



**RIO DELLCITY COUNCIL AGENDA**  
**CLOSED SESSION – 5:00 P.M.**  
**REGULAR MEETING - 6:00 P.M.**  
**TUESDAY, AUGUST 20, 2024**  
City Council Chambers  
675 Wildwood Avenue, Rio Dell

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*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)**

City Council meetings are held in City Hall Council Chambers to in-person attendance by the public. The public may also attend these meetings virtually through Zoom. The meetings will also be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink (Optimum) 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. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**

1. 2024/0820.01 - **Public Employee Performance Evaluation** Title: Chief of Police – Gov’t Code §54957
2. 2024/0820.02 - **Conference with Legal Counsel – Anticipated Litigation** Significant exposure to litigation–Pursuant to §54956.9(b) One potential case

**D. PUBLIC COMMENT REGARDING CLOSED SESSION**

**E. RECESS INTO CLOSED SESSION**

**F. RECONVENE INTO OPEN SESSION**

**G. ORAL ANNOUNCEMENTS**

**H. PLEDGE OF ALLEGIANCE**

**I. CEREMONIAL MATTERS**

**J. PUBLIC PRESENTATIONS**

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

**K. CONSENT CALENDAR**

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

1. 2024/0820.03 - Approve Minutes of the August 6, 2024 Regular Meeting **(ACTION)** - Pg. #4
2. 2024/0820.04 - Adopt Resolution 1616-2024 Approving the Revised Gann Appropriations Limit for Fiscal Year 2024-25, rescinding Resolution No. 1607-2024 **(ACTION)** - Pg. #10
3. 2024/0820.05 - Adopt Resolution 1617-2024 Amending Resolution 1281-2015 Establishing Water Fees and Charges for Water Customers Pursuant to Chapter 13.05 of the Rio Dell Municipal Code (RDMC) **(ACTION)** - Pg. #17
4. 2024/0820.06 - Confirm Appointment of Sergeant Landry as Interim Chief of Police **(ACTION)** - Pg. #20

- [5.](#) 2024/0820.07 - Approve Contract with Kelly O’Hearn Associates for Land Surveying Services in the amount of \$30,300 for the Painter St. Sewer Upsizing Project **(ACTION)** - Pg. #21
- [6.](#) 2024/0820.08 - Authorize the City Manager to Sign on Behalf of the City of Rio Dell an Amended Agreement for Cable/Video Services with Access Humboldt **(ACTION)** - Pg. #24
- [7.](#) 2024/0820.09 - Approve Resolution 1618-2024 to authorize the reimbursement of expenditures related to the Water System Project **(ACTION)** - Pg. #45
- [8.](#) 2024/0820.10 - Approve Letter Supporting SB 620 Re: Low Impact Camping Areas **(ACTION)** - Pg. #49
- [9.](#) 2024/0820.11 - Receive & File Check Register for July - Pg. #57

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

**M. REPORTS/STAFF COMMUNICATIONS**

- [1.](#) 2024/0820.12 - City Manager/Staff Update **(RECEIVE & FILE)** - Pg. #62

**N. SPECIAL PRESENTATIONS/STUDY SESSIONS**

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

- [1.](#) 2024/0820.13 - Discuss Possible Ordinance Change Banning the Sale, Provision or Distribution of Nitrous Oxide within the City limits **(DISCUSSION/POSSIBLE ACTION)** - Pg. #68
- [2.](#) 2024/0820.14 - Spay and Neuter Voucher Program **(DISCUSSION/POSSIBLE ACTION)** - Pg. #72

**P. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

- [1.](#) 2024/0820.15 - Second reading(by title only) and Adoption of Ordinance 405-2024 Amending the Rio Dell Municipal Code (RDMC) to Amend Chapter 15.05 “Construction Codes” to Establish Construction Activity Noise Regulations and Chapter 2.60 Planning Commission Regulations of the Rio Dell Municipal Code (RDMC) to elect the Chair and vice-Chair on a bi-annual Basis **(DISCUSSION/POSSIBLE ACTION)** - Pg. #75
- [2.](#) 2024/0820.16 - Second Reading (by title only) and Adoption of Ordinance 406-2024 Amending Chapter 13.10, “Sewer Rates and Regulations”, Sections 13.10.170, 13.10.210, 13.10.220 and 13.10.467 of the Rio Dell Municipal Code (RDMC) **(DISCUSSION/POSSIBLE ACTION)** - Pg. #84

**Q. COUNCIL REPORTS/COMMUNICATIONS**

**R. ADJOURNMENT**

*The next regular City Council meeting is scheduled for  
**Tuesday, September 3, 2024 at 6:00 P.M.***

**RIO DELL CITY COUNCIL  
REGULAR MEETING MINUTES  
AUGUST 6, 2024**

The regular meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Pro Tem Carter.

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

Absent: Mayor Garnes and Councilmember Woodall (excused)

Others Present: City Manager Knopp, Finance Director Sanborn, Interim Chief of Police Conner, Wastewater Superintendent Kelly, Community Development Director Caldwell, Senior Fiscal Assistant Maciel, and City Clerk Dunham

Absent Water/Roadways Superintendent Jensen

**PUBLIC PRESENTATIONS**

Mayor Pro Tem Carter invited public comment on non-agenda matters. No public comment was received.

**CONSENT CALENDAR**

Mayor Garnes asked if any councilmember, staff or member of the public would like to remove any item from the consent calendar for a separate discussion. No items were removed.

A motion was made by Orr/Wilson to approve the consent calendar including the following items:

- 1) Minutes of the July 16, 2024 Regular meeting;
- 2) Minutes of the July 31, 2024 Special meeting;
- 3) Resolution No. 1612-2024 and 1613-2024 Related to Administration and Examination of the City's (0.75%) Transaction and Use (Sales) Tax;
- 4) Resolution No. 1615-2024 Approving an Amendment to the City of Rio Dell Employee Handbook Related to Jury Duty;
- 5) Authorizing staff to amend the Agreement with Redwood Community Action Agency for Non-Infrastructure Work Related to the Eel River Trail Project;
- 6) Authorizing Staff to Periodically Close Vehicular River Access at Edwards Drive through December 2024; and
- 7) Authorizing Amendment to the Scope of Services with City Engineer, GHD in the amount of \$11,500 for the Eel River Trail Project

Motion carried 3-0.

**REPORTS/STAFF COMMUNICATIONS**

**AUGUST 6, 2024 MINUTES**  
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City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and said that the elections office will be opening an in-person voting center in Rio Dell at the Monument Middle School for the upcoming November election. The voting center will be open for four (4) days beginning on Saturday, November 2, 2024 through election day on November 5, 2024. Any registered voter, in or out of Rio Dell can vote at the center and said that the elections office is seeking volunteers to operate the voting center.

He said that a news article entitled *“CalFire is Planning to Move its North Coast Headquarters to Rio Dell, So Why Are City Officials Worried?”* on the *Lost Coast Outpost* and encouraged everyone to read the article.

Mayor Pro Tem Carter asked Interim Chief Conner how Wildwood Days went from a police perspective.

Interim Chief Conner reported that the event was very calm and had no incidents to report.

**ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Introduction and First Reading (by title only) of Ordinance No. 405-2024 amending the Rio Dell Municipal Code (RDMC) Chapter 15.05 “Construction Codes” to establish construction activity noise regulations and Chapter 2.60 Planning Commission regulations to elect the Chair and Vice-Chair on a bi-annual basis

Community Development Director Caldwell provided a staff report recommending approval of two minor text amendments to the Rio Dell Municipal Code (RDMC).

The first amendment was related to construction noise and hours of construction. He said that currently there is nothing in the RDMC regarding allowed hours and days of construction and staff has on occasion received calls from contractors and neighbors questioning noise regulations for construction.

The recommended language would restrict construction activity from 7:00 a.m. to 6:00 p.m. Monday through Friday with no work permitted on Saturday unless prior written approval is granted by the Chief Building Official. No construction activity would be allowed on Sunday or recognized holidays. If there are exceptions allowed to work on a Saturday, they would be required to post it on the construction site.

He said that based on his review of other city ordinances up and down the State, 7:00 a.m. to 6:00 p.m. seemed to be the most common times for construction activity.

The second amendment was related to the election of Planning Commission Chair and Vice-Chair. The current regulations require that the election be held each January. Staff

**AUGUST 6, 2024 MINUTES**  
**Page 3**

discussed the current election requirements with the Planning Commission and the consensus was to modify the language to elect the Chair and Vice-Chair every other year in January or as soon thereafter.

Mayor Pro Tem Carter opened the public hearing to receive public input on the proposed test amendments.

**Sharon Wolfe** addressed the Council and expressed strong opposition to the construction noise provisions as recommended. She said that limiting hours of construction to Monday through Friday would prohibit homeowners from doing repairs on weekends and pointed out that people are still in the process of doing home repairs from the earthquake.

She said that the County of Humboldt attempts to define construction noise in their General Plan but Rio Dell's code simply says that no construction activity can occur earlier than 7:00 a.m. or later than 6:00 p.m. Monday through Friday which is when people get home from work and still have a couple of hours to get work done. She commented that prohibiting any construction work on weekends is absolutely unnecessary and unreasonable for homeowners that are trying to repair homes with very little assistance. She added that she doesn't believe there is a citywide problem to justify the noise provision and certainly not a construction ban. She said that there are all kinds of reasons why the proposed provisions are insufficient and need to be defined.

In addition, the current penalty language is up to \$1,000 so people trying to repair their earthquake damage without quitting their day job could incur that fine. She noted that she personally likes to hear construction going on in the City which means that things are finally getting done after the earthquake.

There being no further public comment, Mayor Pro Tem Carter called for questions or comments from the Council.

Councilmember Orr agreed with Sharon Wolfe and said that he likes to do things to his home at different times and without clarification of what type of construction can occur the language is too vague. He said that construction can include anything from home modifications, to crafts or gardening and said that he uses a Bob Cat to do landscaping at his home which he can only do on Saturday or after 6:00 p.m. He agreed whole-heartedly that the language needs more clarity.

Councilmember Wilson agreed with the recommended language for general contractors but not for homeowners because it is a whole different thing. He suggested there be language to protect homeowners.

Mayor Pro Tem Carter agreed that the language should be clear regarding restrictions for contractors versus homeowners and to define construction noise.

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Community Development Director Caldwell agreed that these are valid concerns and suggested as an alternative that the language be modified to allow construction noise from 7:00 a.m. to dusk Monday through Saturday or Monday through Sunday and have an exemption for homeowner activity.

Councilmember Orr asked what the time limitations are in other jurisdictions.

Community Development Director Caldwell indicated that most restrict construction noise from 7:00 a.m. to 6:00 p.m. and some allow noise up to 8:00 p.m. He agreed that in the summer time, it stays light to almost 9:30 p.m. allowing people to be working outside.

The consensus of the Council was to modify the language to allow construction noise from 7:00 a.m. to dusk seven days a week.

Community Development Director Caldwell agreed to modify the ordinance and bring it back to the Council at the next meeting on August 20, 2024.

Introduction and First Reading (by title only) of Ordinance No. 406-2024 Amending Chapter 13.10, "Sewer Rates and Regulations", Sections 13.10.170, 13.10.210, 13.10.220 and 13.10.467 of the Rio Dell Municipal Code (RDMC)

Wastewater Superintendent Kelly provided a staff report recommending approval of amendments to the Sewer Rates and Regulations to clarify the language related to shared sewer laterals, sewer connections, installation of sewer cleanouts and backflow devices, and sewer lateral testing requirements at the sale or transfer of property.

She noted that the ordinance is presented for its first reading (by title only) and said that the City Attorney reviewed the ordinance and approved the ordinance as amended.

Councilmember Wilson asked if the homeowner is responsible for the sewer lateral from the house to the street.

Wastewater Superintendent Kelly confirmed that to be correct.

Councilmember Orr mentioned sewer laterals serving two or more parcels and asked if this now becomes a homeowner problem with approval of the amendments.

Wastewater Superintendent Kelly explained that when someone is selling their home and this occurs, the lateral test won't pass when they are connected to their neighbor's lateral. This revised language will clarify the responsibility of the homeowner.

Councilmember Orr asked if this requirement would only be enforced when a property sells rather than the staff going out looking for these shared laterals.

Wastewater Superintendent Kelly clarified that it would only occur when someone is selling their property and the lateral test fails due to a shared lateral.

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Councilmember Wilson mentioned houses on higher elevations where laterals run across the back yards of properties to connect to the main.

Wastewater Superintendent Kelly reiterated that when a property owner attempts to sell their home and discover during the lateral test that they are connected with the neighbors lateral they could plug off the connection to pass the test and not necessarily replace their lateral.

Mayor Pro Tem Carter opened the public hearing to receive public input on the proposed amendments to the Sewer Regulations. There being no public comment. the public hearing closed.

Motion was made by Orr/Wilson to approve the introduction and first reading (by title only) of Ordinance No. 406-2024 amending chapter 13.10, "Sewer Rates and Regulations", Sections 13.10.170, 13.10.210, 13.10.220, and 13.10.467 and to continue consideration, approval and adoption of the proposed Ordinance to the meeting of August 20, 2024 for the second reading and adoption. Motion carried 3-0.

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Wilson reported that Humboldt Waste Management Authority (HWMA) meetings are not held in the months of August or December but he would be attending a Redwood Coast Energy Authority (RCEA) meeting later in the month.

Councilmember Orr reported that he would be attending an HCAOG meeting this month. He commented that this year's Wildwood Days event was really nice and that the Police Department did a great job reining it in.

Mayor Pro Tem Carter thanked the Rio Dell Volunteer Fire Department, the Rio Dell Chamber of Commerce, the Rio Dell Police Department, City staff, and everyone that helped to make Wildwood Days a big success. She said that this is one weekend a year where people can come together and celebrate how much they love living in Rio Dell. She thanked the community for not allowing any trash build up around town.

She reported that this Thursday she would be attending a Fire Board meeting and a School Board meeting.

She also announced that Proper Wellness scheduled another citywide cleanup event for Friday from 3:30 to 5:30 and invited volunteers to meet at Proper Wellness if they would like to help and get entered into a drawing for a \$100.00 gift card for Proper Wellness.

She said that the Parks Master Plan Survey went live online and paper copies of the survey would be out tomorrow throughout town. The purpose of the survey is to gauge the community's input on what people would like to see for future city owned parks. She encouraged everyone to go online and complete the survey.

**AUGUST 6, 2024 MINUTES**  
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Councilmember Orr said that he had a chance to talk to one of the old-timers in town that said that Wildwood Days was moving in the right direction compared to Wildwood Days events in the past.

Councilmember Wilson agreed that the event is more family oriented than it was in past years.

**ADJOURNMENT**

A motion was made by Orr/Wilson to adjourn the meeting at 6:30 p.m. to the August 20, 2024 regular meeting. The motion carried 3-0.

\_\_\_\_\_  
Amanda Carter, Mayor Pro Tem

Attest:

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

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



DATE: August 20, 2024  
TO: Honorable Mayor and Members of the City Council  
FROM: Travis Sanborn, Finance Director  
THROUGH: Kyle Knopp, City Manager  
SUBJECT: Resolution No. 1616-2024 Approving the Revised Gann Appropriations Limit for Fiscal Year 2024-25, Rescinding Resolution 1607-2024

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Adopt Resolution 1616-2024, approving the City of Rio Dell Gann Appropriation Limit for fiscal year (FY) 2024-25 and Rescinding Resolution 1607-2024.

BACKGROUND AND DISCUSSION:

Voters approved Proposition 4, also commonly known as the Gann Initiative, in November of 1979 adding Article XIII B to the California Constitution. The Gann Initiative placed limits on the growth of expenditures for all public agencies. Division 9 of Title 1, Sections 7900-7914 of the Government Code were added to establish the process for calculating state and local agency appropriations limits and appropriations subject to limitation under Article XIII B of the California Constitution. These constitutional and statutory sections explain and define the appropriations limit and appropriations subject to limitation as they apply to state and local agencies and require that each entity of government formally adopt its appropriations limit each fiscal year. The calculations used to determine the City’s appropriations limit and the resolution adopting the limit are attached.

The Gann Appropriations Limit for the City of Rio Dell is:

|                                                    |                     |
|----------------------------------------------------|---------------------|
| FY 2024-25 Gann Appropriations Limit:              | \$ 1,644,319        |
| <u>City of Rio Dell’s Amount Subject to Limit:</u> | <u>\$ 1,484,125</u> |
| Amount Under Limit:                                | \$ 160,194          |

A jurisdiction may not exceed the appropriations limit unless there is a declared emergency and the funds are used for that purpose. By majority approval, the voters of a jurisdiction may increase the appropriations limit. The voter-approved override may not exceed four years.

ATTACHMENTS:

- Resolution 1616-2024 Approving Gann Limit
- City of Rio Dell FY 2024-25 Gann Limit Worksheet
- California Department of Finance Price Factor and Population Information

| <b>Appropriations Subject to Limitation City of Rio Dell<br/>                     FY 2024-25 Gann Limit Worksheet</b> |                                                                   |           |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------|
| a)                                                                                                                    | FY 2023-24 Appropriations Limit (prior year)                      | 1,604,686 |
|                                                                                                                       | Calculation of FY 2022-23 Appropriations Limit                    |           |
|                                                                                                                       | Annual Adjustment Factors:                                        |           |
| b)                                                                                                                    | Per Capita Personal Income                                        | 3.62%     |
| c)                                                                                                                    | City of Rio Dell Population Change OR                             | -1.49%    |
| d)                                                                                                                    | Humboldt County Population Change (whichever is greater)          | -1.11%    |
| e)                                                                                                                    | Calculation: $(1 + .0362) \times (1 - .0111) =$                   | 1.0246982 |
| f)                                                                                                                    | FY 2024-25 Appropriations Limit (a x e)                           | 1,644,319 |
| g)                                                                                                                    | FY 2024-25 Estimated Tax Proceeds Subject to Appropriations Limit |           |
|                                                                                                                       | Property Taxes                                                    | 150,375   |
|                                                                                                                       | Property Tax In Lieu VLF                                          | 456,250   |
|                                                                                                                       | Sales & Use Taxes                                                 | 640,000   |
|                                                                                                                       | Transient Occupancy Taxes                                         | 20,000    |
|                                                                                                                       | Transfer Taxes                                                    | 7,500     |
|                                                                                                                       | Business License Taxes                                            | 10,000    |
|                                                                                                                       | Cannabis Tax                                                      | 250,000   |
|                                                                                                                       | Total Tax Proceeds Subject To Limit (sum of g)                    | 1,534,125 |
|                                                                                                                       | FY 2024-25 Expenditures Exempt From Limit                         |           |
|                                                                                                                       | City Hall Improvements                                            | 50,000    |
| h)                                                                                                                    | Total Expenditures Exempt From Limit                              | 50,000    |
| i)                                                                                                                    | FY 2024-25 Appropriations Subject To Limit (g - h)                | 1,484,125 |
| j)                                                                                                                    | Under (Over) Limit (f - i)                                        | 160,194   |



**RESOLUTION NO. 1616-2024  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF RIO DELL  
ESTABLISHING THE GANN APPROPRIATIONS LIMIT  
FOR FISCAL YEAR 2024-25, RESCINDING RESOLUTION  
1607-2024**

**WHEREAS**, the voters of the State of California in November 1979 approved Proposition 4, commonly known as the Gann Initiative, which added Article XIII B to the California Constitution; and

**WHEREAS**, the provisions of that Article establish maximum appropriation limits, commonly called the “Gann Limits,” for public agencies, including California cities; and

**WHEREAS**, the City must establish a projected Gann Limit for the 2024-25 fiscal year in accordance with the provisions of Article XIII B and applicable statutory law;

**NOW, THEREFORE BE IT RESOLVED**, the City Council of the City of Rio Dell hereby adopts the Gann Appropriations limit of \$1,644,319 for fiscal year (FY) 2024-25 and declares that the applicable appropriations in the Budget for FY 2024-25 do not exceed the limit.

**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 20th day of August 2024 by the following vote:

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

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

ATTEST:

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



Gavin Newsom ■ Governor

1021 O Street, Suite 3110 ■ Sacramento CA 95814 ■ www.dof.ca.gov

April 30, 2024

Dear Fiscal Officer:

**Price Factor and Population Information**

**Appropriations Limit**

California Revenue and Taxation Code section 2227 requires the Department of 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, 2024, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2024-25. Attachment A provides the change in California's per capita personal income and an example for utilizing the factors to calculate the 2024-25 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. 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. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. 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 requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

**Population Certification**

The population certification program applies only to cities and counties. California 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, 2024.** Please note: The prior year's city population estimates may be revised. The per capita personal income change is based on historical data.

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

/s Richard Gillihan

RICHARD GILLIHAN  
Chief Operating Officer

Attachment

May 2024

Attachment A

- 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 fiscal year 2024-25 appropriation limit is:

| Per Capita Personal Income |                                   |
|----------------------------|-----------------------------------|
| Fiscal Year (FY)           | Percentage change over prior year |
| 2024-25                    | 3.62                              |

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2024-25 appropriation limit.

**2024-25:**

Per Capita Cost of Living Change = 3.62 percent  
 Population Change = 0.17 percent

Per Capita Cost of Living converted to a ratio:  $\frac{3.62 + 100}{100} = 1.0362$

Population converted to a ratio:  $\frac{0.17 + 100}{100} = 1.0017$

Calculation of factor for FY 2024-25:  $1.0362 \times 1.0017 = 1.0379$

Fiscal Year 2024-25

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2023 to January 1, 2024 and Total Population, January 1, 2024**

| County<br>City      | <u>Percent Change</u> | <u>--- Population Minus Exclusions ---</u> |                | <u>Total</u>   |
|---------------------|-----------------------|--------------------------------------------|----------------|----------------|
|                     | 23-24                 | 1-1-23                                     | 1-1-24         | 1-1-24         |
| <b>Humboldt</b>     |                       |                                            |                |                |
| Arcata              | -1.54                 | 18,830                                     | 18,540         | 18,540         |
| Blue Lake           | -1.29                 | 1,164                                      | 1,149          | 1,149          |
| Eureka              | -0.80                 | 26,116                                     | 25,906         | 26,073         |
| Ferndale            | -1.45                 | 1,376                                      | 1,356          | 1,356          |
| Fortuna             | -1.11                 | 12,318                                     | 12,181         | 12,181         |
| Rio Dell            | -1.49                 | 3,290                                      | 3,241          | 3,241          |
| Trinidad            | -1.34                 | 298                                        | 294            | 294            |
| Unincorporated      | -1.07                 | 70,959                                     | 70,199         | 70,266         |
| <b>County Total</b> | <b>-1.11</b>          | <b>134,351</b>                             | <b>132,866</b> | <b>133,100</b> |

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

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



DATE: August 20, 2024  
TO: Honorable Mayor and Members of the City Council  
FROM: Travis Sanborn, Finance Director  
THROUGH: Kyle Knopp, City Manager  
SUBJECT: Resolution No. 1617-2024 Amending Resolution 1281-2015 Establishing Water Fees and Charges for Water Customers Pursuant to Chapter 13.05 of the Rio Dell Municipal Code

IT IS RECOMMENDED THAT THE CITY COUNCIL:  
Adopt Resolution No. 1617-2024 Amending Resolution 1281-2015 Establishing Water Fees and Charges for Water Customers Pursuant to Chapter 13.05 of the Rio Dell Municipal Code

BACKGROUND AND DISCUSSION:  
Currently, the City requires a \$100 deposit from non-owner customers when they open a new water account. This deposit, established by Resolution 1281-2015, is refundable in whole or part after all final charges are settled. Since the implementation of this policy, the City’s water rates have increased, and SB 998, the Water Shutoff Protection Act, has been introduced, mandating a minimum period before water service can be disconnected.

Under the current deposit amount, customers can accrue up to \$241.16 in charges before service disconnection occurs, based on the minimum water base charge and no usage charges. This deposit amount does not adequately cover the potential cost to the water enterprise fund, leading to shortfalls that other ratepayers ultimately absorb.

It is recommended that the deposit amount be increased to \$200 to better align with current regulations and costs. This adjustment will more effectively cover potential expenses incurred if a customer is unable to settle their bill before the mandated shutoff period, thereby reducing the financial impact on ratepayers.

ATTACHMENTS:

- Resolution 1617-2024



**RESOLUTION NO. 1617-2024  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF RIO DELL  
AMENDING RESOLUTION 1281-2015 ESTABLISHING  
WATER FEES AND CHARGES FOR WATER  
CUSTOMERS PURSUANT TO CHAPTER 13.05 OF THE  
RIO DELL MUNICIPAL CODE**

**WHEREAS**, The City of Rio Dell is authorized by and pursuant to Article XI, Section 7 of the California Constitution, Government Code Section 66000 et seq., and Government Code Section 50076, and other applicable state laws and regulations to impose fees to cover expenses for the services it provides; and

**WHEREAS**, the City Council of Rio Dell did on November 7, 2000 adopt Water Ordinance No. 241 (Rio Dell Municipal Code Chapter 13.05) that allows for all rates, charges, fees, and penalties contained in the ordinance to be modified by resolution of the City Council of the City of Rio Dell to provide for future charges; and

**WHEREAS**, the City Council of Rio Dell did on May 21, 2002 adopt Ordinance No. 243-2002, amending Water Ordinance No. 241, allowing for monthly bills to be calculated as set forth by resolution duly adopted by the City Council of the City of Rio Dell; and

**WHEREAS**, the City Council of Rio Dell did on August 7, 2012 adopt Resolution 1168-2012 establishing water rates, charges and fees pursuant to provisions of the Rio Dell Municipal Code Chapter 13.05; and

**WHEREAS**, the City Council of Rio Dell did on February 18, 2014 adopt Resolution 1217-2014 restating water rates, charges, and fees pursuant to provisions of the Rio Dell Municipal Code Chapter 13.05; and

**WHEREAS**, the City Council of Rio Dell did on December 1, 2015 adopt Resolution 1281-2015 establishing water rates, charges, and fees pursuant to provisions of the Rio Dell Municipal Code Chapter 13.05;

**WHEREAS**, the City Council of Rio Dell did on May 16, 2017 adopt Ordinance No. 356-2017 renumbering section 13.05.230 to section 13.05.240 in Rio Dell Municipal Code Chapter 13.05 that allows for fees, rates and charges to be established by resolution of the City Council;

**WHEREAS**, the Rio Dell City Council, by means of written resolution, is authorized to fix and determine rates and charges for water service provided by the City to all of its users as noted above.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Rio Dell that this Resolution establishes, restates, amends and continues the water service rates and charges for residential, commercial, and institutional customers established pursuant to Resolution 1281-2015, and affirms that all rates, charges, and fees thereunder shall remain levied and assessed except for the amendment to Section 8 as stated in Section 1 of this Resolution 1617-2024, which shall take effect on and after September 1, 2024.

**SECTION 1. Amendment to Resolution 1281-2015**

Resolution 1281-2015 is hereby amended as follows: Section 8 of Resolution 1281-2015 shall be amended to read as stated below, and Resolution 1281-2015 shall hereinafter be read and interpreted as if Section 8 exists and is stated therein:

**SECTION 8. Water Deposits**

There shall be no water deposits required for owner occupied customers. Water Deposits for all nonowner customers (Tenants) shall be \$200. This amount is refundable in whole or part after all final charges are applied.

**PASSED AND ADOPTED** by the City of Rio Dell on this 20th day of August 2024, by the following roll call vote:

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

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

ATTEST:

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



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

August 20, 2024

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Confirm the Appointment of Corporal Crystal Landry as Interim Chief of Police

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Confirm the appointment of Corporal Crystal Landry as Interim Chief of Police

BACKGROUND AND DISCUSSION

Progress is being made in the recruitment of a new permanent Chief of Police. It is recommended that the City Council confirm the appointment of Corporal Crystal Landry as the Interim Chief of Police.

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August 20, 2024

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

THROUGH: Sunshine Kelly, Wastewater Superintendent

SUBJECT: Authorize the Contract for Land Surveying Services in the Total Amount of \$30,300.00

IT IS RECOMMENDED THAT THE CITY COUNCIL:

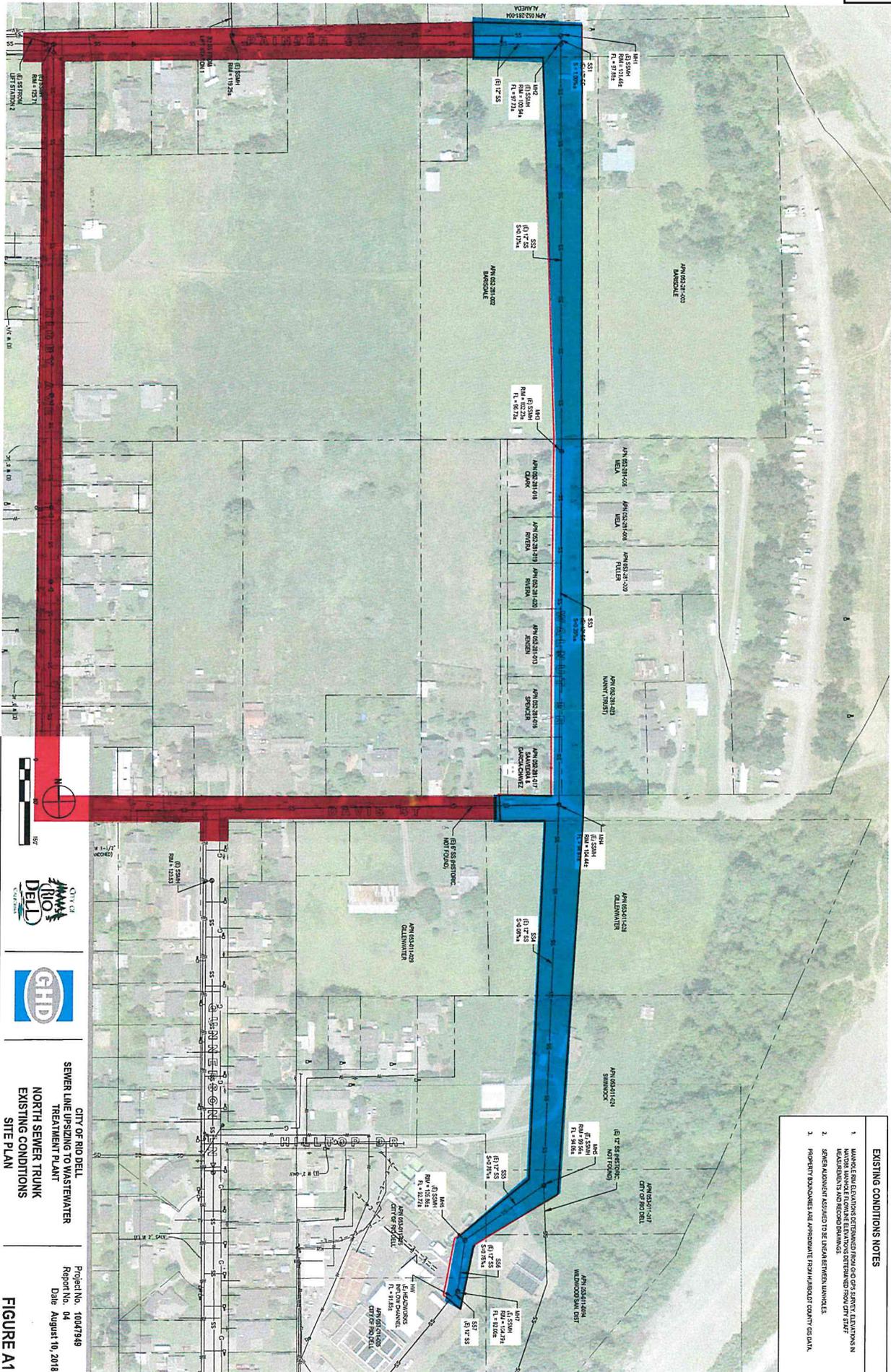
Authorize staff to proceed with the Contract for Land Surveying Services with Kelly-O’Hern Associates, per the request from GHD.

BACKGROUND AND DISCUSSION

GHD is requesting that Kelly-O’Hern Associates complete a topographic survey and map for the Painter Up-sizing Sewer Main project, for clarity on the ground cover and ground elevations of the proposed Painter Street Upsizing sewer main, Plan A in Blue. The quote is estimated costs for both the original plan survey and for the surveying of plan B, in Red, down Rigby and Davis if plan A does not have sufficient ground cover. Total estimated costs for both surveys is \$30,300.00

The amount exceeds the City Manager’s authority to purchase and it is requested that the City Council authorize said purchase.

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KELLY-O'HERN ASSOCIATES

3240 MOORE AVENUE  
EUREKA, CA 95501  
Phone and fax: 707-442-7283  
[kellyohern@sbcglobal.net](mailto:kellyohern@sbcglobal.net)

An S-Corporation      California Professional Land Surveyor No. 4829

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CONTRACT FOR LAND SURVEYING SERVICES

Date: August 5, 2024

Client: City of Rio Dell

Property: Painter Street, Davis Street survey for sewer design by GHD

Purpose of the survey: Topographic survey and map for sewer design. Tie sufficient property corners to locate existing easements. A boundary survey is not included in this contract.

Compensation: The survey will be billed on an hourly basis. The estimated costs are as follows:

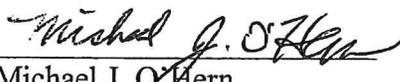
- Field surveying - \$12,500
- Calculations, mapping, computer drafting - \$5000
- Survey and deed research - \$1800

The route of the survey is illustrated on a map by GHD "North Sewer Trunk Existing Conditions Site Plan". The route is highlighted in blue.

An additional survey may be requested for the area highlighted in red. The cost for the additional surveying and mapping for the red area is estimated at \$11,000.

This agreement may be terminated at any time by either party with or without cause, by written notification. Compensation to consultant shall be limited to charges accrued as of the date that notification is received.

Unless this agreement is signed and returned to our office by August 30, 2024, it becomes invalid.

  
Michael J. O'Hern  
LS 4829

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



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(707) 764-3532  
cityofriodell.ca.gov*

August 20, 2024

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Authorize the City Manager to Sign on Behalf of the City of Rio Dell an Amended Agreement for Cable/Video Services with Access Humboldt

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the City Manager to execute the agreement.

BACKGROUND AND DISCUSSION

The City of Rio Dell is a partner with the cities of Arcata, Eureka, Blue Lake, Fortuna, Ferndale and the County of Humboldt for services provided by Access Humboldt. For the City, Access Humboldt provides broadcast services for City Council meetings available to cable television subscribers as well as internet video on demand of these services, amongst other services. Otherwise known as “Public, Educational & Government access” or PEG, Access Humboldt also operates a Community Media Center at College of the Redwoods, training and other related services that are free to the individual media creator. The City is already a signatory to this agreement, however, it needs to be updated. The only changes to the agreement relate to dates and updating the name of the cable services provider to the current provider, amongst miscellaneous non-substantive formatting updates. The agreement would be extended into 2030 and the annual cost of \$1,080 to the City would be maintained.

Attachment: Updated agreement with all edits redlined.

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CABLE/VIDEO SERVICES AGREEMENT  
BY AND BETWEEN  
THE CITIES OF ARCATA, EUREKA, BLUE LAKE, FORTUNA, FERNDAL, RIO DELL AND  
THE COUNTY OF HUMBOLDT  
AND  
ACCESS HUMBOLDT  
FOR ~~JUNE 2024~~, FISCAL YEARS ~~2024~~~~2023~~~~2025~~ 2024 THROUGH 2029-2030

This Agreement is ~~made entered~~ into this ~~—~~ day of ~~—~~, 2024, by and between the Cities of Arcata, Eureka, Blue Lake, Fortuna, Ferndale, Rio Dell and ~~The County of Humboldt (collectively,~~ political subdivisions of the state of California, hereinafter referred to as the “Cities/County,”; and Access Humboldt, a California nonprofit corporation, ~~who agree as follows~~ is made upon the following considerations:

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WHEREAS, Altice USA operating as Suddenlink Communications (~~collectively “Suddenlink Communications”~~) has been granted a state franchise (“State Franchisee”) to provide cable/video services in Arcata, Eureka, Blue Lake, Fortuna, Ferndale, Rio Dell and Humboldt County (~~collectively the “Cities/County”~~) pursuant to the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”) (~~hereinafter the Suddenlink-DIVCA franchise~~); and

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~~WHEREAS, On August 1, 2022, Suddenlink Communications rebranded as Optimum (collectively, “Optimum”), unifying Altice USA’s telecommunications products and services under one brand; and~~

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WHEREAS, DIVCA provides that certain channel capacity and fiber links shall be provided for Public Educational and Governmental (“PEG access”) access channels; and

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WHEREAS, DIVCA authorizes the Cities ~~and~~ County to receive certain grant payments from State Franchisees for PEG access purposes as defined by Section 5870(n) of DIVCA; and

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WHEREAS, the Cities and County have each authorized the receipt of such PEG channels, fiber links, and payments via City of Arcata Municipal Code Title VI Chapter 4 Article 5 Section 65.66, City of Blue Lake Municipal Code Title 13 Chapter 13.32.50, City of Eureka Municipal Code Title XI Chapter 114 Section 114.63, City of Ferndale Ordinance 04-04 Chapter 5 Section 5.07, City of Fortuna Municipal Code Title 14 Chapter 14 Section 14.18.050, City of Rio Dell Municipal Code Title 5 Chapter 5.30 Section 5.30.520, and Humboldt County Code Title VIII Chapter 5 Section 855-7; and

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WHEREAS, through a community-based effort that included diverse stakeholders and best practice design, Access Humboldt was formed in 2006 to develop and provide PEG access services and to build sustainable community media and broadband access for Humboldt County and the region; and

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WHEREAS, by previous agreement, Access Humboldt has provided the Cities/County with PEG access services since May 9, 2006; and

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WHEREAS, a Settlement Agreement and Release (“Settlement Agreement”) between each of the Cities/County and Suddenlink Communications enacted on or about October 15, 2015 provides that certain payments and services shall be provided by Suddenlink Communications to support the operations of the PEG access facilities, equipment and channels; and

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WHEREAS, ~~section~~ Section 14 of the Settlement Agreement states the Agreement shall be binding on Suddenlink Communications and any, voluntary or involuntary successor or assign in whole or in part of: (i) the Suddenlink Communications State Video Franchise as the same may be renewed or extended; or (ii) the cable system controlled by Suddenlink Communications and serving one (1) or more of the

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Cities/County; and

~~WHEREAS, through a community-based effort that included diverse stakeholders and best-practice design, Access Humboldt was formed in 2006 to develop and provide PEG access services and to build sustainable community media and broadband access for Humboldt County and the region. By previous agreement Access Humboldt has provided PEG services since May 9, 2006; and~~

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~~WHEREAS, on August 1, 2022, Suddenlink Communications rebranded as Optimum, unifying Altice USA's telecommunications products and services under one brand; and~~

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WHEREAS, the Cities/County have determined that they wish to provide continuing support for PEG access; and

WHEREAS, the Cities/County have designated Access Humboldt to operate and manage PEG access, provide a community media center, to be the recipient of those PEG access channels, funding, and resources, and to provide certain other cable-related services; and

WHEREAS, Access Humboldt has agreed to serve the Cities/County by managing the Community Media Center and providing PEG access programming and services.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

1. SCOPE OF SERVICES:

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In exchange for the resources provided by the Cities/County to Access Humboldt, pursuant to this Agreement, Access Humboldt shall provide the following services:

- A. Operate Public, Educational and Government Access Cable Channels. Operate the public, educational, and government access cable channel(s) for community access programming purposes in accordance with this Agreement and applicable state and federal law, with the primary purpose being to administer, coordinate, and assist those requesting access on a non-discriminatory basis, and to bring to the community local programming and information not otherwise readily available in commercial and national media.
- B. Operate a Community Media Center. Manage a community media production facility and equipment, available for public use at such hours and times as are determined by Access Humboldt. Access to equipment and facilities shall be open to all those who: (1) satisfactorily complete required training classes provided by Access Humboldt; or (2) receive certification from Access Humboldt, identifying said persons as having satisfied training requirements through other means.
- C. Provide Nondiscriminatory Access. Provide access to the equipment, facilities, channels, and services provided hereunder on a non-discriminatory basis to all residents of the Cities/County for non-commercial programming purposes, whether individuals or organizations, pursuant to operating rules promulgated by ~~ACCESS HUMBOLDT~~ Access Humboldt.
- D. Develop Operating Policies and Procedures. Develop policies and procedures for use and operation of the PEG access equipment, facilities, and channels. The policies and procedures shall be filed with the Cities/County and shall be provided to any resident of the Cities/County who requests them.
- E. Compliance with Laws Rules and Regulations. Administer the PEG access channels and

facilities in compliance with applicable laws, rules, regulations.

- F. Training. Train residents of the Cities/County and, when requested, employees of the Cities/County and local school or college employees, in the techniques of media production, and provide technical advice in the execution of productions.
- G. Playback/Cablecast. Provide for the playback/cablecasting of programs on the PEG access channels. Access Humboldt shall cablecast an average of at least 20 hours of programming per week.
- H. Maintenance of Equipment. Provide regular maintenance and repair of all equipment purchased with monies received pursuant to this Agreement and/or donated, loaned, or leased to Access Humboldt by the Cities/County.
- I. Special Needs Groups. Support special needs groups in program production through training and other means.
- J. Promotion. Actively promote the use and benefits of the PEG access channels and facilities to cable subscribers, the public, PEG access users, and the State Franchisee.
- K. Cable-Related Services. Provide cable/video and broadband related services that assist the Cities/County in oversight of cable/video service providers as further described in Section 2.
- L.

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Performance Review. Every four (4) years Access Humboldt shall contract with an entity from outside the Cities/County that is expert in PEG access matters to conduct a performance review of Access Humboldt's operations. This review shall include an opportunity for PEG access users and cable subscribers to provide input. Upon completion, a copy of the performance review shall be submitted to each of the Cities/County.

M. Other Activities. Undertake other PEG access programming activities and services as deemed appropriate by Access Humboldt and consistent with the obligation to facilitate and promote PEG access programming and provide non-discriminatory access.

2. CABLE/VIDEO AND BROADBAND-RELATED SERVICES:

Access Humboldt shall provide the following cable/video related services:

- A. Regularly conduct reviews of files maintained by Optimum to ensure adequate, timely reporting and to identify any outstanding issues. Notify the Cities/County of any problems or issues identified and provide suggestions as to ways to resolve said problems.
- B. Conduct an annual workshop for elected officials and designated City/County staff regarding DIVCA, applicable Public Utilities Commission Rules, and the cable/broadband industry as it may apply to current and potential services and issues of interest to the Cities/County.
- C. Hold regular meetings with Optimum during the term of this Agreement to maintain open lines of communications.
- D. Support "helpline" services for the Cities/County to help document and address residents' complaints or problems that require intervention with Optimum. Assist City/County staff and elected officials in preparing necessary communication residents regarding Optimum and operations and performance in the Cities and County.
- E. Conduct regular franchise and PEG fee audits as permitted by DIVCA They shall include but not be limited to the following activities.
  - 1. Retain the assistance of a firm expert in the conduct of cable franchise and PEG fee audits/financial reviews.
  - 2. Prepare a detailed Request for Information ("RFI") to be sent to Optimum seeking information necessary to determine the exact basis of franchise and PEG fee payments.
    - a. The exact basis for the current franchise fee payment will be identified by reviewing the State Franchise agreement and applicable state rules and regulations, previous audit results, any correspondence concerning payments, and actual receipt dates and manner in which such is recorded.
    - b. A detailed RFI will be prepared to be sent to Optimum to clarify the following:
      - i. Subscriber billing and collection system.
      - ii. Listing of all Cities/County jurisdictions included in same general ledger.
      - iii. Accounting procedures applied to subscriber & non-subscriber revenue.

iv.

Accounting policies related to bad debt.

- v. Allocations procedures for allocating revenue among the Cities/County.
- vi. Revenue sources that are currently excluded from the computation and the operator’s rationale for such exclusion.
- vii. Reporting of affiliated transactions.
- viii. Reporting of programmer receipts for launch fees and other promotions.
- ix. Reporting of local, regional, and/or national advertising (gross or net).
- x. Reporting and treatment of Internet access revenue if billing is combined (discounts applied).
- xi. Request to review books or original entry on site.
- xii. Review of programmers’ contracts on site to understand rebates and advertising.
- xiii. Map of service areas with outlying roadways identified.
- xiv. Copies of internal financial reports that include the system operations.

F. Revenue reports and other correspondence submitted by Optimum to the Cities/County will be evaluated for accuracy as well as the type of information that is presented as follows:

- 1. Reconcile Optimum’s reported revenue to the franchise fee payments received.
- 2. Understand Optimum’s use of the “Pasadena pass-through.”
- 3. Understand the extent to which agreements with programmers provide for advertising and how such advertising is treated for financial reporting purposes.
- 4. Conduct a review of Optimum’s ledgers, journals, and workpapers to test the accuracy of calculations made by the operator, paying particular attention to deductions made to specific revenue.
- 5. Clarify with representatives from Optimum any issues arising from review of the franchise fee payments.

G. Determine whether payments are correct and have been paid in a manner consistent with DIVCA. Assist the Cities/County in collecting any underpaid franchise and PEG fees.

H. Monitor Optimum’s compliance with the Settlement Agreement and Release date on or about October 15, 2015 and immediately notify the Cities/County of any violations of that Agreement.

3. PUBLIC ACCESS CHANNELS OPEN TO PUBLIC:

Access Humboldt hereby agrees to keep the public access channel(s) open to all potential users regardless of their viewpoint, subject to FCC regulations and other relevant laws. Neither the

Cities/County, the

Franchisee, nor Access Humboldt shall have the authority to control the content of programming placed on the public access channel(s) so long as such programming is lawful. Nothing herein shall prevent Access Humboldt, any of the Cities/County, or the Franchisee from producing or sponsoring programming, underwriting programming, or engaging in activities designed to promote production of certain types of programming or use by targeted groups as consistent with applicable law and rules for use of the channel(s). Access Humboldt may develop and enforce policies and procedures which are designed to promote local use of the channel(s) and make programming accessible to the viewing public, consistent with such time, place, and manner regulations as are appropriate to provide for and promote use of PEG access channels, equipment and facilities.

4. INDEMNIFICATION:

- A. Mutual Indemnity. Each party hereto shall hold harmless, defend and indemnify the other parties and its agents, officers, officials, employees and volunteers from and against any and all claims, demands, losses, damages, liabilities costs and expenses of any kind or nature, including, without limitation, attorney's fees and other costs of litigation, arising out of, or in connection with, the negligent performance of, or failure to comply with, any of the duties and/or obligations contained herein, except such loss or damage which was caused by the sole negligence or willful misconduct of the other parties or their agents, officers, officials, employees or volunteers.
- B. Comparative Liability. Notwithstanding anything to the contrary, in the event that multiple parties are held to be negligently or willfully responsible, each party will bear its proportionate share of liability as determined in any such proceeding. In such cases, each party will bear its own costs and attorneys' fees.
- C. Effect of Insurance. Acceptance of the insurance required by this Agreement shall not relieve any party from liability under this provision. This provision shall apply to all claims for damages related to each party's performance hereunder, regardless of whether any insurance is applicable or not. The insurance policy limits set forth herein shall not act as a limitation upon the amount of indemnification or defense to be provided hereunder.

5. COPYRIGHT CLEARANCE:

Before cablecasting any program material, Access Humboldt shall require all users to agree in writing that they shall make all appropriate arrangements to obtain all rights to all material cablecast and clearances from broadcast stations, networks, sponsors, music licensing organizations' representatives, and without limitation from the foregoing, any and all other persons as may be necessary to transmit their program material over the PEG access channels that are operated and managed by Access Humboldt. Access Humboldt shall maintain for inspection by any of the Cities/County, upon reasonable notice by the Cities/County and for the term of the applicable statute of limitations, copies of all such user agreements.

6. COPYRIGHT AND OWNERSHIP:

Access Humboldt shall own the copyright of any programs, which it may choose from time to time to produce. Copyright of programming produced by other parties shall be held by the persons who produced said programming.

7. DISTRIBUTION RIGHTS:

- A. Access Humboldt shall require that programs produced with funds, equipment, facilities, or staff granted under this Agreement shall be distributed on the channels whose use is authorized by

this Agreement. This subparagraph shall not be interpreted to restrict other distribution (beyond distribution on channels authorized by this Agreement), so long as such other distribution is consistent with any pertinent guidelines established in the PEG access operating policies and procedures.

B. At least twice each day that programming is cablecast on the PEG access channels whose use is authorized by this Agreement, Access Humboldt shall display a credit stating "Partial funding for the operation of this channel is provided by the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, and Humboldt County. Such credit shall also state that opinions expressed in PEG access programs are the sole responsibility of the program producers.

8. EQUIPMENT AND FACILITIES:

A. Access Humboldt shall be responsible for maintenance of all equipment and facilities owned, leased, loaned to it, or purchased with funds provided pursuant to this Agreement.

B. Access Humboldt shall own all equipment and facilities acquired by it and purchased with funds received pursuant to this Agreement, except that upon termination or non-renewal of this Agreement all equipment or facilities purchased with funds received pursuant to this Agreement shall become the property of the Cities/County (in a manner determined by the Cities/County), which shall ensure that all such equipment or facilities shall be used for PEG access purposes. To secure all of its obligations under this Agreement, Access Humboldt hereby grants to each of the Cities/County a security interest in the assets and interests owned or hereafter acquired by Access Humboldt with funds provided by the Cities/County, and the proceeds thereof, including but not limited to Access Humboldt deposit accounts, inventory, and all equipment and fixtures acquired with funds provided by the Cities/County. Access Humboldt hereby agrees to take all steps reasonably requested by any of the Cities/County to perfect and enforce the security interest of the Cities/County, including the execution and processing of financing statements and continuation statements under the California Uniform Commercial Code. Access Humboldt will also notify any institution with whom it now or hereafter maintains any deposit account of the existence of a security interest by the Cities/County in the account.

C. The Cities/County hereby agree to subordinate their interest if necessary to finance the purchase of equipment or property. The subordination shall only be with respect to the specific equipment or property that Access Humboldt might wish to finance.

D. Upon the dissolution of Access Humboldt, it shall, subject to the approval of the Cities/County, transfer all assets of Access Humboldt representing equipment and facilities funded by the Cities/County, and/or the proceeds of either to the Cities/County, or at the option of the Cities/County, to such organization or organizations designated by the Cities/County to manage PEG access which shall at the time qualify as a tax exempt organization(s) under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provisions of any superseding law).

9. INSURANCE:

Access Humboldt shall maintain in full force and effect at all times during the term of this Agreement insurance as required by this Section. The cost of such insurance shall be borne by Access Humboldt and may be included in its annual budget.

A. Comprehensive Liability Insurance. Comprehensive liability insurance, including protective, completed operations and broad form contractual liability, property damage and personal injury

coverage, and comprehensive automobile liability including owned, hired, and non-owned automobile coverage. The limits of such coverage shall be at a minimum: (1) bodily injury including death, \$2,000,000 for each person, each occurrence and aggregate; and (2) property damage, \$2,000,000 for each occurrence and aggregate.

- B. Equipment Insurance. Insurance shall be maintained on all equipment and facilities, including fixtures, funded in whole or in part ~~under~~ pursuant to the terms and conditions of this Agreement to replacement cost. The insurance shall include, at a minimum insurance against loss or damage beyond the user's control, theft, fire or natural catastrophe. The Cities/County shall be shown as additional insured on all policies.
- C. Workers' Compensation. Full Workers' Compensation Insurance and Employer's Liability with limits as required by California law with an insurance carrier satisfactory to the Cities/County. The worker's compensation policy shall contain, or be endorsed to contain, a waiver of subrogation clause indicating the insurance company agrees to waive all right of subrogation against the Cities/County, their officers, officials, employees and volunteers for losses paid under the terms of this policy which arise from the work performed by the named insured for the Cities/County or from operations performed by the Named insured on Cities/County premises.
- D. Cablecaster's Errors and Omissions Insurance. Insurance shall be maintained to cover the content of productions which are cablecast on the PEG access channels in, at minimum, the following areas: libel and slander; copyright or trademark infringement; infliction of emotional distress, invasion of privacy; plagiarism; misuse of musical or literary materials. This policy shall not be required to cover individual PEG access producers.
- E. Cities/County as Co-Insured or Additional Insured. All Cities/County shall be named as co-insured or additional insured on all aforementioned insurance policies. The policies shall provide that no cancellation, major change in coverage or expiration may be affected by the insurance company or Access Humboldt without first giving each of the Cities/County thirty (30) days written notice prior to the effective date of such cancellation or change in coverage. Any insurance or self-insurance maintained by the Cities/County, their officers, agents, employees, or volunteers shall be in excess of Access Humboldt's insurance and shall not contribute to it.
- F. Notification of Coverage. Access Humboldt shall annually file with the Cities/County proof of Comprehensive Liability, Workers' Compensation, equipment, and cablecaster's errors and omissions insurance.
- G. Other Insurance Requirements. The Cities/County or its authorized representative or agents shall have the right to require additional insurance, or high limits of insurance, at anytime during this Agreement should it be deemed necessary. The general liability policy is to contain, or be endorsed to contain the following provisions:
  - 1. The Cities/County, their officers, officials, employees and volunteers are to be covered as additional insureds with respect to liability arising out of ownership, maintenance or use of that part of the area in use by Access Humboldt pursuant to this Agreement.
  - 2. Access Humboldt insurance coverage shall be primary insurance as respects the Cities/County, their officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Cities/County, its officers, officials, employees or volunteers shall be excess of Access Humboldt's insurance and shall not contribute with it.

10. NON-DISCRIMINATION IN EMPLOYMENT AND SERVICE:

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14. RECORD RETENTION AND INSPECTION:

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- A. Maintenance and Preservation of Records. Access Humboldt hereby agrees to timely prepare accurate and complete financial and performance records, documents and other evidence relating to its performance hereunder, and to maintain and preserve said records for at least three (3) years from the date of final payment hereunder, except that if any litigation, claim, negotiation, audit or other action is pending, the records shall be retained until completion and resolution of all issues arising therefrom.
- B. Inspection of Records. Access Humboldt hereby agrees to make all such records available during normal business hours to inspection, audit and reproduction by Cities/County and any other duly authorized local, state and/or federal agencies. Access Humboldt further agrees to allow interviews of any of its employees who might reasonably have information related to such records by Cities/County and any other duly authorized local, state and/or federal agencies. Any and all examinations and audits conducted hereunder shall be strictly confined to those matters connected with Access Humboldt’s performance hereunder.
- C. Audits. Access Humboldt shall prepare (or have prepared) and submit to the Cities/County a fiscal audit by an independent certified public accountant, at least every three (3) years.

15. PEG ACCESS FUNDING, CHANNELS, AND OTHER RESOURCES:

Pursuant to the following City and County Code citations, certain PEG access funds, channels, and resources are to be provided to the Cities/County by Optimum and any entity issued a State Video Franchise. The Cities/County do by this Agreement transfer those funds, channels, and resources as delineated in the Cities/County Code to Access Humboldt for the purposes described in this Agreement.

- A. The California Public Utilities Commission has granted Optimum a State Franchise to provide cable/video services in the Cities/County. Pursuant to its State Franchise and City of Arcata Municipal Code Title VI Chapter 4 Article 5 Section 65.66, City of Blue Lake Municipal Code Title 13 Chapter 13.32.50, City of Eureka Municipal Code Title XI Chapter 114 Section 114.63, City of Ferndale Ordinance 04-04 Chapter 5 Section 5.07, City of Fortuna Municipal Code Title 14 Chapter 14 Section 14.18.050, City of Rio Dell Municipal Code Title 5 Chapter 5.30 Section 5.30.520, and Humboldt County Code Title VIII Chapter 5 Section 855-7 Optimum is obligated to provide to the Cities/County four channels for PEG access purposes. The Cities/County hereby agrees to permit Access Humboldt to manage that bandwidth/channel capacity for PEG access programming purposes.
- B. Pursuant to its State Franchises and to City of Arcata Municipal Code Title VI Chapter 4 Article 5 Section 65.66, City of Blue Lake Municipal Code Title 13 Chapter 13.32.50, City of Eureka Municipal Code Title XI Chapter 114 Section 114.63, City of Ferndale Ordinance 04-04 Chapter 5 Section 5.07, City of Fortuna Municipal Code Title 14 Chapter 14 Section 14.18.050, City of Rio Dell Municipal Code Title 5 Chapter 5.30 Section 5.30.520, and Humboldt County Code Title VIII Chapter 5 Section 855-7 Optimum is obligated to provide to the Cities/County for PEG access purposes 1.401% of gross of its gross revenues derived from the provision of cable/video services in the Cities/County. The Cities/County shall direct any State Franchisee to pay said PEG fees to Access Humboldt no later than thirty (30) days after the Cities/County receives the quarterly PEG fee payment from a State Franchisee.
- C. The Cities/County shall provide Access Humboldt at the flat rate of thirty-six thousand dollars (\$36,000.00) per year during the term of this Agreement for providing the cable/video services

described in Section 2 of this Agreement. Each of the Cities/County shall be responsible to pay a share of the total annual cost, allocated as follows: County of Humboldt, eighteen thousand eight hundred forty dollars (\$18,840.00) annually; City of Arcata, four thousand eight hundred sixty dollars (\$4,860.00) annually; City of Blue Lake, four hundred fifty dollars (\$450.00) annually; City of Eureka, eight thousand eight hundred twenty dollars (\$8,820.00) annually; City of Ferndale, seven hundred twenty dollars (\$720.00) annually; City of Fortuna, four thousand two hundred thirty dollars (\$4,230.00) annually; City of Rio Dell, one thousand eighty dollars (\$1,080.00) annually.

1. Access Humboldt shall submit quarterly invoices to each of the Cities/County on the first day of April, July, October, and January and the Cities/County shall each pay the amount due in full within thirty (30) days of the invoice date.
2. Any material changes to the compensation for cable/video services to be performed by Access Humboldt or additional services requested by the Cities/County shall have the prior written approval of Access Humboldt and the Cities/County.

16. ANNUAL PLAN AND BUDGET:

On or before December 31 of each year in which this Agreement is in effect, Access Humboldt shall provide to the Cities/County an "Annual Plan and Budget" outlining activities and programs planned for the following fiscal year with funds and other resources provided by the Cities/County. Such plan shall include a statement of the anticipated number of hours of PEG access programming to be cablecast, the training classes to be offered and the frequency thereof, any other PEG access activities planned by Access Humboldt, and a detailed operating and capital equipment and facilities budget.

17. EXPENDITURE OF FUNDS:

Access Humboldt shall spend funds received from the Cities/County for the purposes listed in its Annual Plan and Budget and Section 1 ("Scope of Services") of this Agreement. Funds not expended in the year covered by the Annual Plan and Budget may be carried over by Access Humboldt into succeeding years. Upon termination of this Agreement all funds of any kind received from the Cities/County not expended by Access Humboldt shall be returned to the Cities/County, in proportion to the amounts previously provided by the Cities/County. All such returned funds shall be used by the Cities/County for PEG access purposes. Access Humboldt shall implement any and all fiscal control and accounting procedures necessary to assure proper disbursement and accounting for funds received from the Cities/County.

///

18. RECEIPT OF APPROVED FUNDING:

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The Cities/County codes require holders of state issued video franchises to pay to the Cities/County certain funds for PEG ~~Support~~ access services (see Cities/County code citations in Section 15). For each year in which Access Humboldt has submitted the Annual Plan and Budget to the Cities/County as required ~~under~~ pursuant to the terms and conditions of this Agreement, the Cities/County shall direct all state video franchise holders to make quarterly payments to Access Humboldt on or before February 15, May 15, August 15, and November 15.

19. FUNDING FROM OTHER SOURCES:

Access Humboldt may, during the course of this Agreement, receive supplemental funds from other sources, including ~~but not limited to~~, without limitation, fundraising activities.

20. TERMINATION OF AGREEMENT AND TRANSFER OF ASSETS:

- A. The Cities/County shall have the right upon one hundred twenty (120) days written notice to Access Humboldt to terminate this Agreement for: material breach of any provision of this Agreement by Access Humboldt; malfeasance, misfeasance, or misappropriation of funds by Access Humboldt; or loss of 501(c) (3) status by Access Humboldt or revocation or suspension of its Articles of Incorporation by the State of California.
- B. Access Humboldt may avoid termination by curing any such breach to the satisfaction of the Cities/County within one hundred twenty (120) days of notification or within a time frame mutually agreed to by the Cities/County and Access Humboldt. The Cities/County may also terminate this Agreement at the expiration of its term, or any extension thereof.
- C. Upon termination of this Agreement, Access Humboldt shall immediately transfer to the Cities/County all equipment, real property, fixtures, contracts, leases, deposit accounts or other assets received by or purchased by Access Humboldt with funds received pursuant to this Agreement. All such transferred items shall be used by the Cities/County for PEG access purposes.

21. TERM AND EXTENSION OF AGREEMENT:

This Agreement shall ~~be for a period of five (5) years, commencing~~begin on June 1, 2024 and ~~ending~~shall remain in full force and effect until June 30, 2030, unless renewed, extended or sooner terminated as set forth herein. This Agreement may be renewed or extended for additional periods of not less than five (5) years each, pursuant to the following process:

- A. If Access Humboldt seeks an extension, it shall submit a letter of request to each of the Cities/County at least one hundred twenty (120) days prior to the expiration of this Agreement.
- B. The City Managers/County ~~CAO~~Administrative Officer shall jointly respond to Access Humboldt's letter of request for an extension of ~~the~~this Agreement within thirty (30) days of the date of said letter. If the Cities/County intend to refuse to extend the Agreement, they shall explain the reasons for this decision in their response to Access Humboldt. The Cities/County may not refuse to extend ~~the contract~~this Agreement based upon a failure of Access Humboldt to comply with the terms ~~of this Agreement and conditions set forth herein~~ unless the Cities/County have provided Access Humboldt a notice of ~~its~~such failure ~~to comply with the terms~~ and the opportunity to cure said noncompliance.

22. TIME:

Time is of the essence in this Agreement and for the performance of all covenants and conditions of this Agreement. Each party hereby agrees to execute all documents and do all things necessary and appropriate to carry out the provisions of this Agreement in a timely manner.

23. AMENDMENT:

This Agreement may be amended at any time during the term ~~of this Agreement~~hereof upon the mutual consent of both parties. No addition to, or alteration of, the terms of this Agreement shall be valid unless made in writing and signed by authorized representatives of the parties hereto.

24. APPLICABLE LAW:

This Agreement shall be interpreted and enforced under the laws of the State of California. Any dispute arising hereunder, or relating hereto, shall be litigated in the State of California and venue

shall lie in the County of Humboldt unless transferred by court order pursuant to California Code of Civil Procedure Sections 394 or 395.

25. NOTICES:

Any and all notices required to be given pursuant to the terms and conditions of this Agreement shall be in writing and either served personally or sent by certified mail, return receipt requested, to the respective addresses set forth below. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing. Any party may change its address by providing the other parties written notice in accordance with the notice requirements set forth herein.

CITY OF ARCATA: City of Arcata  
Attention: Merritt Perry, City Manager  
736 F Street  
Arcata, CA, California 95521

CITY OF FERNDALE: City of Ferndale  
Attention: Jay Parrish, City Manager  
P.O. Box 1095  
Ferndale, California 95536

CITY OF BLUE LAKE: City of Blue Lake  
Attention: Amanda Mager, City Manager  
P.O. Box 458  
Blue Lake, California 95525

CITY OF RIO DELL: City of Rio Dell  
Attention: Kyle Knopp, City Manager  
675 Wildwood Avenue  
Rio Dell, California 95562

CITY OF EUREKA: City of Eureka  
Attention: Miles Slattery, City Manager  
531 K Street  
Eureka, California 95501

CITY OF FORTUNA: City of Fortuna  
Attention: Amy Nilsen,  
Interim City Manager  
621 Eleventh Street  
Fortuna, California 95540

COUNTY OF HUMBOLDT: County of Humboldt  
Attention: Elishia Hayes, County Administrative Officer  
825 Fifth Street  
Eureka, California 95501

ACCESS HUMBOLDT: Access Humboldt  
Attention: Sean McLaughlin, Executive Director  
P.O. Box 157  
Eureka, California 95502

26. SURVIVAL OF PROVISIONS:

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The duties and obligations of the parties set forth in Section 4 – Indemnification and Section 14 – Record Retention and Inspection shall survive the expiration or termination of this Agreement.

27. CONFLICTING TERMS OR CONDITIONS:

In the event of any conflict in the terms or conditions set forth in any other agreements in place between the parties hereto and the terms and conditions set forth in this Agreement, the terms and conditions set forth herein shall have priority.

28. INTERPRETATION:

This Agreement, as well as its individual provisions, shall be deemed to have been prepared equally by each of the parties hereto, and shall not be construed or interpreted more favorably for one (1) party on the basis that the other party prepared it.

29. INDEPENDENT CONSTRUCTION:

The titles of the sections, subsections and paragraphs set forth herein are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of the provisions of this Agreement.

30. FORCE MAJEURE:

No party hereto shall be liable or responsible for delays or failures in performance resulting from events beyond the reasonable control, and without the fault or negligence, of such party. Such events shall include, without limitation, acts of God, strikes, lockouts, riots, acts of war, epidemics, pandemics, acts of government, fire, power failures, nuclear accidents, earthquakes, unusually severe weather, acts of terrorism or other disasters, whether or not similar to the foregoing.

31. ENTIRE AGREEMENT:

This Agreement contains all of the terms and conditions agreed upon by the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind either of the parties hereto. In addition, this Agreement shall supersede in their entirety any and all prior agreements, promises, representations, understandings and negotiations of the parties, whether oral or written, concerning the same subject matter. Any and all acts which may have already been consummated pursuant to the terms and conditions of this Agreement are hereby ratified.

32. COUNTERPART EXECUTION:

This Agreement, and any amendments hereto, may be executed in one (1) or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one (1) and the same agreement. This Agreement, and any amendments hereto, may be signed by manual or electronic signatures in accordance with any and all applicable local, state and federal laws, regulations and standards, and such signatures shall constitute original signatures for all purposes. A signed copy of this Agreement, and any amendments hereto, transmitted by email or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement and any amendments hereto.

33. AUTHORITY TO EXECUTE:

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Each person executing this Agreement represents and warrants that he or she is duly authorized and has legal authority to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of this Agreement and the performance of such party's obligations hereunder have been duly authorized.

[Signatures on Following Page]

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IN WITNESS WHEREOF, the parties have executed this Agreement as of the first date written above.

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**CITY OF ARCATA:**

By: \_\_\_\_\_  
Merritt Perry, City Manager

Date: \_\_\_\_\_

**CITY OF FERNDALE:**

By: \_\_\_\_\_  
Jay Parrish, City Manager

Date: \_\_\_\_\_

**CITY OF BLUE LAKE:**

By: \_\_\_\_\_  
\_\_\_\_\_ Amanda Mager, City Manager

Date: \_\_\_\_\_

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**CITY OF RIO DELL:**

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Kyle Knopp, City Manager

Date: \_\_\_\_\_

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**CITY OF EUREKA:**

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Miles Slattery, City Manager

Date: \_\_\_\_\_

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**CITY OF FORTUNA:**

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Amy Nilsen, Interim City Manager

Date: \_\_\_\_\_

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[Signatures Continued on Next Page]

**COUNTY OF HUMBOLDT:**

By: \_\_\_\_\_  
\_\_\_\_\_ Date:

\_\_\_\_\_  
Elishia Hayes  
Acting County Administrative Officer

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**ACCESS HUMBOLDT:**

By: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Sean McLaughlin, Executive Director

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



DATE: August 20, 2024  
TO: Honorable Mayor and Members of the City Council  
FROM: Travis Sanborn, Finance Director  
THROUGH: Kyle Knopp, City Manager  
SUBJECT: Resolution No. 1618-2024 Reimbursement Resolution

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Staff recommends that the City Council adopt Resolution 1618-2024 to authorize the reimbursement of expenditures related to the Water System Project and to comply with IRS requirements for issuing tax-exempt obligations.

BACKGROUND AND DISCUSSION:

This report provides an overview of the proposed resolution authorizing the City of Rio Dell to reimburse certain expenditures related to the construction and/or reconstruction of its water system (the “Project”). The Project is anticipated to be partially funded by the State of California, acting through the State Water Resources Control Board (State Water Board), with proceeds from the sale of tax-exempt obligations.

The Project encompasses the construction and/or reconstruction of various public facilities and improvements within the City’s water system, including treatment facilities, pipelines, and other infrastructure. The total estimated cost of the Project is anticipated to be \$14,947,881.

The City of Rio Dell intends to finance a portion of the Project costs with funds provided by the State Water Board. These funds may be derived from the sale of tax-exempt obligations. To ensure the tax-exempt status of these obligations, the Internal Revenue Service (IRS) requires specific procedures and documentation.

The City of Rio Dell proposes to incur certain capital expenditures related to the Project prior to the issuance of the tax-exempt obligations or the approval of the Project funds by the State Water Board. These expenditures will be financed with available City funds on a temporary basis.

The City of Rio Dell has determined that the funds used to cover the initial expenditures will be needed for other purposes after a certain period. To avoid depleting the City’s resources, it is necessary to reimburse these expenditures using the proceeds from the tax-exempt obligations.

The proposed resolution is designed to comply with Treasury Regulation §1.150-2 and other relevant IRS regulations. By adopting this resolution, Rio Dell is formally stating its intent to reimburse the expenditures and providing the necessary documentation to support the obligations' tax-exempt status.

ATTACHMENTS:

- Resolution 1618-2024



**RESOLUTION NO. 1618-2024  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF RIO DELL  
REIMBURSEMENT RESOLUTION**

**WHEREAS**, the City of Rio Dell (the "Agency") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

**WHEREAS**, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

**WHEREAS**, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

**WHEREAS**, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

**WHEREAS**, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

**NOW, THEREFORE, THE AGENCY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:**

**SECTION 1.** The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

**SECTION 2.** The reasonably expected maximum principal amount of the Project Funds is \$14,947,881.

**SECTION 3.** This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the construction portion of the Project costs to be reimbursed with Project Funds.

**SECTION 4.** Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

**SECTION 5.** To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

**SECTION 6.** This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

**SECTION 7.** All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

Ayes:  
Noes:  
Abstain:  
Absent:

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

**CERTIFICATION**

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Rio Dell City Council held on August 20,2024.

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



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

August 20, 2024

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Approval of Letter Supporting <sup>S</sup>AB 620 the Low Impact Camping Areas Act

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the Mayor to sign.

BACKGROUND AND DISCUSSION

At the request of Mayor Garnes, this item has been placed on the agenda. Please refer to the attachments for more information on SB 620.

Attachments: Materials provided by the Mayor in support of SB 620.

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



August 20, 2024

Senator Mike McGuire  
1021 O Street, Suite 8518  
Sacramento, CA 95814

**RE: Support for SB 620 – Low Impact Camping Areas Act**

Dear Senator McGuire,

The City of Rio Dell would like to announce our support for SB 620 the Low Impact Camping Areas Act.

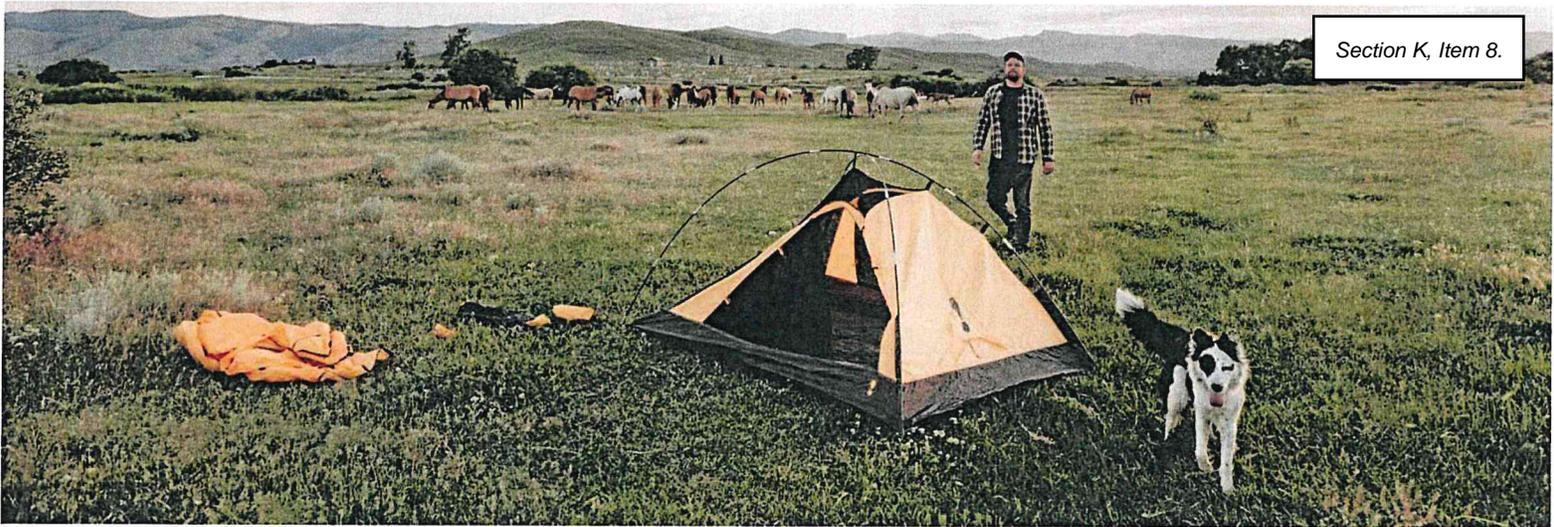
Outdoor recreation and the industry that supports it is growing. The demand for new places to experience nature is growing and as a result represents an economic opportunity. We believe that Rio Dell and Humboldt County in general can benefit from this growth and that SB 620 would be a big part in making this happen.

Allowing rural landowners to host campers ensures that tourist dollars stay in our communities and expands camping opportunities. Traditional camping sites can often become overbooked and unavailable during peak periods. We wish to support visitors to this area by providing as many opportunities to experience this area and its natural environment as possible.

For these reason we support SB 620.

Sincerely,

Debra Garnes  
Mayor  
City of Rio Dell



# CA Senate Bill 620 - Low Impact Camping Areas Act

Author - California State Senate President Mike McGuire

## California needs more campsites to help families get outside.

Outdoor recreation hit a record high in 2022 with more than 19 million Californians getting outside. California's outdoor recreation economy - one of the largest economic drivers in the state - is worth an estimated \$73.8 billion<sup>1</sup>. However, nearly half of all campers report difficult finding or booking available campsites. Millions of Californians also struggle with the high cost of booking overnight accommodations, especially in heavily toured areas. Senate Bill 620 would create more opportunities for camping by streamlining the state permitting process for small-scale camping areas, increasing equitable access to the outdoors, and establishing a framework to support well-managed private campsites.

## What problems does Senate Bill 620 address?

CA state law currently states that camping areas of any type with two or more campsites need a permit to operate through the CA Department of Community and Housing Development (HCD) **in addition to** a local land-use permit offered by the county or municipal government. The law that governs campgrounds - the Special Occupancy Parks Act (SOPA) - was designed specifically to regulate and permit large commercial campgrounds, RV parks, and mobile home developments, not small, low-impact campsites on a farm, ranch, or rural private land. The process of getting a permit through HCD can take years and cost tens of thousands of dollars, which means that landowners who want to offer limited camping on their properties - even those approved at the local level - are effectively priced out of doing so.

SB 620 creates a new category of camping in SOPA for "low impact camping areas" (LICAs), introduces a new framework and guidelines for this type of land use, and differentiates it from large-scale commercial campgrounds. If campgrounds meet this new definition of "low impact camping areas," they would then **only need the required local permits**, and be exempted from additional HCD permitting, to operate. The benefits of this differentiation in the code would:

<sup>1</sup> U.S. Bureau of Economic Analysis, [Outdoor Recreation Report, 2022](#) (most recent report)

- Affirm local control over low-impact camping on private lands. Land use is primarily a local issue, and municipal and county governments know where and how to offer this type of camping safely. **SB 620 does not supersede local regulations** by allowing or requiring any camping without local approval.
- Reduce barriers to entry for landowners interested in offering low-impact camping on their properties. As long as they meet the state definition for low-impact camping areas and are approved by their local government, landowners would not need to pursue an expensive and time-intensive state permit.
- Support rural economies and agritourism by creating new revenue streams for rural landowners, farmers, and ranchers.
- Support California in meeting its goals of providing affordable access to the outdoors and conserving land and biodiversity.

## What would “low impact camping areas” look like?

SB 620 lays out criteria for “low-impact camping areas” that would exempt them from needing a state permit on top of any required local permits. A camping area must meet all of the following criteria to be eligible:

- Maximum number of sites: 9 or fewer campsites total per property
- Acreage minimum: 2 acres (proposed amendment)
- Density limits: 1 campsite/acre (proposed amendment)
- Parking: no on-street parking allowed
- Zoning requirements: property is not within an urban or suburban area
- Hosted: a property manager or operator must be available 24/7
- Health and safety: complies with all local regulations, including those that cover the disposal of trash, human waste, fire safety, and noise management

If all of the above criteria are met, the property owner **would still need to get any and all required local permits** to operate a low-impact camping area, but would not need an additional permit from the state. [See the bill language with additional details here.](#)

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## Frequently asked questions

### Would Senate Bill 620 change the regulatory burden for local governments?

No. SB 620 does not supersede or require local permitting for camping activities in any way. Just as SOPA does not itself authorize or prohibit campgrounds at the local level (because SOPA requires applicants to include evidence of local permission as part of the state permit application), SB 620 does not influence the existing local permitting scheme for campgrounds or automatically authorize low-impact camping at the local level. LICAs will still need to comply with all existing local regulations, including local zoning, building, and permitting requirements. However, SB 620 creates an opportunity for interested counties to create a simpler permitting pathway for LICAs in their jurisdiction if they so choose.

### Do counties have the capacity for a potential increase in enforcement issues?

HCD has confirmed that they have received just two complaints regarding LICAs in the last five years – any other complaints regarding noise, neighbor issues, etc. are already handled by local code enforcement agencies

and will continue to be handled by them. We do not expect a significant increase in complaints, especially since SB 620 does not grant any property the right to start hosting new camping areas without going through the proper permitting channels at the local level.

In addition, HCD has confirmed that no Local Enforcement Agency (LEA) - like a county or municipal code enforcement office - has ever requested that HCD take back their responsibility to manage enforcement issues for campgrounds permitted by the state. The five LEAs that have given back enforcement authority to HCD in 2022 and 2023 were exclusively related to issues with mobile homes, not camping.

Finally, about half of California’s counties have existing transient occupancy tax (TOT) regulations in place that could apply to low-impact camping areas. If counties choose to, they can use this revenue to offset any costs related to managing LICAs specifically.

**How much will it cost to implement Senate Bill 620?**

HCD estimates in the Senate Appropriates Analysis from April 2023 that it will cost approximately \$1.14 million annually for HCD staff to (1) assist local jurisdictions who request support determining which sites are considered LICAs and (2) manage the additional anticipated workload for an increase in complaints and inspections. Since the most recent analysis, amendments were added in committee to reduce any enforcement burden on HCD and ensure local governments have the authority and capacity to oversee low impact camping activities. Specifically, the amendments (1) explicitly authorize local enforcement in the absence of applicable local requirements related to human waste, trash, and quiet hours and (2) to add detail that LICAs must comply with applicable local requirements including, but not limited to, local zoning, permit, lot size, and setback requirements.

---

**Senate Bill 620 Supporter List:**

The following organizations have formally endorsed Senate Bill 620. No organization has formally registered opposition. SB 620 also passed through the CA Senate with bipartisan, unanimous support in mid-2023.

**Local government**

- California State Association of Counties
- Rural County Representatives of California
- Santa Cruz County Board of Supervisors
- El Dorado County Board of Supervisors

**Outdoor recreation and retail**

- California Outdoor Recreation Partnership
- The Conservation Alliance
- Outdoor Industry Association
- REI
- Hipcamp, Inc.
- Marmot
- Glamping Hub
- American Glamping Association
- Little Kamper LP
- Toad & Co.
- Top Rope Media
- Tahoe Mountain Sports

- Sterling Rope Co.

**Agritourism and rural economies**

- California Farm Bureau Federation
- Community Alliance with Family Farmers
- California Certified Organic Farmers
- El Dorado County Farm Bureau
- El Dorado County Farm Trails
- El Dorado County Chamber of Commerce

**Conservation and outdoor access**

- The Nature Conservancy
- Save the Redwoods League
- Latino Outdoors
- Outdoor Afro
- California Mountain Biking Coalition
- Xerces Society for Invertebrate Conservation
- Forest Landowners of California
- Outdoor Outreach
- Urban Surf 4 Kids

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Story by Times-Standard, Eureka, Calif. • 1w • 4 min read

Jul. 24—By Geneviève Marchand

As a North Coast local and professor of recreation administration at Cal Poly Humboldt, I could not be more excited to see the state Legislature moving forward on pathways to create more access to the outdoors across California. Locally, the impact of that attention has resulted in designated resources for the Great Redwood Trail, a project that stands to become one of the nation's longest rails-to-trail routes that would create an incredible way for travelers and locals to experience our old-growth redwood forests and rivers. Now that the building blocks for that project have been laid, the most timely opportunity for us to expand outdoor access on the North Coast is a concept called "low-impact camping" put forth by our own Senate President Pro-Tem, Mike McGuire, via CA Senate Bill 620.

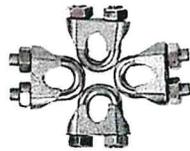


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I recently tried to make a reservation for camping in the Redwood National Park and the soonest available spot was not until the end of August! While our public lands near Humboldt may not feel as crowded as those near more populated areas, I think every Californian who loves to be in nature is feeling the pressure of overcrowding in the outdoors. At the same time, Humboldt County is primed to capitalize on growing tourism and outdoor recreation industries to support our small towns. Our challenge is figuring out how to appropriately leverage it in the face of climate change, an increasing cost of living, and in a way that fits our values.

- Headphones icon
- Like icon
- Dislike icon
- Comment icon
- Share icon
- More options icon

This challenge is not unique to the North Coast. The outdoor recreation industry and demand for new places to get outside is only growing, and the increased participation we've seen in recent years has meant record economic output across the country. As a clear leader in this space, with more jobs in the outdoor industry and more people getting outside than in any other state, California has an opportunity to demonstrate what sustainable investment in outdoor access can look like. Humboldt County can be at the forefront of the outdoor industry's economic growth. We are uniquely positioned to support outdoor recreation in a way that not only gets more people outside but also supports growth in sustainable tourism revenues and long-term economic vitality.



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That is why "low-impact camping" and Senate Bill 620 pose such an incredible opportunity for our region. According to the Great Redwood Trail's draft Master Plan, a majority of the land adjacent is privately owned and relatively undeveloped. If we want people to fully access this trail and economic benefits — camping options on private lands will be essential for recreationists. Senate Bill 620 creates a state framework for defining "low-impact camping" to ensure it's responsible, safe, and environmentally sustainable, and easier for our county to permit without additional expenses (which can cost up to six figures!) and hurdles at the state level. Building partnerships with companies that allow private landowners to list their land for camping will benefit all of us.

Allowing rural landowners to host campers ensures that tourism dollars stay in our community, gives landowners a secondary source of revenue to help conserve and maintain their properties, and diverts campers from overcrowded public sites to locally run, safe, and well-managed areas. Humboldt County recently started regulating short-term rentals, but our housing crisis won't go away overnight. It won't fix that problem alone, but it does provide a way to support overnight tourists without relying on properties that could be used as long-term housing. It also supports visitors who are trying to visit our area but can't because of the lack of public camping options during busy seasons. Too often, people drive straight through our beautiful North Coast area because all public camping sites are full and go spend their money elsewhere.



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My job is to teach people about sustainable business practices in the outdoor industry, and my research has always been focused on

creating more equity and access to nature. That's why the trifecta of California's investment in the Great Redwood Trail, the state's new Outdoors for All Strategy, and Senate Bill 620 are so exciting to me. I applaud Senate President Pro-Tem Mike McGuire for his decades-long commitment to the North Coast and I am excited to see him continue building on his legacy by championing Senate Bill 620. I look forward to seeing the bill become law, and to working with our local community to ensure increased outdoor recreation access.

Dr. Geneviève Marchand is a professor of recreation administration at Cal Poly Humboldt and an Arcata resident.

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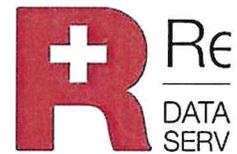
24 16



Reuters

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6



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

| Ref#  | Date      | Vendor                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                 | Amount    |
|-------|-----------|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 13299 | 7/02/2024 | [2551] MIRANDA'S ANIMAL RESCUE                 | Animal Control for June 2024                                                                                                                                                                                                                                                                                                                                                                                                | 1,900.00  |
| 13300 | 7/10/2024 | [4109] ACCESS HUMBOLDT                         | 2nd Quarter fee Ending 6/30/2024                                                                                                                                                                                                                                                                                                                                                                                            | 270.00    |
| 13301 | 7/10/2024 | [5381] ALTERNATIVE BUSINESS CONCEPTS           | MONTHLY MAINTENANCE & COPIER CHARGES FOR JUNE 2024 - City Hall & COPIER CHARGES FOR JUNE 2024 - PD                                                                                                                                                                                                                                                                                                                          | 903.65    |
| 13302 | 7/10/2024 | [3975] AT&T - 5709                             | FAX LINE EXPENSES FOR JUNE 2024 - PD, FAX LINE EXPENSES FOR JUNE 2024 - City Hall                                                                                                                                                                                                                                                                                                                                           | 66.83     |
| 13303 | 7/10/2024 | [2293] CITY OF FORTUNA                         | Police Dispatch for July 2024, LAB TESTING -COLIFORM QUANTI-TRAY; BOD; TSS/MLSS; COLIFORM PA; COLIFORM 3X5                                                                                                                                                                                                                                                                                                                  | 11,410.83 |
| 13304 | 7/10/2024 | [2303] COAST CENTRAL CREDIT UNION              | POA Dues for PPE 6/28/2024                                                                                                                                                                                                                                                                                                                                                                                                  | 60.00     |
| 13305 | 7/10/2024 | [7793] CONTRERAS, VANESSA                      | CUSTOMER DEPOSIT REFUND                                                                                                                                                                                                                                                                                                                                                                                                     | 156.98    |
| 13306 | 7/10/2024 | [2340] DEPT OF JUSTICE ACCOUNTING OFFICE       | Fingerprint Apps                                                                                                                                                                                                                                                                                                                                                                                                            | 128.00    |
| 13307 | 7/10/2024 | [2342] DEPT OF CONSERVATION DIVISION OF ADMIN. | STRONG MOTION INSTRUMENTATION & SEISMIC HAZARD MAPPING FEE FOR APRIL THROUGH JUNE                                                                                                                                                                                                                                                                                                                                           | 305.30    |
| 13308 | 7/10/2024 | [2356] DOWNEY BRAND LLP                        | Services Rendered Through 5/31/2024                                                                                                                                                                                                                                                                                                                                                                                         | 237.50    |
| 13309 | 7/10/2024 | [2407] FORBUSCO LUMBER                         | Shim, Stakes, Lumber Assessment, Lumber and Lumber Assessment                                                                                                                                                                                                                                                                                                                                                               | 108.93    |
| 13310 | 7/10/2024 | [2405] FORTUNA ACE HARDWARE                    | Ace Weed & Feed, Tape, Knife, Blades, Joint Cement                                                                                                                                                                                                                                                                                                                                                                          | 1,611.27  |
| 13311 | 7/10/2024 | [5765] GARNES, DEBRA                           | Reimbursement: Early Bird Full Conference (Member City Officials -LoCC)                                                                                                                                                                                                                                                                                                                                                     | 650.00    |
| 13312 | 7/10/2024 | [5052] GHD, INC                                | Professional Services Rendered Through 4/27/2024: Rio Dell - Engineer Services, Professional Services Rendered Through 6/22/2024 - Rio Dell EQ Damage Assessments, Professional Services Rendered Through 6/22/2024 - PW Rio Dell Eel River Trail, Professional Services Rendered Through 6/29/2024 - Rio Dell Painter Line Sewer Upsizing, Professional Services Rendered Through 6/29/2024 - Rio Dell Water System WebGIS | 89,933.80 |
| 13313 | 7/10/2024 | [6486] GREEN TO GOLD ENTERPRISES LLC           | Wasp, Hornet & Yellowjacket Killer; Spectracide, Ball Valve, PVC Nipple, Utility Jug Spout, Paint Rollers                                                                                                                                                                                                                                                                                                                   | 73.90     |
| 13314 | 7/10/2024 | [4840] HOOVEN & CO., INC                       | Triangle Park Exercise Station                                                                                                                                                                                                                                                                                                                                                                                              | 34,945.00 |
| 13315 | 7/10/2024 | [2501] KEENAN SUPPLY                           | Pex Ring w/ Stop, Flag Import, Hex Bush                                                                                                                                                                                                                                                                                                                                                                                     | 323.78    |
| 13316 | 7/10/2024 | [6998] MAD RIVER COMMUNITY HOSPITAL            | EKG Stress Test, EKG Stress Test                                                                                                                                                                                                                                                                                                                                                                                            | 1,522.49  |
| 13317 | 7/10/2024 | [6120] MANN, ROBERT & KELLIE                   | CUSTOMER DEPOSIT REFUND                                                                                                                                                                                                                                                                                                                                                                                                     | 76        |
| 13318 | 7/10/2024 | [2569] MICROBAC LABORATORIES, INC.             | Aqueous Sample Digestion, ELAP Certification Fee, ICP-OES Metals, Nitrate and/or Nitrite, Organochlorine Pesticides and PCBs, THM by EPA 624, Total Dissolved Solids                                                                                                                                                                                                                                                        | 2,235     |

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|       |           |                                             |                                                                                                                                                                                                                                                                                                                                                                                    |          |
|-------|-----------|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 13319 | 7/10/2024 | [3006] MISSION LINEN SUPPLY, INC            | Maintenance & Cleaning of PW Shirts, Clean Mop Head, Hand Soap, Clean Mop Head, Maintenance & Cleaning of PW Shirts, Clean Mop Head, Maintenance & Cleaning of PW Shirts, Clean Mop Head, Roll of Paper Towels, Clean Mop Head, Maintenance & Cleaning of PW Shirts, Clean Mop Head                                                                                                | 314.14   |
| 13320 | 7/10/2024 | [5934] NORTH COAST JOURNAL, INC             | Employment Ad - Police Officer - Lateral, Employment Ad - Police Chief, Employment Ad - Police Chief, Employment Ad - Police Chief, Employment Ad - Police Chief | 2,048.00 |
| 13321 | 7/10/2024 | [6100] NORTHERN CALIFORNIA GLOVE            | Gloves, Gloves                                                                                                                                                                                                                                                                                                                                                                     | 337.87   |
| 13322 | 7/10/2024 | [4393] NYLEX.net. Inc.                      | Update Netmotion IP Addresses for new Fortuna PD Connection                                                                                                                                                                                                                                                                                                                        | 330.00   |
| 13323 | 7/10/2024 | [6943] PACE SUPPLY CORP                     | Nylon Saddle                                                                                                                                                                                                                                                                                                                                                                       | 454.84   |
| 13324 | 7/10/2024 | [7631] REMY MOOSE MANLEY, LLP               | Confidential Attorney-Client Privileged                                                                                                                                                                                                                                                                                                                                            | 2,012.50 |
| 13325 | 7/10/2024 | [7716] RESTORATION FIRST RESPONDER NETWORK  | Monthly Contracted Rate - for Therapy                                                                                                                                                                                                                                                                                                                                              | 315.38   |
| 13326 | 7/10/2024 | [2664] ROGERS MACHINERY INC                 | Infiltration Gallery Pumps                                                                                                                                                                                                                                                                                                                                                         | 6,185.90 |
| 13327 | 7/10/2024 | [4525] SHERLOCK RECORDS MGMT                | STORAGE SERVICE FOR JULY 2024                                                                                                                                                                                                                                                                                                                                                      | 150.00   |
| 13328 | 7/10/2024 | [2715] STEWART TELECOMMUNICATION            | Phone Lines PD - August 2024, Phone Lines City Hall - August 2024                                                                                                                                                                                                                                                                                                                  | 557.95   |
| 13329 | 7/10/2024 | [7585] SWEAT PANDA FORTUNA, LLC             | Unlimited Month to Month Membership w/Auto Renew, Unlimited Month to Month Membership w/Auto Renew                                                                                                                                                                                                                                                                                 | 318.00   |
| 13330 | 7/10/2024 | [4908] THE MITCHELL LAW FIRM, LLP           | LEGAL SERVICES FOR JUNE 2024, LEGAL SERVICES FOR JUNE 2024                                                                                                                                                                                                                                                                                                                         | 1,538.50 |
| 13331 | 7/10/2024 | [5748] THE PIN CENTER                       | Rio Dell Pins                                                                                                                                                                                                                                                                                                                                                                      | 602.50   |
| 13332 | 7/10/2024 | [2735] TIMES-STANDARD                       | Classified Advertising: Chief of Police & Police Officer Lateral                                                                                                                                                                                                                                                                                                                   | 1,773.00 |
| 13333 | 7/10/2024 | [3917] VERIZON WIRELESS                     | Safety Phones PD & PW (& Mayor): May 17- June 16                                                                                                                                                                                                                                                                                                                                   | 656.66   |
| 13334 | 7/10/2024 | [6037] WELLS FARGO VENDOR FIN SERV          | KYOCERA COPIER PAYMENT FOR JULY 2024                                                                                                                                                                                                                                                                                                                                               | 391.07   |
| 13335 | 7/10/2024 | [2772] WENDT CONSTRUCTION, INC              | Repair Sewer Lateral, Roadside Mower                                                                                                                                                                                                                                                                                                                                               | 2,242.50 |
| 13336 | 7/10/2024 | [2779] WILDWOOD SAW                         | Grass Blade, Forester Trimmer Blade, Diamond Edge Trimmer Line, Water Can                                                                                                                                                                                                                                                                                                          | 150.77   |
| 13337 | 7/10/2024 | [2787] WYCKOFF'S                            | Brass Ball Valve & Hose Adapter, Wire Splice & Repair Kit, Super 88, Tubing Heat Shrinking                                                                                                                                                                                                                                                                                         | 134.55   |
| 13338 | 7/22/2024 | [6038] ACCURATE TERMITE & PEST SOLUTIONS    | BI-MONTHLY PEST CONTROL @ 675 WILDWOOD AVE                                                                                                                                                                                                                                                                                                                                         | 105.00   |
| 13339 | 7/22/2024 | [7237] BPR CONSULTING GROUP                 | Plan Check Fee - Northwestern Flower Co Improvements MEP                                                                                                                                                                                                                                                                                                                           | 1,083.98 |
| 13340 | 7/22/2024 | [4603] CALIF. BUILDING STANDARDS COMMISSION | PERMIT ASSESSMENT FEES FOR APRIL THROUGH JUNE 2024                                                                                                                                                                                                                                                                                                                                 | 63.      |
| 13341 | 7/22/2024 | [4937] CALIFORNIA DEPT OF TRANSPORTATION    | Signals & Lighting Billing April - June 2024                                                                                                                                                                                                                                                                                                                                       | 372.     |
| 13342 | 7/22/2024 | [4063] CITY OF FERNDALE                     | Police Services                                                                                                                                                                                                                                                                                                                                                                    | 829.     |
| 13343 | 7/22/2024 | [7425] CIVICPLUS LLC                        | Municode Meeting Premium Annual & Hub Stand Alone Purchase 7/25/2024-7/24/2025                                                                                                                                                                                                                                                                                                     | 3,402.   |

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|       |           |                                                   |                                                                                                                                                                                                                                                                 |            |
|-------|-----------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 13344 | 7/22/2024 | [2303] COAST CENTRAL CREDIT UNION                 | POA Dues for PPE 7/12/2024                                                                                                                                                                                                                                      | 60.00      |
| 13345 | 7/22/2024 | [4491] CODE PUBLISHING, INC                       | Municipal Code-Cumulative Supplement, New Pages, Printing                                                                                                                                                                                                       | 659.70     |
| 13346 | 7/22/2024 | [6461] COMCATE                                    | CODE ENFORCEMENT MANAGER RENEWAL AGREEMENT 8/2/24-8/1/25                                                                                                                                                                                                        | 2,324.64   |
| 13347 | 7/22/2024 | [5568] DIVISION OF THE STATE ARCHITECT            | DISABILITY ACCESS & EDUCATION FEES FOR APRIL THROUGH JUNE 2024                                                                                                                                                                                                  | 36.90      |
| 13348 | 7/22/2024 | [2889] EEL RIVER TRANSPORTATION & SALVAGE         | Abatement @ 355 Center St - Credit, Trailer Debris, Trailer Demo                                                                                                                                                                                                | 605.55     |
| 13349 | 7/22/2024 | [2386] EUREKA RUBBER STAMP CO.                    | Bank Endorsement Stamp                                                                                                                                                                                                                                          | 43.53      |
| 13350 | 7/22/2024 | [2405] FORTUNA ACE HARDWARE                       | Universal Pure Gold                                                                                                                                                                                                                                             | 30.36      |
| 13351 | 7/22/2024 | [6486] GREEN TO GOLD ENTERPRISES LLC              | Toilet Ballcock and Fill Valve, Shop Hangers, Hose Adapter                                                                                                                                                                                                      | 48.89      |
| 13352 | 7/22/2024 | [2228] HUMBOLDT COUNTY ASSESSOR                   | CITY OF RIO DELL OWNERSHIP & MAILING ADDRESSES                                                                                                                                                                                                                  | 140.55     |
| 13353 | 7/22/2024 | [6410] HUMBOLDT LODGING ALLIANCE                  | HCTBID TOT Assessment Tax Fee Report Form April - June 2024                                                                                                                                                                                                     | 130.56     |
| 13354 | 7/22/2024 | [6414] HUMBOLDT VETERINARY MEDICAL GROUP          | Euthanasia of a Cat                                                                                                                                                                                                                                             | 30.00      |
| 13355 | 7/22/2024 | [7475] LEAF CAPITAL FUNDING LLC                   | Lease of Kyocera TA 308ci Copier System                                                                                                                                                                                                                         | 204.41     |
| 13356 | 7/22/2024 | [7087] ANDREW C LEWIS                             | Reimbursement - Tavel and Training: Waste Water Exam                                                                                                                                                                                                            | 413.15     |
| 13357 | 7/22/2024 | [7195] METER, VALVE & CONTROL, Inc                | Water Meter Endpoint                                                                                                                                                                                                                                            | 3,574.37   |
| 13358 | 7/22/2024 | [2569] MICROBAC LABORATORIES, INC.                | BOD/NFR, ELAP Certification Fee                                                                                                                                                                                                                                 | 300.00     |
| 13359 | 7/22/2024 | [4393] NYLEX.net. Inc.                            | MONTHLY MAINTENANCE FOR AUGUST 2024                                                                                                                                                                                                                             | 3,230.00   |
| 13360 | 7/22/2024 | [6943] PACE SUPPLY CORP                           | Ford                                                                                                                                                                                                                                                            | 70.67      |
| 13361 | 7/22/2024 | [2682] SMALL CITIES ORGANIZED RISK EFFORT (SCORE) | Liability Insurance Premium, Annual Premium for Property Insurance, Property Banking Layer Deposit, 1st Quarter Premium for Worker's Compensation Insurance, Annual Premium for ERMA/EPLI Insurance, Annual Premium for ADWRP Insurance, Annual Premium for EAP | 227,415.09 |
| 13362 | 7/22/2024 | [7807] STATE OF CA FRANCHISE TAX BOARD            | Garnishment Case# 602545339                                                                                                                                                                                                                                     | 69.54      |
| 13363 | 7/22/2024 | [2735] TIMES-STANDARD                             | Notice of Election                                                                                                                                                                                                                                              | 190.22     |
| 13364 | 7/22/2024 | [2748] UNDERGROUND SERVICE ALERT                  | 2024 Membership Fee                                                                                                                                                                                                                                             | 368.68     |
| 13365 | 7/22/2024 | [2750] USA BLUEBOOK                               | Disposable Wipes                                                                                                                                                                                                                                                | 586.54     |
| 13366 | 7/22/2024 | [2773] WCP SOLUTIONS                              | ANNUAL PAPER ORDER                                                                                                                                                                                                                                              | 1,644.08   |
| 13367 | 7/22/2024 | [2772] WENDT CONSTRUCTION, INC                    | Sewer Lateral/Sidewalk Repairs @ 475 Wildwood Ave                                                                                                                                                                                                               | 582.14     |
| 13368 | 7/22/2024 | [2779] WILDWOOD SAW                               | Edger Attachment                                                                                                                                                                                                                                                | 244.49     |
| 13369 | 7/25/2024 | [7644] CAMINITI, JOSEPH & BAILEY                  | CUSTOMER DEPOSIT REFUND                                                                                                                                                                                                                                         | 108.64     |
| 13370 | 7/25/2024 | [2405] FORTUNA ACE HARDWARE                       | Sprinklers, Bit and Bolts, Cleaning Supplies                                                                                                                                                                                                                    | 216.54     |
| 13371 | 7/25/2024 | [5623] KYLE C KNOPP                               | Over Payment on Aflac                                                                                                                                                                                                                                           | 12.66      |
| 13372 | 7/25/2024 | [6000] McCREA MOTORS                              | Oil Change and Tire Rotation for Admin Car (Subaru Legacy)                                                                                                                                                                                                      | 104.81     |
| 13373 | 7/25/2024 | [2569] MICROBAC LABORATORIES, INC.                | Coliform Presence/Absence, Coliform Quanti-tray, ELAP Certification Fee, Total Coliform Bacteria 3x5                                                                                                                                                            | 275.       |
| 13374 | 7/25/2024 | [6943] PACE SUPPLY CORP                           | Ford                                                                                                                                                                                                                                                            | 55.        |
| 13375 | 7/25/2024 | [3343] PITNEY BOWES RESERVE ACCOUNT               | Postage Purchased for Reserves on 6/24/2024                                                                                                                                                                                                                     | 400.       |

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|                              |           |                                        |                                                                                                                           |                   |
|------------------------------|-----------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------------|
| 13376                        | 7/25/2024 | [6373] THATCHER COMPANY, INC.          | Aqua Ammonia, 25% Tech - 375 # Drum, Sierra Sani-Chlor - 330 G Tote, Deposit Return                                       | 1,283.47          |
| 13377                        | 7/25/2024 | [3917] VERIZON WIRELESS                | Safety Phones PD & PW (& Mayor): June 17- July 16                                                                         | 656.88            |
| 13378                        | 7/25/2024 | [6037] WELLS FARGO VENDOR FIN SERV     | KYOCERA COPIER PAYMENT FOR AUGUST 2024                                                                                    | 391.07            |
| 13379                        | 7/25/2024 | [2787] WYCKOFF'S                       | Ball Valve, Adapter                                                                                                       | 157.15            |
| 13380                        | 7/31/2024 | [4063] CITY OF FERNDALE                | Police Services                                                                                                           | 1,037.05          |
| 13381                        | 7/31/2024 | [2303] COAST CENTRAL CREDIT UNION      | POA Dues for PPE 7/26/2024                                                                                                | 60.00             |
| 13382                        | 7/31/2024 | [2356] DOWNEY BRAND LLP                | Services Rendered Through June 30, 2024                                                                                   | 95.00             |
| 13383                        | 7/31/2024 | [2405] FORTUNA ACE HARDWARE            | Paint, Mixer, Primer/Sealer, Brushes, Nozzel, Pail, Hose Shut Off                                                         | 242.46            |
| 13384                        | 7/31/2024 | [5052] GHD, INC                        | Professional Services Rendered Through 7/27/2024: Rio Dell Water System WebGIS                                            | 2,019.58          |
| 13385                        | 7/31/2024 | [7356] GRAINGER, INC.                  | Bushing, Sockets, Solenoid Valve                                                                                          | 1,034.95          |
| 13386                        | 7/31/2024 | [6486] GREEN TO GOLD ENTERPRISES LLC   | Bolts for Signs, Bushing, Hose Cap Washer Kit                                                                             | 14.28             |
| 13387                        | 7/31/2024 | [2569] MICROBAC LABORATORIES, INC.     | Coliform Presence/Absence, ELAP Certification Fee, Total Coliform                                                         | 455.00            |
| 13388                        | 7/31/2024 | [4338] QUILL CORPORATION               | Bacteria 3X5, BOD/NFR, ELAP Certification Fee                                                                             |                   |
| 13389                        | 7/31/2024 | [6349] RECOLOGY EEL RIVER              | Card Stock 11x17                                                                                                          | 58.71             |
| 13390                        | 7/31/2024 | [4215] ROCHA'S AUTOMOTIVE, INC.        | June '24 Trash Bags                                                                                                       | 175.14            |
| 13391                        | 7/31/2024 | [4570] SHRED AWARE                     | Oil Change '22 RAM 2500                                                                                                   | 161.45            |
| 13392                        | 7/31/2024 | [7185] STAPLES ADVANTAGE               | Shredding                                                                                                                 | 76.48             |
| 13393                        | 7/31/2024 | [7807] STATE OF CA FRANCHISE TAX BOARD | Step Stool, Duster, Tape, Cash Register Tape, Pens, Cleaning Supplies, Post-Its, Business Cards, Legal File Pockets, Pens | 352.08            |
| 13394                        | 7/31/2024 | [7585] SWEAT PANDA FORTUNA, LLC        | Garnishment Case# 602545339                                                                                               | 162.74            |
| 13395                        | 7/31/2024 | [3829] TELSTAR INSTRUMENTS, INC        | Unlimited Month to Month Membership w/Auto Renew, Unlimited Month to Month Membership w/Auto Renew                        | 318.00            |
| <b>Total Checks/Deposits</b> |           |                                        |                                                                                                                           | <b>1,749.43</b>   |
|                              |           |                                        |                                                                                                                           | <b>427,967.56</b> |

| Ref#      | Date      | Vendor                    | Description                                                      | Amount     |
|-----------|-----------|---------------------------|------------------------------------------------------------------|------------|
| 564158    | 7/02/2024 | ELECTRONIC FUNDS TRANSFER | EFT FOR AFLAC INSURANCE ONLINE PAYMENT FOR JUNE 2024.            | -879.36    |
| 6190240   | 7/02/2024 | ELECTRONIC FUNDS TRANSFER | EFT: MISSIONSQUARE RETIREMENT PAYMENT FOR PPE 06/28/2024         | -11,823.60 |
| 9837342   | 7/08/2024 | ELECTRONIC FUNDS TRANSFER | EFT: DELTA DENTAL PAYMENT FOR AUG 2024.                          | -2,290.83  |
| 006-672   | 7/08/2024 | ELECTRONIC FUNDS TRANSFER | EFT FOR EDD PAYROLL TAXES FOR PPE 06/28/2024                     | -4,079.67  |
| 4930204   | 7/08/2024 | ELECTRONIC FUNDS TRANSFER | EFT FOR EFTPS PAYROLL TAXES FOR PPE 06/28/2024                   | -20,213.86 |
| 9837343   | 7/08/2024 | ELECTRONIC FUNDS TRANSFER | EFT WEXBANK/SHELL FUEL CO PAYMENT FOR JULY FY2024-2025.          | -3,005.00  |
| 1291871   | 7/08/2024 | ELECTRONIC FUNDS TRANSFER | EFT ONLINE FIBER OPTIMUM BILL FOR JULY 2024. SPLIT W/ P.D & ADM. | -900.00    |
| 220055234 | 7/08/2024 | WITHDRAWAL                | DEPOSITED ITEM RETURNED                                          | -31.00     |
| 9837344   | 7/10/2024 | ELECTRONIC FUNDS TRANSFER | EFT ONLINE OPTIMUM PUBLIC WORKS PAYMENT FOR JULY 2024.           | -208.00    |
| 50        | 7/15/2024 | WITHDRAWAL                | ANALYSIS SERVICE CHARGE FOR JULY 2024.                           | -312.00    |

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|                                     |           |                           |                                                              |                    |
|-------------------------------------|-----------|---------------------------|--------------------------------------------------------------|--------------------|
| 3624524                             | 7/16/2024 | ELECTRONIC FUNDS TRANSFER | EFT: BANK OF AMERICA CREDIT CARD PAYMENTS: JUNE & JULY 2024. | -8,616.20          |
| 6068941                             | 7/16/2024 | ELECTRONIC FUNDS TRANSFER | EFT: MISSIONSQUARE RETIREMENT PAYMENT FOR PPE 07/12/2024     | -11,823.60         |
| Aug-24                              | 7/17/2024 | ELECTRONIC FUNDS TRANSFER | EFT: BENEFIT BRIDGE/PUBLIC AGENCY PAYMENT FOR AUG 2024.      | -31,782.32         |
| 9837345                             | 7/17/2024 | ELECTRONIC FUNDS TRANSFER | EFT FOR PG&E ONLINE PAYMENT FOR JULY 2024                    | -24,355.71         |
| 9837346                             | 7/18/2024 | ELECTRONIC FUNDS TRANSFER | EFT: DEARBORN LIFE INSURANCE PAYMENT FOR AUG 2024.           | -464.63            |
| 9837347                             | 7/22/2024 | ELECTRONIC FUNDS TRANSFER | EFT FOR VSP INSURANCE ONLINE PAYMENT FOR AUGUST 2024         | -414.42            |
| 940-752                             | 7/22/2024 | ELECTRONIC FUNDS TRANSFER | EFT FOR EDD PAYROLL TAXES FOR PPE 07/12/2024                 | -3,349.50          |
| 3224639                             | 7/22/2024 | ELECTRONIC FUNDS TRANSFER | EFT FOR EFTPS PAYROLL TAXES FOR PPE 07/12/2024               | -17,754.96         |
| 9837348                             | 7/24/2024 | ELECTRONIC FUNDS TRANSFER | EFT: PG&E PAYMENT - JULY 2024 - Northwestern Street Lights   | -36.34             |
| 903244                              | 7/25/2024 | ELECTRONIC FUNDS TRANSFER | EFT: AFLAC INSURANCE PAYMENT - JULY 2024. FY2024-2025        | -1,247.90          |
| 706-896                             | 7/29/2024 | ELECTRONIC FUNDS TRANSFER | EFT: PAYROLL ADJUSTMENT - SDI TAXES UNDER REPORTED.          | -2.68              |
| <b>Total EFT's/Bank Withdrawals</b> |           |                           |                                                              | <b>-143,592.45</b> |

| Ref#                                   | Date      | Vendor                                 | Description                                 | Amount            |
|----------------------------------------|-----------|----------------------------------------|---------------------------------------------|-------------------|
| TRX TO PR                              | 7/02/2024 | TRANSFER FROM CHECK TO PAYROLL ACCOUNT | TRANSFER TO PAYROLL ACCT FOR PPE 06/28/2024 | -49,390.73        |
| TRX TO PR                              | 7/18/2024 | TRANSFER FROM CHECK TO PAYROLL ACCOUNT | TRANSFER TO PAYROLL ACCT FOR PPE 07/12/2024 | -45,857.68        |
| <b>Total Transfer Between Accounts</b> |           |                                        |                                             | <b>-95,248.41</b> |

| Ref#                                | Date      | Vendor     | Description                                            | Amount           |
|-------------------------------------|-----------|------------|--------------------------------------------------------|------------------|
| 9837338                             | 7/01/2024 | WITHDRAWAL | DEBIT CARD FOR POSTAGE TO MAIL U/B BILLS FOR JUNE 2024 | -516.02          |
| 9837349                             | 7/31/2024 | WITHDRAWAL | DEBIT CARD FOR POSTAGE TO MAIL U/B BILLS FOR JULY 2024 | -552.91          |
| <b>Total Debit Card Withdrawals</b> |           |            |                                                        | <b>-1,068.93</b> |



## Staff Highlights – 2024-08-20

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### City Council

### City Manager

The main construction on the Water Capital Improvement Project is now expected to begin in January 2025 due to contractor scheduling. Smaller components will be worked on over the remainder of 2024. This change does not impact the cost of the project to the City.

The contractor for the Eel River Trail is anticipating beginning work this week.

Staff is researching some possible organizational and facility changes to the Police Department in order to help prepare the Department for a new chief. We hope to bring the changes to the Council before the end of September.

### City Clerk

#### Processed Three (3) Building Permit Applications:

165 Cedar St. – Re-Roof Residence

198 N. Fern St. – Sewer Cleanout

693 Side St. – New Concrete Slab on Bottom Floor of Residence

#### Processed One (1) Business License Application:

Jimbox Design – Photography including Fine Art Photography

#### Misc:

Submitted CHF/CIRB Building Permit Report for July

Submitted August Employment Data Report

Provided address Verification Letter for 150 W. Townsend St.

Sent letters Re: Newly assigned addresses for vacant parcels on Dinsmore Plateau

Submitted Agreement Package to the State Re: Local Sales Tax Measure

Coordinated with County Elections on the upcoming November 5<sup>th</sup> Election



Attended Cal Fire Ad Hoc Committee meeting on 8/14/24

Corresponded with George Hills Re: Auto Liability Claim – Judy Wilson

Submitted to SCORE, Employee and Wage Report for the Office of Self-Insured Plans (OSIP)

Responded to inquiries from the Assessor's Office related to the status of Building Permits

Attended the Beautification, Walkability, and Pride Committee meeting on 8/16/24

### **City Attorney**

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

#### **Finance Department**

Rio Dell Water Infrastructure Project: Collaborated with stakeholders to compile and organize financial data for submission to the State Water Board.

SLC Permit: Advanced the Eel River Pipeline Seismic Retrofit project through collaboration with contract engineers to obtain necessary permits.

Clean California Initiative: Moving towards finalizing and closing out the Clean California Gateway Beautification grant, initiating preparations for the Eel River Trail construction project.

Sewer Liens: Implemented City Ordinance 399-2023 by submitting outstanding sewer debts to the Humboldt County Assessor's Office for tax lien placement.

Local Transportation Fund (LFT) Claim: Submitted the FY 24-25 LFT Claim form to the Humboldt County Association of Governments (HCAOG) based on revised Humboldt Transit Authority contributions.

Per Capita Park Development Grant: Preparing for project closeout with City staff and contractors for the Per Capita Park Development Grant (Dog Park).

Rio Dell Earthquake Recovery: Actively coordinated with the California Office of Emergency Services to expedite the processing of earthquake-related claims and projects.

Community Development Block Grant (CDBG): Worked closely with the California Department of Housing and Community Development to optimize fund utilization through accurate Program Income reporting and strategic planning.

City Website: Updated the City website to include current audits, budgets, and compensation schedules.

#### **Public Works Water**

#### **Public Works Wastewater**



Collection system checked weekly, system is much dryer.

Weekly Jetting occurs on Thursdays.

CAL-OES DSR for the Chlorine Generator was approved.

Aero Mod Training was a success.

Monthly Sampling is proving Chloramine Project success.

New Lower lateral installed by Wendt construction at Third Ave. and Berkley for new construction.

Lateral Test at 198 Fern, new lateral with 2 cleanouts and backflow device. Passed test.

Plug on Riverside manhole #298, jetted and cleared.

Contributed to the Chamber of Commerce monthly newsletter “Episode 1; As the Sewer Turns”, explaining F.O.G. and what should be flushed and or rinsed into the sewer system.

**Public Works Streets, Buildings and Grounds**

**Public Works City Engineer**

**Public Works Capital Projects**

**Police Department**

The Department had the following statistics for the period of July 10 to August 13, 2024. The summation of Calls for Service may greater than the total as multiple officers can now be assigned to the same call for service. There may also be administrative calls for service that are not documented below.

| Officer             | Calls for Service | Reports       | Arrests      |
|---------------------|-------------------|---------------|--------------|
| Conner              | 116               | 12            | 0            |
| Beauchaine          | 90                | 8             | 0            |
| Landry              | 135               | 14            | 6            |
| Sierra              | 23                | 0             | 0            |
| Fielder             | 31                | 3             | 0            |
| Clark               | 46                | 2             | N/A          |
| Totals              | 491               | 39            | 6            |
| Averages            | 17.5 per day      | 9.75 per week | 1.5 per week |
| 2023 Yearly Average | 13.7 per day      | 10.9 per week | 3.6 per week |

Calls for Service at 355 Center Street



| Type    | Date       | Time     | Location      | Primary Unit | Case #     |
|---------|------------|----------|---------------|--------------|------------|
| 2736    | 07/10/2024 | 07:58:06 | 355 CENTER ST | 6S2          | 24-0000246 |
| FU      | 07/10/2024 | 10:02:10 | 355 CENTER ST | 6S2          |            |
| VI      | 07/10/2024 | 15:53:27 | 355 CENTER ST | 6S2          |            |
| CWS     | 07/12/2024 | 10:46:34 | 355 CENTER ST | 6S2          | 24-0000249 |
| ANIMAL  | 07/19/2024 | 09:02:46 | 355 CENTER ST | 6S2          |            |
| CITIZEN | 07/19/2024 | 11:26:16 | 355 CENTER ST | 6X3          |            |
| 415     | 07/19/2024 | 14:00:16 | 355 CENTER ST | 6S2          |            |
| WELFARE | 07/21/2024 | 10:15:37 | 355 CENTER ST | 6A1          |            |
| FOOT    | 07/27/2024 | 15:52:30 | 355 CENTER ST |              |            |
| PATROL  | 07/28/2024 | 11:53:42 | 355 CENTER ST | 6A1          |            |
| 415V    | 08/03/2024 | 10:18:52 | 355 CENTER ST | 6R1          | 24-0000275 |
| 415N    | 08/07/2024 | 02:35:00 | 355 CENTER ST | 6A1          |            |
| CITIZEN | 08/12/2024 | 10:52:25 | 355 CENTER ST | 6R1          |            |

- ANIMAL – Generic animal control detail
- 2736 – Domestic violence restraining order violation
- 415 – Argument or disturbance
- CITIZEN – Generic citizen contact
- WELFARE – Mental or physical health check
- FU – Follow-up or generic call for service
- OUT – Assist for another agency
- CWS – Child abuse investigation
- VI – Vehicle investigation
- FOOT – Foot patrol through the complex
- PATROL – Patrol check of the property
- 415V – Verbal argument
- 415N- Noise complaint

- 6S2 – Corporal Crystal Landry
- 6A1 – Chief Jeff Conner
- 6S1 – Sergeant John Beauchaine
- 6X3 – Community Services Officer Mary Clark
- 6R1 – Officer Charlie Fielder

During the period of July 10 to August 13, 2024, there were 25 calls for service related to animals. One dog and six kittens were transported to Miranda’s Rescue. Shannon Miranda told us that there was no room for any more dogs for a period of about ten days. The Fortuna Police Department was kind enough to allow us to hold another detained dog in their kennel until the owner could pick him up.

Officer Dylan Burley joined the Department. He is a lateral transfer from the Fortuna Police Department and should be patrolling on his own after a very short field training program.

Interim Chief Conner’s last day of work is August 23, 2024. He intends to leave shortly thereafter to continue his crossing of the Country by bicycle.



On August 3, 2024, Corporal Landry responded to a residence where a man and a woman had been arguing. The man had left before she arrived. Corporal Landry learned that the man, who had been drinking, had picked up a large glass bowl and hit the mother of his children in the back of the head with it. This caused a laceration that was bleeding profusely and the woman was describing the symptoms of a concussion. She was transported to the hospital. Later that same day, Officer Sierra noticed the suspect's vehicle was parked in front of the house. He waited and watched for about twenty minutes until he saw the man in the front yard. He then took him into custody without incident. The suspect was transported to the jail where he was booked for felony domestic violence and for assault a deadly weapon.

### **Community Development Department**

Roof inspections 612 Second Ave

Revise RHIP letter, print, stuff envelopes, and mail information out.

Follow-up with the City Attorney and County Counsel regarding recording fee exemptions.

Revise Sounder's cover page – Deed of Trust. Take to Recorder's Office and record.

Meeting with DEH regarding well permit administration, MOU and text amendments to Ordinance.

Roof inspections 185 Douglas Street

Roof inspections 155 Elko Street

Foundation Inspection 762 Rigby

Siding Inspection 910 Pacific Ave

Follow-up with RM Duct Solutions Permit for 108 Cedar

Roof Final 1110 Rio Vista

Electrical/Final Inspection 395 Cherry Lane

Roof Final 449 Second Ave

Final Inspection 15 Center Street for house put back (shifted 2-4") on foundation

Final 296 Center Street Bolt & Brace

Final Roof 646 Gunnerson

Attend Energy Code webinar



Respond to County request regarding updated earthquake information

Final Roof inspection 520 Second Ave

Prepare staff report for Construction Noise and PC appointments

Respond to Surety Bond inquiry re: Cortazar

Prepare and refer McGrath CDBG Loan NEPA document

Receive, review VDU application 548 Second Ave, prepare notices and mail out

Review FIP application for 132 Wildwood Ave (Laundromat)

Water Heater Inspection 130 Wildwood Ave

New water line inspection 673 Rigby Ave

Attend Cal Fire Ad Hoc meeting

**Intergovernmental**

**Humboldt-Rio Dell Business Park**



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

August 20, 2024

TO: Rio Dell City Council  
FROM: Kyle Knopp, City Manager  
SUBJECT: Discussion on Possible Ordinance Change Banning the Sale, Provision or Distribution of Nitrous Oxide within the City Limits

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff or take no action.

BACKGROUND AND DISCUSSION

Staff was approached by personnel from the City of Eureka to propose a ban on Nitrous Oxide sales, not just in Eureka but across all various jurisdictions. The request follows a May 22, 2024 fatal vehicle vs. pedestrian accident in Eureka where the driver allegedly was using or had very recently used nitrous oxide and was impaired as a result, causing the fatal accident. At this time, it is our understanding that the other cities and County will be taking this proposal to their elected bodies for direction. No ordinance for Rio Dell has been developed, but attached is Eureka’s draft ordinance which would likely be substantively similar, if the Council so directs it be drafted.

Nitrous Oxide has several legal and legitimate uses, including in the making of whipping cream and as a vehicle performance enhancer. However, the material is also extensively abused with real consequences. It is also unclear if such a ban in placed would impact or be enforceable for the online sale of this material. Exceptions from the ban for medical and dental related use are included in Eureka’s draft ordinance.

Attachment: Eureka’s Draft Ordinance as of July 29, 2024.

///

BILL NO. -C.S.  
ORDINANCE NO. \_\_\_\_-C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUREKA  
ADDING SECTION 130.15 TO TITLE XIII, CHAPTER 130, MAKING IT UNLAWFUL  
FOR ANY PERSON IN THE CITY, WITH EXCEPTIONS, TO SELL OR ATTEMPT TO  
SELL, OFFER, DISTRIBUTE, OR PROVIDE NITROUS OXIDE TO ANY PERSON**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:**

**WHEREAS**, nitrous oxide use continues to be an urgent public health challenge; and

**WHEREAS**, medical authorities have linked the recreational use of nitrous oxide to serious health problems, including physical illness, mental illness, injury, and even death and

**WHEREAS**, nitrous oxide continues to gain popularity at an alarming rate, especially among college-aged, high school-aged, and middle school-aged children; and

**WHEREAS**, nitrous oxide has legitimate purposes, including its use in cooking and cake decorating, and is commonly known to boost performance in automobiles. However, nitrous oxide has found its way to illegitimate purposes as an intoxicating drug; and

**WHEREAS**, the California Penal Code, Section 381b, makes it a misdemeanor for anyone to intentionally inhale or ingest nitrous oxide for the purpose of causing intoxication, and anyone who is so intoxicated is also guilty of a misdemeanor; and

**WHEREAS**, the California Penal Code, Section 381c, makes it a misdemeanor to sell or distribute nitrous oxide to anyone under the age of 18 (unless administered by and for medical or dental purposes by a licensed practitioner); and

**WHEREAS**, the California Penal Code, Section 381e, requires that anyone dispensing or distributing nitrous oxide must inform the purchaser that it is a violation of state law to knowingly distribute or dispense nitrous oxide to a person who intends to breathe, inhale, or ingest it for the purpose of intoxication; and

**WHEREAS**, in spite of the state law prohibitions, there are loopholes that allow the distribution of nitrous oxide cartridges in quantities of many hundreds at a time without meaningful oversight, which puts members of the community at risk; and

**WHEREAS**, eliminating the sale and distribution of nitrous oxide in the City of Eureka will reduce the number of persons in possession of and who use nitrous oxide as an intoxicating drug and will promote the public health, safety, and welfare; and

**WHEREAS**, the City has the affirmative duty to protect the health, safety, and welfare of all its citizens and takes nitrous oxide abuse seriously; and

BILL NO. -C.S.  
ORDINANCE NO. \_\_\_\_-C.S.  
Page 2

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EUREKA FINDS AND ORDAINS AS FOLLOWS:

**SECTION 1.** The above recitals are all true and correct and are hereby adopted as findings of the City Council.

**SECTION 2.** The Eureka Municipal Code is hereby amended to add Section 130.15 to Title XIII, Chapter 130, entitled "Sales of Nitrous Oxide," to read as follows:

**§ 130.15 SALES OF NITROUS OXIDE.**

**A. DEFINITIONS.** The following words and phrases as used in this section are defined as follows.

1. **DEVICE.** "Device" means any cartridge, compressed gas cylinder, apparatus, container, or other object used to contain, dispense or administer nitrous oxide.
2. **NITROUS OXIDE.** "Nitrous oxide" means the colorless nonflammable gas (N2O) sometimes used in aerosols and sometimes used as an anesthetic, which, when inhaled, produces loss of sensibility to pain, oftentimes preceded by exhilaration and laughter and used often as an anesthetic in dentistry. Nitrous oxide is also called, "laughing gas."
3. **PERSON.** "Person" refers to any individual or other entity howsoever organized or constituted.

**B. SALE OR DISTRIBUTION OF NITROUS OXIDE.**

It is unlawful for any person not excepted hereafter to sell or attempt to sell, offer, distribute, or otherwise provide to any person nitrous oxide, a device to dispense or administer nitrous oxide, or any device that contains a quantity of nitrous oxide.

This section shall not apply to the sale of nitrous oxide contained in food products for use as a propellant.

**C. EXCEPTIONS.**

The following persons are excepted from the prohibitions of this Chapter:

1. This section shall not apply to any person who administers nitrous oxide for the purpose of providing medical or dental care, if administered by a medical or dental practitioner licensed by this state or at the direction or under the supervision of a practitioner licensed by this state
2. This section shall not apply to the sale or distribution of nitrous oxide by a wholesaler licensed by the Board of Pharmacy or manufacturer classified under Code Number 325120 or 424690 of the North American Industry Classification System (NAICS).

**BILL NO. -C.S.**  
**ORDINANCE NO. \_\_\_\_-C.S.**  
Page 3

**D. VIOLATIONS AND PENALTIES.**

Any person violating this chapter is guilty of a misdemeanor and, upon conviction thereof, may be punished by a term in the county jail or by a fine of one thousand dollars (\$1,000.00), or both.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2024 by the following vote:

AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS

\_\_\_\_\_  
Leslie Castellano, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the \_\_\_\_ day of \_\_\_\_\_, 2024, and hereby approved.

\_\_\_\_\_  
Kim Bergel, Mayor

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
Miles Slattery, City Manager

\_\_\_\_\_  
Autumn E. Luna, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Pamela J. Powell, City Clerk

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



DATE: August 20, 2024  
TO: Honorable Mayor and Members of the City Council  
FROM: Travis Sanborn, Finance Director  
THROUGH: Kyle Knopp, City Manager  
SUBJECT: Spay and Neuter Voucher Program

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Review the presented information and either approve the program as proposed or suggest modifications for staff to incorporate.

BACKGROUND AND DISCUSSION:

City staff has developed a proposal to utilize funds from Fund 093, the Spay and Neuter Fund, to implement a spay and neuter voucher program for Rio Dell residents. This report outlines the program's details, including funding, partnerships, and operational procedures.

Fund 093 was historically funded through Animal License and Control fees but has recently relied solely on interest earned on City investments. The current fund balance is \$3,400. Staff proposes to re-establish funding through Animal License and Control fees, anticipating annual contributions of approximately \$2,500 based on historical averages.

**Proposed Program**

The spay and neuter voucher program aims to reduce the pet population in Rio Dell by providing financial assistance to residents for sterilizing their animals. The program will be coordinated with the Rio Dell Community Resource Center to distribute vouchers to Rio Dell residents.

The program will partner with the Rio Dell Community Resource Center to distribute spay and neuter vouchers to residents. Vouchers can be redeemed at *Critters Without Litters*, set up through the non-profit Humboldt Humane program offering low-cost sterilization services at 307A Fernbridge Drive. The City will directly reimburse Critters Without Litters for voucher redemptions. Voucher values vary by animal type and size, ranging from \$75 for male cats to \$350 for female dogs (under 65 pounds). Critters Without Litters is open from 8 a.m. to 4 p.m.

Monday through Thursday and can typically accommodate up to 35 procedures daily. The program will utilize the \$3,400 balance in Fund 093 and subsequently rely on approximately \$2,500 in annual revenue from Animal License and Control fees. The number of vouchers issued will be determined by available funding.

Recommendation

Staff recommends that the City Council approve implementing the spay and neuter voucher program outlined in this report. This program will reduce the pet population and address related issues, contributing to the community's overall well-being.

Attachments:

-Sample Voucher

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



## APPLICATION FOR SPAY/NEUTER VOUCHER

Please Print Legibly and fill out the info for the person applying for the voucher

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_

Have you ever gotten spay/neuter vouchers through the City of Rio Dell before? YES NO

If yes, when? \_\_\_\_\_

Voucher(s) you are applying for:

**DOG or CAT**

**MALE or FEMALE**

Age: \_\_\_\_\_

Weight: \_\_\_\_\_

I confirm that the information provided above is true and accurate.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rio Dell Community Resource Center Employee Signature

\_\_\_\_\_  
Date

**Once the Application has been completed, schedule your appointment with:**

Critters without Litters

307A Fernbridge Dr, Fortuna, CA 95540

(707) 682-6366

Hours of Operation: Monday – Thursday 8:00am-4:00pm

**Please bring a copy of the completed and signed voucher with you to your appointment**



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

**For the Meeting of August 20, 2024**

Consent Item;  Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: August 12, 2024

Subject: Text Amendments to the Rio Dell Municipal Code (RDMC) amending Chapter 15.05 "Construction Codes" to establish construction activity noise regulations and Chapter 2.60 Planning Commission regulations of the Rio Dell Municipal Code (RDMC) to elect the Chair and Vice-Chair on a biannual (every other year) basis.



**Recommendation:**

That the City Council:

1. Allow staff to summarize the August 6, 2024, discussion regarding Ordinance No. 405-2024 amending the Rio Dell Municipal Code (RDMC) to amend Chapter 15.05 "Construction Codes" of the Rio Dell Municipal Code (RDMC) to establish construction activity noise regulations and Chapter 2.60 Planning Commission regulations of the Rio Dell Municipal Code (RDMC) to elect the Chair and Vice-chair on a biannual (every other year) basis; and
2. Receive comments from the public; and

3. Close the public hearing, deliberate, direct staff to make any changes; and
4. Approve and adopt Ordinance No. 405-2024 amending the Rio Dell Municipal Code (RDMC) to amend Chapter 15.05 "Construction Codes" of the Rio Dell Municipal Code (RDMC) to establish construction activity noise regulations and Chapter 2.60 Planning Commission regulations of the Rio Dell Municipal Code (RDMC) to elect the Chair and Vice-chair on a biannual (every other year) basis

**Discussion:**

As discussed at your meeting of August 6, 2024, every so often the City is contacted by contractors and neighbors regarding construction noise and allowed hours and days of construction. Currently there is nothing in the Rio Dell Municipal Code (RDMC) regarding allowed hours and days of construction.

Staff's original recommendation based on other jurisdictions, was to limit the construction hours from 7:00 am to 6:00 pm Monday through Friday.

A local resident spoke at the August 6<sup>th</sup> meeting and suggested increasing the allowed hours to accommodate folks who work during the week. Based on the comments and discussion, staff suggested allowable hours of construction from 7:00 am to dusk seven days a week, Monday through Sunday.

After reviewing other jurisdictions' allowable hours of construction, no other reviewed jurisdiction refers to "dusk". Staff believes that the "dusk" reference may be subjective and difficult to enforce should it be necessary. As such, staff is recommending the following options. Staff believes Option 1 most closely reflects the Council's direction.

1. 7:00 am to 8:00 pm, seven days a week, Monday through Sunday.
2. 7:00 am to 8:00 pm, Monday through Saturday; Sundays and holidays 9:00 am to 6:00 pm.

Of course, there are several other options as well that can be discussed.

Below is the revised suggested language:

**15.05.060 Construction noise.**

(1) No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, unless authorized to do so in accordance with subsection (2) of this section.

(2) Hours of construction. No construction activity shall commence prior to 7:00 a.m. nor continue later than 8:00 p.m., seven days a week, Monday through Sunday. The term "construction activity" shall include any physical activity, including those identified in subsection (1), on the construction site or in the staging area, including the delivery of materials. In approving modified hours, the Chief Building Official may specifically designate and/or limit the activities permitted during the modified hours.

(3) The provisions of subsection (2) of this section shall not apply to the following:

(a) Emergency work performed pursuant to written authorization of the City Manager, or Community Development Director, or Building Official

(b) Maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

i. The City Manager or department director determines that the maintenance, repair or improvement is immediately necessary to maintain public services;

ii. The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours; or

iii. The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day which would otherwise be prohibited pursuant to this section.

(4) No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the provisions of this section.

(5) Modification. At any time before commencement of or during construction activity, the chief building official may modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer or owner. The chief building official can reduce the hours of construction activity below the 7:00 a.m. to 8:00 p.m. time frame or increase the allowable hours.

(3) Sign required. If the hours of construction activity are modified, then the general contractor, applicant, developer or owner shall erect a sign at a prominent location on the construction site to advise subcontractors and material suppliers of the working hours. The contractor, owner or applicant shall immediately produce upon request any written order or permit from the chief building official pursuant to this section upon the request of any member of the public, the police or city staff.

### **Planning Commission Appointments**

In regards to modifying the election of the Planning Commission Chair and Vice-Chair, the current regulations require that the election be held each January. Staff discussed the current election requirements with the Planning Commission at their June 2024 meeting and the consensus of the Commissioners was to elect the Chair and Vice-Chair every other year in January or as soon thereafter. As such, staff is recommending amending Section 2.60.030(3) as follows:

**2.60.030 Powers, duties and procedures.**

(3) The Commission shall elect a chairperson and vice chairperson from among the appointed voting members every other year (biannually) at their first meeting in January ~~of each year or~~ as soon thereafter.

**CEQA**

The text amendments are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility the Noise Control Ordinance or the timing of the appointment of the Planning Commission Chair and Vice-Chair, may have a significant adverse effect to the environment. Additionally, the Noise Control Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15308 in that the Noise Control Ordinance establishes maximum acceptable noise levels and enforcement mechanisms to protect the environment from excessive, unnecessary, and unreasonable noise.

**Attachment 1: Draft Ordinance No. 405-2024**

**ORDINANCE NO. 405-2024**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING CHAPTER 15.05 “CONSTRUCTION CODES” OF THE RIO DELL MUNICIPAL CODE (RDMC) TO ESTABLISH CONSTRUCTION ACTIVITY NOISE REGULATIONS AND CHAPTER 2.60 PLANNING COMMISSION REGULATIONS OF THE RIO DELL MUNICIPAL CODE (RDMC) TO ELECT THE CHAIR AND VICE-CHAIR ON A BIENNIAL (EVERY OTHER YEAR) BASIS.**

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

**WHEREAS** every so often the City is contacted by contractors and neighbors regarding construction noise and allowed hours and days of construction; and

**WHEREAS** currently there are no regulations in the Rio Dell Municipal Code (RDMC) regarding allowed hours and days of construction; and

**WHEREAS** staff believes it is in the public interest to establish allowed hours and days of construction; and

**WHEREAS** the current regulations regarding the election of the Planning Commission Chair and Vice-Chair, require that the election be held each January; and

**WHEREAS** staff discussed the current election requirements with the Planning Commission at their June 2024 meeting and the consensus of the Commissioners was to elect the Chair and Vice-Chair every other year in January or as soon thereafter; and

**WHEREAS** the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3). No further environmental review is necessary.

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

## Section 1.

Chapter 15.05 is hereby amended as follows:

Sections:

15.05.010 Administration.

15.05.020 Building codes.

15.05.030 Work exempt from permit.

15.05.040 Fees for permits and inspections.

15.05.050 Person may do own work.

15.05.060 ~~Penalty.~~ [Construction noise.](#)

[15.05.070 Penalty.](#)

### **15.05.060 ~~Penalty~~ Construction noise.**

(1) No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, unless authorized to do so in accordance with subsection (2) of this section.

(2) Hours of construction. No construction activity shall commence prior to 7:00 a.m. nor continue later than 8:00 p.m., seven days a week, Monday through Sunday. The term "construction activity" shall include any physical activity, including those identified in subsection (1), on the construction site or in the staging area, including the delivery of materials. In approving modified hours, the Chief Building Official may specifically designate and/or limit the activities permitted during the modified hours.

(3) The provisions of subsection (2) of this section shall not apply to the following:

(a) Emergency work performed pursuant to written authorization of the City Manager, or Community Development Director, or Building Official

(b) Maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

i. The City Manager or department director determines that the maintenance, repair or improvement is immediately necessary to maintain public services;

ii. The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours; or

iii. The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day which would otherwise be prohibited pursuant to this section.

(4) No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the provisions of this section.

(5) Modification. At any time before commencement of or during construction activity, the chief building official may modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer or owner. The chief building official can reduce the hours of construction activity below the 7:00 a.m. to 8:00 p.m. time frame or increase the allowable hours.

(3) Sign required. If the hours of construction activity are modified, then the general contractor, applicant, developer or owner shall erect a sign at a prominent location on the construction site to advise subcontractors and material suppliers of the working hours. The contractor, owner or applicant shall immediately produce upon request any written order or permit from the chief building official pursuant to this section upon the request of any member of the public, the police or city staff.

**Section 2.**

Chapter 2.60, Section 2.60.030(3) is hereby amended as follows:

**2.60.030 Powers, duties and procedures.**

(3) The Commission shall elect a chairperson and vice chairperson from among the appointed voting members every other year (biannually) at their first meeting in January ~~of each year or~~ as soon thereafter.

**Section 3 Severability**

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

**Section 4. Limitation of Actions**

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

**Section 5. Effective Date**

This ordinance becomes effective thirty (30) days after 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 August 6, 2024, 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 August 20, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

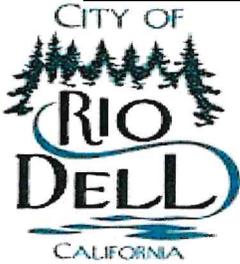
\_\_\_\_\_  
Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 405-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on August 20, 2024.

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

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



For Meeting of: August 20, 2024

TO: Rio Dell City Council

FROM: Sunshine Kelly, Wastewater Superintendent

THROUGH: Kyle Knopp, City Manager

DATE: August 20, 2024

SUBJECT: Amendment of Chapter 13.10 Sewer Rates and Regulations, Section 13.10.170, Prerequisites to multiple service connections, Section 13.10.210, Sewer system required, Section 13.10.220, Building sewers, laterals and connections, 13.10.467, Transfer of Property and Testing.

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

- 1) Receive a brief staff presentation regarding the proposed sewer amendments; and
- 2) Hold second reading (by title only) and adopt Ordinance No. 406-2024 amending Chapter 13.10, "Sewer Rates and Regulations", Sections 13.10.170, 13.10.210, 13.10.220 and 13.10.467.
- 3) Open the public hearing, receive public input and deliberate; and
- 4) Adopt Ordinance No. 406-2024.

**BACKGROUND AND DISCUSSION**

The ordinance was presented to the City Council at the regular meeting of August 6, 2024 and is now before the City Council for its second reading and adoption.

It has been brought to the attention of the Wastewater Superintendent that with the adoption of Chapter 13.10 Sewer Rates and Regulations created by Freshwater environmental in 2013, Articles from the past Chapter were not included and as such the language of Chapter 10.13 is vague in its descriptions. With current projects and those that may happen in the future, Staff is looking for clearer language in Chapter 13.10 for clarity in designating boundaries for present and future wastewater customers. Staff ask that you approve the suggested amendments below to the regulations.

**13.10.170 Prerequisites to multiple service connections.**

No sewer shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property and each is conducting a separately established residence or business, a separate sewer line shall be required and installed for each occupancy.

Where there is a pre-existing multiple use sewer service, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual sewer. [Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 17, 1987.]

Where there is a pre-existing unknown shared lateral that becomes known and two sewer services utilize the lateral, each of the property owners must establish their own lateral on their respective property parcels. The City shall establish a lower lateral to the sewer main once each property owner has indicated where their respective sewer lateral and lower cleanout will be installed.

**13.10.210 Sewer system required.**

It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by flush toilet connected with a sewage system approved by the City of Rio Dell City Manager or designee or, when it is judged permissible by the County Health Officer, for a site that is greater than 300 feet from a public sewer, an on-site wastewater treatment (septic) system which meets the requirements of the County Health Department. With respect to the use of on-site wastewater treatment systems within the City of Rio Dell, the City of Rio Dell adopts the Humboldt County Code, its regulations and, when approved and implemented, its local agency management program for the siting, design, operation and maintenance of on-site wastewater treatment systems.

It shall be unlawful for any person to construct or maintain any on-site wastewater treatment system, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

- (1) Overflow any lands whatever;
- (2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the City of Rio Dell. With respect to existing on-site wastewater treatment

systems if it would be impossible to comply with all the requirements of the County Health Department, the County Health Officer may authorize repairs that are in substantial conformance, to the greatest extent practicable, with the requirements of the County Health Department.

It shall be unlawful for any person, firm or corporation to construct, build, or rebuild any place of residence or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer without first obtaining a permit to do so from the County Health Department. [Ord. 351 § 1, 2016; Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 21, 1987.]

**13.10.220 Building sewers, laterals and connections.**

(1) Permit Required. No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required.

(2) Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and to the approval of the City Manager or designee.

(3) Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.

(4) Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Manager or designee, to meet all requirements of the City.

(5) Cleanouts. [Two](#) Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. [A cleanout and backflow device shall be required at or near the building structure, and a double sweep cleanout installed at or near the property line.](#) All cleanouts shall be maintained watertight.

(6) Down Spouts/Roof Drains. Down spouts or roof drains shall not discharge rain water or storm runoff into the building lateral or any sewer connection.

(7) Sewer Too Low. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the City Manager or designee, and discharged to the public sewer at the expense of the owner.

(8) Connection to Public Sewer. The connection of the building sewer into the sewer system shall be made at the applicant's expense. The applicant shall extend the building sewer to the property line, at which point it shall be the responsibility of the City

to connect the building sewer to the City system lateral. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Manager or designee.

(9) Maintenance of Building Sewer. Building sewers shall be free of infiltration and be maintained by the owner of the property served thereby.

(10) Public Sewer Construction – Permit Required. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required. The provision of this section requiring permits shall not be construed to apply to contractors' construction sewers and appurtenances under contracts awarded and entered into by the City.

(11) Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by three complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the City Manager or designee, who shall within 20 days approve them as filed or require them to be modified as he deems necessary for proper installation. When the City Manager or designee is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, he shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the City. The permit shall prescribe such terms and conditions as the City Manager or designee finds necessary in the public interest.

(12) Subdivisions. The requirements of this section shall be fully complied with before any final subdivision map shall be approved by the City Council. The final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the City Council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the sub divider.

(13) Easements or Right-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width of 10 feet sufficient in law to allow the laying and maintenance of such extension or connection.

(14) Persons Authorized to Perform Work. Only properly licensed contractors and City forces shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor.

(15) Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting or pavement opening, barricading, lighting, and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit of the City.

(16) Design and Construction Standards. Design and construction of sewers within the City must be approved by the City Manager or designee. Three complete sets of as-built drawings showing the actual location of all mains, structures, wyes, and laterals shall be filed with the City before final acceptance of the work.

(17) Completion of Sewer Required. Before any acceptance of any sewer line by the City and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete to the satisfaction of the City Manager or designee. [Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 22, 1987.]

**13.10.467 Transfer of property and testing.**

Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall [have camera work done to inspect the sewer lateral for breaks and or tie-in's with neighboring laterals. Once camera work is complete and breaks are fixed and tie-in laterals are plugged/removed the lateral shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration. A backflow device will need to be installed up stream of the lower cleanout. A lower cleanout will need to be installed at the property line with sweep towards sewer main.](#)

This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.

An inspection card signed by an authorized City inspector must accompany title transfer proceedings. It is the responsibility of the property buyer or seller to repair, replace and conform to all infiltration [and backflow](#) requirements prior to transfer of property connected to the City sewer system.

Exceptions: This section shall not apply to:

- (1) Condominium or cooperative apartment buildings;
- (2) To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three years;
- (3) To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three years.

This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to RDMC 13.10.469. [Ord. 322 § 1, 2014; Ord. 286, 2012.]

Staff support the proposed amendments and recommends that the Council codify the changes. Ordinance No. 406-2024 amending Chapter 13.10, "Sewer Rates and Regulations", Section 13.10.170, Section 13.10.210, Section 13.10.220, and Section 13.10.467 of the Rio Dell Municipal Code (RDMC) is included in Attachment 1.

Attachment 1: Ordinance No. 406-2024, amending Chapter 13.10, "Sewer Rates and Regulations, Section 13.10.170, Section 13.10.210, Section 13.10.220, and Section 13.10.467 of the Rio Dell Municipal Code (RDMC)



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING CHAPTER 13.10, “SEWER RATES AND REGULATIONS”, SECTION 13.10.170, SECTION 13.10.210, SECTION 13.10.220 AND SECTION 13.10.467 OF THE RIO DELL MUNICIPAL CODE (RDEMC)**

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

**WHEREAS** the City’s City Manager or authorized representative is tasked with enforcing and explaining the City’s various sewer rates and regulations; and

**WHEREAS** one of the difficulties in enforcing the regulations regarding sewer regulations is the unclear language in Chapter 13.10; and

**WHEREAS** unclear language has caused issues, in that past lateral inspections performed by home owners, and realtors have not been clearly made aware of all the issues pertaining to the private lateral during an I&I inspection, due to other challenges such as no lower cleanout, lateral tie ins, shared lower laterals, and missing backflow devices.

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

**Section 1.**

**Chapter 13.10.170 of the Rio Dell Municipal Code is hereby amended to read in as follows:**

**13.10.170 Prerequisites to multiple service connections.**

No sewer shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property and each is conducting a separately established residence or business, a separate sewer line shall be required and installed for each occupancy.

Where there is a pre-existing multiple use sewer service, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual sewer. [Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 17, 1987.]

*Where there is a pre-existing unknown shared lateral that becomes known and two sewer services utilize the lateral, each of the property owners must establish their own*

lateral on their respective property parcels. The City shall establish a lower lateral to the sewer main once each property owner has indicated where their respective sewer lateral and lower cleanout will be installed.

**Section 2.**

**Chapter 13.10.210 of the Rio Dell Municipal Code is hereby amended to read in as follows:**

**13.10.210 Sewer system required.**

It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by flush toilet connected with a sewage system approved by the City of Rio Dell City Manager or designee or, when it is judged permissible by the County Health Officer, for a site that is greater than 300 feet from a public sewer, an on-site wastewater treatment (septic) system which meets the requirements of the County Health Department. With respect to the use of on-site wastewater treatment systems within the City of Rio Dell, the City of Rio Dell adopts the Humboldt County Code, its regulations and, when approved and implemented, its local agency management program for the siting, design, operation and maintenance of on-site wastewater treatment systems.

It shall be unlawful for any person to construct or maintain any on-site wastewater treatment system, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

- (1) Overflow any lands whatever;
- (2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the City of Rio Dell. With respect to existing on-site wastewater treatment systems if it would be impossible to comply with all the requirements of the County Health Department, the County Health Officer may authorize repairs that are in substantial conformance, to the greatest extent practicable, with the requirements of the County Health Department.

It shall be unlawful for any person, firm or corporation to construct, build, or rebuild any place of residence or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer without first obtaining a permit to do so from the County Health Department. [Ord. 351 § 1, 2016; Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 21, 1987.]

**Section 3.**

**Chapter 13.10.220 of the Rio Dell Municipal Code is hereby amended to read in as follows:**

**13.10.220 Building sewers, laterals and connections.**

(1) Permit Required. No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required.

(2) Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and to the approval of the City Manager or designee.

(3) Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.

(4) Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Manager or designee, to meet all requirements of the City.

(5) Cleanouts. Two Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. A cleanout and backflow device shall be required at or near the building structure, and a double sweep cleanout installed at or near the property line. All cleanouts shall be maintained watertight.

(6) Down Spouts/Roof Drains. Down spouts or roof drains shall not discharge rain water or storm runoff into the building lateral or any sewer connection.

(7) Sewer Too Low. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the City Manager or designee, and discharged to the public sewer at the expense of the owner.

(8) Connection to Public Sewer. The connection of the building sewer into the sewer system shall be made at the applicant's expense. The applicant shall extend the building sewer to the property line, at which point it shall be the responsibility of the City to connect the building sewer to the City system lateral. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Manager or designee.

(9) Maintenance of Building Sewer. Building sewers shall be free of infiltration and be maintained by the owner of the property served thereby.

(10) Public Sewer Construction – Permit Required. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required. The provision of this section requiring permits shall not be construed to apply to contractors'

construction sewers and appurtenances under contracts awarded and entered into by the City.

(11) Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by three complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the City Manager or designee, who shall within 20 days approve them as filed or require them to be modified as he deems necessary for proper installation. When the City Manager or designee is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, he shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the City. The permit shall prescribe such terms and conditions as the City Manager or designee finds necessary in the public interest.

(12) Subdivisions. The requirements of this section shall be fully complied with before any final subdivision map shall be approved by the City Council. The final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the City Council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the sub divider.

(13) Easements or Right-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width of 10 feet sufficient in law to allow the laying and maintenance of such extension or connection.

(14) Persons Authorized to Perform Work. Only properly licensed contractors and City forces shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor.

(15) Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting or pavement opening, barricading, lighting, and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit of the City.

(16) Design and Construction Standards. Design and construction of sewers within the City must be approved by the City Manager or designee. Three complete sets of as-built

drawings showing the actual location of all mains, structures, wyes, and laterals shall be filed with the City before final acceptance of the work.

(17) Completion of Sewer Required. Before any acceptance of any sewer line by the City and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete to the satisfaction of the City Manager or designee. [Ord. 322 § 1, 2014; Ord. 286, 2012; Ord. 190 § 22, 1987.]

**Section 4.**  
**Chapter 13.10.467 of the Rio Dell Municipal Code is hereby amended to read in as follows:**

**13.10.467 Transfer of property and testing.**

Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall have camera work done to inspect the sewer lateral for breaks and or tie-in's with neighboring laterals. Once camera work is complete and breaks are fixed and tie-in laterals are plugged/removed the lateral shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration. A backflow device will need to be installed up stream of the lower cleanout. A lower cleanout will need to be installed at the property line with sweep towards sewer main.

This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.

An inspection card signed by an authorized City inspector must accompany title transfer proceedings. It is the responsibility of the property buyer or seller to repair, replace and conform to all infiltration and backflow requirements prior to transfer of property connected to the City sewer system.

Exceptions: This section shall not apply to:

- (1) Condominium or cooperative apartment buildings;
- (2) To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three years;
- (3) To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three years.

This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to RDMC 13.10.469. [Ord. 322 § 1, 2014; Ord. 286, 2012.]

Staff support the proposed amendments and recommends that the Council codify the changes. Ordinance No. 406-2024 amending Chapter 13.10, "Sewer Rates and

Regulations”, Section 13.10.170, Section 13.10.210, Section 13.10.220, and Section 13.10.467 of the Rio Dell Municipal Code (RDMC) is included in Attachment 1.

Attachment 1: Ordinance No. 406-2024, amending Chapter 13.10, “Sewer Rates and Regulations, Section 13.10.170, Section 13.10.210, Section 13.10.220, and Section 13.10.467 of the Rio Dell Municipal Code (RDMC)

**Section 5. Severability**

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

**Section 6. Limitation of Actions**

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

**Section 7. Effective Date**

These ordinances become effective thirty (30) days after their approval and adoption

I HEREBY CERTIFY that the forgoing Ordinances were duly introduced at a regular meeting of the City Council of the City of Rio Dell on August 6<sup>th</sup>, 2024 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 August 20<sup>th</sup> 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 406-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on Aug.20<sup>th</sup> 2024.

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