -		\$ 14,000.00
7	Bid Item 7										
	Storm Water Pollution Prevention Plan and Implementation per Specification Section 02271.	1	LS	\$ 10,500.00	\$ 10,500.00	0%	\$ -	0%	\$ -	0%	\$ -
Bid Item 7 Total				\$ 10,500.00			\$ -		\$ -		\$ -
8	Bid Item 8										
	All other work as indicated on the project plans and defined in the project specifications.										
8.1	Bidding Requirements										
8.1.1	Performance & Payment Bond	1	LS	\$ 82,000.00	\$ 82,000.00	100%	\$ 82,000.00	0%	\$ -	100%	\$ 82,000.00
8.1.2	Insurance	1	LS	\$ 88,000.00	\$ 88,000.00	100%	\$ 88,000.00	0%	\$ -	100%	\$ 88,000.00
Bidding Requirements Total				\$ 170,000.00			\$ 170,000.00		\$ -		\$ 170,000.00
8.2	General Requirements										
8.2.1	Mobilization	1	LS	\$ 156,250.00	\$ 156,250.00	100%	\$ 156,250.00	0%	\$ -	100%	\$ 156,250.00
8.2.2	Demobilization	1	LS	\$ 25,000.00	\$ 25,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.2.3	Plumbing Mobilization	1	LS	\$ 21,000.00	\$ 21,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.2.4	Field Engineering & Surveying	1	LS	\$ 10,000.00	\$ 10,000.00	10%	\$ 1,000.00	15%	\$ 1,500.00	25%	\$ 2,500.00
8.2.5	Administration Requirements	1	LS	\$ 252,000.00	\$ 252,000.00	16.67%	\$ 42,000.00	5.56%	\$ 14,000.00	22.22%	\$ 56,000.00
8.2.6	Construction Schedules	1	LS	\$ 2,000.00	\$ 2,000.00	30%	\$ 600.00	5%	\$ 100.00	35%	\$ 700.00
8.2.7	Submittals	1	LS	\$ 18,000.00	\$ 18,000.00	20%	\$ 3,600.00	10%	\$ 1,800.00	30%	\$ 5,400.00
8.2.8	Temporary Offices, Sanitation, etc.	1	LS	\$ 54,000.00	\$ 54,000.00	16.67%	\$ 9,000.00	5.56%	\$ 3,000.00	22.22%	\$ 12,000.00
8.2.9	Project Sign	1	LS	\$ 1,500.00	\$ 1,500.00	0%	\$ -	0%	\$ -	0%	\$ -
8.2.10	Construction Photographs	1	LS	\$ 500.00	\$ 500.00	100%	\$ 500.00	0%	\$ -	100%	\$ 500.00
General Requirements Total				\$ 540,250.00			\$ 212,950.00		\$ 20,400.00		\$ 233,350.00
8.3	WWTP Sitework										
8.3.1	Sludge Drying Bed Demolition	1	LS	\$ 45,750.00	\$ 45,750.00	100%	\$ 45,750.00	0%	\$ -	100%	\$ 45,750.00
8.3.2	Misc. Existing Tanks & Buildings Demolition	1	LS	\$ 18,459.00	\$ 18,459.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.3	Staging Area Earthwork & Grading	1	LS	\$ 25,000.00	\$ 25,000.00	100%	\$ 25,000.00	0%	\$ -	100%	\$ 25,000.00
8.3.4	Staging Area Temporary Fencing	1	LS	\$ 1,500.00	\$ 1,500.00	100%	\$ 1,500.00	0%	\$ -	100%	\$ 1,500.00
8.3.5	Hot Mix Asphalt Paving	1	LS	\$ 38,287.20	\$ 38,287.20	0%	\$ -	0%	\$ -	0%	\$ -
8.3.6	Canopy Slab @ CL2 Bldg	1	LS	\$ 5,250.00	\$ 5,250.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.7	Canopy Slab @ Ops Bldg	1	LS	\$ 7,350.00	\$ 7,350.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.8	Generator Slab	1	LS	\$ 13,125.00	\$ 13,125.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.9	CL2 Mixer Concrete Repair	1	LS	\$ 4,200.00	\$ 4,200.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.10	Chem Storage Slab	1	LS	\$ 4,200.00	\$ 4,200.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.11	3 Steel Canopies	1	LS	\$ 36,163.05	\$ 36,163.05	0%	\$ -	0%	\$ -	0%	\$ -

8.3.12	3 Bollards per C02	1	LS	\$ 2,702.70	\$ 2,702.70	0%	\$ -	0%	\$ -	0%	\$ -
8.3.13	Static Mixer & Chlorine Injection Precast Vault	1	LS	\$ 16,500.00	\$ 16,500.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.14	Existing Control Room Door	1	LS	\$ 12,600.00	\$ 12,600.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.15	Existing Control Room Roof	1	LS	\$ 22,575.00	\$ 22,575.00	0%	\$ -	0%	\$ -	0%	\$ -
WWTP Sitework Total				\$ 253,661.95			\$ 72,250.00		\$ -		\$ 72,250.00
8.4	Yard Piping										
8.4.1	12" Effluent Piping	1	LS	\$ 60,000.00	\$ 60,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.4.2	12" Influent Piping	1	LS	\$ 50,000.00	\$ 50,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.4.3	6" Sludge Piping	1	LS	\$ 25,000.00	\$ 25,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.4.4	8" Backwash Piping	1	LS	\$ 30,000.00	\$ 30,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.4.5	Misc. Underground Piping, Tie-Ins, Demo, Etc.	1	LS	\$ 10,000.00	\$ 10,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.4.6	Static Mixer & Chlorine Injection Vault Piping - Material	1	LS	\$ 3,339.00	\$ 3,339.00	0%	\$ -	0%	\$ -	0%	\$ -
8.4.7	Static Mixer & Chlorine Injection Vault Piping - Labor	1	LS	\$ 1,443.75	\$ 1,443.75	0%	\$ -	0%	\$ -	0%	\$ -
Yard Piping Total				\$ 179,782.75			\$ -		\$ -		\$ -
8.5	Headworks										
8.5.1	Influent Pump Installation per SP10	1	LS	\$ 6,460.65	\$ 6,460.65	0%	\$ -	0%	\$ -	0%	\$ -
8.5.2	Grating Support Channel and New Grating per SP10	1	LS	\$ 5,537.70	\$ 5,537.70	0%	\$ -	0%	\$ -	0%	\$ -
8.5.3	Headworks Pump Piping - Material	1	LS	\$ 20,002.50	\$ 20,002.50	0%	\$ -	0%	\$ -	0%	\$ -
8.5.4	Headworks Pump Piping - Labor	1	LS	\$ 7,381.50	\$ 7,381.50	0%	\$ -	0%	\$ -	0%	\$ -
Headworks Total				\$ 39,382.35			\$ -		\$ -		\$ -
8.6	Biological Treatment Facility										
8.6.1	Excavation	1	LS	\$ 75,000.00	\$ 75,000.00	100%	\$ 75,000.00	0%	\$ -	100%	\$ 75,000.00
8.6.2	Subgrade & Base Rock	1	LS	\$ 25,000.00	\$ 25,000.00	90%	\$ 22,500.00	0%	\$ -	90%	\$ 22,500.00
8.6.3	Tank Slab Form & Pour	1	LS	\$ 262,500.00	\$ 262,500.00	45%	\$ 118,125.00	20%	\$ 52,500.00	65%	\$ 170,625.00
8.6.4	Tank Slab Rebar	1	LS	\$ 330,750.00	\$ 330,750.00	70%	\$ 231,525.00	5%	\$ 16,537.50	75%	\$ 248,062.50
8.6.5	Tank Walls Form & Pour	1	LS	\$ 682,500.00	\$ 682,500.00	0%	\$ -	15%	\$ 102,375.00	15%	\$ 102,375.00
8.6.6	Tank Walls Rebar	1	LS	\$ 309,750.00	\$ 309,750.00	15%	\$ 46,462.50	20%	\$ 61,950.00	35%	\$ 108,412.50
8.6.7	Sloped Fills	1	LS	\$ 52,500.00	\$ 52,500.00	0%	\$ -	0%	\$ -	0%	\$ -
8.6.8	Backfill	1	LS	\$ 7,500.00	\$ 7,500.00	0%	\$ -	0%	\$ -	0%	\$ -
8.6.9	Aluminum Stair with Railing	1	LS	\$ 20,245.05	\$ 20,245.05	0%	\$ -	0%	\$ -	0%	\$ -
8.6.10	AeroMod Equipment Installation	1	LS	\$ 203,054.25	\$ 203,054.25	0%	\$ -	0%	\$ -	0%	\$ -
8.6.11	Pipe Connections Bio Treatment 12"INFP, 12"EFF, 8"LPA & 4"LPA - SP01 & SP02 - Material	1	LS	\$ 28,407.75	\$ 28,407.75	0%	\$ -	0%	\$ -	0%	\$ -
8.6.12	Pipe Connections Bio Treatment 12"INFP, 12"EFF, 8"LPA & 4"LPA - SP01 & SP02 - Labor	1	LS	\$ 23,404.50	\$ 23,404.50	0%	\$ -	0%	\$ -	0%	\$ -
8.6.13	Selector Tank Piping - Material	1	LS	\$ 819.00	\$ 819.00	0%	\$ -	0%	\$ -	0%	\$ -
8.6.14	Selector Tank Piping - Labor	1	LS	\$ 3,601.50	\$ 3,601.50	0%	\$ -	0%	\$ -	0%	\$ -
8.6.15	Conduit and Pneumatic Systems - Material	1	LS	\$ 1,312.50	\$ 1,312.50	0%	\$ -	0%	\$ -	0%	\$ -
8.6.16	Conduit and Pneumatic Systems - Labor	1	LS	\$ 8,100.75	\$ 8,100.75	0%	\$ -	0%	\$ -	0%	\$ -
8.6.17	Aeration Tank Piping - Material	1	LS	\$ 8,111.25	\$ 8,111.25	0%	\$ -	0%	\$ -	0%	\$ -
8.6.18	Aeration Tank Piping - Labor	1	LS	\$ 20,160.00	\$ 20,160.00	0%	\$ -	0%	\$ -	0%	\$ -
8.6.19	Clarifier Piping - Material	1	LS	\$ 5,785.50	\$ 5,785.50	0%	\$ -	0%	\$ -	0%	\$ -
8.6.20	Clarifier Piping - Labor	1	LS	\$ 7,203.00	\$ 7,203.00	0%	\$ -	0%	\$ -	0%	\$ -
8.6.21	Digester Tank Piping - Material	1	LS	\$ 5,323.50	\$ 5,323.50	0%	\$ -	0%	\$ -	0%	\$ -

35

8.6.22	Digester Tank Piping - Labor	1	LS	\$ 16,290.75	\$ 16,290.75	0%	\$ -	0%	\$ -	0%	\$ -
8.6.23	6"SL, 2W, 12"LPA, 4"SL - SP01 - Material	1	LS	\$ 58,338.00	\$ 58,338.00	0%	\$ -	0%	\$ -	0%	\$ -
8.6.24	6"SL, 2W, 12"LPA, 4"SL - SP01 - Labor	1	LS	\$ 34,156.50	\$ 34,156.50	0%	\$ -	0%	\$ -	0%	\$ -
8.6.25	7 Sch 10 Stainless LPA Crossovers per SP02	1	LS	\$ 9,483.60	\$ 9,483.60	0%	\$ -	0%	\$ -	0%	\$ -
8.6.26	9 Hose Racks per SP01	1	LS	\$ 7,087.50	\$ 7,087.50	0%	\$ -	0%	\$ -	0%	\$ -
Biological Treatment Total				\$ 2,206,384.90			\$ 493,612.50		\$ 233,362.50		\$ 726,975.00
8.7	Blower Building										
8.7.1	Earthwork	1	LS	\$ 5,000.00	\$ 5,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.7.2	Blower Building Concrete	1	LS	\$ 36,750.00	\$ 36,750.00	0%	\$ -	0%	\$ -	0%	\$ -
8.7.3	Concrete Masonry	1	LS	\$ 20,947.50	\$ 20,947.50	0%	\$ -	0%	\$ -	0%	\$ -
8.7.4	Roof Structure	1	LS	\$ 42,000.00	\$ 42,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.7.5	Doors	1	LS	\$ 7,035.00	\$ 7,035.00	0%	\$ -	0%	\$ -	0%	\$ -
8.7.6	New Blowers in Blower Building	1	LS	\$ 6,460.65	\$ 6,460.65	0%	\$ -	0%	\$ -	0%	\$ -
8.7.7	Valves and Supports SP20 - Material Only	1	LS	\$ 2,798.25	\$ 2,798.25	0%	\$ -	0%	\$ -	0%	\$ -
8.7.8	Blower Piping to Mech. Coupling Outside Blower Bldg	1	LS	\$ 8,190.00	\$ 8,190.00	0%	\$ -	0%	\$ -	0%	\$ -
8.7.9	2 Bollards per SP19	1	LS	\$ 2,086.35	\$ 2,086.35	0%	\$ -	0%	\$ -	0%	\$ -
8.7.10	HVAC	1	LS	\$ 13,679.40	\$ 13,679.40	0%	\$ -	0%	\$ -	0%	\$ -
Blower Building Total				\$ 144,947.15			\$ -		\$ -		\$ -
8.8	Operations Building										
8.8.1	Basement Gravel Fill	1	LS	\$ 5,000.00	\$ 5,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.2	Concrete Infill	1	LS	\$ 15,750.00	\$ 15,750.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.3	Interior Framing	1	LS	\$ 15,750.00	\$ 15,750.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.4	Drywall	1	LS	\$ 6,300.00	\$ 6,300.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.5	Doors & Windows	1	LS	\$ 16,800.00	\$ 16,800.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.6	Roof	1	LS	\$ 4,200.00	\$ 4,200.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.7	Cabinetry	1	LS	\$ 11,550.00	\$ 11,550.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.8	Misc. Finishes	1	LS	\$ 21,000.00	\$ 21,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.9	Plumbing M04 - Rough 'In	1	LS	\$ 8,263.50	\$ 8,263.50	0%	\$ -	0%	\$ -	0%	\$ -
8.8.10	Plumbing M04 - Top-Out	1	LS	\$ 21,273.00	\$ 21,273.00	0%	\$ -	0%	\$ -	0%	\$ -
8.8.11	Plumbing M04 - Trim	1	LS	\$ 9,975.00	\$ 9,975.00	0%	\$ -	0%	\$ -	0%	\$ -
Operations Building Total				\$ 135,861.50			\$ -		\$ -		\$ -
8.9	Effluent Pumping Station / Chlorine Contact Basin										
8.9.1	Structure Demolition	1	LS	\$ 14,175.00	\$ 14,175.00	0%	\$ -	0%	\$ -	0%	\$ -
8.9.2	Install Effluent Pumps & Chlorine Sample Pump	1	LS	\$ 6,460.65	\$ 6,460.65	0%	\$ -	0%	\$ -	0%	\$ -
8.9.3	New HDPE Panels at existing baffle frames	1	LS	\$ 6,260.10	\$ 6,260.10	0%	\$ -	0%	\$ -	0%	\$ -
8.9.4	FRP Grating per X08	1	LS	\$ 6,825.00	\$ 6,825.00	0%	\$ -	0%	\$ -	0%	\$ -
8.9.5	Weir Plate per D/SP23	1	LS	\$ 2,625.00	\$ 2,625.00	0%	\$ -	0%	\$ -	0%	\$ -
8.9.6	PVC Stilling Well per SP23	1	LS	\$ 2,310.00	\$ 2,310.00	0%	\$ -	0%	\$ -	0%	\$ -
8.9.7	Grating Support Channel and New Grating per SP23	1	LS	\$ 5,537.70	\$ 5,537.70	0%	\$ -	0%	\$ -	0%	\$ -
8.9.8	Pipe Supports with U Bolts A/C05	1	LS	\$ 1,845.90	\$ 1,845.90	0%	\$ -	0%	\$ -	0%	\$ -
8.9.9	Effluent Pump Piping - Material	1	LS	\$ 22,879.50	\$ 22,879.50	0%	\$ -	0%	\$ -	0%	\$ -
8.9.10	Effluent Pump Piping - Labor	1	LS	\$ 9,093.00	\$ 9,093.00	0%	\$ -	0%	\$ -	0%	\$ -
8.9.11	Effluent Pump Station 2W Piping - Material	1	LS	\$ 4,898.25	\$ 4,898.25	0%	\$ -	0%	\$ -	0%	\$ -

36

8.9.12	Effluent Pump Station 2W Piping - Labor	1	LS	\$ 5,223.75	\$ 5,223.75	0%	\$ -	0%	\$ -	0%	\$ -
				Effluent Pump Station Total	\$ 88,133.85		\$ -		\$ -		\$ -
8.10	Equipment Procurement										
8.10.1	General Equipment & Mechanical Requirements	1	LS	\$ 5,000.00	\$ 5,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.10.2	Submersible Non-Clog Influent Pumps	1	LS	\$ 57,697.50	\$ 57,697.50	0%	\$ -	0%	\$ -	0%	\$ -
8.10.3	Submersible Non-Clog Effluent Pumps	1	LS	\$ 57,697.50	\$ 57,697.50	0%	\$ -	0%	\$ -	0%	\$ -
8.10.4	Package Biological Treatment Facility	1	LS	\$ 1,563,759.75	\$ 1,563,759.75	0.00%	\$ -	34.53%	\$ 539,902.00	34.53%	\$ 539,902.00
8.10.5	Static Mixer	1	LS	\$ 5,910.45	\$ 5,910.45	0%	\$ -	0%	\$ -	0%	\$ -
8.10.6	Laboratory Glassware, Apparatus and Equipment	1	LS	\$ 17,000.00	\$ 17,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.10.7	Sampling, Lab and Monitoring Equipment	1	LS	\$ 753.90	\$ 753.90	0%	\$ -	0%	\$ -	0%	\$ -
8.10.8	FRP Stop Gates and FRP Chemical Metering Enclosure	1	LS	\$ 62,946.99	\$ 62,946.99	0%	\$ -	0%	\$ -	0%	\$ -
8.10.9	Chemical Metering Equipment	1	LS	\$ 19,778.86	\$ 19,778.86	0%	\$ -	0%	\$ -	0%	\$ -
				Equipment Total	\$ 1,790,544.95		\$ -		\$ 539,902.00		\$ 539,902.00
8.11	Painting										
8.11.1	Buildings and Doors	1	LS	\$ 15,382.50	\$ 15,382.50	0%	\$ -	0%	\$ -	0%	\$ -
8.11.2	Piping and Miscellaneous	1	LS	\$ 15,382.50	\$ 15,382.50	0%	\$ -	0%	\$ -	0%	\$ -
				Painting Total	\$ 30,765.00		\$ -		\$ -		\$ -
8.12	Electrical										
8.12.1	Generator	1	LS	\$ 173,853.75	\$ 173,853.75	0%	\$ -	0%	\$ -	0%	\$ -
8.12.2	Light Fixtures	1	LS	\$ 24,440.85	\$ 24,440.85	0%	\$ -	0%	\$ -	0%	\$ -
8.12.3	Aqua Sierra Controls	1	LS	\$ 147,383.25	\$ 147,383.25	0%	\$ -	0%	\$ -	0%	\$ -
8.12.4	Motor Control Centers, Panels, Transformers, Etc.	1	LS	\$ 222,247.20	\$ 222,247.20	0%	\$ -	0%	\$ -	0%	\$ -
8.12.5	Underground Trenching, Backfill, Pads, Conduit	1	LS	\$ 143,079.30	\$ 143,079.30	0.00%	\$ -	4.62%	\$ 6,613.83	4.62%	\$ 6,613.83
8.12.6	Electrical Demo and New Work in Control Bldg, Electric Bldg, Blower Bldg and Operations Bldg	1	LS	\$ 60,241.65	\$ 60,241.65	0%	\$ -	0%	\$ -	0%	\$ -
8.12.7	Headworks, Effluent Pumps, Chlorine Electric	1	LS	\$ 11,550.00	\$ 11,550.00	0%	\$ -	0%	\$ -	0%	\$ -
8.12.8	Disposal Site Electric Not Counting Panels	1	LS	\$ 6,825.00	\$ 6,825.00	0%	\$ -	0%	\$ -	0%	\$ -
8.12.9	Job Move-In Temp Power	1	LS	\$ 3,675.00	\$ 3,675.00	100%	\$ 3,675.00	0%	\$ -	100%	\$ 3,675.00
8.12.10	Set Main Switchboard, Service, MCC2	1	LS	\$ 36,626.10	\$ 36,626.10	0%	\$ -	0%	\$ -	0%	\$ -
8.12.11	Hook-Up New Motors	1	LS	\$ 10,363.50	\$ 10,363.50	0%	\$ -	0%	\$ -	0%	\$ -
				Electrical Total	\$ 840,285.60		\$ 3,675.00		\$ 6,613.83		\$ 10,288.83
				Bid Item 8 Total	\$ 6,420,000.00		\$ 952,487.50		\$ 800,278.33		\$ 1,752,765.83
9	Bid Item 9										
	All work as required to install the Indirect Sludge Dryer System as defined in Addendum No. 3.										
9.1	Administration Requirements	1	LS	\$ 20,000.00	\$ 20,000.00	35%	\$ 7,000.00	5%	\$ 1,000.00	40%	\$ 8,000.00
9.2	Indirect Sludge Dryer System	1	LS	\$ 558,979.15	\$ 558,979.15	30%	\$ 167,693.75	0%	\$ -	30%	\$ 167,693.75
9.3	Demolition	1	LS	\$ 5,250.00	\$ 5,250.00	0%	\$ -	0%	\$ -	0%	\$ -
9.4	Concrete Slab	1	LS	\$ 21,000.00	\$ 21,000.00	0%	\$ -	0%	\$ -	0%	\$ -
9.5	Decrease Bio Tank Size	1	LS	\$ (45,150.00)	\$ (45,150.00)	0%	\$ -	0%	\$ -	0%	\$ -
9.6	Paving	1	LS	\$ 3,300.00	\$ 3,300.00	0%	\$ -	0%	\$ -	0%	\$ -
9.7	Gas, Water, Drain & Misc. Piping for Sludge Dryer - Material	1	LS	\$ 2,903.25	\$ 2,903.25	0%	\$ -	0%	\$ -	0%	\$ -
9.8	Gas, Water, Drain & Misc Piping for Sludge Dryer - Labor	1	LS	\$ 4,305.00	\$ 4,305.00	0%	\$ -	0%	\$ -	0%	\$ -
9.9	Sludge Dryer System Installation	1	LS	\$ 33,143.25	\$ 33,143.25	0%	\$ -	0%	\$ -	0%	\$ -

37

9.10	Sludge Dryer Venting	1	LS	\$ 49,714.35	\$ 49,714.35	0%	\$ -	0%	\$ -	0%	\$ -
9.11	Doors	1	LS	\$ 9,555.00	\$ 9,555.00	0%	\$ -	0%	\$ -	0%	\$ -
Bid Item 9 Total				\$ 663,000.00			\$ 174,693.75		\$ 1,000.00		\$ 175,693.75
TOTAL				\$ 10,631,000.00			\$ 1,276,915.88		\$ 801,278.33		\$ 2,078,194.22

Original Contract Amount	\$ 10,631,000.00
Total Change Orders	\$ -
Total Contract + Change Orders	\$ 10,631,000.00
Contract Work + Change Orders Performed To Date	\$ 2,078,194.22
Work To Date Minus 5% Retention	\$ 1,974,284.50
Previous Billed Less 5% Retention	\$ 1,213,070.09
Work To Date Minus Previous Billed	\$ 761,214.41
TOTAL AMOUNT DUE	\$ 761,214.41



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PAGE NO.

SALES ORDER
ACKNOWLEDGEMENT

1

PAYMENT TYPE	CHARGE
DOCUMENT NO.	1903694
DOCUMENT DATE	6/25/12
CUSTOMER NO.	020967
WAREHOUSE	046

REMIT TO
Eureka
PO BOX 2858
PORTLAND, 97208 OR
Eureka
939 Koster St
Eureka CA 95501 0106
Phone #: 707 444 8031

SHIP TO
SEQUOIA CONSTRUCTION
SPECIALTIES
P.O. BOX 6061
EUREKA CA 95501
Phone #: 707 442 3596

SPECIAL INSTRUCTIONS
ORDER BY: RAY PARKER (707) 496-0130
PCKUP BY:
95562 CA
ORIGINAL ORDER #

CUSTOMER P.O. NUMBER	JOB NAME	JOB NO.	SLS	SALES	ORDER DATE	SHIPPING METHOD	BILL OF LADING NO.
RWWT	Rio Dell Wastew	RDWWT	389	IJS	6/22/12	OUR TRUCK PREPAID	1896589

LINE/LOCATION	PRODUCT NO./DESCRIPTION	U/M	ORDERED	SHIPPED	B/O	UNIT PRICE	DISCOUNT	EXTENDED AMOUNT
001	3P 069244 PVC 3-IN SCHEDULE-40 COND / W06 038 001	C	600	600	0	123.82560		742.96
002	4P 069295 W02 065 001 PVC 4-IN SCHEDULE-40 COND	C	800	800	0	171.24480		1369.96
003	RRYPRHCONDUIT1 478237 ROBROY PRHCONDUIT 1" RIG CTDC PVC COATED RIGID WITH COUPLINGS		100	100	0	568.57500		568.58
004	RRYPRHCONDUIT112 556887 ROBROY RRYPRHCONDUIT 1-1/2PVCC COATED RIGID CONDUIT		100	100	0	875.07000		875.07
005	4PFA 069294 PVC 4-IN FEMALE ADPT W05 004 00D	C	15	15	0	403.68900		60.55
				*REF		1.00	BX *	
006	112PFA 069112 PVC 1-1/2 FEMALE ADPT W05 004 00E	C	25	25	0	89.07800		22.27
				*REF		1.00	BX *	

☐ OUR TRUCK	NO. CTNS	WEIGHT	SHIPPED VIA	SHIP DATE	FILLED BY	CHECKED BY	PRICED BY	ENTERED BY	AMOUNT
☐ PICK UP									TAX %
☐ DIRECT									Shipping & Handling
☐ SHIPPED									
RECEIVED BY			RECEIVED BY (PRINT NAME)			DATE RECEIVED		TOTAL DUE →	

SPECIAL ORDER MATERIALS NOT SUBJECT TO RETURN, CLAIMS FOR BREAKAGE SHORTAGE OR DAMAGE MUST BE FILED WITH CARRIER. MINIMUM RESTOCKING CHARGE 25% ON ACCEPTED RETURNS.

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39

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Electrical Supplies and Equipment
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**BRANCHES THROUGHOUT THE
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PAGE NO.

SALES ORDER
ACKNOWLEDGEMENT

1

R
E
M
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T
T
OEureka
PO BOX 2858

PORTLAND,

97208

OR

Eureka
939 Koster St

Eureka

95501

CA

Phone #: 707 444 8031

LOCATION

S
O
L
D
T
OSEQUOIA CONSTRUCTION
SPECIALTIES
P.O. BOX 6061
EUREKA CA

95501

Phone #: 707 442 3596

SEQUOIA CONSTRUCTION
475 Hilltop Dr
Rio Dell

95562

CA

SHIP TO

SPECIAL INSTRUCTIONS

ORDER BY: RAY PARKER (707) 496-0130
PCKUP BY:

CUSTOMER P.O. NUMBER		JOB NAME	JOB NO.	SLS	SALES	ORDER DATE	SHIPPING METHOD		BILL OF LADING NO.		
RWWT		Rio Dell Wastew	RDWWT	389	IJS	6/22/12	OUR TRUCK PREPAID				
LINE/LOCATION	PRODUCT NO./DESCRIPTION				U/M	ORDERED	SHIPPED	B/O	UNIT PRICE	DISCOUNT	EXTENDED AMOUNT
001	1P 069090 W02 053 001	PVC 1-IN SCHEDULE-40 COND			C	600	600	0	28.97280		173.84
002	114P 069136 W02 055 001	PVC 1-1/4 SCHEDULE-40 COND			C	300	300	0	40.83840		122.51
003	112P 069114 W02 057 001	PVC 1-1/2 SCHEDULE-40 COND			C	900	900	0	46.10880		414.98
004	2P 069198 W02 059 001	PVC 2-IN SCHEDULE-40 COND			C	200	200	0	63.21600		126.43
005	3P 069244	PVC 3-IN SCHEDULE-40 COND			C	600	0	600	123.82560		
	/ W06 038 001										
006	4P 069295 W02 065 001	PVC 4-IN SCHEDULE-40 COND			C	800	0	800	171.24480		

- ☐ OUR TRUCK
☐ PICK UP
☐ DIRECT
☐ SHIPPED

NO. CTNS

WEIGHT

SHIPPED VIA

SHIP DATE

FILLED BY

CHECKED BY

PRICED BY

ENTERED BY

AMOUNT

TAX

%

Shipping & Handling

CONTINUED:

RECEIVED BY

RECEIVED BY (PRINT NAME)

DATE RECEIVED

TOTAL DUE

SPECIAL ORDER MATERIALS NOT SUBJECT TO RETURN, CLAIMS FOR BREAK-AGE, SHORTAGE OR DAMAGE MUST BE FILED WITH CARRIER, MINIMUM STOCKING CHARGE 2% ON ACCEPTED RETURNS.

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47



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**BRANCHES THROUGHOUT THE
WEST TO SERVE YOU**

DATE 6/25/12 TIME 12:18:18

PAGE NO.
2

SALES ORDER
ACKNOWLEDGEMENT

PAYMENT TYPE	CHARGE
DOCUMENT NO.	1896589
DOCUMENT DATE	6/25/12
CUSTOMER NO.	020967
WAREHOUSE	046

REMIT TO
SOLD TO

Eureka
PO BOX 2858

PORTLAND,

97208

OR

Eureka
939 Koster St

Eureka

Phone #: 707 444 8031

95501 0106 CA

SEQUOIA CONSTRUCTION
SPECIALTIES
P.O. BOX 6061
EUREKA CA

95501

Phone #: 707 442 3596

SEQUOIA CONSTRUCTION
475 Hilltop Dr
Rio Dell

95562

CA

SPECIAL INSTRUCTIONS
ORDER BY: RAY PARKER (707) 496-0130
PCKUP BY:

CUSTOMER P.O. NUMBER	JOB NAME	JOB NO.	SLS	SALES	ORDER DATE	SHIPPING METHOD	BILL OF LADING NO.
RWWT	Rio Dell Wastew	RDWWT	389	IJS	6/22/12	OUR TRUCK PREPAID	

LINE/LOCATION	PRODUCT NO./DESCRIPTION	U/M	ORDERED	SHIPPED	B/O	UNIT PRICE	DISCOUNT	EXTENDED AMOUNT
007	RRYPRHCONDUIT1 478237 ROBROY PRHCONDUIT 1" RIG CTDC PVC COATED RIGID WITH COUPLINGS		100	0	100	568.57500		
008	RRYPRHCONDUIT112 556887 ROBROY RRYPRHCONDUIT 1-1/2PVCC COATED RIGID CONDUIT		100	0	100	875.07000		
009	4PFA 069294 W05 004 00D PVC 4-IN FEMALE ADPT	C	15	0	15	403.68900		
010	112PFA 069112 W05 004 00E PVC 1-1/2 FEMALE ADPT	C	25	0	25	89.07800		
011	1PFA 069087 W05 004 00E PVC 1-IN FEMALE ADPT	C	25	0	25	56.01200		
012	114PFA 069133 W05 004 00E PVC 1-1/4 FEMALE ADPT	C	25	0	25	83.45150		
013	2PFA 069195 W05 004 00E PVC 2-IN FEMALE ADPT	C	25	0	25	106.76600		

☐ OUR TRUCK	NO. CTNS	WEIGHT	SHIPPED VIA	SHIP DATE	FILLED BY	CHECKED BY	PRICED BY	ENTERED BY	AMOUNT
☐ PICK UP									TAX %
☐ DIRECT									Shipping & Handling
☐ SHIPPED									
RECEIVED BY			RECEIVED BY (PRINT NAME)			DATE RECEIVED			

CONTINUED:

TOTAL DUE →

SPECIAL ORDER MATERIALS NOT SUBJECT TO RETURN. CLAIMS FOR BREAK-AGE, SHORTAGE OR DAMAGE MUST BE FILED WITH CARRIER. MINIMUM RESTOCKING CHARGE 2% ON ACCEPTED RETURNS.

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43

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Electrical Supplies and Equipment
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PAGE NO.

SALES ORDER
ACKNOWLEDGEMENT

3

LOCATION

Eureka
PO BOX 2858

PORTLAND,

97208

OR

Eureka
939 Koster St

Eureka

95501

CA

Phone #: 707 444 8031

SHIP TO

SEQUOIA CONSTRUCTION
SPECIALTIES
P.O. BOX 6061
EUREKA CA

95501

Phone #: 707 442 3596

SEQUOIA CONSTRUCTION
475 Hilltop Dr
Rio Dell

95562

CA

SPECIAL INSTRUCTIONS

ORDER BY: RAY PARKER (707) 496-0130
PCKUP BY:

REMIT TO

SOLD TO

CUSTOMER P.O. NUMBER

JOB NAME

JOB NO.

SLS

SALES

ORDER DATE

SHIPPING METHOD

BILL OF LADING NO.

RWWT

Rio Dell Wastew

RDWWT

389

IJS

6/22/12

OUR TRUCK

PREPAID

LINE/
LOCATION

PRODUCT NO. / DESCRIPTION

U/M

ORDERED

SHIPPED

B/O

UNIT PRICE

DISCOUNT

EXTENDED AMOUNT

014

QTPCEWB

051575

W05 008 00A

PVC 1QT CEMENT

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956.85920

28.71

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7.250

62.82

.00

☐ OUR TRUCK

NO. CTNS

WEIGHT

SHIPPED VIA

SHIP DATE

FILLED BY

ENTERED BY

ENTERED BY

ENTERED BY

AMOUNT

TAX

Shipping & Handling

☐ PICK UP☐ DIRECT☐ SHIPPED

RECEIVED BY

RECEIVED BY (PRINT NAME)

DATE RECEIVED

TOTAL DUE →

929.29

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STOCKING CHARGE 25% ON ACCEPTED RETURNS.

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PAGE NO.

1

QUOTATION
ACKNOWLEDGEMENT

PAYMENT TYPE	CHARGE
DOCUMENT NO.	1905945
DOCUMENT DATE	6/25/12
CUSTOMER NO.	020967
WAREHOUSE	046

LOCATION

Eureka
PO BOX 2858

PORTLAND,

97208

OR

Eureka
939 Koster St

Eureka

95501

CA

Phone #: 707 444 8031

SHIP TO

SEQUOIA CONSTRUCTION
SPECIALTIES
P.O. BOX 6061
EUREKA CA

95501

Phone #: 707 442 3596

SEQUOIA CONSTRUCTION
475 Hilltop Dr
Rio Dell

95562

CA

SPECIAL INSTRUCTIONS

ORDER BY: RAY PARKER (707) 496-0130
PCKUP BY:

CUSTOMER P.O. NUMBER	JOB NAME	JOB NO.	SLS	SALES	ORDER DATE	SHIPPING METHOD	BILL OF LADING NO.
RWWTP	Rio Dell Wastew	RDWWT	389	IJS	6/25/12	OUR TRUCK PREPAID	

LINE/LOCATION	PRODUCT NO./DESCRIPTION	U/M	ORDERED	SHIPPED	B/O	UNIT PRICE	DISCOUNT	EXTENDED AMOUNT
001	1PBE 069081 W05 012 00F PVC 1-IN BELL END	C	35	35	0	241.34600		84.47
				*REF		.35	BX *	
002	114PBE 069127 W05 012 00F PVC 1-1/4 BELL END	C	10	10	0	300.81800		30.08
				*REF		.10	BX *	
003	112PBE 069106 W05 012 00F PVC 1-1/2 BELL END	C	18	18	0	295.72200		53.23
				*REF		.36	BX *	
004	2PBE 069188 W05 012 00F PVC 2-IN BELL END	C	10	10	0	274.86900		27.49
				*REF		.25	BX *	
005	3PBE 069237 W05 012 00F PVC 3-IN BELL END	C	10	10	0	443.32050		44.33
				*REF		.33	BX *	

☐ OUR TRUCK	NO. CTNS	WEIGHT	SHIPPED VIA	SHIP DATE	FILLED BY	CHECKED BY	PRICED BY	ENTERED BY	AMOUNT
☐ PICK UP									TAX %
☐ DIRECT									Shipping & Handling
☐ SHIPPED									
RECEIVED BY			RECEIVED BY (PRINT NAME)			DATE RECEIVED		TOTAL DUE →	
X									

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Electrical Supplies and Equipment
for Home and Industry
**BRANCHES THROUGHOUT THE
WEST TO SERVE YOU**

PAGE NO.

2

QUOTATION
ACKNOWLEDGEMENT

PAYMENT TYPE	CHARGE
DOCUMENT NO.	1905945
DOCUMENT DATE	6/25/12
CUSTOMER NO.	020967
WAREHOUSE	046

LOCATION

Eureka
PO BOX 2858

PORTLAND, 97208 OR

Eureka
939 Koster StEureka CA
Phone #: 707 444 8031 95501 0106

SHIP TO

SEQUOIA CONSTRUCTION
SPECIALTIES
P.O. BOX 6061
EUREKA CA

95501

Phone #: 707 442 3596

SEQUOIA CONSTRUCTION
475 Hilltop Dr
Rio Dell CA

95562

SPECIAL INSTRUCTIONS

ORDER BY: RAY PARKER (707) 496-0130
PCKUP BY:

CUSTOMER P.O. NUMBER

JOB NAME

JOB NO.

SLS

SALES

ORDER DATE

SHIPPING METHOD

BILL OF LADING NO.

RWWTP

Rio Dell Wastew

RDWWT

389

IJS

6/25/12

OUR TRUCK

PREPAID

LINE/LOCATION	PRODUCT NO./DESCRIPTION	U/M	ORDERED	SHIPPED	B/O	UNIT PRICE	DISCOUNT	EXTENDED AMOUNT
006	4PBE 069289 W05 012 00F	PVC 4-IN BELL END	C	20	20	0	452.01100	90.40
				*REF		.66	BX *	
007	5PBE 069310	PVC 5-IN BELL END	C	6	6	0	970.65500	58.24
				*REF		.24	BX *	
008	1PCP 069084	PVC 1-IN CONDUIT CPLG	C	25	25	0	30.62800	7.66
				*REF		.50	BX *	
009	114PCP 069130 W05 002 00E	PVC 1-1/4 CONDUIT CPLG	C	20	20	0	46.09280	9.22
010	112PCP 069109 W05 002 00D	PVC 1-1/2 CONDUIT CPLG	C	25	25	0	57.06480	14.27
				*REF		1.00	BX *	
011	2PCP 069191 W05 002 00D	PVC 2-IN CONDUIT CPLG	C	10	10	0	74.13120	7.41
				*REF		.33	BX *	

☐ OUR TRUCK

NO. CTNS

WEIGHT

SHIPPED VIA

SHIP DATE

FILLED BY

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AMOUNT

☐ PICK UP

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Shipping & Handling

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RECEIVED BY (PRINT NAME)

DATE RECEIVED

CONTINUED:

TOTAL DUE →

SPECIAL ORDER MATERIALS NOT SUBJECT TO RETURN. CLAIMS FOR BREAK-
AGE, SHORTAGE OR DAMAGE MUST BE FILED WITH CARRIER. MINIMUM
STOCKING CHARGE 25% ON ACCEPTED RETURNS.

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46

DATE 6/25/12 TIME 12:19:18



10605 SW Allen Blvd. • Beaverton, Oregon 97005

Electrical Supplies and Equipment
for Home and Industry
**BRANCHES THROUGHOUT THE
WEST TO SERVE YOU**

PAGE NO.

3

QUOTATION
ACKNOWLEDGEMENT

PAYMENT TYPE	CHARGE
DOCUMENT NO.	1905945
DOCUMENT DATE	6/25/12
CUSTOMER NO.	020967
WAREHOUSE	046

REMIT TO	Eureka PO BOX 2858 PORTLAND, 97208 OR	LOCATION Eureka 939 Koster St Eureka, CA 95501 0106 Phone #: 707 444 8031
	SEQUOIA CONSTRUCTION SPECIALTIES P.O. BOX 6061 EUREKA CA 95501 Phone #: 707 442 3596	SHIP TO SEQUOIA CONSTRUCTION 475 Hilltop Dr Rio Dell, CA 95562

SPECIAL INSTRUCTIONS
ORDER BY: RAY PARKER (707) 496-0130
PCKUP BY:

CUSTOMER P.O. NUMBER		JOB NAME	JOB NO.	SLS	SALES	ORDER DATE	SHIPPING METHOD		BILL OF LADING NO.			
RWWTP		Rio Dell Wastew	RDWWT	389	IJS	6/25/12	OUR TRUCK PREPAID					
LINE/LOCATION	PRODUCT NO. / DESCRIPTION				U/M	ORDERED	SHIPPED	B/O	UNIT PRICE	DISCOUNT	EXTENDED AMOUNT	
012	3PCP 069240	PVC 3-IN CONDUIT CPLG			C	10	10	0	248.02440		24.80	
	W05 002 00C						*REF		.40	BX *		
013	4PCP 069292	PVC 4-IN CONDUIT CPLG			C	25	25	0	382.59000		95.65	
	W05 002 00B						*REF		1.66	BX *		
014	1P90X36 214059	PVC 1-IN-36RAD-90DEG-SWEEP			EA	4	4	0	11.17800		44.71	
015	112P90X36 051569	PVC 1-1/2-36RAD-90DEG SWEEP			EA	4	4	0	16.35900		65.44	
	SWEEP											
016	4P90X36 051615	PVC 4-IN-36RAD-90DEG SWEEP			EA	16	16	0	40.56300		649.01	
	W19 005 00C											
	ELL											
Prices quoted, unless otherwise specifically noted on this quotation, are subject to availability and must be accepted and released for immediate shipment within 48 hours. Prices are subject to change without notice.											1,306.41	
											7.250	94.71

☐ OUR TRUCK	NO. CTNS	WEIGHT	SHIPPED VIA	SHIP DATE	FILED BY	ENTERED BY	ENTERED BY	ENTERED BY	AMOUNT	
☐ PICK UP									TAX	%
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☐ SHIPPED										
			RECEIVED BY	RECEIVED BY (PRINT NAME)			DATE RECEIVED		TOTAL DUE → 1,401.12	
SPECIAL ORDER MATERIALS NOT SUBJECT TO RETURN. CLAIMS FOR BREAKAGE, SHORTAGE OR DAMAGE MUST BE FILED WITH CARRIER. MINIMUM RESTOCKING CHARGE 25% ON ACCEPTED RETURNS.										
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47

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



For Meeting of: June 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 12, 2012

Subject: One Way Streets & Town Center Zoning

Recommendation:

1. Direct staff to schedule a Joint Study Session with both the Planning Commission and the City Council to further discuss and consider the One Way Streets Concept and amending the Town Center designation and its' allowed uses.

Discussion

Staff organized a meeting on May 16, 2012 regarding designating a number of the streets in the "Avenues" neighborhood as one-way streets and redesignating much of the "Avenues" neighborhoods from Town Center to Urban Residential. About 20 people attended the meeting, including both the Police Chief and Fire Chief. Included as Attachments 1 and 2 are copies of the mailers that were sent to the City residents.

One Way Streets

As expected, there were concerns regarding changing the streets to one way streets. All agreed that there is both an access problem and a parking problem on most of the streets in the neighborhood.

There were basically four options discussed: (1) one way streets; (2) parking restricted to one side of the street only; (3) parking by permit only; and (4) no change at all.

One Way

All agreed that the one way street concept would work but it would be a little more inconvenient and would take time to get used to.

Parking One Side

Parking on one side of the street would displace many vehicles and may become an enforcement issues for the Police department. It was stated that some residents may have 6 or 7 vehicles.

Permit Parking

The idea of permit parking was discussed. It was thought that each resident would be limited to two on-street parking permits. Although this may work for a number of the resident's, a significant portion of the residences do not have on-site parking spaces and have more than two vehicles. This option would also require enforcement by the Police department. This option had some support, but it would not eliminate the congestion that is intended as part of the one way street concept.

It should be noted that the group discussed the number of unregistered or non-operating vehicles contributing the congestion and parking problems in the neighborhood. The Police Chief indicated that the Police department does respond to complaints and does have vehicles abated and encouraged the group to let his department know of any unregistered or non-operating vehicles.

Near the end of the discussion, one resident said that safety and emergency access should be the community's priority, not the inconvenience of taking a few seconds longer to get to and from home. The discussion wound down and there was a general consensus to think about the one way concept and discuss it with their neighbors. Staff informed the group that we would schedule another meeting, possibly a joint study session with the Planning Commission and City Council to determine which of any of the options to pursue.

Town Center

Staff discussed the concept of redesignating all but those parcels that front on Wildwood Avenue from Town Center to Urban Residential. It was pointed out that a major reason that area was designated Town Center is that the TC zone allows residential uses on lots as small as 2,500 square feet. The reduced minimum lot size did facilitate the tear down of older dilapidated structures, subdivision and construction of new homes on a few parcels in the area.

The main reason for redesignating the parcels is that the Town Center zone allows a number of uses which may not be compatible with the residential character of the neighborhood. Another reason for redesignating the area back to residential is that some lenders have questioned the residential use in a commercial zone.

In the end, there was support from those in attendance to redesignate all but those parcels that front on Wildwood Avenue from Town Center to Urban Residential.

Attachments

Attachment 1: One Way Streets Concept Meeting Notice.

Attachment 2: Town Center Meeting Notice.

Attachment 3: Possible Town Center designation.



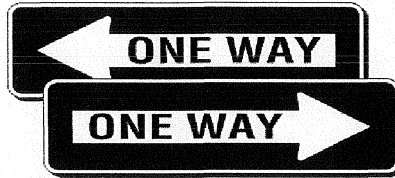
MEETING NOTICE

One Way Streets Concept

Wednesday, May 16, 2012

City Council Chambers

6:00 PM



On **Wednesday, May 16, 2012 at 6:00 PM** the City will hold an informational meeting with residents and property owners to discuss the possibility of establishing **ONE-WAY** streets in the “**Avenues**” neighborhood. The purpose of the meeting is to solicit your comments and concerns regarding the concept. The purpose of the concept is to improve, pedestrian, bicycle and vehicular safety, including emergency response access. Currently due to the narrow street widths and the amount of on-street parking, it is very difficult if not impossible to pass an oncoming vehicle. This would be very undesirable in an emergency situation. Please note that on-street parking would remain the same.



You input is needed and appreciated in order to determine if the City should pursue this concept. Please join us on **May 16th** and let your voice be heard. We want to hear from you, your friends and your neighbors. If you have any questions please feel free to contact **Kevin Caldwell** at **(707) 764-3532** or by email at kcaldwell@riodellcity.com.

MEETING NOTICE

Town Center Zoning

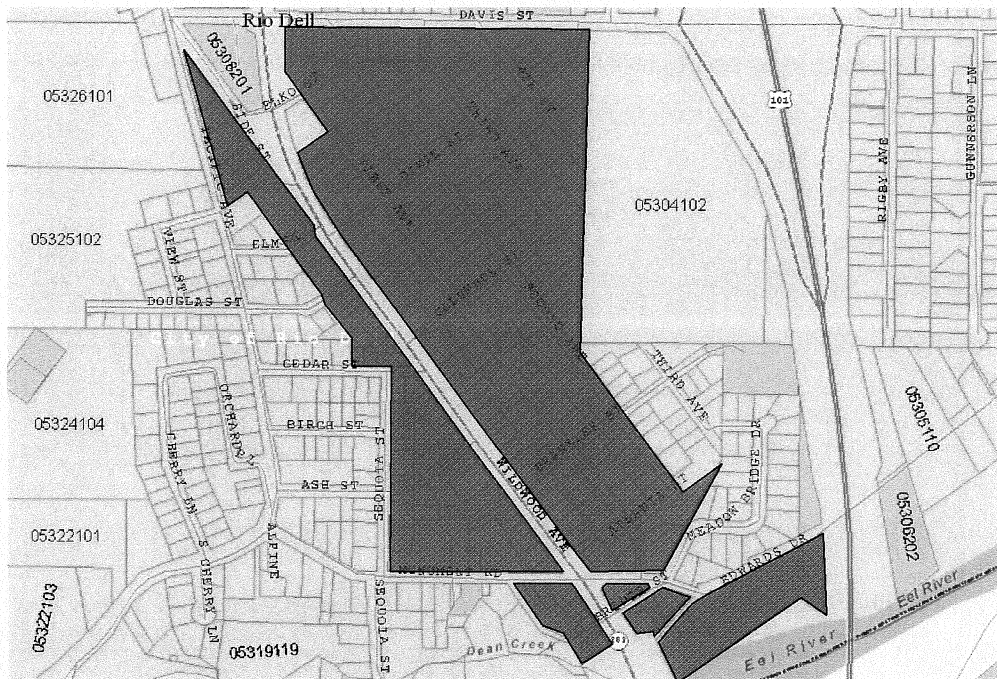
Wednesday, May 16, 2012

City Council Chambers

7:00 PM



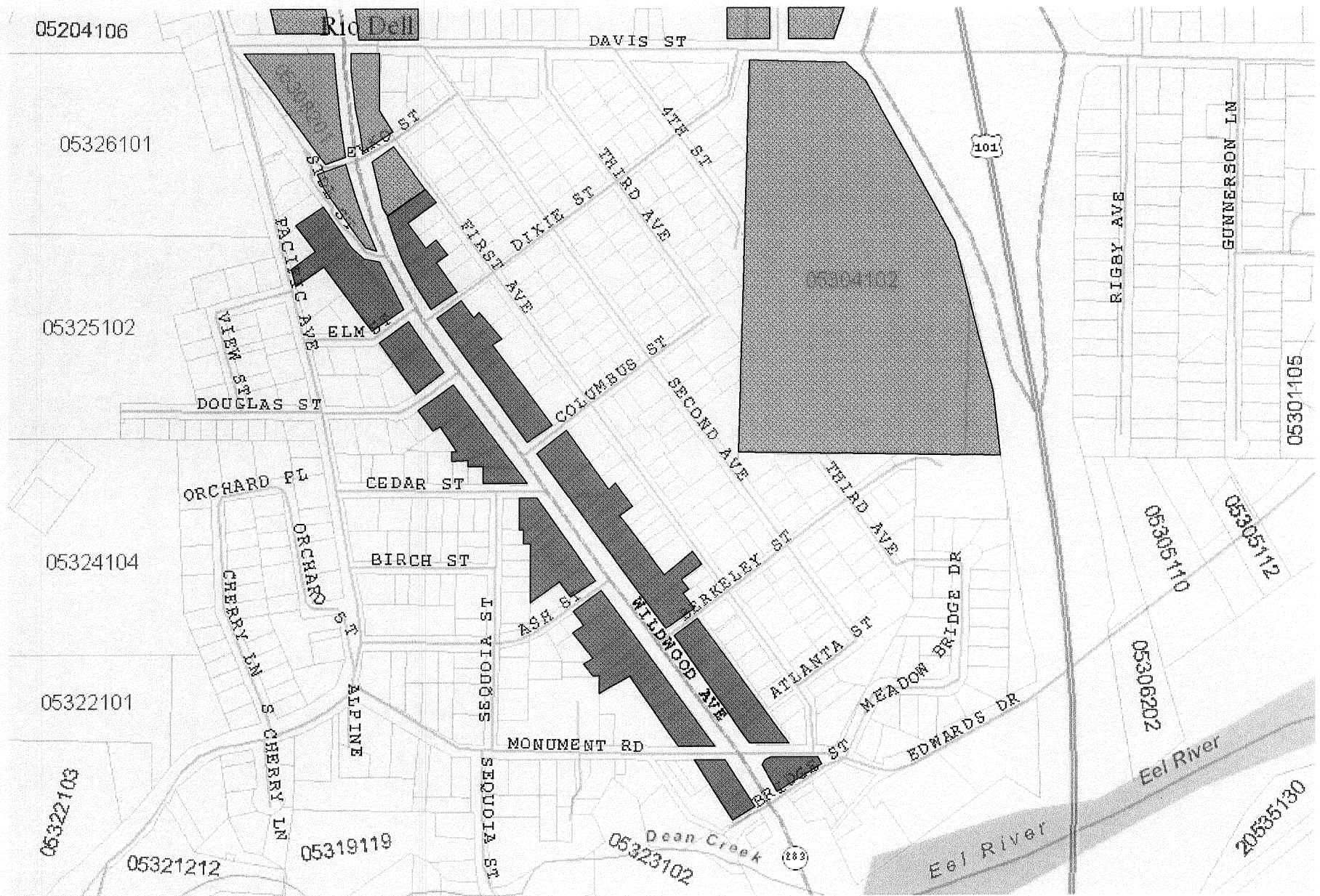
On **Wednesday, May 16, 2012 at 7:00 PM** or as soon thereafter the matter can be heard, the City will hold an informational meeting with residents and property owners to discuss the possibility redesignating parcels in the "Avenues" neighborhood from Town Center to Urban Residential. The purpose of the meeting is to solicit your comments and concerns regarding the concept.



In 2004 the City redesignated much of the "Avenues" neighborhood from its traditional "Residential" zoning to the current "Town Center" zoning designation. The Town Center designation allows a number of uses which may not be compatible with the residential character of the existing neighborhoods. The Town Center zone allows business and professional offices, retail sales and services, restaurants, bars, theaters, galleries, hotels and motels. The Urban Residential zone allows residences, second units and Home Occupations. City staff is considering redesignating those parcels that do not front on Wildwood Avenue to Urban Residential.

City staff is also considering amending the allowed uses in the Town Center zone to eliminate detached and attached single family dwellings and to include artisan studios (i. e. woodworking, ceramics, glass works, metal sculpting, etc.) as Conditionally Permitted uses.

Your input is needed and appreciated in order to determine if the City should pursue this concept. Please join us on **May 16th** and let your voice be heard. We want to hear from you, your friends and your neighbors. If you have any questions please feel free to contact **Kevin Caldwell** at (707) 764-3532 or by email at kcaldwell@riodellcity.com.



Town Center Alternative Designations

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



July 3, 2012

TO: Honorable City Council

FROM: Jim Stretch, City Manager

SUBJECT: Consideration of preparing another Street Improvement Bond Measure like Measure X for the November 6, 2012 election

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Determine whether to place another Street Improvement Measure on the November 6, 2012 ballot, and
2. If the Council's decision is in the affirmative, direct staff to prepare the necessary documents to begin the process for a special Council meeting on July 10, 2012.

BACKGROUND AND DISCUSSION

As the Council is aware, The Board of Supervisors is certifying the June 5, 2012 election results today, July 3, 2012. Though not certified at the time that this staff report is written, our understanding is that the final count of all ballots cast within the City of Rio Dell on Measure X (Street Improvement Assessment) fell short of the 66.6666% voter threshold by 25 votes (66.26%). The total votes cast on the Measure was 567, with 353 votes "Yes" and 214 votes "No". The two-thirds vote requirement for passage calculates at 378.

The question for the Council to consider is whether the vote was close enough to be encouraging for another attempt on the November 6, 2012 General Election. Should the City Council decide in the affirmative, staff would need to begin immediately to prepare the necessary documents for the July 10, 2012 meeting, which has been calendared for a study session with the Planning Commission.

Time is definitely of the essence since the deadline for getting the City's request to consolidate our measure with the County for the General election in November is July 24, 2012. Furthermore, the deadline for filing the City's Ordinance and tax rate statement with the County Register of Voters is August 10, 2012.

In the alternative, if you decide not to pursue another measure for street improvements or there is a decision to prepare another measure at a later date, staff will prepare options for an approach

- for the maintenance of city streets without a bond measure. It would be a minimal effort due to the lack of funds.

City Council direction is requested.

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



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
July 3, 2012**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: June 28, 2012

SUBJECT: Wastewater Rate Study

RECOMMENDATIONS

Direct staff to issue an RFP for a Wastewater Rate Study.

BACKGROUND AND DISCUSSION

The City currently charges wastewater fees on a flat rate basis. For some time the City has been evaluating switching to a consumption based fee model, which would charge fees based on water consumption. A consumption based fee structure would be more equitable for our customers and particularly favorable for low volume low-income and fixed-income households providing each customer the ability to control costs through conservation.

Staff has completed a market analysis and the cost range is too wide for staff to recommend funding options. We have determined the best way to proceed at this time is to prepare an RFP for a wastewater rate study, which will provide us with the needed cost estimates to proceed with funding recommendations.

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



July 3, 2012

TO: Honorable Mayor and City Council Members

FROM: Jim Stretch, City Manager

SUBJECT: Approval of Employee Handbook

ATTACHMENTS: July 2012 Handbook

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the July 2012 Employee Handbook and place it on the July 10, 2012 agenda for approval.

BACKGROUND AND DISCUSSION

The existing Personnel Rules (Employee Handbook) was adopted 1989 and is, needless to say, out of date. City staff and the City Council have worked on updating the handbook a number of times over the years and had a draft in final form in May 2012 when the new City Manager came on board. His review of the document indicated that it needed just a bit more detailing, which has now been completed and also circulated to the department heads and Employee Groups for questions and comments. The draft July 2012 Handbook has also been reviewed and approved by the City Attorney as to its legal form.

Changes in the text of the Employee Handbook since you have seen it last are noted in green print and ~~strike-throughs~~. The policy is offered to the City Council as a "receive and file" item this meeting in order to allow Council Members and the public an opportunity to digest the contents.

It is recommended the City Council ask any questions that Members may have at this time, then by motion "receive and file" it (take no action), further directing that it be placed on the July 10, 2012 agenda for discussion and approval.

Cc: Rio Dell Police Officers Association
Rio Dell Employees' Association

CITY OF RIO DELL EMPLOYEE HANDBOOK

TABLE OF CONTENTS

Revised: July 2012

SECTION 1: PRELIMINARY STATEMENTS 2

1.01	Introduction-----	2
------	-------------------	---

SECTION 2: EQUAL EMPLOYMENT OPPORTUNITY 3

2.01	Accommodation Requests-----	3
2.02	Disability Discrimination Policy-----	3
2.03	Employee Relations-----	4
2.04	Equal Employment Opportunity Policy-----	4
2.05	Harassment Policy-----	4
2.06	Immigration Law Compliance -----	5
2.07	Job Posting and Employee Referrals-----	5
2.08	Pregnancy Discrimination Policy-----	6
2.09	Pregnancy-Related Absences-----	6
2.10	Sexual Harassment Policy-----	7
2.11	Workplace Etiquette-----	8

SECTION 3: EMPLOYMENT CLASSIFICATIONS, PRACTICES AND PROCEDURES 9

3.01	Attendance and Punctuality-----	9
3.02	Amendment and Revision of Rules-----	9
3.03	“At-Will” Employment-----	10
3.04	Background/Reference Checks-----	10
3.05	Cause of Immediate Discharge-----	10
3.06	Cell Phone Policy-----	11
3.07	Code of Ethics-----	11
3.08	Communications Policy-----	12
3.09	E-Mail Retention Policy-----	13

4.02	Carelessness Policy-----	36
4.03	Concealed Weapons-----	36
4.04	Employee Health and Safety-----	36
4.05	Violence/Threats of Violence-----	37

SECTION 5: **BENEFITS AND LEAVE** **37**

5.01	Administrative Pay Corrections-----	37
5.02	Bereavement Leave-----	37
5.03	Catastrophic Leave-----	38
5.04	Compensation Plan-----	39
5.05	Compensatory Time-Off Policy-----	39
5.06	Education Assistance-----	40
5.07	Employee Benefits-----	40
5.08	Family and Medical Leave (FMLA)-----	40
5.09	Health Insurance-----	41
5.10	Holidays-----	41
5.11	Jury Duty-----	42
5.12	Leave of Absence-----	42
5.13	Overtime Policy-----	43
5.14	Paydays-----	43
5.15	Sick Leave-----	43
5.16	Timekeeping-----	44
5.17	Vacation Benefits-----	44
5.18	Workplace Injuries-----	45

SECTION 6: **TERMS AND DEFINITIONS** **45**

ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK

I acknowledge that I have received a copy of the City of Rio Dell Employee Handbook dated May 2012. I have read and understand my rights to and responsibilities for fostering a safe, professional, and discrimination-free work environment as set forth in the Handbook. In particular, I have read the policy against Harassment as well as the Drug-Free Workplace policy. I agree to abide by these policies, as well as the other policies contained in the Handbook. I have also had an opportunity to discuss any questions with my supervisor or Department Head.

In addition, I understand that, because the City of Rio Dell cannot anticipate every issue that may arise during my employment, if I have questions regarding any of the City of Rio Dell's policies or procedures, I will consult my Supervisor, my Department Head or the City Manager.

I agree and understand that my relationship with the City of Rio Dell is "at-will," which means that my employment is for no definite period and may be terminated by the City of Rio Dell or me at any time for any reason, with or without cause or advance notice. I further understand that the City of Rio Dell may demote or discipline me or otherwise alter the terms of my employment at any time and at its sole discretion, with or without cause or advance notice. I understand that only the City Manager may change this at-will employment relationship, and then only if it is in writing.

I further understand that the policies contained in the Handbook are guidelines only and are not intended to create any contractual rights or obligations, express or implied. Similarly, these policies shall not be construed to create any type of "fair" procedure prior to termination or other disciplinary action. I further understand that the City of Rio Dell has the right to amend, interpret, modify, or withdraw any of the provisions of the Handbook at any time in its sole discretion, with or without notice, except for its policy of at-will employment.

I also understand and agree that if the terms of this Acknowledgment of Receipt are inconsistent with any policy or practice of the City of Rio Dell now or in the future, the terms of the Acknowledgment of Receipt shall control.

Lastly, I understand and agree that this Acknowledgment of Receipt contains a full and complete statement of the agreements and understandings that it recites, that no one has made any promises or commitments to me contrary to the above, and that this Acknowledgment of Receipt supersedes all previous agreements, whether written or oral, express or implied, relating to the subjects covered by this Acknowledgment of Receipt.

Employee Name (Printed)

Signature

Date

SECTION 1: PRELIMINARY STATEMENTS

1.01 INTRODUCTION

This Handbook is intended to help employees get acquainted with the City of Rio Dell and provide information about its employment practices. The City of Rio Dell shall conduct its business in a professional, courteous, and ethical manner. This Handbook exists to ensure the City of Rio Dell is sensitive to, and responsible for, the efficient, economical, and legal implementation of its business operations.

The purpose of the Handbook is to emphasize that, as City of Rio Dell employees, we have a responsibility to the public, to our stakeholders, partners, and colleagues, and to ourselves to conduct all facets of our business in a professional and ethical manner. It explains some of our philosophies and beliefs, and describes, in general terms, some of our employment policies. This Handbook is not intended in any way to create an employment contract, or any other contract, express or implied, nor is it intended to otherwise create any legally enforceable obligations on the part of the City of Rio Dell or its employees. If at any time there should be a conflict between a description in this Handbook and other employment contracts, the terms of any superseding contract will govern. Although this Handbook is not intended to be an official policies and procedures manual, we hope that it will serve as a useful reference document for employees throughout their employment. In addition to this Handbook, law enforcement officers employed by the City of Rio Dell Police Department should also refer to the California Public Safety Officers Procedural Bill of Rights Act (California Government Code §§ 3300-3312), which bestows certain rights upon specified peace officers, as stated in the Act. Furthermore, law enforcement officers employed by the City of Rio Dell Police Department are expected to perform their job duties in accord with the Rio Dell Police Department Policy Manual.

This Handbook supersedes and replaces all previous handbooks, personnel policies, practices, and guidelines.

Because the City of Rio Dell is a constantly-changing organization, it, acting through the City Council, reserves complete discretion to add to, modify, or delete provisions of this Handbook, or the policies and procedures on which they may be based, at any time without advance notice, with the exception of its At-Will Employment policy. Employees will be advised of changes that occur.

To obtain information regarding specific employment policies or procedures, whether or not they are contained in this Handbook, employees should contact their Supervisor or Department Head, or the City Manager. If you need an explanation in another language, please contact your Supervisor or Department Head for assistance. The City of Rio Dell wants all employees to understand the City's policies and procedures and the services that the City of Rio Dell provides to the public. You are encouraged to bring suggestions for improvement to the attention of your Supervisor or Department Head.

No one, other than the City Manager, has the authority to enter into any employment or other agreement that modifies City of Rio Dell policy. Any such modification must be in writing and signed by the City Manager and the affected employee and approved by the City Council.

This Handbook is the property of the City of Rio Dell, and it is intended for personal use and reference only by employees of the City of Rio Dell. Circulation of this Handbook outside of the workplace requires the prior written approval of the City Manager.

Employees are required to sign the Acknowledgment of Receipt form that will be distributed at the time employees receive this Handbook. This should be returned to your Department Head, the Finance Director or the City Manager as soon as possible. This completed form will be retained in each employee's official personnel file and will provide the City of Rio Dell with a record that each employee has received this Handbook. This Handbook is intended to apply to all employees.

SECTION 2: EQUAL EMPLOYMENT OPPORTUNITY

2.01 ACCOMMODATION REQUESTS

The City of Rio Dell will seek to provide reasonable accommodation for the disclosed physical and mental limitations of a qualified disabled employee or applicant as required by the Americans with Disabilities Act or applicable state law. Reasonable accommodation varies depending on the individual circumstances and will be evaluated on a case-by-case basis.

A qualified individual with a disability is anyone who can perform the essential functions of his or her job with or without reasonable accommodation for the disability. A disability is a physical or mental impairment that substantially limits one or more major life activities that may include walking, seeing, speaking, working, or caring for one's self.

To make an accommodation request, please communicate your request to your Supervisor/Department Head. If you feel uncomfortable making an accommodation request to the person(s) previously listed or you believe your accommodation request was not properly managed, report to City Manager.

2.02 DISABILITY DISCRIMINATION POLICY

The City of Rio Dell prohibits and does not tolerate discrimination against any qualified individual with a disability. All qualified individuals with a disability are guaranteed the same employment opportunities as other employees or applicants. No person, no matter his or her title or position, has the authority, expressed, actual, apparent or implied to discriminate against a qualified employee or applicant with a disability.

The City of Rio Dell will make all decisions concerning recruitment, placement, selection, training, hiring, advancement, discharge or other terms, conditions, or privileges of employment based on job-related qualifications and abilities.

The City of Rio Dell prohibits verbal, physical, or visual conduct that belittles or demeans any qualified individual with a disability.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any act of disability discrimination reasonably believed to have been committed.

If you have any questions, problems, or complaints regarding a violation of this policy, or disability discrimination in general, you must communicate your concerns to your Supervisor/Department Head. If you feel uncomfortable doing so or if your supervisor is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make disability discrimination known should it exist.

2.03 EMPLOYEE RELATIONS

Our experience has shown that when employees deal openly and directly with management, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City of Rio Dell fully demonstrates its commitment to employees by responding effectively to employee concerns. If you have concerns about work conditions or compensation, we strongly encourage you to express these concerns openly with your Employee Association President and with your Supervisor/Department Head. In addition, we affirm our commitment to retaining positive relationships with all existing bargaining associations.

2.04 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Rio Dell is an equal opportunity employer. It is our policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, sex, sexual orientation, pregnancy, age, veteran or military status or non-job physical or mental handicap or disability or other classification protected by applicable federal, state or local laws, except where there is a bona fide occupational disability. The City of Rio Dell will provide equal opportunities in employment, promotion, wages, benefits and all other privileges, terms and conditions of employment. All recruiting, hiring, training and promoting for all job classifications is done without regard to race, color, religion, sex, age or national origin except when a bona fide occupational qualification exist. All decisions on employment are made to further the principal of equal employment. All promotion decisions will continue to be made in accordance with Equal Employment Opportunity principals, and only valid job requirements will be used.

The City of Rio Dell prohibits and does not tolerate discrimination against anyone on the basis of race, color, religion, sex, age, national origin, veteran status, or disability. The City of Rio Dell prohibits verbal, physical, or visual conduct that belittles or demeans any individual on the basis of race, color, religion, sex, age, national origin, veteran status, or disability. No person, no matter his or her title or position, has the authority, express, actual, apparent or implied, to discriminate against any employee or applicant of the City of Rio Dell.

2.05 HARASSMENT POLICY

The City of Rio Dell prohibits and does not tolerate harassment of any employee or applicant or the creation of a hostile or intolerable working environment because of race, color, religion, sex, age, national origin, veteran status, disability, or as a result of filing a complaint against the City of Rio Dell. No person, no matter his or her title or position, has the authority, expressed, actual, apparent or implied, to harass any employee or applicant of the City of Rio Dell.

If you are harassed, you must report the act of harassment to your Supervisor/Department Head immediately. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. If the claim of harassment relates to the City Manager, your complaint should be submitted to the then current Mayor for the City of Rio Dell. Nevertheless, you are required to make a reasonable effort to make harassment known should it exist.

2.06 IMMIGRATION LAW COMPLIANCE

The City of Rio Dell does not unlawfully discriminate on the basis of citizenship or national origin but, at the same time is committed to employing only U.S. citizens and aliens who are authorized to work in the U.S. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

2.07 JOB POSTING AND EMPLOYEE REFERRALS

Our job posting program gives you the opportunity to show your interest in open jobs and to advance within the organization according to your skills and experience. In general, we post all regular, full-time job openings, although the City of Rio Dell reserves its right to not post a particular opening.

Job openings will be publicly posted and normally remain open for 10 days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

To be eligible to apply for a posted job, you must have performed competently for at least 90 calendar days in your current position. You are not eligible to apply for a posted job if you have a written warning on file, or are on suspension. You may only apply for posted jobs for which you possess the required skills, competencies, and qualifications.

To apply for an open position, submit a job posting application to the Department Head. List your job-related skills and accomplishments on the application. Also tell how your education and your work experience here or elsewhere make you qualified for the new position.

We encourage you to talk with your Supervisor/Department Head about your career plans. We also encourage your Supervisor/Department Head to support your efforts to gain experience and advance within the City of Rio Dell.

After you applying for a job, you're the Supervisor/Department Head may be contacted for information about your performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a possible transfer may also be discussed.

Job posting is a way to inform you of open jobs. In addition to posting, the City of Rio Dell may use other recruiting sources to fill open jobs.

2.08 PREGNANCY DISCRIMINATION POLICY

The City of Rio Dell prohibits and does not tolerate discrimination against anyone on the basis of pregnancy. The City will treat all applicants and employees who are pregnant the same as

any other applicant or employee with regard to job-related functions, benefits, opportunities, and purposes. No person, or employee, no matter his or her title or position has the authority, expressed, actual, apparent or implied, to discriminate against a pregnant employee or applicant of the City of Rio Dell.

The City of Rio Dell will not deny a job or remove a pregnant employee from a position because the employee is pregnant, considering pregnancy, or experiencing any pregnancy-related problems. All decisions regarding a pregnant employee's placement in or continuation in a job will be based on the same considerations that govern all employment decisions – the employee's ability to satisfactorily perform the essential duties of the job and the safety and health of the employee, other employees, and third parties.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any act of pregnancy discrimination reasonably believed to have been committed.

If you have a question, complaint, or problem concerning pregnancy discrimination, you should relate such question, complaint, or problem to your Supervisor/Department Head. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager. If the complaint relates to the City Manager, your complaint should be submitted to the then current Mayor for the City of Rio Dell.

You are not required to directly confront the person who is the source of your report, questions, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make pregnancy discrimination known should it exist.

2.09 PREGNANCY-RELATED ABSENCES

Employees of the City of Rio Dell shall be entitled to maternity/paternity leave for the birth or adoption of a child and complications of pregnancy as mandated by state and federal law.

The City of Rio Dell shall not refuse to allow an employee who either becomes pregnant or their spouse becomes pregnant while employed with the City of Rio Dell, or is involved with the child birth procedure, adoption procedure or related medical conditions to either:

- A. Receive the same benefits or privileges of employment granted by the City to other persons not so affected who are similar in their ability or inability to work, including taking disability or sick leave or any other accrued leave which is made available by the employer to temporarily disabled employees;
- B. Take leave on account of pregnancy related disability as defined by state and/or federal law.

2.10 PREGNANCY LEAVE

Maternity/paternity leave shall be taken subject to the following conditions and regulations:

- A. An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy leave for up to 4 months;

- B. Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's Supervisor or Department Head before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work;
- C. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Department Head prior to being taken. Requests for an extension of leave must be submitted in writing to the Department Head prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition;
- D. Pregnancy leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave;
- E. An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave;
- F. Sick and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave;
- G. Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to work, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave;
- H. If upon return from leave an employee is unable to perform the essential functions of the employee's job because of a physical or mental disability, the City will initiate an interactive process with the employee in order to identify a potential reasonable accommodation;
- I. An employee who fails to return to work after the termination of the employee's leave loses employee's re-instatement rights.

Paternity leave is the time a father may take off at the birth or adoption of a child. The leave can fall under the rules of FMLA or employee may possibly use accumulated sick leave. The employee may be able to take up to six weeks leave. If the employee would like to apply for paternity leave, please speak with employee's Department Head or the City Manager.

2.10 SEXUAL HARASSMENT POLICY

The City of Rio Dell prohibits and does not tolerate sexual harassment. The City provides procedures for victims of sexual harassment to report sexual harassment and disciplinary penalties for those who commit sexual harassment. No person, no matter his or her title or position, has the authority, expressed, actual, apparent or implied, to commit sexual harassment.

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature where:

- Submission is made an express or implied term or condition of employment or status;
- Submission to or rejection of the behavior is used to make an employment decision (such as hiring, promotion, or termination); and
- The conduct has the purpose or effect of unreasonable interfering with a person's work performance or creates an intimidating, hostile, or offensive environment for work.

The City of Rio Dell prohibits and does not tolerate any employee, manager, vendor, or visitor, male or female, to harass any employee or applicant or to create a hostile or intolerable working environment by exhibiting, committing, or encouraging:

- Direct or implied threats that submission to sexual advances will be condition of employment;
- Material such as pornographic or sexually explicit posters, calendars, graffiti, or objects;
- Unwanted, unwelcome, and unwarranted sexual advances, including, but not limited to, requests, comments, or innuendoes regarding sex, including sexual jokes, gestures, statements, or stalking;
- Intentional or malicious physical conduct that is sexual in nature, including, but not limited to touching, pinching, patting, brushing and/or pulling against another's body or clothes; and
- Physical assaults on other employees, including but not limited to rape, sexual battery, molestation, or any attempt to commit such acts or assaults.

The City of Rio Dell will determine what constitutes sexual harassment based on a review of the facts and circumstances of each situation. The City of Rio Dell hereby provides notice of its right to use third parties to investigate claims of sexual harassment.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any act of sexual harassment reasonably believed to have been committed.

If you are sexually harassed, you must report the act of harassment to your Supervisor/Department Head immediately. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager. If the complaint relates to the City Manager, your complaint should be submitted to the then current Mayor for the City of Rio Dell.

You are not required to directly confront the person who is the source of your report, questions, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make sexual harassment known should it exist.

2.11 WORKPLACE ETIQUETTE

The City of Rio Dell can be a better place to work when all employees show respect and courtesy to each other. Sometimes there are problems when employees do not realize that they are bothering or annoying other people. If this happens to you, you should first try to solve the problem by politely telling your co-worker what is bothering you.

In most cases, if you use courtesy and common sense, the problem can be fixed. We encourage you to keep an open mind. If another employee tells you about something that you are doing that makes it hard for that person to work, try to understand the other person's point of view.

The following are some guidelines and suggestions for how to be considerate of others at work. You will not necessarily be disciplined if you do not follow these suggestions, but the guidelines will help you get along with others. If you have comments or suggestions about workplace etiquette, contact the Supervisor/Department Head.

- Keep the area around your work space orderly and picked up.
- Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your Supervisor/Department Head.
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
- Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others.
- Try not to block common areas while carrying on conversations.
- Refrain from using inappropriate language (swearing) that others may overhear.
- Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
- Clean up after yourself and do not leave behind waste or discarded papers.
- Conduct should be in a professional manner at all times.
- Dress appropriately.
- Maintain proper hygiene.

SECTION 3: EMPLOYMENT CLASSIFICATIONS, PRACTICES, AND PROCEDURES

3.01 ATTENDANCE AND PUNCTUALITY

We expect all of the City of Rio Dell employees to be reliable and punctual. You should report for work on time and as scheduled. If you cannot come to work or you will be late for any reason, you must notify your Supervisor/Department Head as soon as possible.

Unplanned absences can disrupt work, inconvenience other employees, and affect productivity. If you have a poor attendance record or excessive tardiness, you may be subject to disciplinary action, up to and including termination of employment.

Excessive tardiness occurs when an employee is late to work or returning from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of absences exceeds 3 days in any three-month period.

3.02 AMENDMENT AND REVISION OF RULES

Recommendations for amendments and revisions of these rules may be made by the City Manager, elected officials, any duly recognized employee's association and the City Attorney.

Proposed amendments or revisions shall be publicly posted for at least five (5) consecutive business days prior to consideration by the City Council at a regularly scheduled City Council meeting. At the time of consideration, any interested party may appear and be heard. Amendments and revisions shall become effective upon adoption by resolution by the City Council following such hearings and as agreed to between the City Council and any duly recognized employee association, if such amendments and revisions are within the scope of meet and confer requirements.

3.03 "AT-WILL EMPLOYMENT"

We sincerely hope that your employment relationship with the City of Rio Dell will be satisfying and mutually beneficial. We nevertheless believe there are some things you must know. Your employment relationship with the City of Rio Dell is "at-will." This means that you are entirely free to terminate your employment at any time, either with or without a reason. It also means that the City of Rio Dell has the very same right as you and can terminate your employment at any time, with or without cause or advance notice.

This represents an integrated agreement with respect to the at-will nature of your employment relationship. No representative or employee of the City of Rio Dell, other than the City Manager, has the authority to enter into a contrary agreement. Even then, a contrary agreement is enforceable only if it is set forth in a written agreement that is signed by both you and separately affirmed and adopted by the City Council.

3.04 BACKGROUND/REFERENCE CHECKS

To ensure that individuals who join the City of Rio Dell are well qualified and have a strong potential to be productive and successful, it is the policy of the City of Rio Dell to check the employment references of all applicants.

The responses to such inquiries will confirm only dates of employment, wage rates, and positions held.

Prior to making any commitment to prospective full-time employees, the City of Rio Dell shall also

(unless prohibited by law) perform a background investigation to evaluate a job candidate's qualifications, character, fitness, and to identify potential hiring risks for safety and security reasons. A background investigation would include criminal history, social security number trace, past employment verification, and credit score. Any offers of employment may be made to prospective employees contingent upon the results of such background check.

3.05 CAUSE OF IMMEDIATE DISCHARGE

Willful or neglectful misuse, damage, or destruction of public or private property, City vehicles, or City equipment or willful violation of any municipal rule or regulation, City ordinance, state or federal law could be the cause for immediate discharge from employment with the City of Rio Dell.

3.06 CELL PHONE POLICY

The City of Rio Dell has established a Cell Phone policy pursuant to Resolution No. 1030-2009 and allows employees whose job duties include the frequent need for a cellular phone to be issued a City-owned cellular phone, or to be entitled to receive extra compensation in the form of a cellular phone allowance to cover business-related use of their personally owned device and service plan. There are three levels of allowances based upon City need and usage criteria. Employees should contact their Supervisor for specific information regarding cellular phone allowances.

In the interest of safety, employees (excepting law enforcement officers) are expressly forbidden from using cell phones while driving either on City business or during City hours. This includes writing, sending, or reading text-based communications, such as text messages or e-mail.

If your job requires you to keep your cell phone turned on at times while you are driving, you must use a hands-free device or safely pull off the road and park your vehicle before talking on the phone. Employees are expressly prohibited from placing any phone calls while operating a motor vehicle while driving on City business and/or City time.

Failure to comply with this policy may result in discipline, up to and including termination.

3.07 CODE OF ETHICS

1. Purpose

A. It is the policy of the City of Rio Dell to uphold, promote, and demand the highest standards of ethics from all of its employees and officials, whether elected, appointed, or hired. City officials and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants including the appearance of impropriety; and never use their City position or powers for improper personal gain. It is further the policy of the City that the public's right to know of complaints of violations of the Code of Ethics by City-elected officials far outweighs any right that these matters remain secret and private and that full access to information concerning the interests that seek to influence governmental decision-making must be assured as a fundamental and necessary precondition to the sound governance of a free society.

For further information, refer to Rio Dell Municipal Code (RDMC) Title 1, Chapter 1.10.

Governing Authorities

The following is a list of agencies responsible for enforcing federal, state, and local laws and investigating issues surrounding improper governmental actions:

Rio Dell Police Department
(707)-764-5642

Humboldt County Grand Jury
(707) 764-2475

District Attorney's Office

(800) 962-8261

**Fair Labor & Housing
(800) 884-1684**

3.08 COMMUNICATIONS POLICY

Electronic communications, including the contents of the City-owned computers and telephones are the properties of the City of Rio Dell. This policy is meant to set forth guidelines regarding access to and disclosure of information/messages sent or received by the City of Rio Dell employees using the system. This policy may be changed at any time. The Internet, electronic mail, phone mail, or any other communication or information system of the City of Rio Dell is not to be used in any way that may be disruptive, offensive to others, or harmful to morale.

The City of Rio Dell electronic communication systems, including computers and telephones (including all hardware and software and all contents) are the exclusive property of the City of Rio Dell.

The City of Rio Dell treats all computer files, including electronic mail (e-mail) sent or received, as business information. The City has the capability to access, review, copy, and/or delete any computer files, including e-mail sent or received. If employees make incidental use of the computer system for personal files or e-mail, employees should not expect personal files or e-mail to be protected from review by other employees. Accordingly, employees should not use the City of Rio Dell's computer system to create or transmit any information they wish to keep private.

Confidential Information: Employees must exercise extreme caution when creating or transmitting City of Rio Dell confidential information. Confidential information should not be transmitted to any individual not authorized to receive such information.

E-mail: When transmitting messages via e-mail, employees should consider that e-mail messages can be read by persons other than the addressee and that the message may be later disclosed to outside parties or a court in connection with litigation. Because of these concerns, the City of Rio Dell employees are required to maintain the highest standards of courtesy and professionalism when transmitting e-mail.

City of Rio Dell computer systems should not be used to solicit or proselytize for commercial ventures, religious or political causes, or outside organizations that are not authorized by the City of Rio Dell.

Internet: The City of Rio Dell provides employees with access to the Internet for business-related purposes. The City of Rio Dell has the capability to review web-site access. Employees should not have any expectation of privacy regarding the web-sites accessed through the City of Rio Dell computer system. Computer systems may "leave tracks" at web-sites visited. Because of the nature of City of Rio Dell business, any incidental use of the Internet for personal use must be conducted with the highest levels of professionalism.

Employees may not use the City's Internet connection to download games or other entertainment software, or to play games over the Internet.

Software: The City of Rio Dell prohibits the unauthorized use of software. The City of Rio Dell expects its employees to conduct themselves responsibly in this regard. Employees should refrain from making or using unauthorized copies of software programs. Employees may not install any non-City owned software programs on any City computer without the approval of the City Manager.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed.

3.09 E-MAIL RETENTION POLICY (City of Rio Dell Resolution No. 1000-2008)

Generally, e-mail messages are temporary communications which are non-vital and should be discarded routinely. However, depending on the content of the e-mail, it may be considered public record. Accordingly, employees have the same responsibilities for e-mail messages as they do for any other public record and must distinguish between records and non-record information.

While City electronic e-mail retention is for a maximum period of 180 days, an e-mail communication should be deleted as soon as practicable from the system. It is the policy of the City of Rio Dell that e-mail is not to be used to retain or store public records of any department. Communications or records intended or required by law to be retained shall be printed in a hard copy and filed or stored as appropriate or saved to designated electronic files or other media as required by any departmental or city procedures. It is City policy that all departments adhere to their legal record retention requirements. E-mail should be printed and filed in the appropriate location if any law requires a communication to be kept for a period greater than 180 days. Employees should seek guidance from their Department Heads in order to ascertain the specific time requirements applicable to the documents generated, received and or maintained by their department.

E-mail should be considered a communication tool, not a storage mechanism. Back-up tapes are for disaster recovery purpose only. Retention is the responsibility of the sender of the message, not the back-up process. Backup copies are *not* for the purpose of records retention. Back-up tapes should be retained no more than six months.

Regardless of retention requirements, e-mail and all other electronic or paper documents pertaining to threatened or actual legal proceedings must be retained until the litigation is finally concluded.

The definition of public records includes any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the City. The definition includes electronic records, including e-mails. The definition does *not* include preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business.

Because of system capacity concerns, personal correspondence and interdepartmental and intradepartmental e-mails should routinely be deleted unless either the sender or the recipient would have retained the writing had it been sent in any other form. E-mail from outside the City should be retained by the recipient, if he or she would have retained the document if it had been sent in any other form.

The sender of the e-mail is responsible for ensuring proper retention of e-mails sent within the City. All other copies are duplicates and may be deleted. However, if a record e-mail was sent by an outside agency, a member of the public or anyone outside the City, the recipient is responsible for retention if required.

E-mail itself is not considered a record category; it is a means of transmission of messages or information. Retention or disposition of e-mail messages must be related to the information they contain or the purpose they serve. Thus, the retention period is determined by the content of the e-mail, not the medium. Record e-mails may be deleted upon expiration of the statutory retention period (or after 180 days if there is no statutory retention period) or as appropriate on authorization of the City Council,

Attachments should be retained or disposed of according to the content of the attachment itself, not the e-mail which transmits the attachment. Thus, attachments should be retained if they constitute a document which the recipient or the sender would ordinarily retain in the ordinary course of business.

E-mail will be deleted after 180 days.

E-mail is not used to store public records.

E-mail that requires storage for a period of greater than 180 days should be printed and filed or saved as a document for electronic storage in your network folders.

3.10 EMPLOYEE CATEGORIES

1. All personnel hired for positions within the City of Rio Dell will be placed at the time of hiring in one of the following categories:
 - a. Regular/Permanent Employees – Personnel hired for employment to fill allocated permanent positions. All such employees will be on probationary status for the required period of time set forth in section 3.31 of these policies, below, and will be retained in City employment only upon receipt of a satisfactory (or better) performance review and written recommendation that the person be retained by his Department Head and approval by the City Manager. Time spent in a part-time permanent status immediately prior to full-time employment in the same class will be credited to the employee in computing the probationary period. Employees not recommended for retention will have their employment terminated without benefits.
 - b. Part-Time/Permanent Employees - Part-time/permanent employees work less than full-time allocated positions and do earn and accrue benefits. Part-time employees are eligible for health insurance on a pro-rated basis where the denominator is 40 and the numerator is the normal number of hours assigned per week, which will be paid by the City and the balance paid by the employee, provided such employee is eligible for such insurance under the terms of the group insurance plan then in effect. Part-time employees shall be allowed designated holidays, provided if the employee is scheduled to work a holiday he/she may shift his/her hours to a non-holiday work day during the same pay period, at the option of the Department Head.
 - c. Temporary Employees - Personnel hired for employment of a temporary nature shall not exceed 640 hours in pay status per fiscal year. Personnel in this category will not be

hired to fill vacant positions except under the rules of this section. Temporary employees do not earn or accrue any benefits.

Temporary employees are hired to cover seasonal, emergency or special assignments. Length of employment will be for a specific period of time. Personnel in this category are not eligible for vacation, sick leave or other benefits.

2. Personnel hired into City employment to fill authorized positions will be further categorized as follows:

- a. Full-Time Permanent – Hired to fill an allocated position with hours of work conforming to the basic work week, usually 40 hours/week.

- b. Part-Time Permanent - Hired to fill an allocated position with hours of work to be less than 40 hours per week.

3.11 EMPLOYEE CONDUCT AND WORK RULES

We expect you to follow certain work rules and conduct yourself in ways that protect the interests and safety of all employees and the City of Rio Dell.

While it is impossible to list every action that is unacceptable conduct, the following lists some examples. Employees who break work rules such as these may be subject to disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of City property ;
- Falsification of timekeeping records;
- Working under the influence of alcohol or illegal drugs ;
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment;
- Fighting or threatening violence in the workplace;
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property;
- Violation of safety or health rules;
- Smoking in prohibited areas;
- Sexual or other unlawful or unwelcome harassment;
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
- Excessive absenteeism or any absence without notice;
- Unauthorized use of telephones, mail system, or other employer-owned equipment;
- Violation of personnel policies;
- Unsatisfactory performance or conduct.

Employees may terminate their employment at any time they want, with or without cause or advance notice. Likewise, the City of Rio Dell may terminate your employment at any time, with or without cause or advance notice. It is common practice to give two weeks' notice to your employer before terminating your employment, although there is no right to prior notice.

3.12 EMPLOYEE MEDICAL EXAMINATIONS

Employees of the City of Rio Dell must be in possession of a valid California Driver's license while employed with the City. Employees of the City could be asked to drive a City vehicle at any time to make deliveries or for any number of job situations. For that reason a job applicant will be asked to submit to a medical and drug test before being hired to work for the City.

3.13 EMPLOYMENT APPLICATIONS

We rely on the accuracy of the information you put on your employment application. We also expect that you and your references give accurate and true information during the hiring process and employment. If we find that any information is misleading, false, or was left out on purpose, we may reject an applicant from further consideration. If the person was already hired, it could result in termination of employment. Applications for positions advertised by the City will remain on file for one (1) year.

The hiring department head shall notify an applicant in writing the reason for rejecting their application.

3.14 EMPLOYMENT LIST

After the closing date of an advertised position, the department head shall prepare a list of all candidates that appear from their application and resumes to meet the minimum qualifications as noted in the job description. All positions in the City service must be hired from an employment list, except temporary positions.

3.15 GIFTS AND GRATUITIES

No employee shall solicit or accept any gift, gratuity, or discount for City services rendered, bids or contract awarded, or for any other reason connected with the exercise of his or her duties and responsibilities as an employee.

3.16 GRIEVANCE PROCEDURE

1. Consideration of Grievances

This procedure is established in order to provide opportunities for City employees to bring forth their view relating to any alleged unfair or improper aspect of their employment situation and to seek a resolution of such matters.

Definitions:

A "**grievance**" shall mean a statement by a grievant that a controversy, dispute or disagreement of any kind or character exists arising out of or in any way involving interpretation of rule, policy, M.O.U., ordinance, resolution, or practice, or that an employee has been treated unfairly or inequitably, or that there exists a condition which jeopardizes employee health and safety which is beyond the control of the grievant. The grievance procedure shall not be used for disciplinary appeals.

A “**grievant**” shall mean an employee or group of employees filing a grievance.

In any instance of grievance, the employee concerned shall first make efforts to resolve such grievance with his/her Department Head. If the efforts to resolve the grievance with the Department Head are not satisfactory, the employee may submit his/her complaint in writing to the Department Head.

Upon receipt of the written complaint, the Department Head shall make such investigation as required under the circumstances and reply in writing to the employee within ten (10) working days after receipt of the statement from the employee.

If the employee wishes to discuss the grievance further, he/she shall within ten (10) working days of the receipt of the reply from the Department Head submit a written request for a meeting with the City Manager. If the complaint relates to the City Manager, your complaint should be submitted to the then current Mayor for the City of Rio Dell.

The requested meeting will be held by the City Manager at the earliest date possible at which the employee, the Department Head, and any other persons invited by the City Manager may be present. The decision made by the City Manager as the result of the findings and conclusions determined at this meeting shall be communicated to the employee within ten (10) days following the meeting. This decision may be appealed to the City Council. Written appeal must be made to the City Council within ten (10) working days of receipt of the City Manager’s decision. The City Council shall hear the appeal within thirty (30) days. The City Council’s findings and determinations shall be communicated to the employee within ten (10) days following the hearing.

2. Employee Rights

No reprisals whatsoever shall be invoked against any employee for processing a grievance or participating in the grievance procedure. Paid release time shall be provided when approved by the City Manager for participants in the processing of grievances. Such release time will be given with due consideration of the needs of the City for services including scheduled hearings before the City Council. When scheduling conflicts arise as a result of such needs, reasonable extensions of time shall be granted.

The employees participating in the grievance procedure may be represented, at the employee’s option, by one duly recognized Employee Association Representative at any or all steps of the grievance procedure, provided, however, the Employee Association Representative has been designated as a representative of the association, in writing, at least ten (10) days in advance of such step in the grievance procedure. The total number of designated City employee representatives shall be limited to three in number, one from each of the three City Departments, together with any paid professional nonemployee representative of a duly recognized employee association. Designation of employee representatives may be substituted upon ten (10) days advance written notice to the City. Multiple grievants presenting the same or substantially similar issues shall be limited to the same representative in the absence of a legal conflict of interest.

3. Hearing

Step 1: The hearing before the City Council shall be informal.

- Step 2: There shall be no formal rules of evidence.
- Step 3: The employee shall present his/her own case or designate a representative who need not be an attorney but may be an attorney.
- Step 4: The City Manager and/or the Department Head shall present his/her own case.
- Step 5: The City Attorney, if he/she is present, shall not serve as an advocate for either party. His/her responsibility would be the same as at a regular City Council meeting, to advise the City Council as to the law and its bearings in the matters under discussion. Nothing herein shall, however, prohibit the City from retaining independent counsel to represent the City's interests.
- Step 6: All hearings shall be closed to the public except at the request of the affected employee. Upon written request for a public hearing, the hearing shall be open.
- Step 7: All appeals proceedings shall be tape-recorded. Recordings and records of appeal proceedings shall be maintained by the City Clerk for a period of two (2) years after the final decision is rendered by the Council. Employees may be allowed copies of said tapes at cost at any time within said two (2) year period. Either party may request a stenographic reporter to record the proceedings. The cost of a stenographic reporter shall be borne by the requesting party. In the event a transcript is requested by either party to a proceeding, the original and one (1) copy thereof shall be filed with the City Clerk after its preparation by the stenographic reporter is completed.
- Step 8: Any court action brought by either party must be brought within ninety (90) days of the final decision of the City Council.

3.17 HANDLING OF CONFIDENTIAL INFORMATION

Some employees will work with information that is of a confidential nature. If an employee is given such information, they are expected to keep the information confidential and should not share the information with unauthorized persons.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed.

3.18 INVOLUNTARY DEMOTION

The Department Head may demote an employee whose ability to perform his required duties falls below standard or for disciplinary purposes. No employee shall be demoted to a position for which he does not possess the minimum qualifications. Involuntary demotions shall be made in accordance with the City's progressive discipline policy.

3.19 JOB DESCRIPTIONS

We try to have accurate job descriptions for all jobs at the City of Rio Dell. A job description includes the following sections: job information; job summary (gives a general overview of the job's purpose); essential duties and responsibilities; supervisory responsibilities; qualifications

(includes education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required); physical demands; and work environment.

We use the job descriptions to help new employees understand their jobs and their responsibilities. We also use job descriptions to identify the requirements of a job, set up the hiring criteria, set standards for employee performance evaluations, and establish a basis for making reasonable accommodations for individuals with disabilities.

New job descriptions are created when a new job is created. We review existing job descriptions and change them when a job changes. You can help by making sure that your job description is accurate and describes your job duties.

Your job description does not necessarily cover every task or duty that you might be assigned. You may be assigned additional responsibilities as necessary. If you have questions or concerns about your job description, contact the City Manager.

3.20 LAY-OFFS

Whenever it becomes necessary for employees to be laid off because of lack of work or lack of funds, all temporary employees of the Department shall be laid off before any permanent full-time or part-time employees. If additional reductions are necessary, permanent employees shall be laid off in reverse order of their seniority within a Department in the same classification job title. Except in emergency situations, employees laid off shall be given written notice of such lay off at least thirty (30) days prior to the effective date of the layoff. The names of permanent employees laid off shall be placed on a re-employment list for the Department involved in the lay-off. Persons on such lists shall retain eligibility for re-appointment to the position in the lay-off or a lower position in the class series for a period of two (2) years from the date their names were placed on the lists. Probationary employees shall receive credit for time previously served on probation if rehired within said two (2) year period.

3.21 LINES OF AUTHORITY

Each employee is responsible to his or her Department Head for proper performance of duty conduct on the job, compliance with rules, regulations, and policies applicable to his/her employment. All requests, questions, suggestions, and grievances shall first be submitted to an employee's Department head who will take appropriate action in accordance with department policy and these rules.

Line of authority within the administrative organization of the City shall be as follows:

City Council
City Manager
Department Head

3.22 MANAGEMENT RIGHTS

The City shall retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of, and the manner in which, the City's activities are conducted, managed, and administered, and it is the exclusive

right of the City to establish and maintain departmental rules and procedures for the administration of its departments.

The City has the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City.

Every incidental duty connected with operations enumerated in job descriptions is not always specifically described; nevertheless, it is intended that all such duties shall be performed by the employee.

The appointing authority reserves the right to discipline or discharge employees as set forth in the Employee Handbook. The City reserves the right to lay off personnel of the City at any time.

The City shall determine assignments and establish methods and processes by which assignments are performed.

The City shall have the exclusive right to transfer employees within departments and to positions outside a department in a manner most advantageous to the City.

The City shall have the authority, without prior meeting and conferring, to effect reorganizations and reallocation of work of the City.

The City has the right, without prior meeting and conferring, to contract for matters relating to municipal operations, including contracting out bargaining unit work. The right of contracting or subcontracting is vested exclusively in the City.

The inherent and express rights of the City, including those herein specifically referred to that are not expressly modified or restricted by a specific provision hereof, are not in any way, directly or indirectly, subject to meeting and conferring or the Grievance Procedure herein.

3.23 MEET AND CONFER

Contract negotiations for contract employees shall be the responsibility of the City Manager. The City Manager shall meet and confer with any duly recognized Employee Association under the Meyer-Milias-Brown Act, on those matters which are subject to the "Meet and Confer" process specified under Section 3505 of the California Government Code or as otherwise agreed to between the City of Rio Dell and any duly recognized Employee Association pursuant to the terms of any Memorandum of Understanding then in effect.

3.24 NEPOTISM

No person shall be hired in a temporary or permanent position in any department of the City who is the spouse of any other employee of the City working in the department in which that person seeks to be employed. In addition, no person who is a relative to a City employee shall be hired over any other applicant unless ~~their most-qualified-qualifications~~ clearly exceed other applicants, if any. Documentation of qualification comparison must be kept in recruitment folder for at least one (1) year.

Definitions of Relationships:

Relative - An employee's parent, step-parent, spouse, domestic partner, significant other, child (native, adopted or step), sibling, or grandparent.

Personal Relationship - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

Business Relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the Department employee's annual interest, compensation, investment, or obligation is greater than \$250.00.

Conflict of Interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Restricted Duties and Assignments

While the Department will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply (California Government Code §12940(a)):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department however, reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
 - 3. If there are circumstances not covered by items 3.24(a)(1) or 3.24(a)(2) above, one or both of the involved employees may be subject to termination.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluation, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) In order to avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals(s) who they know or reasonably should know are under criminal investigation, convicted felons, parolees, fugitives, registered sex offenders, or who engage in serious violations of state or federal laws.

Employee Responsibility

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninvolvement, next highest level of supervisor.

Whenever any employee is placed in circumstances which would require the employee to take enforcement action or provide other official information or services to any relative or other individuals(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolvement, immediate supervisor. In the event that no uninvolvement supervisor is immediately available, the employee shall promptly notify the City Manager to have another uninvolvement employee either relieve the involved employee or minimally remain present to witness the action.

Supervisor/Department Head Responsibility

Upon being notified or becoming aware of any circumstances(s) which could result in or constitute an actual or potential violation of this policy, a Supervisor/Department Head shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisors/Department Heads shall also promptly notify the City Manager of such actual or potential violations through the chain of command lines of authority.

3.25 NO-CONFLICT WITH COLLECTIVE BARGAINING AGREEMENTS CLAUSE

Any applicable Memorandum of Understanding (MOU) entered into between the City and any employee or employee organization shall have control over these rules and regulations where these rules and regulations are silent or inconsistent. These rules and regulations shall control where Memoranda of Understanding are otherwise silent.

3.26 OUTSIDE EMPLOYMENT

You may hold an outside job as long as you can satisfactorily perform your job at the City of Rio Dell and the job does not interfere with the City's scheduling demands.

We hold all employees to the same performance standards and scheduling expectations regardless if they have other jobs. In order to remain employed at the City of Rio Dell, we will ask you to terminate an outside job if we determine that it is impacting your performance or your ability to meet our requirements, which may change over time.

You may not have an outside job that is a conflict of interest with the City of Rio Dell. Also, you may not get paid or get anything in return from a person outside the City of Rio Dell in exchange for something you produce or a service you provide as part of your City job.

3.27 PERFORMANCE EVALUATIONS

We encourage you and your supervisor to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are done at the end of your introductory period for any new job. The introductory period is a time for you and your supervisor to talk about your job responsibilities and the performance requirements of the new job. In addition, you and your supervisor will have formal performance evaluations to discuss your work and goals, to identify and correct weaknesses, and to encourage and recognize your strengths.

Performance evaluations are usually done every 12 months around the time of the anniversary of your original hire date or as stipulated in a specific employment agreement. Step increases in pay and/or benefits are dependent on having received a satisfactory performance evaluation during the performance review immediately preceding the increase.

We may give merit-based pay adjustments to some employees to recognize truly superior employee performance. These adjustments are based on a number of factors including the information documented by the formal performance evaluations.

3.28 PERSONAL APPEARANCE

Personal appearance means how you dress, how neat you are, and your personal cleanliness standards. Your personal appearance can influence what customers and visitors think about the City of Rio Dell. Personal appearance can also impact the morale of your co-workers.

During business hours or whenever you represent the City of Rio Dell, you should be clean, well groomed, and wear appropriate clothes. This is particularly important if your job involves dealing in person with customers or visitors.

If your Supervisor/Department Head finds that your personal appearance is inappropriate, you will be asked to leave work and return properly dressed and groomed. If you are asked to leave, you will not be paid for the time you are away from work. See your Supervisor/Department Head if you are not sure about the correct clothing standards for your job.

Where necessary, the City of Rio Dell may make a reasonable accommodation to this policy for a person with a disability.

3.29 PERSONNEL DATA CHANGES

It is important that the City of Rio Dell have certain personal information about you in our records. You need to tell us as soon as there is a change to your mailing address, telephone numbers, marital status, dependents' information, educational accomplishments, and other

possibly related information. We also need to have information about who to contact in case of an emergency. To change your personal information or if you have questions about what information is required, contact the **City Manager**.

3.30 PERSONNEL FILES

The City of Rio Dell has an official personnel file for each employee. These personnel files include confidential information about applicants and employees. All requests for information on prospective, current or former employees should be directed to the City Manager. This system is maintained for the protection of employees and for compliance with laws pertaining to personal privacy.

Copies of all material placed in personnel records shall be furnished to the employee at the time it is included in the file. An employee may cause to be placed in his/her personnel file responses to adverse materials.

An employee shall have the right to review his/her personnel file or to authorize review by a representative. Such authorization of a representative shall be in writing on an individual basis. No material shall be added to a personnel record without authorization of the City Manager.

3.31 PROBATIONARY PERIOD

The City of Rio Dell has a probationary period for new employees. During the probationary period, we will evaluate your work habits and abilities to make sure that you can perform your job satisfactorily. The probationary period also gives you time to decide if the new job meets your expectations.

The probationary period for all new and rehired employees is one (1) year after their hire date.

If you are absent for a significant amount of time during your probationary period, the length of the absence will automatically extend the probationary period. We may also extend the probationary period if we decide it was not long enough to evaluate your performance. This could happen either during or at the end of the probationary period.

When employees satisfactorily complete the probationary period, they are assigned to the "regular" employment classification.

During the probationary period, new employees are eligible for those benefits that are required by law, such as Social Security and Workers' Compensation Insurance. They may also be eligible for other City benefit programs, subject to the terms and conditions of each benefit program. Be sure to review the information for each benefit program to see the exact requirements.

Resignation means that you voluntarily terminate your employment at the City of Rio Dell. If you decide to resign, we would like you to tell us in writing at least two (2) weeks before the date you will leave. Although advance notice is not required, you will be helping your co-workers because there will be more time to reassign work and replace you if necessary.

3.32 RESIDENCY

Persons accepting full-time employment in the service of the City of Rio Dell in an on-call or emergency service position may be required to establish residency within ninety (90) days of the date of employment within thirty (30) minutes driving time of place of work when in the determination of the Department Head or City Manager such response time is warranted by the employee's duties. "Driving Time" assumes conformance with traffic laws and regulations.

3.33 RETURN OF PROPERTY

The City of Rio Dell may loan you property, materials or written information to help you do your job. You are responsible for protecting and controlling any property we loan you.

If you stop working at the City of Rio Dell, you must return all City of Rio Dell property immediately.

If you do not return our property and if the law allows, we may take money from your regular or final paycheck to cover the cost. We may also take legal action to get back our property.

3.34 SPECIAL SALARY ADJUSTMENTS

The City Manager may approve salary adjustment of employees to obtain persons with markedly superior qualifications. City Council approval is required to correct salary inequities and recognize outstanding performance.

This action must be documented by filing a Personnel Action Form with the payroll clerk.

3.35 SKILLS RETENTION

Each employee shall be responsible for maintaining the knowledge, skills, abilities, and physical condition necessary to perform the duties and responsibilities for which he or she is employed.

3.36 TERMINATION, DISCIPLINE AND RULES OF CONDUCT

1. Termination

a. Voluntary Termination

The City of Rio Dell will consider an employee to have voluntarily terminated his or her employment if an employee does any of the following:

- (1) Elects to resign from the City of Rio Dell;
- (2) Fails to return from an approved leave of absence on the date specified by the City of Rio Dell; or
- (3) Fails to report for work without notice to the City of Rio Dell for three consecutive days.

b. Involuntary Termination

An employee may be terminated involuntarily for reasons that may include poor performance, misconduct, or other violations of the City of Rio Dell's rules of conduct as set forth below. Notwithstanding this list of rules, the City of Rio Dell reserves the right to discharge or demote any employee with or without "cause" and with or without prior notice.

c. Termination Due to Reorganizations, Economics or Lack of Work

From time to time, the City of Rio Dell (acting through the City Manager) may need to terminate an employee as a result of reorganizations, job eliminations, economic downturns in business, or lack of work. Should the City of Rio Dell consider such terminations necessary, it will attempt to provide all affected employees with advance notice when practical, or when required by law.

2. Discipline and Rules of Conduct

a. Policy

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct does not meet City of Rio Dell standards, the City of Rio Dell will endeavor, when it deems appropriate, to provide the employee a reasonable opportunity to correct the deficiency. If, however, the employee fails to make the correction, he or she will be subject to discipline, up to and including discharge. Further, this policy does not alter the at-will nature of each employee's employment.

The rules set forth below are intended to provide employees with fair notice of what is expected of them. However, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which adversely affects or is otherwise detrimental to the interests of the City of Rio Dell, other employees, clients or customers (or other third parties), may also result in disciplinary action.

b. Performance

Employees may be disciplined for poor job performance, including but not limited to the following:

- (1) Unsatisfactory work in terms of quality or quantity;
- (2) Rudeness, lack of cooperation, or similar conduct;
- (3) Excessive absenteeism, tardiness, or abuse of break and lunch privileges;
- (4) Failure to follow instructions or City of Rio Dell procedures; or
- (5) Failure to follow established safety regulations.

c. Misconduct

Employees may be disciplined for misconduct, including but not limited to the following:

- (1) Insubordination;
- (2) Dishonesty;
- (3) Theft;
- (4) Discourtesy;
- (5) Misusing, or destroying City of Rio Dell property or the property of another on City premises;
- (6) Violating conflict of interest rules;
- (7) Disclosing or using confidential or proprietary information without authorization;
- (8) Falsifying or altering City records, including application for employment;
- (9) Interfering with the work performance of others;
- (10) Altercations;
- (11) Harassing, including sexually harassing, employees, clients or customers (or other third parties);
- (12) Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on City of Rio Dell property or while conducting City business;
- (13) Gambling on City of Rio Dell premises or while conducting City business;
- (14) Sleeping on the job or leaving work without authorization;
- (15) Possessing a firearm or other dangerous weapon on City of Rio

Dell property or while conducting City business;

- (16) Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of the City of Rio Dell, its employees, clients, customers (or other third parties) or property; or
- (17) Failing to report to the City of Rio Dell, within five days, any conviction under any criminal drug statute for a violation occurring in the workplace.

d. Attendance

In addition to the general rules stated above, employees may be disciplined for failing to observe the following specific requirements relating to attendance:

- (1) Reporting to work on time, adhering to established work schedules, observing the time limits for rest and meal periods, and obtaining approval to leave work early; and
- (2) Notifying the Supervisor in advance of anticipated tardiness or absence.

e. Discipline Procedure

Although discharge or demotion for poor performance may be preceded by an oral warning and/or a written warning, the City of Rio Dell reserves the right to proceed directly to a written warning, demotion, suspension or termination for misconduct or performance deficiency, without resort to prior disciplinary steps, when the City of Rio Dell, in its sole discretion, deems such action appropriate. A copy of any correspondence placed in the personnel file will be available to the affected employee.

f. Disciplinary Action

(1) Conduct Resulting In Discharge

A first violation of this policy will result in immediate discharge, whenever the prohibited conduct:

- (a) Involves fighting or causing injury to the employee or any other person, or, in the sole opinion of management, endangered the safety of the employee or any other person;
- (b) Results in significant damage to City of Rio Dell property or equipment, or, in the sole opinion of management, posed a risk of significant damage;
- (c) Involves the sale or manufacture of illegal drugs or other controlled substances;
- (d) Involves the possession, distribution, or dispensation of

illegal drugs or other controlled substances or alcohol;

- (e) Involves an employee who had not completed the probationary period or was a temporary employee;
- (f) Involves the failure of an employee to report a criminal conviction, as required below;
- (g) Involves insubordination and outspoken or mutinous attitude toward those in charge or a flaunting disregard of the authority of the Supervisor or willful disobedience;
- (h) Involves inexcusable absence without leave;
- (i) Involves possession of a firearm on City of Rio Dell property;
- (j) Involves inexcusable neglect of duty;
- (k) Involves dishonesty; or
- (l) Involves willful disobedience.

g. Discretion to Apply Lesser Discipline

Under the circumstances other than those described immediately above, the City of Rio Dell, in the sole discretion of management, may elect not to discharge an employee for a first violation of this policy if, under the circumstances involved, it deems this appropriate.

h. Effective Criminal Conviction

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any City of Rio Dell-related activity or event will be deemed to have violated this policy.

i. Written Warning

An employee who is not discharged for a first violation of this policy will receive a final written warning and/or an immediate suspension, without pay, at the sole discretion of the City of Rio Dell. A copy of any correspondence placed in the personnel file will be made available to the subject employee

3. Exit Interview

Employees who leave the City of Rio Dell for any reason may be asked to participate in an exit interview. This interview is intended to permit departing employees the opportunity to communicate their views regarding their work with the City of Rio Dell, including job duties, job training, job supervision, and job benefits.

At the time of the interview, or as otherwise specified by the City of Rio Dell, employees are expected to return all City-furnished property, such as uniforms, tools, equipment, I.D. cards,

keys, credit cards, documents, and handbooks. Arrangements for clearing any outstanding debts with the City of Rio Dell and for receiving final pay also will be made at this time.

4. Employment At-Will

Nothing in this guideline is intended to alter the at-will status of employment with the City of Rio Dell. Either the City of Rio Dell or you may terminate the employment relationship at any time, with or without cause, and with or without prior notice. The City of Rio Dell reserves the right to terminate any employment relationship, to demote, or to otherwise discipline an employee without resort to the above disciplinary procedures.

3.37 TYPES OF APPOINTMENT AND INITIAL SALARY

Vacancies in a position may be filled by reinstatement, transfer, demotion, promotion, appointment from an appropriate list, by appointment under provisional authority, or by initial employment of new employees. New employees shall be paid at the initial pay scale step (or "A" step) except as permitted by Section 3.34 of these Policies, above.

1. Emergency Appointments

Emergency appointments may be made by the City Manager to prevent work stoppage of public business. Such authorization, (with City Council ratification after the fact), shall not exceed 30 days without regard to selection and employment rules or regulations. Service under emergency appointment shall not accrue any rights or benefits.

3.38 VOLUNTARY DEMOTION

An employee for personal reasons may request demotion to a position in a lower class, subject to a corresponding reduction in salary. Such demotions may be permitted upon the approval of Department Head and City Manager.

3.39 WHISTLEBLOWER POLICY

1. Procedures for Reporting Improper Government Actions

A. The City of Rio Dell employees who become aware of improper governmental actions should first raise the concern with their direct Supervisor. Where the employee believes that the improper governmental action involves his or her Supervisor, or their Supervisor's Supervisor, the employee may raise the issue directly with any Department Head, City Manager or City Council Member.

B. Complaints shall be submitted in writing except as described in Section C. The written complaint should state the nature of the alleged violation(s), the date(s), the times(s), the place of each occurrence, and the name(s) of the person(s) charged with the violation(s) if possible. Any and all documentation available as evidence to demonstrate the alleged violation(s) may be submitted with the complaint.

C. Any complaints received verbally will be translated into a written complaint by the receiving party to ensure that it properly reflects the concerns that have been raised. All

anonymously received complaints shall be processed, however, due to the difficulty of verifying and/or obtaining evidence, investigation may be difficult

2. Complaints, Investigations, Review and Enforcement

A. All allegations of improper governmental actions filed against non-management employees shall be forwarded to the governing Department Head for preliminary inquiry, allegations filed against Department Heads shall be referred to the City Manager, and allegations filed against the City Manager shall be forwarded to the City Council.

B. If there are no reasonable grounds to believe that a violation has occurred, the initial City Manager (or City Council if applicable) shall dismiss the complaint. A written determination notice stating the reasoning for the dismissal will be generated and distributed to the complainant, the employee charged with a violation, the City Manager, and the City Council.

Confidentiality will be upheld, and the name of the complainant will not be revealed in the determination notice.

C. If it is believed that the violation was inadvertent and was or is being satisfactorily corrected and cured, the inquiry and investigation will be considered complete and closed. A written determination notice stating the facts and findings related to the closure of the investigation shall be generated and distributed to the complainant, the employee charged with a violation, the City Manager, and the City Council.

Any disciplinary action required as result of the violation per the City's personnel rules, ordinances, or collective bargaining agreements shall be enforced. However, disciplinary actions are considered confidential per the City's Discipline Policy and will not be detailed in the determination notice.

Confidentiality will be upheld, and the name of the complainant will not be revealed in the determination notice, except where disclosure is required by law.

D. If it is determined after the initial inquiry that a more detailed investigation is necessary, the City Attorney will be solicited for recommendation of formal investigation procedures. In addition the complaint may be forwarded to outside authorities such as the City's external auditors, the Police, or other appropriate governing authorities.

After referral and investigation procedures are determined, the complainant shall be notified in writing of the process to be completed.

E. After the completion of investigation, a written determination notice stating the facts and findings related to the closure of the investigation shall be generated and distributed to the complainant, the employee charged with a violation, the City Manager, and the City Council.

If it is determined that violations of the provisions of this policy have occurred, the employee will be subject to disciplinary action. In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspension, discharge, or any other disciplinary action as deemed appropriate and consistent with the City's personnel rules, ordinances, or collective bargaining agreements. However, disciplinary actions are considered confidential per the City's personnel policies and will not be detailed in the determination notice.

Confidentiality will be upheld, and the name of the complainant will not be revealed in the determination notice, except where disclosure is required by law..

3. Protection Against Retaliatory Actions

The Council will not tolerate any form of harassment or victimization and will take appropriate action to protect those who file complaints in good faith. Assistance will be provided at the request of the complainant in order to minimize any potential difficulties, and every effort will be made to ensure confidentiality if at all reasonably practical. The Council will provide protection under this policy and pursuant to applicable state and federal laws.

Any investigation into allegations of potential improper governmental actions will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employees involved.

No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation(s) is not subsequently confirmed by the investigation.

4. Records

The Department responsible for Human Resources will maintain complete documentation of all complaints filed within the City and any corresponding documentation including the final determination notices.

Each year Human Resources will produce an annual report for the City Council and the public. The report will not mention any employees, only the concerns raised, the number of such concerns, from which department they related to, and what the outcome was.

Governing Authorities

The following is a list of agencies responsible for enforcing federal, state, and local laws and investigating issues surrounding improper governmental actions:

Rio Dell Police Department

(707)-764-5642

Humboldt County Grand Jury

(707)-476-2475

District Attorney's Office

(800)- 962-8261

Fair Labor & Housing

(800)-884-1684

3.40 USE OF CITY PROPERTY AND EQUIPMENT

A. Policy

1. City property is to be used only for conducting City business unless otherwise authorized by the City Manager. City property includes, but is not limited to: telephones, cell phones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on City property (such as e-mail and voice-mails), vehicles and any other City property used by City employees in their work. Employees do not have a reasonable expectation of privacy in City property or equipment.
2. City property may be monitored and searched at any time and for any reason. Messages sent or received on City equipment including cell phones may be saved and reviewed by others. As a result, City employees have no expectation of privacy in the messages sent or received on City property or equipment.
3. Every City employee is required to adhere to all City rules and policies while on City property or using City property or equipment.
4. The City expects you to exercise care in using equipment and property, perform required maintenance, follow all operating instructions, safety standards, and guidelines, and to use it only for authorized purposes. You must notify your Supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.
5. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. A valid California Driver's License must be in your possession while operating a vehicle off or on City property.
6. City employees who are permitted to take City vehicles home overnight may use the vehicle for City business only.

SECTION 4: HEALTH AND SAFETY OF EMPLOYEES AND CITIZENS

4.01 ANTI-DRUG AND DRUG TESTING POLICY

The City of Rio Dell takes reasonable measures within our power to establish a drug-free workplace as required by the Drug-Free Workplace Act. The City prohibits and does not tolerate the possession or use of alcohol or illegal drugs at any time during the workday or anywhere within the City's facilities, properties, or in its vehicles.

Employees are forbidden to sell or make other transactions involving illegal drugs during work or on City's facilities, properties, or in its vehicles. Any sale of illegal drugs during work or on the City's premises, facilities, or in City vehicles will result in disciplinary action, up to and including discharge, for any violations reasonably believed to have been committed.

The City of Rio Dell prohibits the unlawful manufacture, distribution, dispensation, and possession of drugs and alcohol on City's premises or while conducting business off City's premises.

Employees are expected and required to report to work on time and in an appropriate mental and physical condition for work. To do so, employees must not be under the influence of any substance that affects their ability to perform their job functions.

Employees using drugs or other substances, whether illegal, over-the-counter, or by a prescription, that may influence the employee's ability to perform their job functions should inform their Supervisor as soon as possible. Such employees are responsible for disclosing to their Supervisor the possible side effects of the drug on work performance and the expected duration of its use.

1. Testing of Applicants for Employment

As part of the City of Rio Dell's employment screening process, any applicant for a City position, to whom a conditional offer of employment has been made, must pass a pre-employment drug and alcohol test under the procedures described below. The offer of employment is contingent upon a negative test result.

2. Testing of Employees in Designated Safety-Sensitive Positions

It is the belief of the City that the use of drugs or alcohol, or being under the influence, by employees in safety-sensitive positions jeopardizes the welfare and safety of our employees, visitors, and the public. Employees in safety-sensitive positions may be required to submit to annual drug testing, under the procedures described below. The City Manager or his/her designee will schedule the testing. Safety-sensitive positions include the following:

- Any employee who operates a City vehicle on a regular routine basis as part of their normal work activities;
- Any employee who has a Class A or B driver's license as required by the City;
- Any employee who operates City heavy equipment. (i.e. backhoe, dump truck);
- Department Directors and Supervisors.

If an employee refuses to cooperate with the administration of a drug test, the refusal will be handled in the same manner as a positive result.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed. Violators of this policy also may be subject to arrest and/or prosecution by law enforcement authorities.

If you know of possession or use of alcohol or illegal drugs by employees, you are encouraged to discuss your question, problem, complaint, or report with the Department Head.

If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, please refer to the City's Whistleblower Policy.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make the possession and/or use of alcohol or illegal drugs by an employee known should the situation exist.

3. Testing of Employees Who Regularly Operate Vehicles or Heavy Equipment Reasonably Suspected to be Under the Influence of Drugs and/or Alcohol.

If an employee who regularly operate vehicles or heavy equipment (i.e. backhoe, dump truck) is reasonably suspected to be under the influence of drugs and/or alcohol during work hours he/she shall be required to submit to an immediate drug and/or alcohol test to determine if the employee has used drugs and/or alcohol during work hours.

Reasonable suspicion can only be initially determined by the City Manager and/or a Department Head if the one of the factors below is apparent:

- Observable phenomena, such as direct observation of drug and/or alcohol use, or possession, or the physical symptoms of being under the influence of a drug;
- A pattern of abnormal conduct or erratic behavior;
- Arrest or conviction for a drug related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking ("trafficking" could also mean "distribution");
- Information provided either by reliable and credible sources or independently corroborated; or
- Evidence that the employee had tampered with a previous drug test.

If the City Manager and/or Department Head determine that there is a reasonable suspicion that an employee who regularly operate vehicles or heavy equipment (i.e. backhoe, dump truck) is under the influence of drugs and/or alcohol during work hours the City Manager and/or Department Head shall immediately contact law enforcement to make an independent assessment that a reasonable suspicion exists.

If the law enforcement officer makes the assessment that a reasonable suspicion exists that an employee who regularly operate vehicles or heavy equipment (i.e. backhoe, dump truck) is under the influence of drugs and/or alcohol during work hours, that employee shall submit to an immediate drug and/or alcohol test by an independent agency.

If an employee refuses to cooperate with the administration of a drug test, the refusal will be handled in the same manner as a positive result.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed. Violators of this policy also may be subject to arrest and/or prosecution by law enforcement authorities.

4. Workplace Injuries.

Employees with work related injuries will be asked to submit to post-injury drug testing within 24 hours.

4.02 CARELESSNESS POLICY

The City of Rio Dell prohibits and does not tolerate carelessness, substandard or hazardous work practices within its facility, on its property, or while conducting organization business.

The City expects and demands that its employees perform their employment duties with care and attention to the customer, client, and citizen needs, the safety and welfare of fellow employees and to the City of Rio Dell quality standards and requirements. Employees who are careless or negligent in performing their jobs duties will be subject to disciplinary action, up to and including immediate discharge.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed.

If you know of a careless or negligent act or behavior, you must report the act or behavior to your Supervisor/Department Head. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

4.03 CONCEALED WEAPONS

The City of Rio Dell prohibits, forbids, and does not tolerate weapons at the City's facility, on the organization's property, or at any event sponsored by the City.

Weapons include visible and concealed weapons, including those for which the owner has necessary permits. Weapons can include firearms, knives with a blade longer than three (3) inches, explosive materials or any other object that could be used to harass, intimidate, or injure another individual, employee, manager, supervisor or department head.

Positions that by their classification are required to carry weapons or equipment defined as a weapon by City policy are excluded from discipline.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed.

If you know of any employee possessing a weapon, you must discuss your question, problem, complaint, or reports with your Supervisor/Department Head. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make violence and threats of violence known should they exist.

4.04 EMPLOYEE HEALTH AND SAFETY

The City of Rio Dell is committed to providing a healthy and safe work environment. The City wants each employee to recognize his/her responsibilities to safe employment and requires that each employee live up to these responsibilities.

If you observe conduct that creates an unsafe workplace, you must report the conduct to your Department Head immediately. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make unsafe conditions known should they exist.

4.05 VIOLENCE/THREATS OF VIOLENCE

The City of Rio Dell prohibits and does not tolerate violent acts within its facility, on its property, or while conducting City business.

Acts of violence, threats, or threatening behavior against employees, visitors, guests or other individuals by anyone on City property will not be tolerated. This includes, but is not limited to, intimidation, harassment, assault, battery, stalking, or conduct that causes a person to believe that he or she is under a threat of death or serious bodily injury. All threats of violence will be viewed with the assumptions that they will be carried out.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed. Violations of this policy may also result in arrest and/or prosecution. Immediate threats should be reported to security and the Supervisor of the area of occurrence.

If you know of a violent act or behavior, you must report the act or behavior to the Department Head. If you feel uncomfortable doing so or if your Supervisor is the source of the problem, condones the problem, or ignores the problem, refer to the Whistleblower Policy.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make violence and threats of violence known should they exist.

SECTION 5: BENEFITS AND LEAVE

5.01 ADMINISTRATIVE PAY CORRECTIONS

The City of Rio Dell tries to make sure that you are paid correctly and on scheduled paydays. In case you find a mistake in your pay, tell the Payroll Department immediately so that the error can be corrected as quickly as possible. Any overpayment to an employee may be adjusted from future compensation, where permitted by law.

5.02 BEREAVEMENT LEAVE

The City of Rio Dell provides bereavement leave to employees who need to take time off because an immediate family member has died. To ask for bereavement leave, see your Department Head.

Regular full-time employees are eligible for up to five (5) days of accumulated sick leave within a calendar year for bereavement leave with pay. An additional five days may be allowed at the discretion of the Department Head.

While you are on a paid bereavement leave, you will get your base pay rate but you will not get any special forms of pay, such as incentives, or shift differentials.

We normally will give you bereavement leave unless there are business reasons that require you to be at work. With your Department Head's approval, you can use any available paid leave benefits you have, such as vacation, if you need more time off.

For bereavement leave, "immediate family" means your spouse, parent, child, brother, or sister; your spouse's parent, child, brother, or sister; your child's spouse; your grandparent or your grandchild.

5.03 CATASTROPHIC LEAVE

The City allows employees to transfer sick leave, vacation or compensatory leave to a sick leave bank to be donated to an employee who is experiencing a catastrophic illness and has exhausted all personal sick leave, vacation leave and comp time. The following rules shall apply:

- The use of catastrophic leave is for catastrophic illness or injury (not covered by Workers' Compensation Insurance) such as, heart attack, cancer, serious automobile accident or major surgery. A catastrophic leave bank may also be established if an employee's immediate family member has suffered a catastrophic illness/injury and there is demonstrable need for the employee to attend to the affected family member.
- The employee must request use of the Bank in writing and describe the nature of the need generally and the expected length of the need for leave. (Confidential health information is not required.)
- The employee shall state in the request whether the nature of the need can be disclosed to other employees.
- The donation of leave to the Sick Leave Bank may be in increments of no less than 8 hours.
- The employee must provide verification of the catastrophic illness or injury by providing a statement from their attending physician.
- An employee may not receive Catastrophic Leave donations of more than 160 hours in any 12-month period.
- The donating employee must retain a minimum of 80 hours of Sick Leave in their Sick Leave bank at the time of any Sick Leave transfer.
- All Catastrophic Leave transfers are irrevocable.

5.04 COMPENSATION PLAN

The City Manager, or a person or agency employed for that purpose, shall prepare a pay plan covering all positions in the competitive service, showing the rates of pay. The City Manager shall submit the proposed pay plan to the City Council in conjunction with the annual proposed operations budget. The City Council shall adopt or amend and adopt the plan. Thereafter, no position shall be assigned a higher or lower salary for that position, unless the salary schedule is amended in the same manner as herein provided for its adoption.

The pay plan shall be adopted and may be amended or revised from time to time by resolution of the City Council, after the meet and confer process with recognized employee organizations.

~~*In establishing the salary schedule, the City Council and the City Manager may give appropriate consideration annually to:*~~

~~*a. Maintenance of equitable pay based on relative duties and responsibilities.*~~

~~*b. The general level of rates paid in appropriate labor markets for comparable work under similar conditions of employment.*~~

~~*c. Current experience and need.*~~

— 5.05 COMPENSATORY TIME OFF POLICY

A. A non-exempt employee may opt to accrue compensatory time-off (CTO) in lieu of cash payment for overtime worked if his or her Supervisor agrees prior to overtime work being performed.

B. CTO accrues at the rate of 1.5 hours for each hour worked over 40 hours of actual work in the employee's work week. CTO cannot be accumulated in excess of the number of hours allowed under the employee's Memorandum of Understanding or written Employment Agreement at any given time.

C. The City will grant an employees' request to use accumulated CTO provided that: (1) the department can accommodate the use of CTO on the day requested without undue disruption; and (2) the employee makes the request in writing to the Supervisor no later than five (5) days prior to the date requested. If the employee does not provide five (5) days' notice, or if the department cannot accommodate the time off, the City will provide the employee the opportunity to cash out the CTO requested at the end of the current pay period.

D. The City reserves the right to cash out accumulated CTO at any time.

E. During employment, CTO is cashed out at the employee's current FLSA regular rate of pay (including all FLSA-applicable salary differentials). Employees separating from City service shall be compensated for all accrued, unused compensatory hours at the current FLSA regular rate of pay, or the average regular rate for the prior three years, whichever is higher.

5.06 EDUCATIONAL ASSISTANCE

The City of Rio Dell may provide educational assistance to encourage employees to maintain and improve their job-related skills through formal education.

Regular full-time employees are eligible for educational assistance.

There is no waiting period once you are in an eligible classification. When you start getting educational assistance, you must continue to be an active employee and perform your job satisfactorily to stay in the program.

Not every course is eligible for the educational assistance. To be eligible, a course or a group of courses that are part of a degree, licensing, or certification program must be related to your current job duties or to a position you might have at the City of Rio Dell in the foreseeable future. The City of Rio Dell will make the final decision about whether a course or program is eligible for educational assistance and is related to your current job or a future one. If you have questions about educational assistance, contact the City Manager for more information.

We hope that educational assistance will develop your skills but we do not promise or guarantee that more education will result in promotions, new job assignments, or pay increases.

5.07 EMPLOYEE BENEFITS

The City of Rio Dell gives eligible employees many benefits. Some benefits are required by law and cover all employees. The legally required benefits include Social Security, Workers' Compensation, state disability, and unemployment insurance.

There are several factors that decide if you are eligible for benefits. One important factor is your employment classification. See your Department Head to find out which benefits you are eligible for.

The following benefit programs are available to eligible employees:

- * Holidays
- * Vacation
- * Sick Leave Benefits
- * Health Insurance
- * Vision/Dental Care Insurance

You may have to pay part or all of the cost for some benefits.

5.08 FAMILY AND MEDICAL LEAVE (FMLA)

The City of Rio Dell is not required to follow the provisions of FMLA. However, as a matter of policy the City does follow the provisions of FMLA with regard to family and medical leave. If you feel that you need to apply for FLMA, please contact your Department Head, who will contact the City Manager.

5.09 HEALTH INSURANCE

Our health insurance plan offers medical, dental, and vision care benefits to eligible employees and their dependents. All permanent employees are eligible for certain benefits, to the extent stated in section 3.10 of these policies.

If you have questions about our health insurance plan, contact the Finance Director for more information.

5.10 HOLIDAYS

The City of Rio Dell gives time off to all employees on the following holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25)
- The day before Christmas or the day after Christmas as requested 30 days in advance by a majority of the employees or as designated by the City Council if no request is made.
- All other days as may be proclaimed by the president of the United States or Governor of the State, when approved by the City Council.

Eligible employees will be paid for holiday time off. If you are eligible, your holiday pay will be calculated at your straight-time pay rate as of that holiday multiplied by the number of hours you would normally have worked that day.

If a recognized holiday falls on a Saturday, the City of Rio Dell will observe it on the Friday before the holiday. If a recognized holiday falls on a Sunday, the City of Rio Dell will observe it on the Monday after the holiday.

If you are eligible for paid holidays and a holiday occurs during the time of your vacation, you will be paid holiday pay not vacation pay.

If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay plus their wages at one and one-half times their straight-time rate for the hours they worked on the holiday.

In addition to the recognized holidays previously listed, eligible employees (non-exempt) will receive one (1) floating holiday in each anniversary year. To be eligible for floating holidays, you must complete one (1) year of service as a regular full time employee. To use a floating holiday, you should first ask for advance approval from your Supervisor.

5.11 JURY DUTY

The City of Rio Dell encourages you to fulfill your civic responsibilities by serving jury duty if you get a summons. Employees in an eligible classification may request up to two (2) weeks of paid jury duty leave over any two (2) year period. Employee must endorse to the City any checks or warrants received in payment for jury duty exclusive of mileage for personal vehicle or other out-of-pocket expenses incurred due to jury duty. Upon being excused from jury duty, if four (4) or more hours are left in the employee's workday, the employee shall report back to work.

Regular full-time employees are eligible for jury duty. A full-time employee will be paid at their base rate of pay for the number of hours you would normally have worked that day.

If you stay on jury duty longer than paid jury duty allows, you may use any available paid time off benefits you have, such as vacation, to be paid for the unpaid jury duty leave.

If you get a jury duty summons, show it to your Supervisor/Department Head as soon as possible. This will help us plan for your possible absence from work. We expect you to come to work whenever the court schedule permits.

Either you or the City may ask the court to excuse you from jury duty if necessary. We may ask that you be relieved from going on jury duty if we think that your absence would cause serious operational problems for the City of Rio Dell.

Subject to the terms, conditions, and limitations of the applicable plans, the City of Rio Dell will continue to provide health insurance benefits for the full period of unpaid jury duty leave. Your vacation, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

5.12 LEAVE OF ABSENCE

A. Department Heads may grant a permanent or probationary employee leave of absence without pay. No leave of absence shall be granted except upon written request of the employee setting forth the reasons for the request, and the approval, if granted, will be in writing. The convenience of the City of Rio Dell shall be a primary consideration in deciding whether or not to grant a leave of absence.

The City Manager may determine that an employee's anniversary date, for purpose of merit pay increase, vacation accrual, or sick leave accrual, may change if leaves of absence taken by the employee exceed ten (10) working days in any one year.

Upon expiration of an approved leave of absence, the employee shall be returned to the same position held at the time leave was granted. Failure on the part of an employee to report promptly at the expiration of such leave may be just cause for disciplinary action, including, but not limited to, discharge.

After an investigation instituted upon his/her own motion or upon complaint, the City Manager may deny or revoke such leave of absence upon determination that it was for the purpose of accepting other employment; enabling the employment of a temporary employee in the same position; improper influence; or for any other purpose contrary to the good of the City of Rio Dell; and appropriate disciplinary action may be instituted.

B. An employee who is absent from duty for any reason shall report the reason thereof to his/her Department Head or an employee of the City immediately on the day of absence or before, if possible.

C. All unauthorized and unreported absences shall be considered as absence without leave and a deduction of pay shall be made for each period of such absence. Voluntary absence without leave for five (5) consecutive working days shall be considered as an automatic resignation from City service.

5.13 OVERTIME POLICY

Overtime-eligible employees are not permitted to work overtime except as the Department Head authorizes or directs. Overtime-eligible employees directed to work overtime must do so. Working overtime without advance approval is grounds for discipline.

Unless otherwise stated in a Memorandum of Understanding, "overtime" is all hours an overtime-eligible employee actually works over 40 in his or her work week. Overtime is compensated at 1.5 times the Fair Labor Standards Act (FLSA) regular rate of pay. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating FLSA overtime pay. No overtime shall be recorded or reported for less than 15 minutes of work.

5.14 PAYDAYS

The pay periods at the City of Rio Dell run from Saturday through a 14 day period and end on the following Friday. Time sheets are due in the City Hall office on Monday following the end of the pay period by 9 a.m. Paydays are every other Friday. All employees are paid by check or direct deposit on the above-mentioned payday.

5.15 SICK LEAVE

Sick leave with pay shall be granted by the City at a rate of 3.69 hours per payroll period. Payroll is every two weeks. Temporary or intermittent employees or employees who work part-time shall not be entitled to sick leave.

An employee shall be allowed to use one half of their yearly accrual of sick leave for the illness or injury of a parent, child, spouse, or domestic partner. (Labor Code Sections 233 and 234)

Sick leave shall not be considered as a privilege which an employee may use at his/her discretion, but shall be allowed in cases of necessity or actual sickness, disability or bereavement leave. Sick leave may be used, with prior Supervisor's approval for dental, eye, and doctor appointments. Employees may accumulate earned sick leave hours without limitations as to maximum number of sick hours accumulated. Holidays occurring during the first thirty (30) days of sick leave shall not be taken as days of sick leave. For the purposes of computing sick leave, each employee shall be considered to work not more than five (5) days each week, and the minimum sick leave chargeable in hourly increments.

Sick leave credit shall continue to accrue while an employee is on sick leave in excess of thirty (30) days or on worker's compensation leave.

In order to receive compensation while absent on sick leave, the employee shall notify his/her Department Head or any employee of the City Clerk's Department prior to or within one (1)

working hour after the time set for beginning his/her daily duties or as may be otherwise specified by the employee's Department Head. The City Manager or the employee's Department Head may, if he/she deems it necessary, require of the employee a doctor's certificate of fitness to return to employment and fitness to perform the regular duties of the employee from any employee who has taken three (3) or more consecutive days of sick leave or six (6) or more days during a thirty (30) day period. The Department Head shall not make unreasonable demands for such certification. The Department Head shall revoke pay and sick leave time if the employee has engaged in private or public work while on such leave. Misuse of sick leave privileges is grounds for disciplinary action.

If an employee has not recovered by the time his/her accumulated sick leave is exhausted, he/she may utilize accrued vacation; or a leave of absence without pay may be granted if requested by the employee in accordance with this Employee Handbook.

5.16 TIMEKEEPING

Non-exempt employees are responsible for accurately recording the hours they work. The law requires the City of Rio Dell to keep accurate records of "time worked" in order to correctly calculate employee pay and benefits. "Time worked" means all the time that non-exempt employees spend performing their assigned work.

If you are a non-exempt employee, you must accurately record the time you start and stop work, when you start and end any meal periods or split shifts, and when you leave the workplace for personal reasons. Before you work any overtime, you must always get advance approval.

Falsifying time records is a serious matter. You may not change time after it is already recorded, enter a false time on purpose, tamper with time records, or record other employees' time for them. If you do any of these actions, you may be subject to disciplinary action, up to and including termination.

Non-exempt employees must sign their time records to say they are accurate. Each Supervisor/Department Head will review and initial the time record before submitting it for payroll processing. In addition, if corrections or changes are made to the time record, both you and your Supervisor/Department Head must initial the changes on the time record.

5.17 VACATION BENEFITS

The City of Rio Dell offers vacation time off with pay to regular full-time and part-time employees who have been employed with the City for one year. Vacation benefits vary, depending on various MOU's and employment agreements. If an employee asks for time off before their one year anniversary, the City Manager will make the decision as to whether it will be granted with or without pay.

You may accrue your vacation up to a maximum of 120 hours. After that time you will only be able to earn and accrue additional vacation time after utilizing some portion of the previously accrued maximum of 120 hours. The smallest amount of vacation time you may use at once is in one (1) hour increments.

5.19 WORKPLACE INJURIES

Upon injury notify your Supervisor/Department Head IMMEDIATELY. Employees with work-related injuries will be asked to submit to post-injury drug testing within 24 hrs.

The City of Rio Dell provides a comprehensive Workers' Compensation Insurance Program to our employees. This program does not cost you anything.

The Workers' Compensation Program covers injuries or illnesses that might happen during the course of your employment that require medical, surgical, or hospital treatment. Subject to legal requirements, Workers' Compensation Insurance begins after a short waiting period, or if you are hospitalized, the benefits begin immediately.

It is very important that you tell your Supervisor/Department Head immediately about any work-related injury or illness, regardless of how minor it might seem at the time. Prompt reporting helps to make sure that you qualify for coverage as quickly as possible and let us investigate the matter promptly.

Workers' Compensation covers only work-related injuries and illnesses. Neither the City of Rio Dell nor its insurance carrier will pay Workers' Compensation benefits for injuries that might happen if you voluntarily participate in an off-duty recreational, social, or athletic activity that we might sponsor.

SECTION 6: TERMS & DEFINITIONS

6.01 TERMS AND DEFINITIONS

As used in this handbook, the following terms shall have the meanings indicated:

ADVANCEMENT: A salary increase within the limits of a pay range, usually the result of an annual step increase resulting from satisfactory or better performance..

ANNIVERSARY DATE: Established for the purpose of calculating step increases and vacation and sick leave accrual, and shall be twelve (12) months from the first day of permanent employment and annually thereafter.

ANNOUNCEMENT: All examinations for employment by the City shall be publicized by posting announcements in the City Hall, on official bulletin boards, and by such other methods as the City Manager deems appropriate.

APPLICATION FORMS: Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of one or more examining physicians' references and fingerprinting. All applications must be signed by the person applying. (see Section 3.11)

APPOINTMENT: After interview and investigation, the Department Head may make appointments from among those qualified candidates under consideration. If the applicant accepts the appointment and presents himself for duty within such period of time as the City Manager shall prescribe, he shall be deemed to be appointed; otherwise, he shall be deemed to have declined the appointment.

AT-WILL EMPLOYEE: Except for employees who are employed under express written employment agreements executed by the designated employee and the City, all employees are employed on an "at-will" basis as defined and described in Section 3.08 of these policies, above.

BARGAINING UNIT: A group of employees represented by a labor union or employees' association engaged in bargaining with the City.

CLASS: All positions grouped under a common job title.

CLASSIFIED SERVICE: Position classifications approved by Resolution of the City Council in a table of allocated positions.

CLOSED EXAMINATION: An examination for a particular class which is open only to employees meeting the qualifications for the class who have permanent status.

DEMOTION: The movement of an employee to a lower rate of pay or a lower level of responsibility.

DEPARTMENT HEAD: Means the City Manager, Chief of Police, Public Works Director, Finance Director, City Clerk and Community Development Director.

DISQUALIFICATION: The Department Head may reject any application which indicates on its face that the application does not possess the minimum qualifications required for the position.

EMPLOYMENT LIST: An open employment list is a list of names of persons who have taken an open-competitive examination and have qualified.

GREIVENCE: The definition and procedure for a grievance may be found under section 3.16 of this handbook (page 17).

LAY-OFF: The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the City Council due to organizational changes. (See Section 3.19)

MEMORANDUM OF UNDERSTANDING: An agreement between the City of Rio Dell and any duly recognized employee association concerning the terms and conditions of employment.

MEET AND CONFER: Contract negotiations for contract employees. The City Manager shall meet and confer with any duly recognized employee association under the Meyer-Milias-Brown Act, on those matters which are subject to the "Meet and Confer" process specified under Section 3505 of the California Government Code or as otherwise agreed to between the City of Rio Dell and any duly recognized employee association pursuant to the terms of any Memorandum of Understanding then in effect.

PART-TIME PERMANENT EMPLOYEE: An employee working in a position that is allocated at less than full-time.

PAY RANGE: Each allocated position is assigned a range of pay by the City Council.

PERSONNEL ALLOCATION TABLE: Annually the City Council shall adopt and include a table of allocated positions, by department, in the budget. The Finance Department is responsible for the administration of the table and the position control function. All appointments to allocated positions must conform to the allocation table. The City Council may amend the table by Resolution as it sees fit.

PERSONNEL OFFICER: City Manager

PROBATIONARY PERIOD: A working test period during which an employee is required to demonstrate his/her fitness for the position to which he/she is appointed by actual performance of the duties of the position. Ordinarily one (1) year, but may be extended by the Department Head if warranted.

PROMOTION: The movement of an employee to a position of greater responsibility and a higher rate of pay.

PROVISIONAL /TEMPORARY APPONTMENT: A provisional appointment may be made by the Department Head, with City Manager concurrence, from a hiring list for the position. Such an appointment may be made during the period of suspension or relief from duty of an employee or pending final action on proceedings involving suspension, demotion or discharge of an employee. Provisional appointments for up to 6 months do not earn or accrue benefits. Provisional appointments for a period of 6 to 12 months do earn and accrue benefits beginning at 6 months, excluding seniority and participation in the City Deferred Compensation Plan. Such appointments are limited to no more than 12 months (2080 hours).

RELIEF FROM DUTY: The temporary separation from service of an employee.

RULES OF CONSTRUCTION: Any applicable Memorandum of Understanding entered into between the City and any employee or employee organization shall control over these Rules and Regulations where these Rules and Regulations are silent or inconsistent. These Rules and Regulations shall control where Memoranda of Understanding are otherwise silent.

SELECTION METHODS: In making a selection from among applicants for employment, use may be made of written, oral, or performance tests, evaluations of training and experience, and any combination of these, or any other forms or methods of evaluation which will determine fairly and thoroughly the qualifications of applicants. Investigations of the character, personality, education, experience, and physical and mental fitness may also be made as deemed appropriate.

SENIORITY: Seniority shall be defined as the employee's length of continuous uninterrupted service with the City since his/her date of hire into an allocated position.

SERVING AT THE CITY COUNCIL'S PLEASURE:: The following employees shall serve at the pleasure of the City Council, in accordance with State Law and City Ordinance, unless this provision is contrary to a Memorandum of Understanding entered into between the City of Rio Dell and such employee:

- 1) City Manager
- 2) Management and Confidential employees as defined under the Meyer-Milias-Brown Act, as from time to time amended.

SUSPENSION: The temporary separation from service of an employee for disciplinary purposes.

TEMPORARY EMPLOYEE: An employee hired on a temporary basis to fill a position temporarily vacated or to fill a position temporarily required. Such appointments are not required to be from an employment list, but may be.

TRANSFER: A change of an employee from one position to another position.

TUITION REIMBURSEMENT: Training which will be beneficial to the City for a permanent employee may be approved by the Department Head, with City Manager concurrence, for tuition reimbursement, up to \$1,000 per fiscal year provided the operating budget of the City includes funds set aside for such expenses. Reimbursement occurs after completion of the course of study with evidence from the school of at least a "C" grade or higher.

VACANCY IN CITY SERVICE: If a vacancy in the City service is to be filled, and there is no re-employment list available for the class, the City Manager shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotion employment list, appointment from an open employment list or by undertaking such other means of recruitment as he or she deems necessary.

VIOLATION OF RULES: Violation of the provisions of these rules shall be grounds for disciplinary action including suspension, demotion, or discharge.

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



January 6, 2010

TO: Honorable Rio Dell Mayor and City Council

FROM: Jim Stretch,  City Manager

DATE: July 3, 2012

SUBJECT: Status Report on State Budget and potential effect on approval of MOU's and employment agreements

IT IS RECOMMENDED THAT THE CITY COUNCIL:

By motion, direct the City manager to meet and confer with employee organizations and contract employees to amend agreements to clarify that the 2% salary adjustments effective 7-1-12 will be honored. But, the additional 1% salary increase provided in the agreements, contingent on receiving at least \$60,000 of COPS/SLESF funding for a full 12 months, will not be implemented until it is clear that State budget trigger that would be pulled if the Governor's November 6, 2012 sales tax initiative fails, would not affect the COPS/SLESF monies contained in the City's 2012-2013 budget.

BACKGROUND AND DISCUSSION

All labor agreements with employee organizations and employment agreements with "at-will" employees have been settled for a month or so, but have been held in abeyance for the adoption of the new Employee Handbook and the beginning of the new fiscal year. Now that the Handbook is to be agendized for approval on 7-10-12, the MOU's will follow on that date as will the adjustments for various employment agreements. However, there is a potential wrinkle at the State level that may affect the implementation of salary adjustments that were conditioned on receiving COPS/SLESF funds.

We know generally that the State budget recently adopted is balanced on the passage of the Governor's November 6, 2012 sales tax increase initiative. If it does not pass there will be further substantial and severe cuts in State programs. At this point we do not know if the COPS/SLESF funds are subject to the trigger, and neither does the league of California Cities and our Assemblyman Chesbro's office. So, the preferred approach is to assume that these funds are subject to being swept back by the State until we know with certainty they are not. The language in the MOU's and various employment agreements needs to be changed to provide for this potential.

The City Manager has had brief discussions on this subject with both employee organizations, and they now understand the issue and have tentatively agree to modify the terms of their agreement for this potential problem.

It is recommended that the Council direct the City manager to meet and confer with employee organizations and contract employees to amend agreements to clarify that the 2% salary adjustments effective 7-1-12 will be honored. But, the additional percentage salary increase provided in the agreements, contingent on receiving at least \$60,000 of COPS/SLESF funding for a full 12 months, will not be implemented until it is clear that State budget trigger that will be pulled if the Governor's November 6, 2012 sales tax initiative fails, would not affect the COPS/SLESF monies to be received by the City in fiscal year 2012-13.

Cc: Rio Dell Employees' Association
Rio Dell Police Officers Association
All contract employees

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



For Meeting of: June 19, 2012
SUPPLEMENTAL INFORMATION

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 13, 2012

Subject: Albin General Plan Amendment and Zone Reclassification

Attached is the Albin staff report. In an attempt to save copy costs, staff did not include some of previously provided attachments which were provided to your Council for the meeting of May 15, 2012. If you need another copy of those attachments, please let staff know.

As you're aware the Council considered the Albin amendments at the meeting of May 15th. Both Council members Leonard and Marks were not able to attend the meeting. After public comment, Council members, Wilson, Thompson and Mayor Woodall discussed and deliberated the application. I believe the Council felt that the proposed amendments have both advantages and disadvantages. Council member Wilson felt that it was in the City's best financial interest to redesignate the property Community Commercial to Urban Residential.

Following the discussion, Council member Wilson made a motion to approve the proposed General Plan Amendment and Zone Reclassification. The Motion was seconded by Council member Thompson and the Council voted 2-1 to approve the requested amendments. There was subsequent discussion regarding the Council's action and whether a majority of the entire Council was required in order to approve the proposed amendments. At that point the Council determined that it would be in the best interest of the City to have the other Council members consider and vote on the proposed amendments. As such, Council member Wilson made a motion to withdraw his original motion and continue the item to the meeting of June 5th. The motion was seconded and passed 3-0.

Staff subsequently reviewed the Government Code regarding Plan Amendments and Zone Reclassifications and determined that a majority of the total membership of the legislative body is required in order to approve General Plan Amendments. Staff checked with legal counsel and it was confirmed that a majority of the entire Council is required to approve General Plan Amendments.

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



For Meeting of: May 15, 2012
CONTINUED TO JUNE 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Ron Henrickson, City Manager

Date: April 30, 2012

Subject: Albin General Plan and Zone Reclassification

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed General Plan and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, the applicant's justification, public comments, the Planning Commission's recommendation;
4. Introduce Ordinance No. 290-2012 and Resolution No. 1157-A-2012 amending the plan and zoning designation of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and continue consideration of the proposed Ordinance and Resolution to your meeting of July 3, 2012 for second reading and adoption; **or**
5. Adopt Resolution No. 1157-B-2012 **denying** the proposed General Plan Amendment and Zone Reclassification designating approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) .

Background and Discussion

Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR). Included as **Attachment 1** is the applicant's justification for the proposed amendments.

The property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965. The R-3 zone principally permitted single family, two family and dwelling groups and multiple dwellings for not more than four families.

The property was redesignated in 2004 to Community Commercial. At that time the parcel included some lands to the east of the subject property which was and is designated Urban Residential. In May of 2006, a minor subdivision creating four parcels and a Remainder (the subject parcel) was approved. Sometime in 2008 or 2009 the applicant informally requested the City consider redesignating the parcel from Community Commercial to Urban Residential. At that time, the City chose not to consider amending the land use designations.

As indicated above, the applicant's agent has submitted justification in support of making the required Public Interest and General Plan consistency findings. Below is a summary of the justification:

Public Interest

- Re-zoning to "Urban Residential" would make this parcel compatible with the surrounding existing residential use;
- Residential development will not require modifications to the Gateway improvements adjacent to the parcel;
- Redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel;
- Residential development will not detract from the view of the Scotia bluffs and be easy to landscape for privacy

General Plan

- The General Plan encourages commercial development in the Town Center. Consistent with this policy, redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel ;
- The General Plan encourages compatible development. Residential development would be more compatible with the existing surrounding residential development.

The Planning Commission considered the application at their meeting of April 25, 2012. Based on information provided to the Commission and comments from the public, the Planning Commission is recommending denial of the proposed amendments at this time. The Planning Commission denied the application for the following reasons:

- Limited amount of available, vacant, viable Community Commercial land;
- Parcel has very good visibility and convenient highway access;

- Existing inventory of residentially designated lands.

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.

- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The applicant's agent has submitted justification for the proposed amendment which is included as Attachment 1. In regards to the required Public Interest finding, the applicant provided the information below as evidence that the proposed amendment is in the public interest:

"It is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave. Rio Dell is not a destination area which will attract the vacationing public to the City. The "Town Center" area of the City stands to benefit from the attractions, subdivision and industrial uses located in the town of Scotia. Residential use of this area will not create the need for additional access onto Wildwood Ave. Residential use is consistent and compatible with the existing residential neighborhood. "

In addition, the applicant's agent provided the following information as part of the justification included as Attachment 1:

"It was once believed that this parcel's proximity to US 101 would make it an ideal commercial site for serving traffic on the highway. Now, the City has identified a more appropriately located parcel along US 101."

It should be noted that the above reference to the parcel along US 101 is the Todd parcel that the City was pursuing for acquisition and development. However, this parcel was and is already zoned Community Commercial.

Staff Analysis

In order to determine if the proposed amendment is in the public interest, staff believes we need to evaluate the commercial and residential land use inventory for the City. Table 1 below identifies the amount of commercial and residential land within the City.

Table 1
Commercial/Residential Lands

Land Use/Zoning Designation		Acres	% of City
CC	Community Commercial	33	2.6%
NC	Neighborhood Commercial	6.0	0.5%
TC	Town Center	48	3.8%
UR	Urban Residential	323.6	25.3%
SL	Suburban Low	188	14.7%
SR	Suburban Residential*	21.7	1.7%
RR	Rural Residential	334	26.1%

**Does not include approximately 55.5 acres of the Blue Slide Road Annexation*

As the above table indicates, there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City. At this point in time there doesn't appear to be need for additional residential lands within the City. In contrast there is only about 33 acres designated for Community Commercial development. Please refer to the Land Use Map included as **Attachment 3**.

Again, referring to the current land use inventory only 2.6% or 33 acres of the City is zoned Community Commercial. There are twenty (20) parcels in the City that area zoned Community Commercial. Of those twenty parcels only four are vacant. Please refer to Table 2. Of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet. The other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide. In addition, although not permanent, the southerly portion of the parcel is developed with the Community Garden and Orchard. Staff believes that the only parcel with realistic commercial development potential is APN's 052-232-005 & -010. This parcel is a little over a 1/3 of an acre and has excellent access and visibility making ideal for future commercial development. Please refer to the map included as **Attachment 2**.

Table 2
Vacant Community Commercial Parcels

Assessor Parcel Number	Size Sq. Ft.	Developed	Use	Frontage Street	Comments
052-211-022	14,460	No	Vacant	Wildwood Avenue	Parcel is 50'+/- deep. Development potential is very limited.
052-222-004	8,276	NO	Vacant	Wildwood Avenue and Center Street	Parcel is limited due to its size.
052-232-041	6,724	NO	Vacant	Davis Street	Parcel is limited due to its size.
052-232-005 & -010	30,055	NO	Vacant	Davis Street and Ireland Avenue	Very good development potential.

According to both the General Plan and Zoning designations, the purpose of the Community Commercial or CC land use and zoning designation is to provide for large-scale commercial uses, including super-markets, offices, lodging and civic uses. In addition, all uses allowed as conditionally permitted uses in the Neighborhood Commercial zone are also principally permitted. Please refer to **Attachments 5 and 6**.

One of the twenty parcels is the Todd parcel discussed above and it does have very high development potential. The Todd parcel is approximately 18 acres and is developed with a single family residence and barn. As indicated above, the City pursued the purchase and subsequent development of the parcel. Although the City offered the property owner \$975,000 for the parcel, the property owner wanted \$50,000 guaranteed should the City not be able to complete the terms of the purchase agreement. As such, staff believes the City should not count on this parcel being developed in the near future.

Notwithstanding the asking price (\$385,000) of the parcel, past subdivisions of the parcel, which reduced its size and the Gateway road improvements along the frontage of the parcel which will require additional expenditures to develop may have an impact on the parcels commercial viability.

The applicant's agent has pointed out that the parcel has been on the market for close to 2 ½ years. However this in itself has little, if any, bearing on the commercial viability of the parcel. Real estate sales in general are down not only in Humboldt County, but throughout the country as well. In addition, the applicant's agent has provided the following justification on support of the proposed amendments:

- *Some commercial uses have developed northerly along Wildwood Ave. towards this site. Further commercial development along Wildwood would continue the fragmentation of the Town Center.*

Staff disagrees. The commercial development of the parcel should not have an impact on the "fragmentation" of the Town Center. In fact, it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

- *Commercial development should be encouraged in the Town Center or adjacent to US 101 where it's possible to draw the traveling public.*

Staff agrees. Commercial development should be and is encouraged in the Town Center. However, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *This parcel does not have good US 101 visibility and any commercial development here would draw business away from Town Center.*

Staff disagrees. The subject parcel and the Todd parcel provide the best highway visibility of any of the parcels designated Community Commercial. Again, staff believes if we can encourage the traveling public to notice commercial/shopping opportunities within the City that it will help attract business to the down town area.

- *Raw land is more easily developed into today's retail/commercial type businesses. Converting existing structures into desirable retail space is difficult with today's building code requirements.*

Staff agrees. This justification actually supports retaining the property as Community Commercial. There are very few vacant parcels in the Town Center designation that can be commercially developed. Again, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *Another problem with this parcel is that a commercial establishment would want to take access from Wildwood Ave. which the City would prefer not to allow.*

Staff disagrees. Access off of Wildwood Avenue was and is expected as part of any commercial development of the site. In fact, the parcel's location on Wildwood Avenue adjacent to the Highway is one of the parcels attributes that is identified in the parcels multiple listing on the Humboldt Association of Realtors website. Please see **Attachment 7**.

- *Allowing this parcel to develop into a commercial enterprise would weaken the resolve to maintain a core downtown area.*

Staff disagrees. Again, the commercial development of the parcel should not have an impact on the commercial viability of the Town Center. As indicated above, Town Center and Community Commercial designations are intended to provide different commercial use types. Furthermore, as previously indicated it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

Based on the above discussion and the applicant's justification, it is staff's opinion that the proposed amendment to change the parcel from Community Commercial to Urban Residential **may not be in the public interest** at this time. However, based on the information provided by the applicant's agent, the Commission could recommend that the proposed amendment is in the public interest.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The purpose of the General Plan is to provide a balance of use types to encourage and facilitate planned orderly development within the City. Below are goals and policies of the General Plan associated with the proposed amendments:

- Promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones.

The various commercial designations are intended to provide a variety of commercial uses. Based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time. Should base information and/or community values and assumptions change, it would certainly be reasonable to reevaluate land use designations throughout the City.

- Provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center.

As previously discussed and documents, staff believes there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare.

- Encourage infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere.

Staff believes amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy. However, it could be argued that amending the land use designation as requested could facilitate additional commercial development in the Town Center.

- Monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities.

The applicant's agent has pointed to the fact that the parcel has been on the real estate market for over 2 ½ years. This could indicate that the demand for commercial land in Rio Dell is not present.

At this point in time based on existing General Plan goals and policies, staff believes the proposed amendments **may not be consistent the General Plan** and its implementation policies and programs. However, the Commission could recommend approval if they believe the proposed amendments would result in focusing commercial development in the Town Center, which is consistent with an overall comprehensive view of the General Plan.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

State law requires that any amendment of a general plan comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project. Since the project is a discretionary action subject to CEQA, an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project. Because residential development of the site is a "foreseeable" project under the proposed amendments, staff evaluated the impacts of residential development on the site. Through preparation of the Initial Study, it has been found that there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level. These measures are documented in the Initial Study

and Draft Mitigated Negative Declaration which has been prepared and is attached to this staff report as **Attachment 8**. The Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012. Pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days.

Financial Impact

The applicant is responsible for the costs associated with the proposed amendments.

Alternatives

The City Council may approve in whole or in part or deny of the proposed amendments. Should the City Council believe the required findings can be made; the Council should introduce the draft Ordinance and Resolution and continue the hearing to the meeting of June 5, 2012 for the second reading, approval and adoption. Should the City Council believe the required findings cannot be made; the Council should approve and adopt Resolution No. 1153-B-2012 denying the proposed amendments.

Attachments

Attachment 1: Applicant's justification regarding the proposed amendments. **Previously provided.**

Attachment 2: Map of parcel and surrounding area.

Attachment 3: Map of Community Commercial parcels.

Attachment 4: Map of the four vacant Community Commercial parcels.

Attachment 5: Community Commercial Development Standards. **Previously provided.**

Attachment 6: Neighborhood Commercial Development Standards. **Previously provided.**

Attachment 7: Parcel's Multiple Listing advertisement. **Previously provided.**

Attachment 8: Initial Study and Mitigated Negative Declaration. **Previously provided.**

Attachment 9: Draft Ordinance No. 290-2012 and Resolution No. 1153-A-2012 approving the proposed amendments.

Attachment 10: Draft Resolution No. 1153-B-2012 denying the proposed amendments.

Albin General Plan Amendment and Zone Reclassification

Applicant's justification regarding the proposed amendments.

Previously provided.



Project Description: An application to amend the current plan and zoning designation of APN 052-162-049 (approximately 3 acres) from Community Commercial to Urban Residential.

Project Location: The project is located within the City of Rio Dell on the east side of Wildwood Avenue, north of Painter Street and at the westerly ends of North Street and Pine Street.





Albin General Plan Amendment and Zone Reclassification
Community Commercial Parcels



Albin General Plan Amendment and Zone Reclassification

Vacant Community Commercial Parcels

ALBION GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION



Albin General Plan Amendment and Zone Reclassification

Community Commercial Development Standards.

Previously provided.

Albin General Plan Amendment and Zone Reclassification

Neighborhood Commercial Development Standards.

Previously provided.

Albin General Plan Amendment and Zone Reclassification

Parcel's Multiple Listing advertisement.

Previously provided.

Albin General Plan Amendment and Zone Reclassification

Initial Study and Mitigated Negative Declaration.

Previously provided.

RESOLUTION NO. CC 1157-A-2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE
ALBIN GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

WHEREAS Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

WHEREAS the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

WHEREAS the property was redesignated in 2004 to Community Commercial; and

WHEREAS it is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave; and

WHEREAS residential development of the parcel is consistent and compatible with the existing residential neighborhood; and

WHEREAS commercial development of the parcel could weaken the City's desire to maintain a core downtown area; and

WHEREAS based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is in the public interest**; and

WHEREAS the General Plan calls to monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities; and

WHEREAS based on information from the applicant's agent, the current demand for commercial land is less than that for residential land; and

WHEREAS the General Plan encourages residential infill development of vacant and underutilized land; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments **can be found consistent the General Plan** and its implementation policies and programs; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

WHEREAS through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

WHEREAS pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

WHEREAS the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell approves the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of June 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

RESOLUTION NO. CC 1157-B-2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL DENYING THE ALBIN
GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

WHEREAS Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

WHEREAS the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

WHEREAS the property was redesignated in 2004 to Community Commercial; and

WHEREAS there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City; and

WHEREAS at this point in time there doesn't appear to be need for additional residential lands within the City; and

WHEREAS in contrast there is only about 33 acres designated for Community Commercial development; and

WHEREAS there are only twenty (20) parcels in the City that area zoned Community Commercial; and

WHEREAS of those twenty parcels only four are vacant; and

WHEREAS of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet; and

WHEREAS the other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide; and

WHEREAS based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is not in the public interest** at this time; and

WHEREAS the General Plan calls to promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones; and

WHEREAS based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time; and

WHEREAS the General Plan requires the City to provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center; and

WHEREAS there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare; and

WHEREAS the General Plan encourages infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere; and

WHEREAS amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments **are not consistent the General Plan** and its implementation policies and programs; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

WHEREAS through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

WHEREAS pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

WHEREAS the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell denies the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of June 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

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



For Meeting of: June 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 12, 2012

Subject: CDBG Owner Occupied Rehabilitation Guidelines

Recommendation:

That the City Council:

1. Receive staff's report regarding revisions to the Owner Occupied Rehabilitation Guidelines;
2. Open the public hearing, receive public input and deliberate;
3. Adopt Resolution No. 1153-2012 amending the CDBG Owner Occupied Rehabilitation Guidelines.

Discussion

At your meeting of May 16, 2012 you considered changes to the CDBG Program Guidelines. Some of the changes are minor changes associated with typo's and updated income and rent limits.

In addition, in an attempt to encourage more folks to take advantage of the program, staff recommended that the City adopt a sliding scale interest rate based on income. The current interest rate for owner occupied rehabilitation loans is 3% simple interest. The City of Arcata recently lowered their interest rate to 1 ½%. The recommended sliding scale is based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%. Interest rate is simple interest deferred for a period up to fifteen (15) years and up to

thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income.

Staff also recommended that the interest rate for qualified Eligible Owner-Investor Units be amended from the current 7% interest to 5% interest. This recommendation was based on the current market interest rates.

Mayor Woodall raised the issue of whether or not the City is obligated to provide Owner-Investor loans. Furthermore, Council member Thompson suggested that Owner-Occupied loans be given priority over Owner-Investor loans. Staff checked with State representatives and the City is not obligated to provide Owner-Investor loans. As such, should the City continue to offer Owner-Investor loans, the City may prioritize Owner-Occupied loans.

The question of whether or not the Owner-Investor units had to be occupied by the owner was also raised. The Owner-Investor is not required to occupy one of the units, but is required to execute a Rent Limitation Agreement limiting rents to no more than Department of Housing and Community Development (HUD) Fair Market Rent (FMR) schedule.

Staff has submitted the proposed revisions to the State for their review and approval. The State has reviewed and preliminarily approved the recommended changes. Once the Council adopts the Resolution amending the Guidelines, the State has indicated that they will formally approve the changes.

Alternatives

The Council could choose to not amend the Guidelines as recommended.

Attachments

Attachment 1: Resolution No. 1153-2012 amending the City's Housing Rehabilitation Program Guidelines.

Attachment 2: Summary of recommended changes.

RESOLUTION NO. 1153 - 2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING THE 2006
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING REHABILITATION
PROGRAM GUIDELINES**

WHEREAS the existing CDBG Housing Rehabilitation Program Guidelines were adopted in 2006; and

WHEREAS the purpose of the program is to expand the supply of decent, safe, sanitary and affordable housing; to correct health and safety hazards in deteriorated housing and to extend the useful life of existing housing units; and

WHEREAS loans and grants are available to achieve cost-effective repairs for low income owner occupied homes or for units occupied by low income tenants of owner-investors; and

WHEREAS the City took over administration of the program in June of 2011; and

WHEREAS staff has reformatted the Guidelines and determined that the Guidelines need to be amended; and

WHEREAS the Guidelines currently refer to the Uniform Building Code which has been superseded by the adoption of the California Building Code (CBC) in 2010; and

WHEREAS the current Guidelines refer to the 2006 Income Eligibility and Rental Limitation Requirements; and

WHEREAS the current interest rate for owner occupied rehabilitation loans is 3% simple interest; and

WHEREAS in an attempt to encourage more residents to take advantage of the program, the City would like to implement a sliding scale interest rate based on income; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell hereby amends the Guidelines as follows:

1. To reference the California Building Code; and
2. To reflect the current U.S. Department of Housing and Urban Development (HUD) 2012 Income and Rental Limitation rates; and
3. To include a sliding simple interest rate scale for Owner Occupied Rehabilitation Loans based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%; and
4. To reduce the interest rate for qualified Eligible Owner-Investor Units from the current 7% interest rate to a 5% interest rate; and
5. To allow the loan to be deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income; and

BE IT FURTHER RESOLVED that the proposed changes will become effective upon written approval from the Department of Housing and Community Development.

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the City Council of the City of Rio Dell on June 19, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

Proposed 2012 CDBG Housing Rehabilitation Program Guideline Amendments

4) REHABILITATION STANDARDS...Pg. 3 Guidelines

B) Prioritization of Rehabilitation Needs:

2. Converting to current ~~Uniform~~ California Building Code (~~UBC~~) (CBC) standards: Examples include moving bathroom access to hallways or off of kitchen; stairs and porch upgrades.

5) FINANCING TERMS...Pg. 5 Guidelines

D) Financing Terms for Eligible Owner-Occupied Property...Pg. 6 Guidelines

Financing terms are made flexible to allow for maximum affordability.

- ~~1. The rehabilitation loan will be financed at 3% simple interest deferred for a period up to fifteen (15) years, thirty (30) years for homeowners over 65 and/or very low income.~~
1. The rehabilitation loan will be financed based on a sliding scale based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%. Interest rate is simple interest deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income.

E) Financing Terms for Eligible Owner-Investor Units...Pg. 6 & 7 Guidelines

1. Amortized loans with an interest rate of ~~seven~~ five percent (~~7%~~) (5%) will be provided to investors with qualified projects. Up to \$60,000 per unit is available. The term of the loan will be a minimum of 15 years but can be extended out to 30 years if the debt service on the property is too high and a lower payment is needed to allow for all necessary repairs to be done or to make the project financially feasible. The investor must produce documentation showing excessive debt on the property to get any changes to the rates and terms.

INCOME ELIGIBILITY...Pg. 16 Guidelines

TABLE A HUD Income Limits 2006 2012 HUMBOLDT COUNTY								
Household Size	1	2	3	4	5	6	7	8
Maximum Annual Income	\$28,450	\$32,500	\$36,600	\$40,650	\$43,900	\$47,150	\$50,400	\$53,650
Maximum Annual Income	\$34,450	\$37,050	\$41,700	\$46,300	\$50,050	\$53,750	\$57,450	\$61,150

RENT LIMITATION AND TENANCY SCHEDULE AGREEMENT...Pg. 38 Guidelines

4. The following are the maximum rents which may be charged during the first year after rehabilitation has been completed, subject to annual adjustment based on changes in the FMR schedule, notwithstanding any change(s) of ownership or transfer(s) of the property:

Unit #	Unit Size (# of Bedrooms)	Monthly Rent		Utility Costs		Total
	Efficiency	\$455 \$572	+		=	
	1 Bedroom	\$533 \$670	+		=	
	2 Bedroom	\$701 \$882	+		=	
	3 Bedroom	\$1005 \$1265	+		=	

**CITY OF RIO DELL
HOUSING REHABILITATION PROGRAM
RENTAL LIMITATION SCHEDULE...Pg. 42 Guidelines**

2001 2012 Section 8 Fair Market Rent Schedule for Humboldt County:					
No. of Bedrooms	0	1	2	3	4
Rent Limitation	\$455	\$533	\$701	\$1005	\$1113
2012 Rent Limitation	\$572	\$670	\$882	\$1265	\$1401

Schedule of rents at 30% of 80% of median income:					
No. of Persons	1	2	3	4	5
Rent Limitation	\$711	\$812	\$915	\$1016	\$1097

At no time can the rent of a tenant exceed the Fair Market Rent Schedule. These guidelines are updated every year and may change. If you wish to check the status of the schedule call the City and ask them to check the status of the schedule. Also, if you have any questions about the schedule or program, please call the City at (707) 764-3532.

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



For Meeting of: June 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 14, 2012

Subject: Design Review Ordinance

Recommendation:

That the City:

1. Receive staff's report regarding the proposed Design Review Ordinance;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, public comments and the Planning Commission's recommendation;
4. Introduce Ordinance No. 291-2012 establishing Design Review Guidelines, Section 17.25.050 of the Rio Dell Municipal Code (RDMC and continue consideration of the proposed Ordinance to your meeting of July 3, 2012 for the second reading and adoption.
5. Set a date for a Joint Study Session with the Planning Commission regarding identifying historic structures in the downtown area and possible specific Design Review Guidelines for those structures.

Background and Discussion

The General Plan calls for the establishment of Design Review regulations in an attempt to enhance and preserve the City's scenic qualities, promote quality designs, landscaping and to protect and maintain property values in the City.

The purpose of the design review process is to promote orderly and harmonious growth within the City. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code.

Instead of recommending strict and rigid development standards which often times limits creativity, staff is recommending **Guiding Principles and Design Concepts**. The Planning Commission supported this type of approach and unanimously recommended that the City Council approve the proposed Design Review Ordinance.

The Planning Commission also suggested by motion a Joint Study Session regarding identifying historic structures in the downtown area and possible specific Design Review Guidelines for such structures. Apparently in 2002 the City retained the services of Historic Resources Consultant Susie Van Kirk and Cultural Resources Consultant Kathleen Stanton to survey the downtown structures and make recommendations regarding potential improvements to maintain and sometimes restore those structures. Staff recommends that the Van Kirk and Stanton information and recommendations be presented and discussed at the Joint Study Session.

Below are the recommended **Guiding Principles**:

Guiding Principles

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses; and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

These proposed regulations will apply to all lands within the City. All parcels will be designated with the Design Review Combining Zone "D". Except as otherwise exempt pursuant to **Section 17.250.050(3)** Design Review is required for the following:

- Major Subdivisions;
- Multi-family residential developments;
- Commercial development;
- Industrial development; and
- Public/quasi-public developments (e.g. public safety facilities, library, city facilities).

The following structures and improvements are recommended to be exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- Additions to structures less than 10% of its existing size;
- Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure.
- Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities **and** equipment);

Staff is recommending that the approving authority for Design Review be the Planning Commission. The Planning Commission will be empowered to review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and required findings.

At any point in the future, the City Council may, by Resolution, delegate the Approving Authority for Design Review to the City Council, a Design Review Committee, the Community Development Director and/or the City Manager.

The designated Approving Authority will have the authority to apply the "Guiding Principles" flexibly to account for circumstances relating to the site, provided the required findings in **Section 17.250.050(8)** are made and using the following Design Concepts:

Design Concepts

Residential Subdivisions. The following Design Concepts generally apply to major subdivisions (e.g. five or more parcels) of land for residential purposes. Some of the Design Concepts will not apply, to certain projects due to the size of the development. However, these concepts will be applied whenever possible in the design of residential and mixed use projects. The City encourages:

- (1) A balanced mix of land uses, including housing, schooling, and parks/open space, to meet the needs of residents as appropriate based on project scale. Large scale development proposals should also provide for employment, commercial/retail, recreational and entertainment needs of community residents.
- (2) Pedestrian friendly neighborhoods, which are walkable in size with an obvious center. The neighborhood center should be a place of social interaction with a combination of commercial, civic, cultural and recreational uses.
- (3) Housing diversity with a variety of housing types, sizes, and densities.
- (4) Vehicle, bicycle, and pedestrian, and transit connectivity throughout the neighborhood and with the surrounding neighborhoods and uses. More specifically, neighborhoods should be designed with an interconnected street system that will blend well into the existing street system, diffuse traffic within the neighborhood, and minimize barriers within and between neighborhoods.
- (5) Where feasible, joint-use of open space facilities such as drainage facilities, detention basins, utility corridors etc. for trails, bikeways and Parks.
- (6) Maintaining significant natural features (e.g., terrain, drainage, vegetation).
- (7) Minimization of urban runoff through the use of retention and detention facilities and the use of open bio-swale drainage channels
- (8) Pedestrian friendly streetscapes that may include orientation of homes to common areas, parks, or other open space areas.
- (9) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

Residential Multi Family. The following Design Concepts apply to the review of residential multi-family development. The City encourages:

- (1) Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.
- (2) Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.
- (3) Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.
- (4) High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.
- (5) The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.

(6) Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.

(7) Ensure that design provisions do not preclude the development of multi-family housing affordable to all income levels.

Non-Residential Site Planning. The following Design Concepts apply to site planning and design for non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.

(2) A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.

(3) Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.

(4) A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.

(5) Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate and other amenities for project employees.

(6) Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.

(7) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

Non-Residential Architecture. The following Design Concepts apply to non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.

(2) Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.

(3) Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.

(4) Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.

(5) High quality site design, including landscaping, signage and other elements of site design.

Scope of Design Review

The recommended scope of Design Review is identified below by land use type.

- **Neighborhood Design - Major Subdivisions:**
 - Relationship of land uses and density
 - Lot configuration **and** orientation
 - Street design/relationship to existing street network
 - Orientation to open space and significant natural features
 - Bikeways, trails and pedestrian facilities and connectivity with other development
- **Multi-family Developments:**
 - Architecture- style, mass and scale, articulation, materials, and relationship to surrounding use and style
 - Site plan- unit placement, garage location
 - Landscaping and lighting for Multi-Family developments
 - Streetscape design
 - Fences and walls
 - Solar access and shading
- **Non-residential Development** (commercial, office, industrial, and public/quasi-public)
 - Architecture- style or theme, mass and scale, articulation, materials, relationship to surrounding use and style
 - Site plan- building location/orientation to street, parking, grading, relationship to surrounding property
 - Access- vehicular and pedestrian
 - Pedestrian amenities
 - Landscaping and lighting
 - Edge treatment between uses and different zones
 - Loading and services (trash and recycling)
 - Mechanical screening
 - Signs

Design Review Process

Application Submittal. Design Review applications shall be submitted to the Planning Department on a City application form. All plans shall be professionally drawn by qualified individuals, drawn at a reasonable scale to clearly identify the improvements and shall be on 18" x 24" or 24" x 36" and shall conform to the following requirements:

- **Building Plans and Elevations** shall identify the materials, colors, textures, etc.
- **Landscaping Plans** shall include common name, botanical name, size of plants/trees at planting and maturity, location, spacing, lawns, hardscape, walkways, streetscape furniture (i.e. benches, bicycle racks, art, water features,

kiosks, bus shelters, etc.), ground cover, weed treatment, finished contours, parking areas, curbs, gutters, sidewalks and the edge of pavement.

- **Irrigation Plans** shall include location of sprinkler heads, and/or drip irrigation, location and size of irrigation pipe, water meters, backflow prevention devices, control valves, etc.
- **Photometric Plans** shall include the type, location, height, style and limits of the predicted maintained lighting levels of the proposed lighting fixtures.
- **Sign Plans** shall include the location, type (e.g. wall mounted, monument, pylon), size, color, font styles and lighting details.

Application Review. Design Review shall generally occur within the framework of other project reviews/approvals associated with a given project. In such cases, the Planning Department shall circulate the project for review and comment by appropriate departments, entities, and agencies prior to public hearing by the designated Approving Authority. Where no other discretionary action is associated with a project that is subject to Design Review, the Planning Director shall, within 15 working days of application submittal, determine whether or not the application is complete.

The applicant shall be notified in writing of the determination of application completeness. Once any required review by related departments, entities, and agencies has been completed, the Planning staff shall prepare a report to the Planning Commission on the project with a recommendation for approval, conditional approval or denial of the Design Review application.

Design Review Determination

Findings for Design Review Approvals. Design Review approvals shall be granted only when the designated Approving Authority makes all of the following findings:

- (1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC).
- (2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
- (3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

(4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Additional Findings for Residential Design Review Applications. Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates desirable neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Finding:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

Section 65860(a) of the Government Code requires that zoning ordinances and amendments be consistent with the General Plan and any applicable specific plan. The General Plan, Implementation Table, Table 1-3, calls for the development of Design Review Standards. As such the proposed Design Review Ordinance is consistent with the General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendment will have a significant effect on the environment.

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.

Alternatives

The City Council may choose not to recommend approval of the proposed Design Review Ordinance. Staff does not recommend this alternative. The Planning Commission unanimously recommended approval of the proposed Design Review Ordinance.

Attachments:

1. Draft Ordinance No. 291-2012 establishing a Design Review Ordinance, Section 17.25.050 of the Rio Dell Municipal Code.
2. Design Review Handout

ORDINANCE NO. 291 - 2012

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING DESIGN REVIEW REGULATIONS,
SECTION 17.25.050 OF THE RIO DELL MUNICIPAL CODE:**

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the General Plan contains policies that encourage architectural guidelines; and

WHEREAS the General Plan contains implementation measures that call for the development of Design Review standards and guidelines; and

WHEREAS the purpose of the Design Review process is to promote orderly and harmonious growth within the City; and

WHEREAS the Design Review process is intended to preserve and improve the scenic amenities of the City and to protect the City's natural environment, its scenic vistas and the community's overall aesthetic quality; and

WHEREAS the Design Review process encourages good quality design, including the use of harmonious materials and colors, and the appropriate use of landscaping; and

WHEREAS in addition to protecting the City's scenic and natural resources, the Design Review process is intended to protect and maintain property values; and

WHEREAS the intent of the Design Review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code; and

WHEREAS the City has reviewed and processed the proposed Design Review Ordinance in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed Design Review Ordinance in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Design Review Ordinance is deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Design Review Ordinance is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Design Review Ordinance has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed Design Review Ordinance has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the establishment of a Design Review Ordinance is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

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

1. Finds that the proposed Design Review Ordinance is in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Design Review Ordinance have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Approves the proposed Design Review Ordinance.

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

Section 1.

1. Purpose and Intent

The purpose of the design review process is to promote orderly and harmonious growth within the City. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code. This Chapter also includes "Guiding Principles" and "Design Concepts" to be used by the designated Approving Authority in reviewing proposed projects for design consistency the City's standards.

2. Design Review Applicability

These regulations shall apply to lands designated with the Design Review Combining Zone "D" on the Zoning Maps. In addition, except as otherwise exempt pursuant to **Section 17.250.050(3)** Design Review is required for the following:

- (a) Major Subdivisions;
- (b) Multi-family residential developments;
- (c) Commercial development;
- (d) Industrial development; and
- (e) Public/quasi-public developments (e.g. public safety facilities, library, City facilities).

3. Design Review Exemptions

The following structures and improvements are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- (a) Additions to structures less than 10% of its existing size;
- (b) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- (c) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- (d) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities **and** equipment);

4. Approving Authority

The Approving Authority for Design Review shall be the Planning Commission. The Planning Commission shall review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and findings identified herein. At any point in the future, the City Council may delegate the Approving Authority for Design Review to the City Council, a Design Review Committee, the Community Development Director and/or the City Manager. Subsequent delegation of Approving Authority shall be adopted by Resolution, identifying the City's designated Approving Authority, along with any special regulations for review and action on Design Review applications.

Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Maps, Conditional Use Permit, Variance), except as otherwise exempted pursuant to **Section 17.250.050(3)** of this Chapter.

5. Guiding Principles and Design Concepts

This Chapter provides a set of "Guiding Principles" and "Design Concepts" setting forth various aesthetic and functional provisions to guide residential, commercial, office, industrial and public/quasi public development in the City. The "Guiding Principles" are listed below. Over time, the City may, by ordinance amending this section, refine or expand these principles and concepts to reflect the changing desires of the community.

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

The designated Approving Authority under this Chapter shall have the authority to apply the "Guiding Principles" flexibly to account for circumstances relating to the site, provided the required findings in **Section 17.250.050(8)** are made and using the following Design Concepts:

(a) Residential Subdivisions. The following Design Concepts generally apply to major subdivisions (e.g. five or more parcels) of land for residential purposes. Some of the Design Concepts will not apply, to certain projects due to the size of the development. However, these concepts will be applied whenever possible in the design of residential and mixed use projects. The City encourages:

- (1) A balanced mix of land uses, including housing, schooling, and parks/open space, to meet the needs of residents as appropriate based on project scale. Large scale development proposals should also provide for employment, commercial/retail, recreational and entertainment needs of community residents.
- (2) Pedestrian friendly neighborhoods, which are walkable in size with an obvious center. The neighborhood center should be a place of social interaction with a combination of commercial, civic, cultural and recreational uses.
- (3) Housing diversity with a variety of housing types, sizes, and densities.
- (4) Vehicle, bicycle, and pedestrian, and transit connectivity throughout the neighborhood and with the surrounding neighborhoods and uses. More specifically, neighborhoods should be designed with an interconnected street system that will blend well into the existing street system, diffuse traffic within the neighborhood, and minimize barriers within and between neighborhoods.
- (5) Where feasible, joint-use of open space facilities such as drainage facilities, detention basins, utility corridors etc. for trails, bikeways and Parks.
- (6) Maintaining significant natural features (e.g., terrain, drainage, vegetation).
- (7) Minimization of urban runoff through the use of retention and detention facilities and the use of open bio-swale drainage channels
- (8) Pedestrian friendly streetscapes that may include orientation of homes to common areas, parks, or other open space areas.
- (9) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

(b) Residential Multi Family. The following Design Concepts apply to the review of residential multi-family development. The City encourages:

- (1) Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.
- (2) Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.

(3) Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.

(4) High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.

(5) The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.

(6) Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.

(7) Ensure that design provisions do not preclude the development of multi-family housing affordable to all income levels.

(c) Non-Residential Site Planning. The following Design Concepts apply to site planning and design for non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.

(2) A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.

(3) Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.

(4) A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.

(5) Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate, and other amenities for project employees.

(6) Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.

(7) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

(d) Non-Residential Architecture. The following Design Concepts apply to non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.

(2) Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.

(3) Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.

(4) Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.

(5) Incorporate quality site design, including landscaping, signage and other elements of site design.

6. Scope of Design Review

To implement the principles and concepts in **Section 17.250.050(5)** the scope of Design Review is listed below by land use type. Applications for Design Review shall include adequate information to evaluate the project. Specific application submittal requirements shall be listed on the application form distributed by the Planning Department.

(a) Neighborhood Design - Major Subdivisions:

- Relationship of land uses and density
- Lot configuration **and** orientation
- Street design/relationship to existing street network
- Orientation to open space and significant natural features
- Bikeways, trails and pedestrian facilities and connectivity with other development

(b) Multi-family Developments:

- Architecture- style, mass and scale, articulation, materials, and relationship to surrounding use and style
- Site plan- unit placement, garage location
- Landscaping and lighting for Multi-Family developments
- Streetscape design
- Fences and walls
- Solar access and shading

(c) Non-residential Development (commercial, office, industrial, and public/quasi-public)

- Architecture- style or theme, mass and scale, articulation, materials, relationship to surrounding use and style
- Site plan- building location/orientation to street, parking, grading, relationship to surrounding property
- Access- vehicular and pedestrian
- Pedestrian amenities
- Landscaping and lighting
- Edge treatment between uses and different zones
- Loading and services (trash and recycling)
- Mechanical screening
- Signs

7. Design Review Process

(a) Application Submittal. Design Review applications shall be submitted to the Planning Department on a City application form. All plans shall be professionally drawn by qualified individuals, drawn at a reasonable scale to clearly identify the improvements and shall be on 18" x 24" or 24" x 36" and shall conform to the following requirements:

- **Building Plans and Elevations** shall identify the materials, colors, textures, etc.
- **Landscaping Plans** shall include common name, botanical name, size of plants/trees at planting and maturity, location, spacing, lawns, hardscape, walkways, streetscape furniture (i.e. benches, bicycle racks, art, water features, kiosks, bus shelters, etc.), ground cover, weed treatment, finished contours, parking areas, curbs, gutters, sidewalks and the edge of pavement.
- **Irrigation Plans** shall include location of sprinkler heads, and/or drip irrigation, location and size of irrigation pipe, water meters, backflow prevention devices, control valves, etc.
- **Photometric Plans** shall include the type, location, height, style and limits of the predicted maintained lighting levels of the proposed lighting fixtures.
- **Sign Plans** shall include the location, type (e.g. wall mounted, monument, pylon), size, color, font styles and lighting details.

(b) Application Review. Design Review shall generally occur within the framework of other project reviews/approvals associated with a given project. In such cases, the Planning Department shall circulate the project for review and comment by appropriate departments, entities, and agencies prior to public hearing by the designated Approving Authority. Where no other discretionary action is associated with a project that is subject to Design Review, the Planning Director shall, within 15 working days of application submittal, determine whether or not the application is complete. The applicant is encouraged to contact staff prior to submitting the application for a preliminary review of the project. The applicant shall be notified in writing of the determination of application completeness. Once any required review by related departments, entities, and agencies has been completed, the Planning staff shall prepare a report to the designated Approving Authority on the project with a recommendation for approval, conditional approval or denial of the Design Review application. Planning staff shall be responsible for assimilating the comments and recommendations of related departments and agencies into project modifications or Conditions of Approval, as well as to ensure conformance with applicable provisions of the Municipal Code, and any subsequently adopted standards, guidelines, or area plans.

(c) Environmental Review. The project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). Design Review shall generally not result in the need for CEQA evaluation for a project that is otherwise exempt.

(d) Notice and Hearing/Determination. Public notice and hearings for Design Review applications under consideration by the designated Approving Authority shall be conducted in accordance with Chapter 17.35 of the Rio Dell Municipal Code (RDMC). The notice shall identify the subject parcel, describe the request, and identify the date of the meeting. The notice shall also identify the opportunity to provide input prior to the determination and the right to appeal the determination in accordance with this Chapter.

(e) Appeals. Appeals shall be conducted in accordance with **Section 17.35.050** of the Rio Dell Municipal Code (RDMC).

8. Design Review Determination

(a) Findings for Design Review Approvals. Design Review approvals shall be granted only when the designated Approving Authority makes all of the following findings:

(1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC).

(2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

(3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

(4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

(b) Additional Findings for Residential Design Review Applications. Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates desirable neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

(c) Conditions. The designated Approving Authority may require modifications to plans in whole or in part and may condition the Design Review application to ensure specific design features, construction materials, and conformance with all applicable provisions of this chapter.

(d) Permit Issuance. Approval of the Design Review application shall only become valid upon completion of the designated ten-day appeal period.

(e) Permit Term. Where Design Review is approved in conjunction with a related action, the Design Review approval shall remain valid for a period consistent with related review/approval. Where no other discretionary review/approval is required, the Design Review approval shall be valid for a period of three (3) years from the date of final approval.

Section 2. 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 3. 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 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance. Any environmental affects associated with adoption and implementation of the Ordinance would be beneficial in nature.

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 June 19, 2012 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 3rd of July 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

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



Design Review

Design Review is required for all major (five or more parcels) residential subdivisions, multi-family, commercial, industrial and public and quasi public developments. Design review is a discretionary process established to ensure quality development in accordance with the City's Design Guidelines and to ensure that the appearance of development will be compatible and harmonious with the use and enjoyment of surrounding properties. Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Conditional Use Permit, Variance).

Guiding Principles

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

Pre-Application Meeting

Prior to submitting a formal application, the City encourages the applicant to schedule a Preliminary Review meeting (\$75.00) with the Planning Department to review and discuss the project.

Submittal Requirements

- Completed Application
- Owners labels within 300 feet of the project site with notarized Letter of Certification
- Completed Environmental Questionnaire
- Building Plans (10 copies) and Elevations (10 color copies and CD pdf or jpeg copy)
- Landscaping Plans (10 color copies and CD pdf or jpeg copy)
- Irrigation Plans (2 copies)
- Photometric Plans (2 copies)
- Sign Plans (2 copies)
- Preliminary Title Report current within 6 months of application
- Deposit: \$500.00 made payable to the City of Rio Dell

Please note that the application can only be deemed complete upon submittal of **ALL** the above materials. Please refer to Ordinance 291-2012 for additional information, or contact the Planning Department at (707) 764-3532.

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



For Meeting of: July 3, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: June 28, 2012

Subject: Eel River Industrial Park General Plan Amendment and Zone Reclassification

Recommendation:

That the City:

1. Receive staff's report regarding the proposed General Plan Amendment and Zone Reclassification;
2. Receive public input, close the public hearing and deliberate;
3. Adopt Ordinance No. 292-2012 and Resolution No. 1156-2012 amending the plan and zoning designation of approximately 18 acres from Public Facility to Industrial Commercial and about 7 acres from Public Facility to Natural Resources.
4. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post a post 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.
5. Direct staff to file the CEQA Notice of Determination with the required Fish and Game fee (\$2,101.50) and associated processing fee (\$50.00) with the County Clerk within five days of approval.

Summary

At your meeting of June 19, 2012 your Council introduced (first reading) Ordinance No. 292-2012 and Resolution No. 1156-2012 amending the plan and zoning designation of approximately 18 acres from Public Facility to Industrial Commercial and about 7 acres from Public Facility to Natural Resources. The public hearing was opened and testimony was

provided regarding the proposed amendments. The public hearing was continued to this meeting.

As evidenced in the Staff Report prepared for the June 19, 2012 meeting, the process for Plan Amendments and Zone Reclassification has been followed and staff believes the required Public Interest and General Plan Consistency findings can be made.

In accordance with State CEQA Guidelines §15168, Mitigated Negative Declaration (MND) was prepared to evaluate the environmental impacts of the proposed amendments. Staff incorporated the Initial Study and Mitigated negative Declaration that was prepared for the 2008 annexation of the area. The 2008 mitigation measures also apply to the amended area.

The City referred the Initial Study and Mitigated Negative Declaration to the State Clearing House for public and agency review on April 23, 2012. The review period officially ended on May 22, 2012. Only the Regional Water Quality Control Board commented on the environmental document. Their comments were general in nature and did not identify anything specifically regarding the proposed amendments.

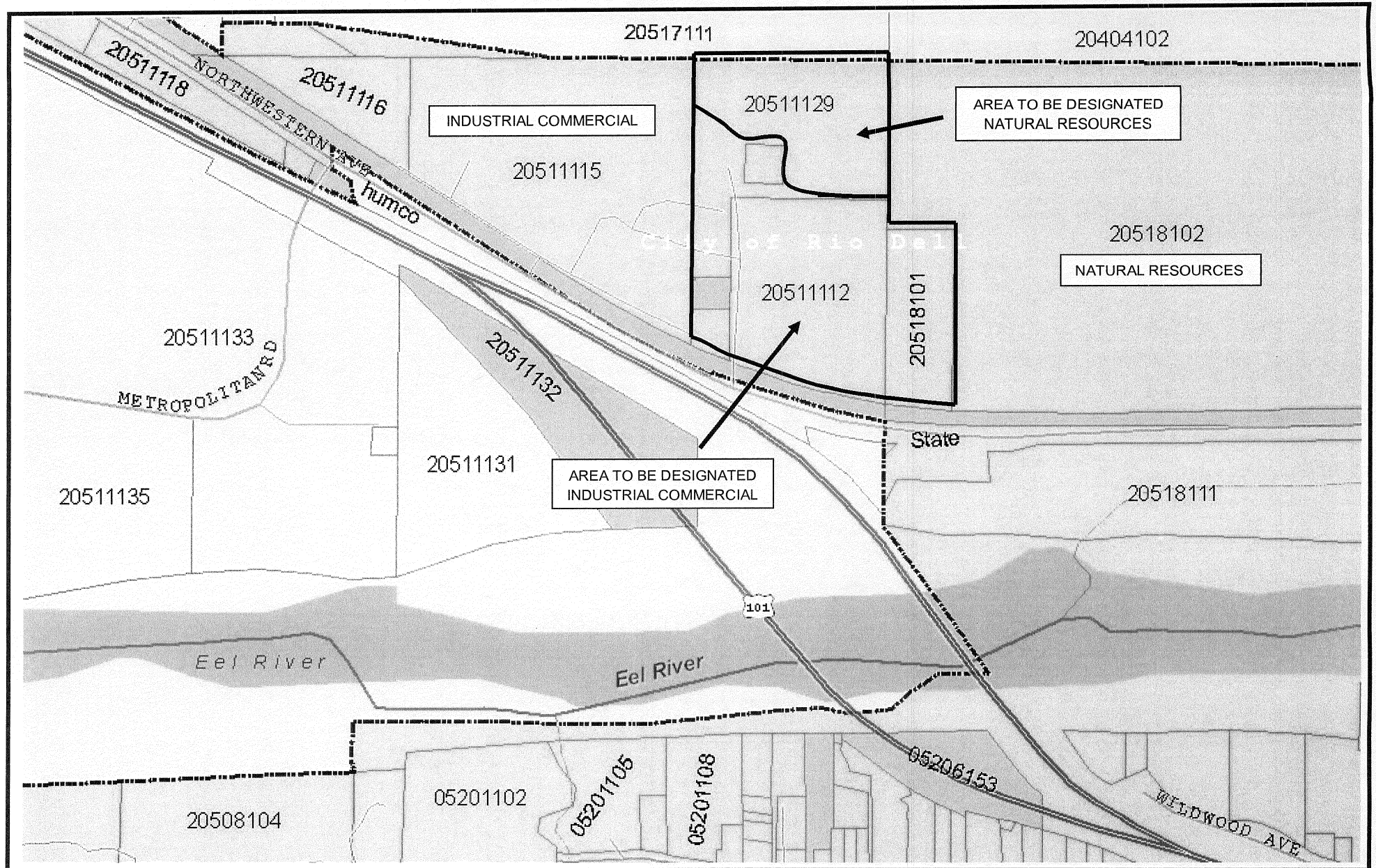
Because the project was not exempt from CEQA, pursuant to Fish and Game Code Section 711.4, the Department of Fish and Game imposes and collects a filing fee \$2,101.50 to defray the costs of managing and protecting California's vast fish and wildlife resources. In addition, a \$50.00 processing fee for the County Clerk is also required.

Figures and Attachments

Figures 1 & 2: Maps illustrating the recommended changes.

Attachment 1: Resolution No. 1156-2012 approving and adopting the proposed General Plan Amendment.

Attachment 2: Ordinance No. 292-2012 approving and adopting the proposed Zone Reclassification



Eel River Industrial Park General Plan Amendment and Zone Reclassification

An application to amend the current plan designation of about 25 acres from Public Facility (PF). Approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC). The area was annexed to the City in 2008. Prior to annexation the County designation of the area was Heavy Industrial. After annexation the area was designated Public Facility (PF) in anticipation of the site being used for the City's Waste Water Treatment Plant (WWTP).

RESOLUTION NO. CC 1156-2012

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE EEL RIVER SAWMILLS GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:

WHEREAS in 2008, the City annexed a 244.6-acre area known as the former Eel River Sawmills site into the City; and

WHEREAS the purpose of the annexation was to provide a site for a proposed City Waste Water Treatment Plant (WWTP), to incorporate the existing commercial/industrial uses along Highway 101 into the City of Rio Dell; and

WHEREAS to provide for the proposed Waste Water Treatment Plant (WWTP), approximately 25 acres were designated Public Facility (PF); and

WHEREAS in 2010 the City and the City Engineers determined that it was more economically feasible to upgrade the existing WWTP rather than build a new facility at the Eel River Industrial Park; and

WHEREAS the proposed project is to amend the current plan designation of about 25 acres from Public Facility (PF); and

WHEREAS approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC); and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments can be found consistent the General Plan and its implementation policies and programs; and

WHEREAS the proposed amendments can be found in the public interest; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve the proposed General Plan Amendment and Zone Reclassification; and

WHEREAS the City Council considered the Planning Commission's recommendation and approves the proposed General Plan Amendment and Zone Reclassification.

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

1. Finds that the proposed amendments are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Approves the proposed General Plan Amendment and Zone Reclassification.

PASSED AND ADOPTED by the City Council of the City of Rio Dell at their meeting of July 3, 2012 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 19, 2012 and furthermore the forgoing Resolutions was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 3rd day of July 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

ORDINANCE NO. 292-2012

Amending Section 17.15.030 Zoning Map of the Rio Dell Municipal Code

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS in 2008, the City annexed a 244.6-acre area known as the former Eel River Sawmills site into the City; and

WHEREAS the purpose of the annexation was to provide a site for a proposed City Waste Water Treatment Plant (WWTP), to incorporate the existing commercial/industrial uses along Highway 101 into the City of Rio Dell; and

WHEREAS to provide for the proposed Waste Water Treatment Plant (WWTP), approximately 25 acres were designated Public Facility (PF); and

WHEREAS in 2010 the City and the City Engineers determined that it was more economically feasible to upgrade the existing WWTP rather than build a new facility at the Eel River Industrial Park; and

WHEREAS the proposed project is to amend the current plan designation of about 25 acres from Public Facility (PF); and

WHEREAS approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC); and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments can be found consistent the General Plan and its implementation policies and programs; and

WHEREAS the proposed amendments can be found in the public interest; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve the proposed General Plan Amendment and Zone Reclassification; and

WHEREAS the City Council considered the Planning Commission's recommendation and approves the proposed General Plan Amendment and Zone Reclassification.

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

1. Finds that the proposed amendments are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Approves the proposed General Plan Amendment and Zone Reclassification.

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

Section 1. Zoning Map Amendment

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to re-designate approximately 18 acres from Public Facilities (PF) to Industrial Commercial (IC) and about 7 acres from Public Facility (PF) to Natural Resources (NR).

Section 2. 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 3. 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 4. 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 June 19, 2012 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 3rd day of July 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk