



**RIO DELL CITY COUNCIL AGENDA**  
**REGULAR MEETING - 6:30 PM**  
**THURSDAY, JULY 06, 2023**  
City Council Chambers  
675 Wildwood Avenue, Rio Dell

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

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

Effective immediately, the City of Rio Dell will reopen City Council meetings held in City Hall Council Chambers to in-person attendance by the public. The public may also attend these meeting virtually through Zoom. The meetings will also be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink channels on Cable TV.

**Public Comment by Email:**

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

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

**Zoom Public Comment:**

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

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. CEREMONIAL MATTERS**

**E. PUBLIC PRESENTATIONS**

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

**F. CONSENT CALENDAR**

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

1. 2023/0706.01 - Approve Minutes of the June 20, 2023 Regular Meeting **(ACTION)** - Pg. #4

2. 2023/0706.02 - Approve Resolution No. 1585-2023 Authorizing the City Manager or designee to accept the Grant Funding from the California Highway Patrol (CHP) Cannabis Tax Fund Grant Program to Reduce Impaired Driving in the City of Rio Dell **(ACTION)** - Pg. #13

3. 2023/0706.03 - Approve and Authorize staff to initiate the Lien Process for Delinquent Sewer Accounts **(ACTION)** - Pg. #17

**G. ITEMS REMOVED FROM THE CONSENT CALENDAR**

**H. REPORTS/STAFF COMMUNICATIONS**

1. 2023/0706.04 - City Manager/Staff Update **(RECEIVE & FILE)** - Pg. #21

**I. SPECIAL PRESENTATIONS/STUDY SESSIONS**

**J. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS**

1. 2023/0706.05 - Proposed Renewable Energy Project at Humboldt-Rio Dell Business Park **(DISCUSSION/POSSIBLE ACTION)** - Pg. #23

## K. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

1. 2023/0706.06 - Second Reading (by title only) and Adoption of Ordinance No. 399-2023 Amending Ordinance No. 335-2015, Chapter 13.10, Section 241 of the Rio Dell Municipal Code (RDMC) and adding Chapter 13.10, Sections 242-246 Property Tax Liens for Nonpayment of Delinquent Sewer Bills for Customers that do not Subscribe to Water Service and a Means of Collecting the Delinquent Charges on the Property Tax Bill **(DISCUSSION/POSSIBLE ACTION)** - Pg. #32
2. 2023/0706.07 - Introduction/First Reading (by title only) of Ordinance No. 400-2023 Amending Chapter 2.05.010 and 2.10.160(2) of the Rio Dell Municipal Code (RDMC) changing the meeting time for Regular City Council meetings for 6:30 p.m. to 6:00 p.m. **(DISCUSSION/POSSIBLE ACTION)** - Pg. #39

## L. COUNCIL REPORTS/COMMUNICATIONS

## M. ADJOURNMENT

*The next regular City Council meeting is scheduled for  
**Tuesday, July 18, 2023 at 6:30 PM.***

**RIO DELL CITY COUNCIL  
REGULAR MEETING MINUTES  
JUNE 20, 2023**

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

**ROLL CALL:** Present: Mayor Garnes, Mayor Pro Tem Carter, Councilmembers Orr, Wilson and Woodall

Others Present: City Manager Knopp, Finance Director Sanborn, Water/Roadways Superintendent Jensen, Wastewater Superintendent Taylor, Community Development Director Caldwell, Senior Fiscal Assistant Maciel, and City Clerk Dunham

**CEREMONIAL MATTERS**

Introduction and Swearing-In of Police Officer Aimee House

Mayor Garnes administered the Oath of Allegiance to incoming police officer, Aimee House.

**PUBLIC PRESENTATIONS**

Mayor Garnes invited public comment on non-agenda matters.

**Steve Saunders**, 762 Rigby Ave. addressed the Council and said that he is still not back in his house that was red-tagged as a result of the December-January earthquakes. He expressed his thanks and appreciation to the City Council for listening to his concerns.

**Jonathan Brodeur**, 521 View Ave. addressed the Council suggesting the City adopt an ordinance prohibiting the sell of Red Bull to people under the age of 18 citing high levels of caffeine and other harmful ingredients for kids.

He expressed thanks and appreciation to local law enforcement and their participation in the Bike Rodeo over the weekend.

An unidentified citizen commented that prohibiting kids from drinking Red Bull starts at home with parents much like cleaning up garbage in yards and on city streets. He thanked Chief Allen for his service to the community and said that bike lanes are put in for kids to use but they don't use them and said that he would not be yielding to bikes on sidewalks.

**CONSENT CALENDAR**

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



**JUNE 20, 2023 MINUTES**  
**Page 2**

Mayor Garnes removed the minutes of the June 6, 2023 regular meeting for separate discussion.

Motion was made by Carter/Woodall to approve the consent calendar including the following items:

- 1) Approve Resolution No. 1584-2023 Adopting the FY 2023-24 Operating and Capital Budget and Position Allocation Table;
- 2) Approve Purchase of Services for Annual Audit for FY 2022-23 and authorize City Manager or designee to sign the Letter of Engagement;
- 3) Approve Resolution No. 1583-2023 Adopting the Gann Appropriations Limit for FY 2023-24;
- 5) Approve Memorandum of Understanding between the City of Rio Dell, County of Humboldt, and Cities of Eureka, Arcata, Fortuna, Blue Lake, Trinidad and Ferndale for Management of an Edible Food Recovery Program;
- 6) Authorize City Manager to Execute a Special Salary Adjustment for Police Corporal Landry; and
- 7) Receive & File Check Register for June.

Motion carried 5-0.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

Approve Minutes of the June 6, 2023 Regular Meeting

Mayor Garnes said that she would like to abstain from voting on the minutes since she was not present at the meeting.

Motion was made by Carter/Woodall to approve the minutes of June 6, 2023 as submitted. Motion carried 4-0; 1 abstention.

**REPORTS/STAFF COMMUNICATIONS**

City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and said that a contractor was on site changing out porch lights with energy efficient LED lighting as well as some failed lighting inside City Hall. He also reported that street sweeping was done on Saturday using a new vendor.

He then referred to the June 16, 2023 letter from PG&E that was received as a result of Councilmember Wilson's request at the last meeting related to the update on the electric capacity issue and work that PG&E is undertaking to support growth in the City of Rio Dell and surrounding area.

Councilmember Woodall requested Public Works pick up the junk that was accumulating behind the grey box at the downtown City Parking Lot.

**JUNE 20, 2023 MINUTES**  
**Page 3****SPECIAL PRESENTATIONS/STUDY SESSIONS**

Presentation – Proposed Renewable Energy Project at Humboldt-Rio Dell Business Park  
City Manager Knopp introduced Bob Wiener, H2 Humboldt who was present to provide a power point presentation on a proposed solar/battery project at the Humboldt-Rio Dell Business Park (HRDBP).

Mr. Wiener began by stating that he was here representing his team from the Bay area including Wesley Zheng, Posh Electric who was online via Zoom to answer questions and James White, PhD who was currently out of the country.

He continued with a power point presentation proposing a solar plus battery project at the HRDBP to provide renewable energy to Rio Dell. He said that the lack of electricity has hampered the economic development of the City and they would be able to provide enough electricity to power 150-200 new homes as well as new businesses with 100% renewable energy.

The funding source is the US Department of Energy, providing up to \$5 million per project under the Energy Improvement in Rural or Remote Areas Fixed Grant Program (DE-FOA-0003045).

The original project was scaled down from 17 +/- acres to 8 +/- acres generating 1 MW of solar PV energy and 2 MWh of grid scale battery. The project is in the pre-proposal stage with the deadline for submittal of a pre-proposal application by July 11, 2023. A letter of support from the Rio Dell community was requested to bring the project to reality.

Mr. Wiener explained that the proposed project site will require bringing in up to 9 feet of fill material in some areas and to possibly utilize the Brownfield site. He indicated that they are waiting for test results to come back regarding the current level of contamination which means that they might be required to cap that area.

He added that they are keenly aware of the milestones to bring this project forward but was confident with what he referred to as a very competent team including Posh Electric which is a California based renewable energy company focused on battery storage and solar project development, and GHD who is an engineering firm with a strong presence in Humboldt County.

Councilmember Wilson asked if the idea is to install a solar array that the company would then manage.

Mr. Wiener commented that their team would manage the system with the goal of selling power to the grid as renewable energy.

Councilmember Wilson pointed out that Humboldt County already installed a micro-grid at the Eureka-Arcata Airport. He asked that in the event of a power failure, if the system

**JUNE 20, 2023 MINUTES****Page 4**

would provide power to the HRDBP or if the system would kick in and provide power to all of Rio Dell.

Wesley Zheng from Posh Electric explained that in the event of an emergency, the system could be independent and provide power to approximately 200 homes for a day or two.

Councilmember Wilson mentioned that the team would produce energy and sell that energy to the grid for the purpose of making money.

Mr. Wiener said that the City needs more renewable energy as part of the Climate Action Plan.

Councilmember Wilson commented that there would be a lot to manage this project.

Mr. Wiener said that they contacted Redwood Coast Energy Authority (RCEA) as well as PG&E and were waiting to hear back from them. The reason for the sudden push now is so that they can get the pre-proposal application submitted by July 11, 2023, hopefully including a letter of support from Rio Dell.

Councilmember Woodall asked how many new jobs would be created.

Mr. Zheng noted that there would not be a lot of new jobs created with just a small team on the ground but the construction would take 1-2 years and those workers (10-20) would be paid prevailing wage. He said that the main benefit of the project is that it would be bringing in clean renewable energy to the community.

Mayor Pro Tem Carter asked if the renewable energy would directly benefit Rio Dell or if it would simply go back into the grid once generated. She pointed out that the City has been down this road already with energy companies coming in and making promises they can't fulfill. She asked if they could demonstrate how the power would directly benefit the community. She asked if local jobs would be created or if workers would be coming from the Bay area.

Mr. Wiener indicated that they would reach out to the local unions as the project would require skilled labor.

Mayor Pro Tem Carter expressed concern that there is a myriad of potential uses for the land at the HRDBP which is something the Council should consider in supporting a use that is the most beneficial to the City.

Councilmember Orr commented that the missing part here is how this project will directly help Rio Dell. He said that they would be making power to sell back to the community but this City already has a commitment from PG&E to provide power to the site. He added that he is in favor of renewable energy but doesn't understand how Rio Dell would benefit by giving up land that potentially could be used for other commercial businesses that would benefit Rio Dell.

**JUNE 20, 2023 MINUTES**  
**Page 5**

Mr. Wiener noted that up until a few months ago, there was no commitment by PG&E to provide power. What they were hoping to do, is help those businesses at the HRDBP.

Councilmember Orr commented that the City would be giving up 8 acres of commercial property that could be utilized for businesses that would generate tax revenue for the City to put solar panels there. He said that he understands that they are not planning to sell power to PG&E for a profit but will sell to the business park for a profit. PG&E has committed to provide that power without the City having to give up 8 acres of commercial land. He said that this helps Posh Electric and GHD but doesn't help generate revenue for Rio Dell.

Mr. Wiener pointed out that although they would be taking away 8 acres of commercial land that could potentially be used for other business opportunities, the current property owner does not want to make improvements to the property to make it a viable development site. As a viable option they would develop it and the City would receive property taxes from the site. He said that it was more of a gesture to help those property owners get their businesses up and running by providing necessary power.

Councilmember Woodall agreed with Councilmember Orr and said that she can't see how this is going to benefit Rio Dell as much as other businesses coming in. She said that she would not vote for submitting a letter of support from the City at this time because there is a lot of things she doesn't fully understand.

Mr. Wiener offered to provide additional information and clarify some of the concerns.

Mayor Garnes asked if anyone on their team has looked into potential taxes or other forms of financial benefits to the City.

Mr. Wiener said that one of their agenda items is how can they make the project beneficial to the City of Rio Dell but they have not come to any conclusions in that regard.

Mayor Garnes asked what, besides the letter of support, would be needed from the City

Mr. Zheng said that one of the requirements of the grant program is that the project must benefit the City.

Wastewater Superintendent Taylor asked for clarification that if the solar project is successful, they would be adding 2 MW of power to the grid.

Mr. Wiener clarified that it would be closer to 1 MW since the footprint of the project was reduced.

Mayor Garnes asked the City Manager why staff recommended the project be down sized from 17 acres to 8 acres.

City Manager Knopp explained that part of the problem with the site is that it is going to require a lot of fill material brought in to bring the lot above the flood elevation. He said

**JUNE 20, 2023 MINUTES****Page 6**

that it is an added expense in terms of development. In theory, there could be availability on the front portion of the parcel for a commercial structure. He commented that the project is a principally permitted use in that zone and although the city would not get exactly what they would prefer at this area of the business park, the addition of solar at that site would be a compromise and a noble goal. He said that staff would like to see permanent living wage jobs created at the business park He added that the City has gone through a number of proposals from developers on job creating projects which have not come to fruition.

He said that ultimately this is a decision of the City Council and certainly there could be more information provided. As such, one option would be to invite Mr. Wiener and his team back at the next meeting with a draft letter of support for the Council to consider.

He commented that the City had high hopes for the business park and five years down the road, it is entirely possible that it could attract different types of development.

Mayor Garnes asked what would be the offset to the City for them building the utility and asked them to explore options.

Mayor Garnes called for public comment on the item.

**Jonathan Brodeur** asked if the project would lower electricity costs to consumers.

Mr. Wiener said that it would be the goal but that would ultimately be up to PG&E, RCEA, the Public Utilities Company (PUC).

Councilmember Wilson explained that PG&E supplies the power to the community and RCEA sells the energy portion of that at one-half of one percent below what PG&E sells it for which is about \$2.00/mo. for the average homeowner. The power would have to be sold through PG&E because they own the transmission lines.

**Jonathan Brodeur** commented that during the earthquake emergency, power was down and asked if there would be a way to tie into perhaps City Hall or the Fire Department. He then asked what the life span is of this project.

Mr. Wiener indicated that the current property owner wants to lease the property rather than sell it and they are recommending a 30-year lease because that is the approximate life span of the solar panels. He said that it may be able to be worked out where they would install batteries at the Fire Department and perhaps the City's Treatment Plant facility and try to include that as the direct benefit to the City.

Councilmember Woodall asked what would happen at the end of the 30-year lease and if they would remove everything from the site.

Mr. Wiener said that they would prefer to have the project continue on after the 30 years if that is the technology used at that time, but the idea is to maintain the equipment as long as necessary.

**JUNE 20, 2023 MINUTES**  
**Page 7**

Consensus of the Council was to bring the item back at the next meeting on July 6, 2023 with the applicants providing additional information and a draft letter of support for Council consideration.

**SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS**

Discussion on City Council Meeting Time

City Manager Knopp said that a request was made by staff that the City Council consider amending the Rio Dell Municipal Code (RDMC) to move the meeting time for regular City Council meetings from 6:30 p.m. to 5:30 or 6:00 p.m.

All members of the Council were in favor of a 5:30 meeting time with the exception of Councilmember Woodall who preferred 6:00.

City Manager Knopp pointed out that starting meetings at 5:30 p.m. could potentially create a problem for closed sessions that are typically scheduled before the regular meeting.

Motion was made by Carter/Orr to direct staff return at the next regular meeting with an amendment to Section 2.10.160(2) of the Rio Dell Municipal Code (RDMC) changing the meeting time for regular City Council meetings to 6:00 p.m. Motion carried 5-0.

**ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Introduction and First Reading (by title only) of Ordinance No. 399-2023 Amending Ordinance No. 335-2015, Chapter 13.10, Section 241 of the Rio Dell Municipal Code (RDMC) and adding Chapter 13.10, Sections 242-246 Property Tax Liens for Nonpayment of Delinquent Sewer Bills for Customers that do not Subscribe to Water Service and a Means of Collection the Delinquent Charges on the Property Tax Bill

Finance Director Sanborn provided a staff report and said that staff is looking to amend Ordinance No. 335-2015 to allow the City to send delinquent sewer charges to the Auditor-Controller to add them to the tax roll as a lien.

The proposed Ordinance Amendment includes reference to the Health and Safety Code Section 5473 through 547.7. Section 5473 allows a city to send overdue sewer charges to the Auditor-Controller. The inclusion of the amendment by the City would conform to such Health and Safety code, thus allowing the City to submit overdue sewer charges to the Auditor-Controller so long as the City follows the protocol laid out in the Health and Safety Code which he then reviewed.

Councilmember Wilson said as he understands the process, the City has the ability to enact the code but does not.

Finance Director Sanborn explained that the City does not have the ability to enact this section of the RDMC per advice from the City Attorney because of the missing section

**JUNE 20, 2023 MINUTES**  
**Page 8**

5473.7 which is the legal process the City has to follow to be able to send the charges to the Auditor-Controller for collection with the taxes.

Councilmember Orr asked if this would apply to retroactive charges or from this point forward

Finance Director Sanborn said that it would apply to all past due sewer charges.

Councilmember Woodall asked how many accounts would be sent over for collection and if the charges would be collected with property taxes or when the property changes title.

Finance Director Sanborn said that he didn't have the exact figure but estimated between 30 to 40 accounts. He said that the liens would be assessed against the property taxes but was not certain of the process for actual collection.

Councilmember Wilson asked if there were provisions in the ordinance that requires that property owners be notified when tenants are past due on their sewer bill.

Finance Director Sanborn explained that part of the process is to send notices to the ratepayer as well as the owner since the charges would essentially be assessed against the property.

He noted that there are checks and balances the city must follow and noted that the charges must be sent to the Auditor-Controller by August 10<sup>th</sup> of each year in order for the liens to be placed on the property taxes.

A public hearing was opened to receive public comment on the proposed ordinance amendment.

**Jonathan Brodeur** asked if this would affect those customers whose water was shut off.

Finance Director Sanborn said that it would affect those customers.

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

Motion was made by Orr/Carter to approve the introduction and first reading (by title only) of Ordinance No. 399-2023 Amending Ordinance No. 335-2015, Chapter 13.10, Section 241 of the Rio Dell Municipal Code (RDMC) and adding Chapter 13.10, Sections 242-246 Property Tax Liens for Nonpayment of Delinquent Sewer Bills for Customers that do not Subscribe to Water Service and a Means of Collection the Delinquent Charges on the Property Tax Bill and to continue consideration, approval and adoption of the proposed Ordinance to the meeting of July 6, 2023. Motion carried 5-0.

**COUNCIL REPORTS/COMMUNICATIONS**

**JUNE 20, 2023 MINUTES**  
**Page 9**

Mayor Pro Tem Carter announced there would be a Nuisance Advisory Committee meeting tomorrow at 3:00 p.m. for anyone interested in attending.

She also commented on the Bike Rodeo that was held over the weekend and thanked the Police Department, Fire Department and Community Resource Center for putting together a wonderful event.

Councilmember Woodall also extended her thanks and said that the kids really enjoyed the event.

Councilmember Wilson reported that he would be attending an RCEA meeting on June 30<sup>th</sup> and attended a Humboldt Waste Management Authority (HWMA) meeting last Thursday and some of the things that apply to SB-1383 are moving ahead. The MOU that was adopted will address how to cover some of the costs in moving the project forward.

Councilmember Orr reported that he attended an HCAOG meeting on Thursday and received a presentation on a portable housing project in Arcata which they hope will become a blueprint for the rest of the County.

Councilmember Wilson announced that the Indianola Overpass Project is finally coming to a reality with completion of the project scheduled for the end of 2025.

Mayor Garnes reported that she would be attending a Cal Cities conference in Pomona on Friday and thanked everyone who participated in the Bike Rodeo. She also expressed thanks to staff for everything they do.

**ADJOURNMENT**

Motion was made by Carter/Wilson to adjourn the meeting at 7:59 p.m. to the July 6, 2023 regular meeting. Motion carried 5-0.

\_\_\_\_\_  
Debra Garnes, Mayor

Attest:

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



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



DATE: July 6, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Travis Sanborn, Finance Director

THROUGH: Kyle Knopp, City Manager

SUBJECT: Accept Grant Funding from the California Highway Patrol (CHP) Cannabis Tax Fund Grant Program to Reduce Impaired Driving in the City of Rio Dell

**IT IS RECOMMENDED THAT THE CITY COUNCIL:**

Adopt Resolution 1585-2023 authorizing the City Manager, or designee, to accept the “Cannabis Tax Fund Grant Program (CTFGP)” and enter into the resultant grant agreement and any amendments to fund impaired driving detection/investigation training for officers, community educational programs and supplemental impaired driving enforcement. The tentative grant allocation is \$5,159.99 for the period of July 1, 2023, through June 30, 2024.

**BACKGROUND AND DISCUSSION:**

In November 2016, California voters passed AB 64: Cannabis: Licensure and Regulation as a statewide initiative legalizing the cultivation, sale, and adult use of marijuana. As a result, and pursuant to Revenue and Taxation Code 34019 (f)(3)(B), the State was required to set aside tax funding for the CHP to provide grants to local governments and qualified non-profit organizations. This section states that the grant funding is to be used for the “*education, prevention, and enforcement of laws related to driving under the influence of alcohol and other drugs, including cannabis; programs that help enforce traffic laws, educate the public in traffic safety, provide varied and effective means of reducing fatalities, injuries, and economic losses from collisions; and for the purchase of equipment related to enforcement of laws related to driving under the influence of alcohol and other drugs, including cannabis.*”

The Rio Dell Police Department has received notice of conditional approval for grant funding. CHP requires the local governing body to adopt a resolution authorizing the Rio Dell Police Department to receive the grant funding.

The purpose of this grant funding is to address impaired driving, including opportunities and projects to prevent the loss of life, injuries, and property damage caused by driving under the influence of alcohol and/or drugs. These funds are to be used for training, education, prevention, equipment, and the enforcement of laws related to DUI of alcohol and other drugs, including cannabis and cannabis products.

Grant funds will assist our training program. Training officers in Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), and Drug Recognition Evaluation (DRE) will enhance our overall effectiveness as a department in detecting, deterring, and apprehending impaired drivers. The purchase of Field Presumptive Testing equipment will contribute to our effectiveness and overall efficiency and will greatly assist officers in their DUI detection patrol efforts.

Grant funding builds upon our current traffic safety efforts by allowing officers opportunities in saturation enforcement to address impaired driving- in addition to and outside of their regularly scheduled duties. Additionally, the funds provide opportunities for community outreach with an emphasis on impaired driving through education including many types of media. The Police Department requests this funding be approved to enhance our current efforts to provide a safe environment to every individual who utilizes the City of Rio Dell sidewalks and roadways. These efforts will include a partnership with the Rio Dell community through outreach and education regarding traffic safety and impaired driving.

ATTACHMENTS:

- Resolution 1585-2023
- Department of California Highway Patrol Grant Agreement



**RESOLUTION NO. 1585-2023  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AUTHORIZING APPROVAL TO RECEIVE GRANT FUNDING FROM THE  
CALIFORNIA HIGHWAY PATROL CANNABIS TAX FUND GRANT PROGRAM**

**WHEREAS**, the California Highway Patrol has been delegated the responsibility by the Legislature of the State of California for the administration of the Cannabis Tax Fund Grant Program, setting up the necessary procedures governing the application; and;

**WHEREAS**, said procedures established by the California Highway Patrol require the Applicant to certify by resolution the approval of the application to the state; and

**WHEREAS**, successful Applicants will enter into an agreement with the California Highway Patrol to complete the Grant Scope; and

**WHEREAS**, the Rio Dell Police Department applied for funding from the CHP Cannabis Tax Fund Grant Program FY2023/2024; for the following items:

- Police Officer Training/Education
  - DUI Detection – Field Sobriety Training; and
  - Drug Influence (Health & Safety Code Section 11550) Training; and
  - Drug Recognition Expert Training
- Conduct Community Outreach/Education (Social Media Messaging)
- Purchase Field Presumptive Drug Testing Device

**WHEREAS**, the Rio Dell Police Department has received notice of conditional approval for grant funding in the amount of \$5,159.99;

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Rio Dell that the City Manager, or designee, is hereby authorized to execute the agreement, and any follow-up amendments with the California Highway Patrol for the CHP Cannabis Tax Fund Law Enforcement Grant FY2023/2024 in an amount of \$5,159.99 for the term of July 1, 2023, through June 30, 2024.

**I HEREBY CERTIFY** that the forgoing Resolution was PASSED, APPROVED, and ADOPTED by the City Council of the City of Rio Dell on July 6, 2023, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Mayor Debra Garnes

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and the foregoing to be a full, true, and correct copy of Resolution No. 1585-2023 was adopted by the City Council of the City of Rio Dell on July 6, 2023.

---

Karen Dunham, City Clerk, City of Rio Dell

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



DATE: July 6, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Travis Sanborn, Finance Director

THROUGH: Kyle Knopp, City Manager

SUBJECT: Initiate the Lien Process for Delinquent Sewer Accounts

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Accept the report of delinquent sewer charges and direct staff to mail lien notices to affected properties with delinquent charges that will be considered for placement on the tax roll at a public hearing on July 18, 2023.
2. Authorize a notice to be published once a week for two successive weeks in a newspaper of general circulation, for delinquent charges that are more than ninety days past due.

BACKGROUND AND DISCUSSION:

Rio Dell Municipal Code Section 13.10.241-246 will allow for the collection of delinquent utility charges by placing a lien or special assessment against the respective parcel(s) of land for which the service was provided. Liens and special assessments can only be placed on active utility accounts that are in the property owner's name.

Staff respectfully requests that the City Council accept the report of delinquent accounts over ninety days past due (Attachment A) and direct staff to mail letters (Attachment B) to each property owner/utility customer providing them with information on the lien and special assessment process, and the payment deadline of August 9, 2023. The property owner must pay by the deadline to avoid having their balance placed on their property tax bill in the fiscal year 2023-24.

Public Notice and Hearing:

Annually, the City Council must conduct a public hearing to consider placing the delinquent sewer charges on the County tax rolls. The public hearing to consider the final list of delinquent accounts is scheduled for July 18, 2023. Staff requests that the City Council authorize staff to

publish the notice of delinquent accounts per the California Government Code Section 6066.  
The expected publish dates are July 7, 2023, and July 14, 2023.

ATTACHMENTS:

- Attachment A – List of Delinquent Sewer Accounts
- Attachment B - Sample Letter

053-122-008-000	671.08
053-172-016-000	2,900.93
053-161-009-000	1,614.99
053-115-001-000	429.07
053-172-002-000	852.38
052-231-014-000	170.84
053-141-020-000	2,041.00
052-072-019-000	1,025.60
053-153-003-000	1,712.46
053-011-027-000	618.91
052-301-012-000	1,450.50
052-261-026-000	1,195.12
053-095-015-000	1,688.27
053-152-010-000	423.40
052-131-007-000	443.20
052-053-019-000	329.14
053-161-004-000	407.21
052-261-039-000	466.96
053-153-004-000	127.24
053-151-006-000	928.50
	<u>19,496.80</u>

675 Wildwood Avenue

Rio Dell, CA 95562

(707) 764-3532

(707) 764-5480 (fax)



July X, 2023

Customer Name

Customer Address

City, State, Zip

**RE: ACTION REQUIRED - NOTICE OF FINAL DUE DATE FOR DELINQUENT UTILITY CHARGES / PENDING SPECIAL ASSESSMENT AGAINST PROPERTY**

Dear Property Owner,

Our records indicate that the sewer account balance for your property has remained unpaid for more than ninety days (90) past the billing date. Pursuant to the Rio Dell Municipal Code Section 13.10.241-246, the City is instituting special assessment procedures to collect said delinquencies through the annual county property tax assessment process. Accordingly, the City Council has set July 18, 2023, at 6:30 pm, as the public hearing date for authorization to add to the property tax roll the amount of delinquent charges associated with the above-stated sewer account.

This is to notify you that your utility account was placed on a list of delinquent accounts presented to the City Council at the July 6, 2023, City Council meeting. Billing history indicates that this account has a past-due balance in the amount of \$XXX. The last day that payment may be made to avoid the placement of a lien against the property is Wednesday, August 9, 2023. Payment can be made by cash, check, or credit card. After that date, the charges will appear on the property tax bill and payment will not be accepted by the City. Additionally, these charges will accrue penalties and interest if they remain unpaid.

If you believe this information is incorrect, please contact the City of Rio Dell Utility Billing office at (707) 764-3532 or by visiting City Hall. Customer service is available to assist you Monday through Friday between 9:00 am- 4:30 pm.

Utility Billing

City of Rio Dell





## **Staff Highlights – 2023-07-08**

---

### **City Council**

#### **City Manager**

Attended an EQ debrief hosted by the County to discuss improvements to disaster response in the future.

Attended SCORE Board of Directors meeting on 6/23/23.

Elm Street water line repairs underway.

Met with representatives of CalFire to discuss the former "Todd Property" now owned by the State of California for the use of CalFire.

#### **City Clerk**

Processed Nine (9) Building Permit Applications  
375 Ogle Ave. – Sewer Lateral & Cleanout  
1110 Riverside Dr. – Re-Roof Residence  
770 Walnut Dr. – Earthquake Repairs  
745 Ireland Ave.- A & D – Foundation, Elec. & Plumbing (Earthquake Damage)  
169 Belleview Ave. – Perimeter Foundation (Earthquake Damage)  
3 Painter St. – Earthquake Retrofit - Foundation  
1165 Eeloa Ave. – Sewer Cleanout at Street  
371-375 Wildwood Ave. – Replace Storefront Windows  
371 Berkeley St. – Security Fencing at PG&E Substation

Processed One (1) Encroachment Permit Application:  
PG&E – Replace pole at Rigby & Davis St.

Misc.

Attended Long Term Recovery Group (LTRG) Zoom meeting on 6/22/23  
Attended SCORE WC Claims Management meeting via Zoom on 6/28/23  
Submitted U.S. Census Bureau Building Permit Report for June

#### **City Attorney**

#### **Human Resources, Risk & Training**

#### **Finance Department**

Work with City Attorney to update Ordinance relating to delinquent sewer bills



Work with utility billing staff updating and creating a list of accounts with delinquent sewer bills to send to county AC

Discussed framework for Clean CA Tire Amnesty Event in Rio Dell

Communicate with Caltrans regarding projects associated with road damage due to the December 2022 Earthquake event

Begin to update City of Rio Dell Agency QAP Renewal per Caltrans guidelines

Initiate PES (preliminary environmental study) to determine the types of technical studies needed for Caltrans road damage projects due to earthquake

Work with Rio Dell Police Department to initiate grant funding for CHP- CGU.

Assist cannabis business' with tax questions

Assist with the Façade Improvement Program application for 70 Wildwood Avenue

Created DIR # for Elm Street Water Line replacement project

Assist City Engineers to continue to work on Rio Dell Pedestrian Connectivity Project

Provide updates to CleanCA reps updating progress on grants

Submitted engagement letter for Audit Services for the upcoming Fiscal Year

Continue work on CDBG grant opportunity for Owner and Tenant Occupied Rehab

**Public Works Water**

**Public Works Wastewater**

**Public Works Streets, Buildings and Grounds**

**Public Works City Engineer**

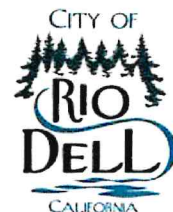
**Public Works Capital Projects**

**Police Department**

**Community Development Department**

**Intergovernmental**

**Humboldt-Rio Dell Business Park**



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

**TO:** Mayor and Members of the City Council  
**THROUGH:** Kyle Knopp, City Manager  
**FROM:** Karen Dunham, City Clerk  
**DATE** July 6, 2023  
**SUBJECT:** Letter of Support - US Department of Energy Grant  
Application for Solar/Battery Project

**RECOMMENDATION**

Discuss and consider authorizing Mayor to sign letter of support for a solar/battery project under the Department of Energy, Energy Improvement in Rural or Remote Areas Fixed Grant Program (DE-FOA-0003045)

**BACKGROUND AND DISCUSSION**

The Department of Energy is providing up to \$5 million per project in funding under the Energy Improvement in Rural or Remote Areas Fixed Award Grant Program.

Robert Wiener, H2 Humboldt provided a presentation to the City Council at the June 20, 2023 meeting on a solar/battery project they are proposing to do at the Humboldt/Rio Dell Business Park.

Consensus of the Council was to bring the item back at this meeting with the applicants providing additional information and a draft letter of support for Council consideration.

**ATTACHMENTS:**

Outline of potential benefits to City of Rio Dell  
Draft Letter of Support

To:  
City Of Rio Dell/City Council  
675 Wildwood Ave,  
Rio Dell, Ca 95562

To City Council Members:

At our first presentation, the majority of the Council members asked the question of how the POSH Electric project is of community benefit?

**Background:**

Although POSH Electric will be engaging in PG&E’s EGI Wholesale Distribution & Rule 21 Export applications, POSH also hopes to engage RCEA and/or Schatz Energy.

After watching the RCEA board meeting on June 22, 2023, it is obvious that RECA's and participating communities Climate Action Plan/ CAP although well intended, implementation is bogged down in bureaucratic deliberations, long term planning, and funding.

POSH Electric went to RCEA’s office a month ago and spoke with Mike Avcollie and he said that he would forward our information to Richard Engel. To this date no one from RCEA has reached out to POSH Electric.

RCEA states that they have Goals, Strategies, Objectives, but leave the Implementation Measures to each jurisdiction. \*\*\*See Below

In a letter to Keven Caldwell and Kyle Knopp on Tuesday 6/27/23 it was asked “if Rio Dell had any City owned properties for lease that would be suitable for our proposed project?”

The answer was, “None that I know of.”

Excerpts from the CAP....

<https://humboldt.gov/DocumentCenter/View/106404/Humboldt-Regional-CAP----Public-Review-Draft-4-7-22-PDF>

Quote; "Even in an unlikely hypothetical scenario where solar is installed on every roof in Humboldt County, rooftop solar could provide less than a third of Humboldt's electricity needs. **However, distributed generation across the grid is a key aspect of energy resilience.** RCEA also plans to develop a network of community microgrids and renewable energy back-up power systems to be installed at all critical facilities across the county by 2030. These distributed energy systems will help reduce GHG emissions, provide energy resiliency, and emergency energy supply."

EXECUTIVE SUMMARY:

"This Public Review Draft Humboldt Regional Climate Action Plan (CAP) is a collaborative effort between the County of Humboldt, City of Arcata, City of Blue Lake, City of Eureka, City of Ferndale, City of Fortuna, City of Rio Dell, and City of Trinidad to craft a regional approach for addressing the challenges of climate change. A regional approach leverages staff time and resources, making the overall effort less of a burden compared to each jurisdiction drafting a CAP from scratch. It also enables improved coordination which will maximize the effectiveness of GHG reduction measures and may prove useful in **securing grant funding.**"

"While the measures included in the CAP are geared towards reducing GHG emissions, many will also result in environmental or economic **"co-benefits,"** including improvements to public health."

\*\*\*"Local actions to reduce GHG emissions and adapt to climate change **require active and ongoing partnerships** between residents, businesses, the cities and County, and many other agencies and organizations in the region. Refinement and adoption of the CAP is an important step in a long series of local actions that have and will be taken toward reducing the effects of climate change."

"The State's Renewable Portfolio Standard (RPS) was established in 2006. **The RPS program requires sellers of electricity to provide renewable energy.** The initial goal of RPS was 20% renewable energy production by 2010. In 2018, the State adopted RPS goals of 60% renewable electricity by 2030 and 100% carbon-free electricity by 2045."

"The State's Renewable Portfolio Standard (RPS) puts California on a path toward 100% zero carbon electricity by 2045."





If this proposed property is leased for cannabis, it would become another "point source" for GHG pollution, instead of a "point source" for renewable energy.

If leased for cannabis, and the property is still considered a Brownfield, possible remediation might be necessary and it will also need copious amounts of fill. In all probability these issues would create a negative factor in leasing it.

The environmental benefits for Rio Dell are achieved by installing the solar PV array and battery storage on a previously designated Brownfield.

Something that should also be considered by the City Council when making this decision...

So here is my, Robert Wiener's, take on  
**Rio Dell's Benefits.**

1. Rio Dell will not receive any direct monetary benefit from this project other than receiving property taxes from proposed project land use. This would be the same for any other commercial or home property tax.
2. POSH will be utilizing land where a Brownfield was designated and is still being monitored. Possible additional remediation or capping of property along with copious amounts of fill make this property one of the more difficult properties to develop for cannabis.
3. Adoption of this project will offset electrical usage of over 200 + homes and/or some of the planned electrical usage in the Business Park.
4. Quote from the CAP: "These distributed energy systems will help **reduce GHG emissions, provide energy resiliency, and emergency energy supply.**"
5. This project will help Rio Dell with CAP & Re-Power goals of procuring only local renewable sources towards reducing GHG emissions putting Rio Dell ahead of the CAP goals. **Something Rio Dell can be proud of.**
6. Improvements to Public Health by the offset and reduction of GHG.
7. Economic benefits are in the fact that our project will use local professionals and trades contractors for buildout unless not available locally. Currently we have had many discussions with **GHD** and will be contracting with them for local representation and engineering needs.
8. POSH could possibly contract with the City of Rio Dell for maintenance of project upon completion of install, providing an additional income source for Rio Dell employee recruitment and retention....TBD

9. Will work with College of the Redwoods and Cal Poly Humboldt apprenticeship programs providing education for long term jobs for future generations.
10. Due to the recent commitments of **PG&E** to upgrade its transmission capacity to the Rio Dell Business Park, **now** is the time to submit the requests for necessary infrastructure needs to PG&E for the transmission of the power produced by our project.
11. This grant **requires no matching funds** from Rio Dell as most grants demand. POSH & GHD will be responsible for all permitting, supervision of construction, maintenance, and administration.

**Conclusion:**

**This is not the only project that we have in mind for the Rio Dell Business Park. It is only a start.**

As funding becomes available, in coordination with PG&E & Rio Dell, we intend to also deploy battery backup strategically placed in Rio Dell for grid resiliency.

On approval from the Council, POSH also hopes to utilize other properties in the Business Park to build a Hydrogen Producing facility that will be targeting long haul Commercial Transportation for FCEV trucking servicing Humboldt County from the south, local FCEV/ EV needs and early adoption of Rio Dell and Humboldt County FCEV and or EV vehicles. IE: Hydrogen and EV combination Fueling Station.

**Note:** The State of California is mandating the conversion of commercial fleets to EV or FCEV.

**Note:** Caltrans Traffic Survey states that in 2020 there were approximately 900 trucks coming north on 101 past the Humboldt County Line and truck traffic will in all likelihood increase when the Offshore Wind Farm and Nordic Fish farm projects get started.

Other project ideas being considered are closed loop Biomass to Hydrogen, Syngas, and Biochar production utilizing the local Dairy Farm manure thereby reducing the methane gas produced by the local dairy industry. Additional wood waste and food waste could also be considered as the technology that POSH intends to use will be a closed loop system keeping the emissions minimal to none...



These projected projects are going to require stable manpower for many years to come. Once deployed these projects are slated to stick around with 30-year extendable leases and will not depend upon the fluctuating cannabis market volatility.

In what was perceived as income producing surcharge tax on cannabis production, as the reality of the cannabis industry economics set in, the City of Rio Dell should be looking in ways to diversify the intended usage in the Rio Dell Business Park that will ultimately produce long term, stable, environmental, and economic diversity that will provide additional employment benefits to the Rio Dell Business Park and Community.

The POSH Electric project is in the pre-proposal stage; we are submitting a short pre-proposal before July 13,2023.

We at Posh Electric are by no means assured of this \$5,000,000.00 in grant funding but are already in open communication with the DOE Program and signed up with their 8 hours of consulting from National Renewable Energy Laboratory **NREL** regarding guidance on the application for this round of Grant Funding.

There are many other benchmarks that will need to be met and POSH Electric along with GHD hope to work closely with the City of Rio Dell, PG&E, and RCEA...

This request for the City of Rio Dell’s City Council’s **Letter of Support** is the only way that this application for the grant money can move forward.

POSH is also forwarding a pre-written **Letter of Support** for your review.

Thanking you for your considerations,  
Robert M Wiener  
Posh Electric & H2 Humboldt/Humboldt H2  
[robertw@h2humboldt.com](mailto:robertw@h2humboldt.com)  
707-601-7219

City Of Rio Dell/City Council  
675 Wildwood Ave,  
Rio Dell, Ca 95562

**Subject:** Letter of Support for the Proposed Rio Dell Solar Energy Generating Project

**To:** U.S. Department of Energy - Office of Clean Energy Demonstrations

As members of the Rio Dell City Council, we express our endorsement for the proposed Rio Dell Solar Energy Generating Project undertaken by Posh Electric. This project seeks to create a sustainable future for our community through the deployment of an under 1-megawatt solar photovoltaic energy facility and a 2-megawatt hour nameplate capacity lithium-ion (LFP) grid-scale battery storage plant.

The advantages to the City of Rio Dell and our constituents are manifold:

Reduction in Greenhouse Gas Emissions: This project will significantly contribute to the reduction of greenhouse gas emissions in line with our commitments under the Climate Action Plan (CAP) and will help us achieve our goals under the Re-Power Plan.

Local Energy Resilience and Emergency Supply: The project will add resilience to our local energy grid, providing a crucial supply of stored energy that can be tapped into during emergencies. It aligns well with the RCEA's intention to develop a network of community microgrids and renewable energy backup power systems to be installed at all critical facilities across Humboldt County by 2030.

Economic Co-Benefits: Local job creation during the construction phase and ongoing operations and maintenance will bring economic benefits to the community. Local professionals, trades contractors, and city maintenance staff will be hired for this project, thus contributing to local economic development.

Environmental Restoration: The location for this project is a designated Brownfield site, which will undergo further remediation and environmental restoration, enhancing the aesthetics and environmental value of the area.

Contribution to State and Regional Goals: The State's Renewable Portfolio Standard (RPS) aims for 60% renewable electricity by 2030 and 100% carbon-free electricity by 2045. Our project aligns with these targets and provides a model for other communities across the state.

Educational Opportunities: This project creates opportunities for partnerships with institutions like the College of the Redwoods and Cal Poly Humboldt, fostering an educational environment that equips future generations with skills in renewable energy technologies.

Our support for this project is based on its environmental and economic advantages and our shared vision for a sustainable and resilient community. Posh Electric has shown dedication and commitment towards this vision, making them a valued partner in this endeavor.

We believe in the viability and the long-term benefits of the Rio Dell Solar Energy Generating Project, and we support the application for grant funding through the Energy Improvement in Rural or Remote Areas Fixed Award Grant Program. It is our hope that this project will serve as a model for renewable energy production and storage, playing a significant role in our transition to a sustainable future.

We thank you for considering our endorsement in your evaluation of this project.

Best Regards,

[Name]  
[Position]  
Rio Dell City Council

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



DATE: July 6, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Travis Sanborn, Finance Director

THROUGH: Kyle Knopp, City Manager

SUBJECT: Second Reading, Approval, and Adoption of Ordinance 399-2023 Amending Ordinance 335-2015, Chapter 13.10, Section 241 And Adding Chapter 13.10, Sections 242-246 Property Tax Liens for Nonpayment of Delinquent Sewer Bills for Customers that do not Subscribe to Water Service and a Means of Collecting the Delinquent Charges on the Property Tax Bill

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Receive a brief presentation regarding the proposed amendments; and
2. Open the public hearing, receive public input, and deliberate; and
3. Approve and Adopt Ordinance No. 399-2023 Amending Ordinance 335-2015, Chapter 13.10, Section 241 And Adding Chapter 13.10, Sections 242-246 Property Tax Liens for Nonpayment of Delinquent Sewer Bills for Customers that do not Subscribe to Water Service and a Means of Collecting the Delinquent Charges on the Property Tax Bill

BACKGROUND AND DISCUSSION:

As reported at your meeting on June 20, 2023, City staff is looking to amend Ordinance No. 335-2015, published as Rio Dell Municipal Code Section 13.10.241, to allow the City to send delinquent sewer charges to the auditor-controller to add them to the tax roll as a lien.

The proposed Ordinance Amendment includes reference to the Health and Safety Code §§ 5473 through 5473.7. Health and Safety Code § 5473 allows a city to send overdue sewer charges to the Auditor-Controller. The statute states that a city “may have such charges collected on the tax roll in the same manner, by the same persons, and at the same time as, together with

and not separately from, its general taxes.” The inclusion of the amendment by the City would conform to such Health and Safety Code, thus allowing City to submit overdue sewer charges to the Auditor-Controller so long as City follows the protocol laid out in the Health and Safety Code.

Health and Safety Code § 5473 allows the collection of overdue sewer charges through taxes. In order to do so, the following steps must be followed:

1. The City must prepare a written report each year and file it with the clerk, which must contain a description of each parcel of property receiving the services and the amount of the charge for each parcel for the year. Description of the parcels may be made either by referencing maps prepared in accordance with Section 327 of the California Revenue and Taxation Code, and also on file in the office of the County Assessor, or by reference to plats or maps on file in the office of the clerk.
2. Next, upon preparing and filing the written report, City must give notice and hold a hearing regarding the delinquencies.
3. The clerk must give notice of the filing of the written report and of a time and place of hearing, to be published pursuant to Section 6066 of the Government Code prior to the date set for the hearing, in a newspaper of general circulation printed and published within the City, if such newspaper exists, and if not, then notice must be published in a newspaper printed and published within Humboldt County.
4. Before collecting charges on the tax roll, the clerk shall cause notice in writing of the filing of the written report, proposing to have such charges for the next fiscal year collected on the tax roll and of the time and place of the hearing, to be mailed “to each person to whom any parcel or parcels of real property described in said report is assessed in the last equalized assessment roll available on the date said report is prepared, at the address shown on said assessment roll or as known to said clerk. If the legislative body adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as herein provided shall be adequate.” (*Id.* at § 5473.1)
5. During the hearing, the City must hear and consider all objections or protests to the written report referred to in the notice. If the City finds that the protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel of land. (*Id.* at § 5473.2)
6. Upon conclusion of the hearing, the City may adopt, revise, change, reduce, or modify and charge or overrule any or all objections and shall make its determination upon each charge as described in the written report, which determination shall be final.
7. On or before August 10 of each year following the final determination, the clerk shall file with the county auditor a copy of the report prepared pursuant to Section 5473 with a

statement endorsed on the report over their signature that the report has been finally adopted by the legislative body and the county auditor shall enter the amounts of the charges against the lots or parcels in question as they appear on the current assessment roll. If the property is not described on the roll, the county auditor may enter the description on the roll together with the amounts of the charges as shown in the report.

The City's proposed amendment would allow the City to send overdue sewer charges as liens to the Humboldt County Auditor-Controller, so long as they include the assessment protocol and, after the ordinance is amended, prepare and file a written notice and hold a hearing regarding the notice and delinquencies, following protocol found at California Health and Safety Code §§ 5473 through 5473.7.

ATTACHMENTS:

Ordinance No. 399-2023: Amending Ordinance 335-2015, Chapter 13.10, Section 241  
And Adding Chapter 13.10, Sections 242-246 Property Tax Liens for Nonpayment of Delinquent Sewer Bills for Customers that do not Subscribe to Water Service and a Means of Collecting the Delinquent Charges on the Property Tax Bill



ORDINANCE NO. 399-2023



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING ORDINANCE 335-2015, CHAPTER 13.10, SECTION 241  
AND ADDING CHAPTER 13.10, SECTIONS 242-246  
PROPERTY TAX LIENS FOR NONPAYMENT OF DELINQUENT  
SEWER BILLS FOR CUSTOMERS THAT DO NOT SUBSCRIBE  
TO WATER SERVICE AND A MEANS OF COLLECTING  
THE DELINQUENT CHARGES ON THE PROPERTY TAX BILL

**WHEREAS**, the City of Rio Dell Municipal Code Section 13.10.240 provides that the Department of Public Works has the right to discontinue water service to any customer that is delinquent in the payment of their sewer bill, and

**WHEREAS**, there is no provision in the City of Rio Dell Municipal Code to discontinue sewer service to a customer that is delinquent in the payment of their bill, but does not subscribe to City water service, and

**WHEREAS**, the City of Rio Dell needs an incentive and procedure to affect the collection of delinquent sewer bills from customers that use sewer services, but are habitually delinquent in paying for the service with no consequence, and

**WHEREAS**, Government Code Section 54348 provides for the maximum penalty for delinquent utility services, and

**WHEREAS**, Government Code Sections 54354-54357 gives local agencies the authority to place a lien on a property for delinquent utility charges and penalties, and

**WHEREAS**, Health and Safety Code Sections 5473-5473.7 authorizes the City of Rio Dell to submit overdue sewer charges to the auditor-controller.

**NOW, THEREFORE, BE IT RESOLVED**, that Ordinance No. 399-2023 amends Ordinance 335-2015, Chapter 13.10, Section 241 of the Rio Dell Municipal Code regarding the establishment of property tax liens for nonpayment of delinquent sewer bills for customers that do not subscribe to water service, and provides a means of collecting delinquent charges on the property tax bill.

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

ADDING sections 13.10.242, 13.10.243, 13.10.244, 13.10.245, 13.10.246 as follows:

**13.10.242 Tax roll collection – Authority – Alternative method.**

A. When the city elects to use the tax roll on which general city taxes are collected for the collection of current or delinquent sewer service charges, proceedings therefor shall be had as now or hereafter provided therefor in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

B. The powers authorized by this section shall be alternative to all other powers of the city and alternative to procedures adopted by the council thereof for the collection of such charges.

**13.10.243 Tax roll collection – Report and notice.**

A. A written report shall be prepared and filed with the city clerk which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming year computed in conformity with the charges prescribed by this chapter.

B. The city clerk shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for the hearing published in a newspaper of general circulation, printed and published within Humboldt County. Prior to such hearing for the first time, the city clerk shall mail a notice in writing of the filing of the first report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any part or parcel of real property described in the report is assessed in the last equalized assessment roll on which general city taxes are collected, at the address shown on the roll or as known to the city clerk.



**13.10.244 Tax roll collection – Hearing and determination.**

A. At the time of the hearing, the council shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time.

B. Upon the conclusion of the hearing on the report, the council will adopt, revise, change, reduce, or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination shall be final.

**13.10.245 Tax roll collection – Filing of report with county auditor.**

On or before the tenth day of August in each year following the final determination of the council, the city clerk shall file with the auditor a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the council of the city, and the auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

**13.10.246 Tax roll collection – Parcels not in city or not on roll.**

A. Where any such parcels are outside the boundaries of the city, they shall be added to the assessment roll of the entity for the purpose of collecting such charges.

B. If the property is not described on the roll, the auditor shall enter the description thereon together with the amounts of the charges, as shown on the report.

**I HEREBY CERTIFY** that the foregoing Amendments were duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 20, 2023, and furthermore were passed, approved, and adopted at a regular meeting of the City Council of the City of Rio Dell on the 6<sup>th</sup> day of July 2023 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

\_\_\_\_\_  
Debra Garnes, Mayor

**ATTEST:**

I, Karen Dunham, City Clerk of the City of Rio Dell, State of California, hereby certify the above and forgoing to be a full, true, and correct copy of Ordinance No. 399-2023 adopted by the City Council of the City of Rio Dell on July 6, 2023.

\_\_\_\_\_  
Karen Dunham, City Clerk, City of Rio Dell



---

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

July 8, 2023

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: First Reading of Ordinance No. 400-2023 Regarding the Regular City Council Meeting Start Times.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Continue reading of Ordinance No. 400-2023 to the Council’s regularly scheduled meeting on July 18, 2023 for possible adoption.

BACKGROUND AND DISCUSSION

The Rio Dell City Council has scheduled 6:30p.m. start times for its regularly scheduled twice-monthly meetings since well before the year 2000. Discussion on this start time was initiated by staff and it was directed by the Council on June 20, 2023 for an amendment to Rio Dell Municipal Code be drafted that would move the start time of the meetings from 6:30p.m. to 6:00p.m.

No other changes are being proposed or recommended at this time. Under state law the Ordinance would not come into effect until 30 days after the final reading and adoption and if adopted on July 20, 2023 would begin to be implemented for the Regular City Council Meeting of September 5, 2023.

///

## ***Ordinance Changes***

---

### ***2.05.010 Time of meetings.***

*The City Council shall regularly meet on the first and third Tuesdays of each and every month at the hour of ~~6:30 p.m.~~ 6:00p.m.*

### ***2.10.160 Meeting guidelines and procedures.***

*(2) Meeting Dates and Location. Consistent with Chapter [2.05](#) RDMC, regular meetings of the City Council shall be held on the first and third Tuesdays of every month, commencing at ~~6:30 p.m.~~ 6:00p.m. in the City Hall Council Chambers, 675 Wildwood Avenue, Rio Dell.*



**ORDINANCE NO. 400-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING SECTIONS 2.05.010 & 2.10.160 OF THE RIO DELL  
MUNICIPAL CODE PERTAINING TO CITY COUNCIL REGULAR  
MEETINGS TIME OF MEETINGS**

**WHEREAS**, the City of Rio Dell Municipal Code Sections 2.05.010 and 2.10.160 of the City of Rio Dell (“City”) Municipal Code establishes City Council meeting times; and;

**WHEREAS**, the City desires to reduce reduce the frequency of Regular Meetings of the City Council of the City of Rio Dell from continuing late into the night, and;

**WHEREAS**, the current meeting time of 6:30p.m. is one of the latest starting public meetings in Humboldt County; and,

**WHEREAS**, the City believes that by moving the regular City Council Meetings from 6:30p.m. to 6:00p.m. a greater level of convenience will be experienced by the general public, Councilmembers and staff in their attendance of Regular City Council Meetings.

**NOW, THEREFORE, BE IT RESOLVED**, that Ordinance No. 400-2023 amends Title 2, Chapter 5, Section 10 of the Rio Dell Municipal Code regarding Regular Meeting Times of the Rio Dell City Council is hereby amended as follows:

***2.05.010 Time of meetings.***

*The City Council shall regularly meet on the first and third Tuesdays of each and every month at the hour of 6:00 p.m.*

**BE IT FURTHER RESOLVED**, that Ordinance No. 400-2023 amends and Title 2, Chapter 10, Section 160 of the Rio Dell Municipal regarding Regular Meeting Times of the Rio Dell City Council is hereby amended as follows:

***2.10.160 Meeting guidelines and procedures.***

*(2) Meeting Dates and Location. Consistent with Chapter 2.05 RDMC, regular meetings of the City Council shall be held on the first and third Tuesdays of every month, commencing at 6:00 p.m. in the City Hall Council Chambers, 675 Wildwood Avenue, Rio Dell.*

**I HEREBY CERTIFY** that the foregoing Amendments were duly introduced at a regular meeting of the City Council of the City of Rio Dell on July 8, 2023, and furthermore were passed, approved, and adopted at a regular meeting of the City Council of the City of Rio Dell on the 18<sup>th</sup> day of July 2023 by the following vote:

- Ayes:
- Noes:
- Abstain:
- Absent:

\_\_\_\_\_  
Debra Garnes, Mayor

**ATTEST:**

I, Karen Dunham, City Clerk of the City of Rio Dell, State of California, hereby certify the above and forgoing to be a full, true, and correct copy of Ordinance No. 400-2023 adopted by the City Council of the City of Rio Dell on July 18, 2023.

\_\_\_\_\_  
Karen Dunham, City Clerk, City of Rio Dell