



**AGENDA**  
RIO DELL CITY COUNCIL  
CLOSED SESSION – 6:00 P.M.  
REGULAR MEETING – 6:30 P.M.  
TUESDAY, OCTOBER 21, 2014  
CITY COUNCIL CHAMBERS  
675 WILDWOOD AVENUE, RIO DELL

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

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

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

A. CALL TO ORDER

B. ROLL CALL

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

- 1) 2014/1021.01 - **Conference with Legal Counsel – Pending Litigation**  
Name of Case: City of Rio Dell v. SHN Consulting Engineers & Geologists, Inc. a California Corp. - Case No. DR130745  
Pursuant to Government Code Section 54956.9(a)
- 2) 2014/1021.02 - **Conference with Labor Negotiator – City Manager**  
Rio Dell Employees' Association, Rio Dell Police Officers' Association and Contract Employees
- 3) 2014/1021.03 - **Public Employee Performance Evaluation**  
Title: City Manager

D. PUBLIC COMMENT REGARDING CLOSED SESSION

E. RECESS INTO CLOSED SESSION

F. RECONVENUE INTO OPEN SESSION – 6:30 P.M.

G. ORAL ANNOUNCEMENTS

H. PLEDGE OF ALLEGIANCE

I. CEREMONIAL MATTERS

- 1) 2014-10-21-04 - Community Service Award Presented to Madeline Cole

J. PUBLIC PRESENTATIONS

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

K. CONSENT CALENDAR

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

- 1) 2014/1021.05 - Approve Minutes of the October 7, 2014 Regular Meeting  
(ACTION) 1

L. SPECIAL PRESENTATIONS/PUBLIC HEARINGS

M. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2014/1021.06 - Approve Year-End Reserve Balance Transfers for FY 2013-2014  
(ACTION) 12
- 3) 2014/1021.07 - Support of Grant Application for "Art Place America" National Grants Program (ACTION) 19

N. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2014/1021.08 - Second Reading (by title only) and Adoption of Ordinance No. 328-2014 Amending Purchasing Procedures Section 3.30.100 of the Rio Dell Municipal Code (RDMC) (ACTION) 33
- 2) 2014/1020.09 - Introduction and First reading (by title only) of Ordinance No. 329-2014 Amending Nuisance Regulations Chapter 8.10 of the Rio Dell Municipal Code (RDMC) to Include Administrative Citation Provisions (ACTION) 36

O. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director - **Check Register for September, 2014**
4. Community Development Director

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P. COUNCIL REPORTS/COMMUNICATIONS

Q. ADJOURNMENT

*The next regular meeting will be on November 4, 2014  
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
OCTOBER 7, 2014  
MINUTES**

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

**ROLL CALL:** Present: Mayor Thompson, Councilmembers Johnson, Marks and Wilson  
Absent: Councilmember Woodall (excused)  
Others Present: City Manager Knopp, Finance Director Woodcox, Community Development Director Caldwell and City Clerk Dunham  
Absent: Chief of Police Hill, Water/Roadways Superintendent Jensen and Wastewater Superintendent Chicora (excused)

**PUBLIC PRESENTATIONS**

Nick Angeloff announced the Eagle Prairie Arts District (EPAD) will be hosting a “Spooktacular” event downtown on Saturday, October 11<sup>th</sup> from 5:00-8:00 p.m.; stated at the last EPAD meeting he volunteered to put together an arts grant proposal focusing on economic development and beautification and said there will be one additional meeting to discuss the letter of intent. He said he will provide an update at the next City Council meeting. He also reported the next Chamber of Commerce meeting will be on October 16<sup>th</sup> at the Pizza Factory; the Upstate Rail Committee held a meeting to regroup because of being unsuccessful in securing the \$300,000 Tiger Grant; and announced that the Rio Dell Little League organization was able to get a new group of donations for the repair of the bathrooms at the ball park.

Tracy O’Connell addressed the Council regarding the 50<sup>th</sup> anniversary of the 64 flood and said the Rio Dell-Scotia Chamber of Commerce is sponsoring two events; one at the Winema Theater in Scotia and the other at Rio Dell Fire Hall. She said the Scotia Band will be playing at both events and there will be presentations and videos on the flood as well as emergency preparedness. She said the committee came up with a logo, and gifts with the logo can be purchased online.

**CONSENT CALENDAR**

Motion was made by Johnson/Marks to approve the consent calendar including the approval of minutes of the August 5, 2014 Regular meeting; approval of minutes of the August 19, 2014 Regular meeting; approval minutes of the September 2, 2014 Regular meeting; and approval of minutes of the September 16, 2014 Regular meeting. Motion carried 4-0.

**SPECIAL PRESENTATIONS/STUDY SESSIONS**

Presentation on Findings from Report on Humboldt County Roads and Bridges

Yoash Tiles, Engineer and President of the American Society of Civil Engineers North Coast Division provided a presentation on the *2014 Report Card for Humboldt County's Infrastructure* which focused on roads and bridges. He said through grant funding a committee of local experts and officials was formed to assess the roads and bridges that are maintained by the County, the Cities, and the Tribes within the Humboldt County area. He said 1,214 miles of local roads and 170 local bridges were evaluated using fundamental criteria including condition, capacity, safety, operation and maintenance, resilience, funding and future need, and innovation. He explained the methodology of letter grades was used to grade the infrastructure with 'A' meaning "exceptional" and 'F' meaning "Failing/Critical." He pointed out that there are essentially only three main routes in and out of the County which make the infrastructure vulnerable. He said overall, the County would have to spend five times the current investment to simply maintain infrastructure to their current condition. The committee gave an overall grade of D+ for County maintained roads and C- for bridges. He noted that Rio Dell has no bridges to maintain but roads were given a grade of C (mediocre/requires attention).

The following three (3) recommendations were presented:

1. Increase Leadership in Infrastructure Renewal
2. Promote Sustainability and Resilience
3. Develop and Fund Plans to Maintain and Enhance Humboldt County's Infrastructure

Councilmember Johnson asked if the assessment will be done on an annual basis.

Mr. Tiles said the goal is to keep the group together and perhaps look at water and wastewater infrastructure next with involvement of City water districts and community services districts.

Councilmember Marks commented that she was surprised to see the City in the 60% range as far as road conditions because in a report done a few years ago, it identified Rio Dell as having the worst roads in the County.

Mr. Tiles reviewed the average Pavement Condition Index (PCI) for Rio Dell which was 62 and pointed out the average throughout the County is 61-64. He directed the Council to their website for additional information at [northcoast@asce-sf.org](mailto:northcoast@asce-sf.org).

Presentation by State Board of Equalization – Sales Tax

City Manager Knopp stated that the next three (3) agenda items are all related to sales tax on the local, County and Statewide level and introduced Ieva Bowden, Business Taxes Specialist from the State Board of Equalization (BOE).

Ms. Bowden proceeded with a power point presentation to provide information on the various tax and fee programs administered by the BOE. She explained the difference between Sales Tax and Use Tax and said basically sales tax is charged by the retailer on all tangible personal

property at the point of sale in California; use tax is imposed on out-of-state purchases and the purchaser is obligated to pay the tax when the item comes into California. She continued by providing a breakdown of the statewide tax rate currently at 7.50% and said the state gets 6.50% and the city gets 1.00% in addition to district taxes if applicable. She noted that district taxes range from 0.10% to 2.00%; to exceed the 2.00% cap requires passage under special legislation. She said under the Bradley-Burns Uniform Local Sales and Use Tax provisions, of the 1.00% local portion of sales tax, cities and counties are able to use .75% to support general operations; the remaining .25% is designated for transportation purposes and may only be used for road maintenance or the operation of transit systems.

She continued with review of voter approved district taxes and said district taxes are either designated for general purpose or special purpose. She stated that cities and counties cannot collect district taxes independently and the ongoing cost for BOE to administer Rio Dell's district tax would be \$300.00 per quarter. She noted that there is also a one-time cost split between jurisdictions but Rio Dell's cost had not been determined because it depends on how many jurisdictions have district tax measures on the ballot. She indicated that the City can request the City's cost through BOE.

Councilmember Wilson commented that he was told the City's portion of sales tax was based on population.

Ms. Bowden explained that sales tax revenue is not generated by zip code because of varied zip codes in some cities and is based on the actual incorporated areas within the City.

She then reviewed the process once a district tax passes and said if the City's measure passes, a representative from the City must notify BOE immediately. She said there is a 110 day waiting period after the election for implementation of the tax April 1, 2015 so the first check to the City would not be until June, 2015.

At the conclusion of her presentation she asked for questions of the City Council.

Councilmember Wilson asked if the .25% designated for transportation purposes goes directly to the City for road maintenance and transit needs or to the County; more specifically if .25% of the \$131,812 in sales tax revenue the City received in in FY 2012-2013 was specifically for transportation purposes.

Ms. Bowden responded that Councilmember Wilson was correct.

Councilmember Wilson then asked if it is public information regarding where specific sales tax is generated in the City.

Ms. Bowden commented that she was not sure and encouraged Council and staff to submit specific questions in writing to BOE as they will respond.

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Finance Director Woodcox commented that when you go onto BOE's website there is a login page and you have to agree to keep the information private.

City Manager Knopp stated another commonly asked question is what happens when a Rio Dell resident goes out of the area and for example, purchases a vehicle in Santa Rosa.

Ms. Bowden explained if the City had a district tax then 1% of the sales tax would come back to the City and the remaining tax stays in Santa Rosa with the point of sale.

Mayor Thompson called for public comment.

Billie Joe Long stated that use tax was broken down between state, local and district tax and asked for clarification on whether each district can have a 2% district tax.

Ms. Bowden explained the County and City combined cannot exceed 2% and the maximum state sales tax is 9.5%.

Presentation by County of Humboldt – County Sales Tax Measure 'Z'

City Manager Knopp introduced Philip Smith-Hanes, CAO of the County and Bill Honsal, Undersheriff who were present to provide a presentation on the County of Humboldt's proposed .050% Sales Tax Measure Z.

Sheriff Honsal began by stating that due to County budget constraints as the result of State budget cuts the need for enactment of Measure Z is critical. He said currently the Sheriff's department has 15 frozen patrol positions and 17 frozen positions in the jail. He said they are looking at jail expansion of 40-50 beds but in order to do that, positions need to be restored. He noted that they are mandated by the State to keep the jail population at a manageable level.

He further stated that the Eel River Valley beat covers the area from Humboldt Bay to Scotia and their goal is to have a team approach to address illegal marijuana grows that are drying up creeks and streams and using toxic pesticides that destroy Humboldt County's natural environment. He said another goal is to implement civil fines to repair the damage to the environment. He added that Measure Z will also provide funds to maintain and improve public safety with regard to response time and other essential services such as providing services for the victims of child abuse.

Philip Smith-Hanes continued by stating that Measure Z is a .050% sales tax that will, by law expire in 5 years. He said the County is taking extra steps to make sure funds generated from Measure Z if passed, are spent the way voters feel they should be spent and as such a citizens' advisory committee was formed to ensure funds are spent responsibly and as promised.

In closing, he invited the Council to visit the County website at [www.humboldt.gov](http://www.humboldt.gov) for more information and official documents on Measure Z.

Mayor Thompson called for public comment.

Nick Angeloff commented on behalf of the Rio Dell-Scotia Chamber of Commerce and stated that the Chamber understands additional sales taxes are necessary to maintain vital services in the community and said what the Chamber would like to see is the County and City of Rio Dell moving more toward promoting economic development as they feel it is essential to maintain long-term sustainability.

Mr. Smith-Hanes stated that he appreciated the comment and agrees that economic development is important as well as being fiscally responsible but said it is basically up to the voters now. He said he will be advocating for a portion of the revenue to be put in reserves for jail expansion and noted that the County is currently operating on a shoestring reserve.

Councilmember Wilson asked how the citizens' advisory committee is appointed.

Mr. Smith-Hanes explained the committee is appointed by the Board of Supervisors and the measure provides for the committee to be appointed prior to receipt of funds.

Presentation by City Manager – Rio Dell Sales Tax Measure 'U'

City Manager Knopp stated that the City's proposed sales tax measure is similar to the County's in that it will, by law expire in 5 years and that it is a 1% sales tax rather than .050%. He said like the County, staff is in the position to only provide information on the measure and cannot advocate for it on City time. He said the Rio Dell Police Officers Association is gearing up to promote the measure while off-duty. He said staff will be sending out a City Newsletter and asked for Council input on the content regarding Measure U.

He further explained that City staffing was at its all time high in 2010 with 24 full-time employees (FTE's) but was cut by 30% in order to contain General Fund costs. He said there are 16.75 FTE's allocated in this year's budget. He said also employee benefit costs are a concern, primarily the rise in health care costs. He said there are consequences with the reduction in staff in that the current level is the baseline for providing essential services. He pointed out that the current number of police officers in the City remains at 5 full-time officers including the Chief and the minimum staffing requirement for 24/7 police coverage is 6. He noted that one positive point is that the City currently maintains a decent size reserve which allows for steady, well thought out decisions on how to proceed, and based on the results of the election.

He said if passed, Measure U will generate approximately \$173,000 in annual revenue for 5 years which will allow the City to provide essential City services such as police services, road maintenance and elimination of the city's \$144,000 operational budget deficit in the General Fund.



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He said the funds will also allow the City to focus on economic development to expand the tax base so that the City can establish balanced budgets after the tax expires.

City Manager Knopp commented that he will include in the newsletter, frequently asked questions, the City Attorney's Impartial Analysis and the full text of the measure (Ordinance 326-2014) that was not included in the sample ballot pamphlet.

He further explained that if the measure passes a separate budget line item will be created and financial reports will be provided showing all expenditures.

Councilmember Marks said she likes simplicity and suggested the newsletter information be easy to read.

City Manager Knopp stated the intent is to provide a quick access page with the main facts pertaining to the measure.

Councilmember Johnson suggested that it be pointed out that the City's revenue sources are diminishing.

Councilmember Wilson stressed the importance of transparency and said having a separate budget line item is good. He commented that the voters are being hit with a lot of tax decisions with the County, City and Fire District all having proposed measures and said he was disappointed to see so few citizens present. He commented that there was not a lot of attendance at this evening Fire Department meeting either.

City Manager Knopp suggested the idea of holding a special town hall meeting if the Council is receptive.

A tentative date of October 15<sup>th</sup> was scheduled for a town hall meeting to discuss Measure U and to explore the idea of approaching the Fire District to see if they are interested in participating to address the proposed Fire Assessment at the same time.

Alice Millington stated that another important factor to point out is that food is not taxed because when you subtract that from the equation, the additional 1% sales tax is hardly anything.

Nick Angeloff expressed the need to focus on economic development in order to increase the revenue base rather than a continued sales tax.

Mayor Thompson pointed out that citizens can't afford to drive out of town to save 1%.

City Manager Knopp asked for Council input regarding special presentations at Council meetings.

Councilmember Wilson commented that he would like to see presentations limited to 20 minutes.

### **SPECIAL CALL ITEMS/PUBLIC HEARINGS**

#### Authorize Staff to Proceed with Abatement of Nuisance – 851 Rio Dell Avenue

Community Development Director Caldwell provided a staff report and said last November there was a fire which resulted in significant damage to the residence at 851 Rio Dell Ave. He said due to complaints from the neighbors, the property owner was contacted regarding the need to abate the nuisance by either renovation or demolition. His response was that his daughter was residing in the house at the time of the fire and that she and her boyfriend intended to repair the residence. He said after the fire, the residence was inspected and yellow tagged, restricting occupancy and allowing limited entry. In January staff prepared and recorded a Notice and Order to abate the damaged residence with the stipulation that the permits be obtained and either repairs or demolition commence within 60 days and completed within 120 days which was May 27, 2014.

He said around that same time, the owner, Jerry Crosby unfortunately passed away and soon after the daughter's boyfriend also passed away. He said in August another site inspection was conducted and staff observed the residence filled with garbage and debris as well as garbage in the backyard. Based on the structural condition of the residence the Building Inspector red tagged the building and informed the resident that the building needed to be demolished. When staff approached the resident she indicated that she did not have the financial means to abate the nuisance. As such staff informed her that the City would be pursuing abatement of the nuisance and that a lien would be placed on the property to recover the associated costs.

Community Development Director Caldwell stated that a quote was received from Dennis Wendt for demolition and clean-up of the property in the amount of \$6,075. He recommended the City Council direct staff to obtain an abatement warrant and authorize the nuisance to be abated.

Councilmember Marks asked if there was currently any power to the residence, if anyone was living on site and if the process went through legal review.

Community Development Director Caldwell said the residents were residing in a motorhome on site but has now been removed so with demolition of the house there will be a flat, clean lot.

Councilmember Johnson questioned the timeframe for the contractor to complete the job.

Staff said Dennis Wendt indicated he would be able to begin the demolition/clean-up in about 2 weeks.

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

Motion was made by Johnson/Marks to direct staff to pursue and obtain an Abatement Warrant and authorize the nuisance to be abated at 851 Rio Dell Avenue. Motion carried 4-0.

#### **ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Introduction and First Reading (by title only) of Ordinance No. 328-2014 Amending Purchasing Procedures Section 3.30.100 of the Rio Dell Municipal Code (RDMC)  
Finance Director Woodcox provided a staff report and said the purpose of the ordinance amendment is to satisfy the recommendations of the EPA's desk review audit of the City's Brownfield Grant. She said EPA notified staff that the lease vs. purchase policy meets their recommendations; however found that the disciplinary procedures lack the recommended Codes of Conduct in the Procurement Standards.

Councilmember Marks asked why Section 11 was deleted.

Finance Director Woodcox explained that it was not deleted but simply rewritten.

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

Motion was made by Wilson/Johnson to introduce and conduct first reading (by title only) of Ordinance No. 328-2014 Amending Purchasing Procedures Section 3.30.100 of the Rio Dell Municipal Code and to continue the second reading and adoption of the ordinance to the October 21, 2014 regular meeting. Motion carried 4-0.

#### **REPORTS/STAFF COMMUNICATIONS**

City Manager Knopp reported on recent activities and events and said there were some minor modifications done with regard to the wastewater rates which will hopefully correct the errors for the next billing; said he will be meeting with Frank Basik again tomorrow to discuss the emergency water intertie project between Rio Dell and Scotia; will be talking with the special water attorney and asking questions regarding riparian water rights and use of the old wells in Metropolitan as well as other water related issues and said he may want to set up a conference call with the City Council and the attorney to go over the various issues; said he was working on a written agreement with the Old Ranch Road water customers; said he discussed with staff the idea of a Jim Stretch Plaque and formulated ideas including planting a tree and putting up a plaque on his behalf; said the emergency water permit was submitted to the Army Corp of Engineers related to the infiltration gallery; however since the October 15<sup>th</sup> deadline to get into the river was missed, realistically the work will not commence until May now; said staff is also

working forward on a grant application to move the infiltration gallery out further into the river; said with regard to some PG&E markings on the road said the City contracted with Wendt Construction to address some of the City's I & I problems; is working on update of the City's website so updates can be done by staff; said with regard to potential garbage rate increases he settled the issue with Eel River Disposal for the time being and reminded the Council that the franchise agreement with ERD will be coming up for renewal in 2016; staff is working on a Master Fee Schedule for the City; and said he has been discussing with staff the fencing of the recently acquired school property and said rather than chain link fencing he would like to see something more attractive such as a redwood fence. He said staff is working on getting quotes on different types of fencing.

Councilmember Marks said staff needs to think of fencing in terms of access because in the past kids have destroyed fencing to get access to the school.

He also reported that well #3 was up and running with the help of public works staff and were waiting for tests to come back from the lab; reported on a potential training opportunity for new as well as current City Councilmembers and said the League of California Cities will be scheduling a 1-day session to go over the Brown Act and other City Council procedures; said employee health insurance renewal is approaching and needs to be addressed as soon as possible. He indicated there will be a 25% increase in costs to maintain the current level of coverage which is obviously not acceptable so he will be working with the employees to maintain current costs; said with regard to the Master Plan for the remodeling of City Hall is recommending that all modifications be tabled with the exception of emergency repairs due to budget constraints. He said he feels there are more important priorities at this time such as maintaining basic level of services to the community.

Mayor Thompson suggested before any final decisions are made to get everyone together and come up with a common Master Plan for the future; Councilmember Marks agreed.

City Manager Knopp said that one area with potential to leverage sizable grant dollars is for community center type projects. He expressed the need to raise awareness for the need for a Community Center and said maybe it could include a City Council Chambers to free up space at City Hall. He pointed out that this would be more of a long-term plan possibly in 3-5 years.

City Manager Knopp said ADA compliance is an important issue and since there are some basic maintenance issues with the porch area suggested staff obtain a quote for a new ADA porch extending from the Police Department to the Council Chambers.

City Manager Knopp then mentioned that there were a couple of employee complaints related to the cap on vacation accrual which will need to be addressed at some point.

Councilmember Marks reminded staff that the Chief was going to present a Community Service Award to the young lady that was instrumental in organizing the river bar clean-up even and asked what the City can do to help with the 50<sup>th</sup> Anniversary of the 64 Flood Event.

City Manager Knopp noted that Councilmember Marks had also asked at the last meeting for an update on the water usage at the Fire Department and said staff will have a report at the next meeting. He suggested an announcement of the upcoming 64 Flood Anniversary Event be included in the next City Newsletter.

Finance Director Woodcox reported on recent activities in the finance department and said on Friday staff will be training with Accufund on the online bill pay process so customers will have the capability of paying bills from a link on the City's website through Govteller for the same fee as charged at the front counter. She also reported that the TDA auditor will be here to conduct the annual TDA audit; apologized for not having the report on the Fire Department water usage; and stated for clarification that the \$163,000 mentioned for projected sales tax revenue was the estimate that came directly from BOE.

Community Development Director Caldwell reported on recent activities in the planning department and said with regard to the PTA Grant for the Belleview/Ogle Drainage Study, he heard from HCD that GHD cannot be considered as one of the three bidders because they are the City Engineer and have an unfair competitive advantage and directed the City to select the next highest score which is Whitchurch Engineering; said he was working on an amendment to the Nuisance Ordinance related to Administrative Citations and presented a sample of the Administrative Citation Notice and said he was also working on a Request to Appeal and an Appeal Waiver form and was hoping to have the introduction of the ordinance at the October 21<sup>st</sup> Council meeting to implement administrative citation fees; reported that Cal-Fire has an Urban Forestry Grant and that he was in contact with the local Urban Forester and he will be meeting with staff next week to see how the City can qualify to get funding as part of their urban forestry program; reported on the CDBG grant for rehabilitation of 158 Birch St. and said RFP's will be going out next week with a mandatory walk through with the contractors on October 23<sup>rd</sup>; said the Sculpture Committee will be meeting during the next week or so to discuss sign options for displayed art and the cost of additional slabs stating that Wendt Construction provided a quote of \$1,000 per slab. He said that he obtained a quote for an 8 x 10 bronze sign at \$350.00 which is not only too expensive but the lettering is too small so the Committee is exploring other options such as an 11 x 17 sign or possibly a kiosk or a community bulletin board at the downtown City parking lot with information about the sculpture and perhaps a bio on the artist.

## COUNCIL REPORTS/COMMUNICATIONS

Councilmember Johnson announced that Governor Brown recently signed Senate Bill 628 by 'Beal' on the subject of Enhanced Infrastructure Finance Districts (EIFD) including streets, water etc. and said it changes the voter approval requirement from 66% to 55% which is what the League of California Cities has been promoting and it is now a law.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 9:28 p.m. to the October 21, 2014 regular meeting.

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

Attest:

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

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Rio Dell, CA 95562  
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(707) 764-5480 (fax)  
E-mail: cm@riodellcity.com



**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
Tuesday October 14, 2014**

TO: Mayor and Members of the City Council  
THROUGH: Kyle Knopp, City Manager *[Signature]*  
FROM: Brooke Woodcox, Finance Director *[Signature]*  
DATE: October 14, 2014  
SUBJECT: Year End Reserve Balance Transfers

**RECOMMENDATION**

Approve yearend reserve balance transfers in order to eliminate negative fund balances for end of 2013-2014 Fiscal Year.

**BUDGETARY IMPACT**

The General Fund Reserve will be reduced by \$17,338 and the Gas Tax Fund will be reduced by \$34,673.

**BACKGROUND AND DISCUSSION**

The Operations Budget for the 2013-2014 Fiscal Year was adopted by Resolution 1206-2013 on June 25, 2013. At yearend budgeted appropriations were less than actual for Funds (040) SLESF and (026) TDA and resulted in negative fund balances. Fund (026) ISTEAs requires a closing adjustment. Specific details for the adjustment to each fund are:

- SLESF – Health Insurance (\$19,669), Overtime (\$2,056), and the purchase of two police vehicles (\$2,467) were the largest contributors to the negative fund balance
- TDA – HTA and Adult Day Health Care Services pass thru funds, which are normally appropriated in the Operating Budget, were left out of the 2013-2014 budget. The omitted expenditure of \$46,349 results in a needed transfer of \$ 40,926 to eliminate the negative fund balance in the TDA fund
- ISTEAs – This funding source is no longer available. At year end the fund balance is positive and results in a transfer of \$6,253 to the Gas Tax Fund.

**ATTACHMENT**

Proposed Yearend Adjustment Worksheet  
Year End Budget Variance Report  
SLESF  
TDA  
ISTEA

## FY 2013-2014 PROPOSED YEAREND ADJUSTMENTS

	Date Council			
	Approved	Description	Debit	Account
1	YE	SLESF Negative Fund Balance to General Fund	17,338	7000-00-000
			(17,338)	7000-00-047
2	YE	TDA Negative Fund Balance to Gas Tax	40,926	7000-00-020
			(40,926)	7000-00-024
3	YE	Close Positive Fund Balance ISTE A to Gas Tax	6,253	7000-00-020
			(6,253)	7000-00-026



**City of Rio Dell**  
**Year-to-Date Budget Variance Report by Fund**  
**June 30, 2014**

	YTD Budget	YTD Revised Budget	Y-T-D Actual	Actual Variance	Revised Variance	Revised % Variance
024 TDA (TRANSP. DEVEL. ACT)						
4045 Tax - (HCAOG) Transportation - TDA	103,238	117,251	117,477	14,239	226	0
4480 Insurance Premium Reimbursement	0	0	(3)	(3)	(3)	0
4935 Gain/Loss on Disposal of Assets	0	0	1	1	1	0
4999 Revenue- Reserves	0	675	0	0	(675)	100
<b>Total Revenue</b>	<b>103,238</b>	<b>117,926</b>	<b>117,475</b>	<b>14,237</b>	<b>(451)</b>	<b>0</b>
5000 Full Time Salaries	20,816	20,232	53,129	(32,313)	(32,896)	(163)
5030 Overtime Salaries	435	435	321	114	114	26
5032 Retirement - City Manager	339	339	164	175	175	52
5035 Benefit - ICMA City 457	2,016	2,016	4,983	(2,967)	(2,967)	(147)
5040 Benefit - Health Insurance	3,440	3,440	5,016	(1,576)	(1,576)	(46)
5042 Benefit - Life Insurance	65	65	72	(7)	(7)	(10)
5044 Benefit - Dental/Vision Insur	492	492	659	(167)	(167)	(34)
5045 Worker Compensation Insurance	685	685	2,998	(2,313)	(2,313)	(338)
5050 FICA/MEDI	1,592	1,592	4,435	(2,843)	(2,843)	(179)
5055 Unemployment Insurance	208	208	695	(487)	(487)	(234)
5060 Clothing Allowance	98	98	104	(6)	(6)	(6)
5080 Hiring Costs	658	1,333	701	(43)	632	47
5101 Office Supplies	239	239	173	66	66	28
5102 Operating Supplies	378	378	506	(128)	(128)	(34)
5103 Postage	190	190	83	107	107	57
5104 Printing - Forms	138	138	195	(57)	(57)	(41)
5105 Advertising	16	16	161	(145)	(145)	(906)
5106 Promotional	2	2	0	2	2	100
5107 Memorial Park Expense	775	775	761	14	14	2
5108 Streets	4,650	4,650	5,163	(513)	(513)	(11)
5109 Chemicals	0	0	182	(182)	(182)	0
5110 Accounting	660	1,104	924	(264)	179	16
5112 Legal	738	738	858	(120)	(120)	(16)
5115 Contract/Professional Services	1,710	1,710	50,226	(48,516)	(48,516)	(2,837)
5116 Bank Fees	60	60	53	7	7	12
5119 Safety Supplies & Equipment	775	775	86	689	689	89
5120 Telephone - Pagers	445	445	621	(176)	(176)	(40)
5122 Training - Conference	735	735	82	653	653	89
5123 Automobile - Transportation	250	250	223	27	27	11
5125 Publications - Books	40	40	6	34	34	86
5126 Dues & Memberships	225	225	76	149	149	66
5127 License	0	0	5	(5)	(5)	0
5128 Employee Relations	14	14	0	14	14	100
5130 Rents - Leases	690	690	335	355	355	51
5131 Records Maintenance	0	0	38	(38)	(38)	0
5135 Maintenance - Repair	1,147	1,147	923	224	224	20
5136 Parks Maintenance-Repair	775	775	0	775	775	100
5138 Office Equipment	188	188	130	58	58	31
5139 Equipment	948	948	1,109	(161)	(161)	(17)
5141 General Liability Insurance	1,325	1,325	617	708	708	53
5143 Property Insurance	298	298	143	155	155	52
5144 Emp Practice Liab Insurance	103	103	30	73	73	71
5148 Office Equipment	8	8	15	(7)	(7)	(88)
5150 Electricity	7,815	7,815	13,342	(5,527)	(5,527)	(71)
5151 Natural Gas	169	169	24	145	145	86
5154 Garbage	19	19	29	(10)	(10)	(51)
5162 Medical	47	47	17	30	30	63
5163 Property Tax Admin Fees	90	90	69	21	21	23

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**City of Rio Dell**  
**Year-to-Date Budget Variance Report by Fund**  
**June 30, 2014**

	YTD Budget	YTD Revised Budget	Y-T-D Actual	Actual Variance	Revised Variance	Revised % Variance
024 TDA (TRANSP. DEVEL. ACT)						
5164 Regulatory Fees	310	310	42	268	268	87
5165 Property Tax Assessment	11	11	0	11	11	100
5166 LAFCO Fees	0	0	31	(31)	(31)	0
5171 Computer Software	77	77	37	40	40	52
5172 Computer Training	90	90	2	88	88	98
5173 Computer Maintenance - Support	380	380	456	(76)	(76)	(20)
5174 Web Design Services	24	24	10	14	14	59
5175 Community Promotions	3	3	0	3	3	100
5212 Gas & Oil	775	775	1,157	(382)	(382)	(49)
5213 Vehicle Repair	620	620	881	(261)	(261)	(42)
5215 Public Works - Small Tools	623	623	472	151	151	24
5217 License	0	0	5	(5)	(5)	0
5227 Public Works - Equip. Repair	310	310	412	(102)	(102)	(33)
5229 Public Works - Equip. Rental	78	78	0	78	78	100
5410 Interest Expense	0	0	0	0	0	0
5514 Engineering	10,850	10,850	480	10,370	10,370	96
5520 Improvements	308	308	77	231	231	75
5540 Mayor Woodall	8	8	0	8	8	100
5541 Gordon Johnson	8	8	13	(5)	(5)	(64)
5560 Council Member Marks	8	8	0	8	8	100
5563 Council Member Thompson	31	31	0	31	31	100
5564 Council Member Wilson	31	31	0	31	31	100
6100 Fixed Asset - Computer Hardware	45	45	0	45	45	100
6300 Fixed Asset - Heavy Equipment	20,000	20,000	0	20,000	20,000	100
6525 Building and Improvements	0	140	128	(128)	12	8
7000 Operation Transfer	0	0	(40,926)	40,926	40,926	0
8000 Reserve Allocation	12,142	26,155	0	12,142	26,155	100
<b>Total Expenditures</b>	<b>103,238</b>	<b>117,926</b>	<b>113,759</b>	<b>(10,521)</b>	<b>4,167</b>	<b>4</b>

**City of Rio Dell**  
**Year-to-Date Budget Variance Report by Fund**  
**June 30, 2014**

026 ISTEА (INTERMODAL SURFACE TRANSP-RSTP)	YTD Budget	YTD Revised Budget	Y-T-D Actual	Actual Variance	Revised Variance	Revised % Variance
4710 Grant Restricted - SAFETEA	21,000	21,000	0	(21,000)	(21,000)	100
4712 Grant Restricted - RSTP HCAOG	0	0	25,171	25,171	25,171	0
<b>Total Revenue</b>	<b>21,000</b>	<b>21,000</b>	<b>25,171</b>	<b>4,171</b>	<b>4,171</b>	<b>(20)</b>
5000 Full Time Salaries	2,347	2,347	8,091	(5,744)	(5,744)	(245)
5030 Overtime Salaries	75	75	53	22	22	29
5035 Benefit - ICMA City 457	258	258	758	(500)	(500)	(194)
5040 Benefit - Health Insurance	444	444	583	(139)	(139)	(31)
5042 Benefit - Life Insurance	7	7	8	(1)	(1)	(9)
5044 Benefit - Dental/Vision Insur	60	60	73	(13)	(13)	(22)
5045 Worker Compensation Insurance	115	115	454	(339)	(339)	(294)
5050 FICA	180	180	674	(494)	(494)	(275)
5055 Unemployment Insurance	23	23	115	(92)	(92)	(399)
5060 Clothing Allowance	20	20	12	8	8	39
5080 Hiring Costs	10	10	0	10	10	100
5101 Office Supplies	36	36	10	26	26	71
5102 Operating Supplies	120	120	83	37	37	31
5103 Postage	6	6	4	2	2	34
5104 Printing - Forms	6	6	5	1	1	19
5105 Advertising	6	6	13	(7)	(7)	(109)
5107 Memorial Park Expense	300	300	141	159	159	53
5108 Streets	1,800	1,800	956	844	844	47
5109 Chemicals	0	0	34	(34)	(34)	0
5112 Legal	30	30	128	(98)	(98)	(326)
5115 Contract/Professional Services	360	360	769	(409)	(409)	(114)
5119 Safety Supplies & Equipment	300	300	12	288	288	96
5120 Telephone - Pagers	144	144	115	29	29	20
5122 Training - Conference	180	180	0	180	180	100
5123 Automobile - Transportation	12	12	10	2	2	16
5125 Publications - Books	12	12	1	11	11	95
5126 Dues & Memberships	24	24	11	13	13	54
5127 License	0	0	1	(1)	(1)	0
5128 Employee Relations	2	2	0	2	2	100
5130 Rents - Leases	180	180	61	119	119	66
5131 Records Maintenance	0	0	3	(3)	(3)	0
5135 Maintenance - Repair	420	420	146	274	274	65
5136 Parks Maintenance-Repair	300	300	0	300	300	100
5138 Office Equipment	12	12	11	1	1	12
5139 Equipment	360	360	44	316	316	88
5141 General Liability Insurance	167	167	208	(41)	(41)	(25)
5143 Property Insurance	37	37	48	(11)	(11)	(31)
5144 Emp Practice Liab Insurance	13	13	17	(4)	(4)	(27)
5148 Office Equipment	0	0	2	(2)	(2)	0
5150 Electricity	3,000	3,000	2,454	546	546	18
5151 Natural Gas	60	60	3	57	57	95
5154 Garbage	7	7	5	2	2	33
5162 Medical	18	18	2	16	16	87
5164 Regulatory Fees	120	120	6	114	114	95
5165 Property Tax Assessment	4	4	0	4	4	100
5171 Computer Software	18	18	5	13	13	72
5173 Computer Maintenance - Support	30	30	11	19	19	63
5174 Web Design Services	1	1	1	0	0	(20)
5175 Community Promotions	1	1	0	1	1	100
5212 Gas & Oil	300	300	166	134	134	45

**City of Rio Dell**  
**Year-to-Date Budget Variance Report by Fund**  
**June 30, 2014**

026 ISTEА (INTERMODAL SURFACE TRANSP-RSTP)	YTD Budget	YTD Revised Budget	Y-T-D Actual	Actual Variance	Revised Variance	Revised % Variance
5213 Vehicle Repair	240	240	260	(20)	(20)	(8)
5215 Public Works - Small Tools	240	240	71	169	169	70
5217 License	0	0	1	(1)	(1)	0
5227 Public Works - Equip. Repair	120	120	74	46	46	38
5229 Public Works - Equip. Rental	30	30	0	30	30	100
5410 Interest Expense	0	0	0	0	0	0
5514 Engineering	4,200	4,200	82	4,118	4,118	98
5520 Improvements	122	122	10	112	112	92
7000 Operation Transfer	0	0	71,880	(71,880)	(71,880)	0
8000 Reserve Allocation	4,123	4,123	0	4,123	4,123	100
<b>Total Expenditures</b>	<b>21,000</b>	<b>21,000</b>	<b>88,685</b>	<b>(67,685)</b>	<b>(67,685)</b>	<b>(322)</b>

**City of Rio Dell**  
**Year-to-Date Budget Variance Report by Fund**  
**June 30, 2014**

040 SLESF (SPECIAL LAW ENFORCEMENT SERV. FUND)	YTD Budget	YTD Revised Budget	Y-T-D Actual	Actual Variance	Revised Variance	Revised % Variance
4310 Interest Income	0	0	0	0	0	0
4740 Grant Restr - Police SLESF	100,000	100,000	98,562	(1,438)	(1,438)	1
4995 Donations	0	0	100	100	100	0
4999 Revenue- Reserves	67,250	67,250	0	(67,250)	(67,250)	100
<b>Total Revenue</b>	<b>167,250</b>	<b>167,250</b>	<b>98,662</b>	<b>(68,588)</b>	<b>(68,588)</b>	<b>41</b>
5000 Full Time Salaries	61,164	61,164	52,828	8,336	8,336	14
5030 Overtime Salaries	1,760	1,760	3,816	(2,056)	(2,056)	(117)
5035 Benefit - ICMA City 457	13,332	13,332	9,591	3,741	3,741	28
5040 Benefit - Health Insurance	13,057	13,057	32,726	(19,669)	(19,669)	(151)
5042 Benefit - Life Insurance	218	218	316	(98)	(98)	(45)
5044 Benefit - Dental/Vision Insur	2,393	2,393	4,602	(2,209)	(2,209)	(92)
5045 Worker Compensation Insurance	2,506	2,506	2,864	(358)	(358)	(14)
5050 FICA	4,744	4,744	4,747	(3)	(3)	0
5055 Unemployment Insurance	0	0	434	(434)	(434)	0
5060 Clothing Allowance	826	826	0	826	826	100
5120 Telephone - Pagers	0	0	413	(413)	(413)	0
6400 Fixed Asset - Vehicles	67,250	67,250	69,717	(2,467)	(2,467)	(4)
7000 Operation Transfer	0	0	(17,338)	17,338	17,338	0
<b>Total Expenditures</b>	<b>167,250</b>	<b>167,250</b>	<b>164,716</b>	<b>2,534</b>	<b>2,534</b>	<b>2</b>



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*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
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October 21, 2014

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Discussion and Possible Action to Support Grant Application for "ArtPlace America" National Grants Program.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide conceptual support for the grant and direct the City Manager to draft a letter of support for the Mayor's signature, and/or otherwise support the grant application process.

BACKGROUND AND DISCUSSION

The Chamber of Commerce has approached the city to support an application for the "ArtPlace America" National Grants Program. It is understood that there is no financial obligation undertaken by the city should the grant be awarded. The grant would support the arts community of Rio Dell, specifically the "Avenue of the Sculptures" concept for Wildwood Avenue. The grant would support the public display of local artistic works, providing kiosks, benches, platforms and other support to enhance the art district and the city's downtown in general.

Additional information will be provided at the Council meeting.

ArtPlace America ([www.artplaceamerica.org](http://www.artplaceamerica.org)) is a ten-year collaboration among 14 foundations, 8 federal agencies, and 6 financial institutions who are dedicated to positioning art and culture as a core sector of comprehensive community planning and development in order to help strengthen the social, physical, and economic fabric of communities.

ArtPlace focuses its work on creative placemaking, the set of practices in which art and culture work intentionally to help to transform a place. ArtPlace does this through a national grants program and five community-wide investments; it seeks to understand and disseminate successful practices through its research strategies; and it works to connect practitioners, organizations, and communities with one another.

# ARTPLACE

## Frequently Asked Questions

These answers to frequently asked questions are intended to address as many of your questions as possible. Please read all questions and answers before sending an inquiry to the ArtPlace America staff, who have limited resources to respond to individual queries.

If you do not see your question posted here, please send an email to [grants@artplaceamerica.org](mailto:grants@artplaceamerica.org).

### Definitions

The below definitions are those held by ArtPlace for the purposes of this Letter of Inquiry. We recognize that these definitions can have a different meaning based on social context: particularly distinctions between rural and urban places; as well as financially affluent and low-income neighborhoods. ArtPlace America strives to be inclusive of those different contexts as it builds its grant portfolio and creative placemaking partnerships.

**Creative Placemaking:** Strengthening the social, physical, and economic fabric of a community through arts and culture.

**Community:** A group of people related by geography.

# Criteria

## **1. What does a great proposal look like?**

Great proposals clearly and concisely communicate:

- i.) A description of the geographic community in which you are working.
- ii.) A description of the challenge/opportunity the community has decided to tackle.
- iii.) The arts strategy that will be used to tackle the selected challenge/opportunity.
- iv.) How to gauge the project's success.

## **2. What kinds of initiatives has ArtPlace America funded?**

A complete listing of ArtPlace America-funded initiatives can be found at <http://www.artplaceamerica.org/grants/>. Please focus your application on the specifics of your community, challenge/opportunity, and arts strategy. Successful applicants clearly express responses to the above question as they relate to their distinctive place.

## **3. What kinds of partnerships does ArtPlace America look for and think are important?**

ArtPlace America is most interested in cross-sector partnerships that have aligned values and goals for improving the social, physical, and economic fabric of their community. If the organization or individual partner has a role in the planning and implementation of your project, then it is likely an important partnership.

## **4. Is there a preference for programs that are scalable and/or**



## **replicable?**

While there is no preference for programs that are scalable or replicable, ArtPlace America has an interest in projects that could potentially build the collective knowledge of the creative placemaking field.

## **5. How competitive is the process?**

Last year, ArtPlace provided grants to approximately 4% of the 1300 LOIs submitted (55 projects). This year we anticipate funding approximately 40 projects from the applicant pool.

# Eligibility

## **6. Who is eligible for funding?**

ArtPlace America invites applications from non-profit organizations, local governing bodies, individual artists/designers, and for-profit organizations within the U.S. and all U.S. Territories. If you or your organization do not currently have 501 (c) 3 status or city charter, you will need to apply through a nonprofit fiscal agent (any 501 (c) 3 able to manage philanthropic resources on your behalf and in accordance with nonprofit accounting standards). ArtPlace America grantees who received an award in 2014 are not eligible to apply in this round.

## **7. If I am not a registered 501 (C) 3 do I need to secure a fiscal agent before submitting my letter of inquiry? What is the role of a fiscal agent?**

The fiscal agent acts as the steward of the grant funds. It signs

all contracts and is ultimately responsible for the funds being used as stated in the grant contract. It also signs off on all interim and final reports, including but not limited to the financial update section of those reports. While you may apply for a grant in advance of securing a fiscal agent, a fiscal agent must be secured by an individual artist, designer or for-profit organization applicant before receiving funds from ArtPlace America. Given the limited resources we have for this program, ArtPlace requires that all fiscal agent fees be no more than 12.5% of the total ArtPlace request/award.

### **8. Does ArtPlace America require matching funds?**

There is no required match for the ArtPlace America National Grants Program. Despite not requiring a match, ArtPlace values projects that are able to leverage additional federal, regional, and local public/private funding.

### **9. Are state bodies eligible to submit an LOI?**

Yes, all local/regional/state governing bodies (including state bodies) are eligible to submit a Letter of Inquiry for grant funding.

### **10. Can one organization submit multiple Letters of Inquiry?**

No. An organization may only submit one Letter of Inquiry per grant cycle.

### **11. Can an organization be listed as a partner on one application and submit a separate application?**

Yes, we encourage partnerships for all projects. However, only one application should be submitted for any given project. Any separate applications should be for separate projects.

**12. Can an organization submit a Letter of Inquiry and act as a fiscal agent for an individual artist or for-profit organization?**

Yes. An organization may serve as a fiscal agent and submit its own separate proposal.

**13. Will projects outside of the U.S. be funded?**

No. ArtPlace America will only fund projects located in the U.S and U.S. Territories.

**14. Will projects located in Puerto Rico be eligible for funding?**

Yes. Projects located in Puerto Rico and all U.S. Territories are eligible to receive funding.

**15. Will ArtPlace America accept applications from previous grantees?**

ArtPlace will consider applications from previous grantees for new projects; continuations of previously funded projects will not be considered. Additionally, previous grantees are not eligible to submit a Letter of Inquiry in the same calendar year in which they received a grant. For instance, if your organization or project received an ArtPlace America grant in 2014 you are not eligible to submit a letter of inquiry during the current grant cycle.

**16. Are there restrictions in terms of size of organization or years of incorporation?**

No, there is no minimum or maximum requirement for operating budget, staff size, geographic reach, or any other metric for an organization's size. ArtPlace does not require a

minimum number of years of incorporation.

### **17. What artistic disciplines are eligible?**

We encourage grant submissions from ALL artistic disciplines. Some of ArtPlace's foundation partners have an interest in the performing arts and have provided funding to ensure grants are made to performing arts organizations. Several funders are also interested in ensuring the participation and representation of folk and traditional arts and Native American arts.

### **18. What is the difference between audience development/engagement and creative placemaking?**

ArtPlace America seeks place-based projects that will strengthen the social, physical, and economic fabric of their communities. We believe this work to be fundamentally different and distinct from audience building, outreach, and engagement. To ArtPlace, audience engagement refers to activities intended for a group of people that is primarily united by a particular interest (in this case likely the given organization's programming). Creative Placemaking focuses on groups of people that are distinctly united by geography. While there may be overlap across audience members and community members, we are specifically focused on definitions of community that are readily delineable on a map. Audiences often extend beyond such geographic limitations.

### **19. Does ArtPlace America have geographic priorities?**

Applications are encouraged from all 50 states and U.S. territories, and ArtPlace America funds in communities across the country. Several of ArtPlace's foundation partners have deep commitments to their local and regional communities

and have provided funding specifically to ensure grants are made in communities of all sizes in Alaska, California, and Minnesota; and for rural communities throughout Arizona, Iowa, the Upper Peninsula in Michigan, New Mexico, North Dakota, Oregon, South Dakota, Texas, and Wisconsin; and for the cities of Akron, OH; Boston, Cambridge, and Somerville, MA; Charlotte, NC; Detroit, MI; Macon, GA; Miami, FL; Greater Philadelphia, PA; San Jose, CA; and St. Paul, MN. In an effort to support the broad spectrum of creative placemaking practices across the United States, ArtPlace is particularly interested in projects from states in which it has not yet granted including Delaware, Montana, New Hampshire, Nevada, Oklahoma, South Carolina, Utah, and Wyoming. We continue to expand our funding with the goal of supporting the broadest possible geographic array of communities.

## **20. Will ArtPlace America fund projects in rural communities?**

Yes, communities of all sizes are encouraged to submit a Letter of Inquiry. Rural communities represented 17% of the National Grants portfolio in 2013, and in 2014, 31% of the projects funded were in rural communities.

## **21. Can the scope of the project be regional/statewide?**

Yes. The scope of an ArtPlace America project can be regional/statewide; however, statewide or regional projects should be focused on strengthening the social, physical, and economic character in local communities and be able to demonstrate the impact of their work at the level of geography they have used to define their community.

## **22. Is a project eligible to receive funding from ArtPlace**

**America if funding for the same initiative has been received from a foundation participating as an ArtPlace America funder or from another national partner?**

Yes you may apply. If you receive funding from participating ArtPlace America funders or from any of our partners (including the National Endowment for the Arts), it will not impact your eligibility to receive ArtPlace America funding.

**23. Will ArtPlace America grants be subject to the reporting and auditing requirements associated with federal programs?**

ArtPlace America is not a federal program. The reporting requirements will be similar to those required by the private foundations participating in ArtPlace America, as opposed to those required by the federal government. ArtPlace America's reporting period will be 21 months in length and requires interim reports every six months and a final report within three months of the close of the grant period.

**24. Can ArtPlace America funds be used for programming? Planning? Implementation? Capital projects?**

Yes. As long as the project is likely to improve the social, physical and economic fabric of your community, ArtPlace America grant funds can be used for all of these types of projects or a combination of these activities. Specifically, ArtPlace has an interest in funding the implementation of a planning process, not the development of a plan.

**25. For renovations or other capital projects, does the building or property owner have to be a 501 (c) 3 organization?**

No. As long as the project will have the capacity to fulfill its long-term strategic goals, there are no restrictions in terms of property ownership for ArtPlace America's grant program. Municipal owned buildings, condominium spaces, long-term leases with developers/individuals, as well as fee simple ownership are all viable alternatives. Please describe your arrangement in the narrative portion of the Letter of Inquiry.

### **26. Are artists' and designers' fees eligible expenses?**

Yes, fees for all types of individuals involved in a project are both eligible and encouraged, such as prevailing/living wages for artists, choreographers, musicians, designers, curators, architects, facilitators or other consultants.

### **27. Can salaries for administration or additional fundraising be funded?**

Salaries for administration, project management, and fundraising are allowed. However, ArtPlace America restricts fiscal sponsor fees to 12.5% of the total project request/award.

### **28. Will ArtPlace America support research or publications about creative placemaking projects?**

ArtPlace America does not anticipate investments in research through its National Grants Program. ArtPlace will be developing research strategies to be released in 2015. For more information, please contact our Director of Research Strategies at: [Jamie.Hand@artplaceamerica.org](mailto:Jamie.Hand@artplaceamerica.org).

### **29. Will ArtPlace support field building activities or the development of tool kits?**

Toolkits and field building activities will not be funded through

our National Grants Program. ArtPlace will be developing a series of field building strategies to be announced in 2015. For more information please contact our Director of Communications at: [Prentice@artplaceamerica.org](mailto:Prentice@artplaceamerica.org)

## Review Process

### **30. Who will review my application?**

LOI Phase: ArtPlace staff and external reviewers (nationally representative professionals with deep experience in art, community, and creative placemaking) will review the Letters of Inquiry and make recommendations as to which projects should be invited to submit full proposals.

Full Proposal Phase: Projects invited to submit a full proposal will receive a site visit from an ArtPlace representative (between late January and February 2015). The full proposals and site visit reports will be considered by ArtPlace staff and external reviewers, who will make recommendations as to which projects should be funded. ArtPlace America's foundation partners will also make recommendations and provide technical assistance throughout the review process. ArtPlace America's Executive Director will ultimately authorize the finalists and grants that will be made.

### **31. Can I request panel comments or feedback after my project has been reviewed?**

Given the large number of applications for this program and limited staff capacity, ArtPlace America is not able to provide individualized feedback or panel comments for LOIs.



Applicants that advance to the Full Proposal stage and are not awarded a grant will have the opportunity to receive verbal feedback on their applications.

### **32. Can I speak with an ArtPlace staff member about my project prior to applying?**

Given the large number of applications we anticipate for this round, ArtPlace staff is not able to schedule one-on-one calls to discuss projects. ArtPlace will host at least one live webinar during which specific questions can be asked.

### **33. Should we submit letters of support for our work?**

No, ArtPlace will not accept letters of support. If you are working in partnership with other organizations to strengthen the social, physical, and economic character of your community, please include information about the partnership and the shared strategy you are pursuing in the narrative sections of the Letter of Inquiry.

### **34. How much will ArtPlace America award to a single organization?**

Decisions will be made on a case-by-case basis. ArtPlace America National Grants generally range between \$50,000-\$500,000.

### **35. Are award amounts the same as requested or are they ever reduced?**

In its first four rounds of funding, ArtPlace America awarded some projects the full amount requested and some projects at a level lower than the amount requested. We anticipate the same will apply to this round.

### **36. Will ArtPlace America make only one award per community?**

No, ArtPlace America has made (and may continue to make) multiple awards to individuals/projects/organizations within a single community.

## Technical Issues

### **37. Will there be a webinar on these new guidelines?**

In order to accommodate all applicants, ArtPlace America has posted a video guide on the new guidelines. Additional webinars will be hosted where individual questions may be submitted remotely. The video and webinar information will be made available here: <http://www.artplaceamerica.org/loi/>.

### **38. How can we see the Letter of Inquiry questions before filling out the online form?**

The Letter of Inquiry worksheet includes all of the questions in the online form. Please use this as a guide for completing your Letter of Inquiry. ArtPlace America will not provide copies of submitted applications. We encourage you to print your application or save it on a local server before you submit through our Web Portal.

### **39. Can I save my online application prior to submission?**

Yes, the online application has an option to save a draft prior to submission; however, we encourage all applicants to save a copy of their work on a local server.

### **40. Do I need to use the same username and password as last**

**year?**

No, the online application is built on a new platform this year. New sign in details will need to be created for this new system by registering through our Web Portal.

**41. I have forgotten my password for the online form. How can I retrieve it?**

You can do this yourself in the new system by clicking “I forgot my password.”

**42. While I’ve checked that the character count of my response is below the listed maximum, the online application will not allow me to complete the response. Why does the character count in the online system not match the character count in my word processing system?**

The online application system calculates the number of characters including spaces. Please use single spaces after punctuation and in general avoid all unnecessary spaces in your response.

**43. I have more questions. Whom do I contact?**

You can direct questions not answered by this FAQ document to [grants@artplaceamerica.org](mailto:grants@artplaceamerica.org). We will periodically update this page with questions asked by a critical mass of applicants. Since ArtPlace staff may not have the capacity to respond to individualized questions about your project, we encourage you to submit your original ideas in your Letter of Inquiry.



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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
(707) 764-5480 (fax)  
E-mail: [cm@riodellcity.com](mailto:cm@riodellcity.com)

**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
Tuesday October 14, 2014**

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager

FROM: Brooke Woodcox, Finance Director *BW*

DATE: October 14, 2014

SUBJECT: Ordinance No. 328-2014 Amending Purchasing Procedures Section 3.30.100 of the Municipal Code

**RECOMMENDATION**

Conduct the second reading (by title only) and adopt Ordinance No. 328-2014 Amending Purchasing Procedures Section 3.30.100 of the Municipal Code to include Codes of Conduct for grantee, sub-grantee officers, employees, agents, or by contractor or their agents.

**BUDGETARY IMPACT**

None.

**BACKGROUND AND DISCUSSION**

Council may recall that on January 7, 2014 at a regularly scheduled Council meeting Ordinance No. 314-2014 was adopted that established a lease vs. purchase policy and included disciplinary procedures for any willful violator of the City's purchasing policies. This was in response to satisfy the recommendations of the EPA's desk review audit of the City's Brownfield Grant.

The EPA has recently notified Staff that the lease vs. purchase policy meets their recommendations; however they found the disciplinary procedures lacked the recommended Codes of Conduct per 40 CFR 31.36 (b) Procurement Standards. Presented is Ordinance No. 328-2014 which amends Section 3.30.100 of the Rio Dell Municipal Code purchasing policies to meet the EPA's Codes of Conduct requirements.

ORDINANCE 328-2014



AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF RIO DELL AMENDING  
PURCHASING PROCEDURES SECTION 3.30.100  
OF THE RIO DELL MUNICIPLE CODE

The City Council of the City of Rio Dell does ordain as follows:

~~**Section 11: Unlawful Purchases.** No purchases or contracts shall be made contrary to the provision of this ordinance. No contract shall be purposely split or subdivided to avoid the provisions of this ordinance. Any employee who willfully violates this policy will be subject to the discipline up to and including termination pursuant to the disciplinary policies set forth in the City of Rio Dell Employee handbook.~~

**Section 11: Codes of Conduct**

- A. **Unlawful Purchases.** No purchases or contracts shall be made contrary to the provision of this ordinance. No contract shall be purposely split or subdivided to avoid the provisions of this ordinance.
- B. **Conflict Of Interest.** No City of Rio Dell employee, consultant, elected official, appointed official or designated agent of the City of Rio Dell will take part or have an interest in the award of any purchasing transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the official, employee or designated agent of the City of Rio Dell, partners of such individuals, immediate family members, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the competing firms.

NOTE: These rules apply to all named parties and shall be effective for the period of service and for one year after leaving said position (or office, in the case of elected officials).

- C. **Acceptance of Gratuities.** No City of Rio Dell employee or designated agent of the City of Rio Dell shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors or potential subcontractors.

D. **Penalties.** Any employee or designated agent of the City of Rio Dell who knowingly and deliberately violates these provisions will be open to civil suit by the City of Rio Dell without the legal protection of the City of Rio Dell. Such a violation of these purchasing standards is grounds for dismissal by the City of Rio Dell (if an employee) or such sanctions as available under the law (if an elected official).

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the City of Rio Dell.

**Section 12: 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 13 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 14: Effective Date:** This ordinance shall take effect and be in full force thirty days following the date of its passage. It shall be posted in three public places in the City of Rio Dell, State of California, pursuant to Government Code Sections 36933.

PASSED, APPROVED, AND ADOPTED this 14<sup>th</sup> day of October, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above to be a full, true and correct copy of Ordinance No. 328-2014 adopted by the City Council of the City of Rio Dell on October 14, 2014.

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Karen Dunham, City Clerk

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



For Meeting of: October 21, 2014

To: City Council  
From: Kevin Caldwell, Community Development Director   
Through: Kyle Knopp, City Manager   
Date: October 15, 2014  
Subject: Nuisance Ordinance Amendments

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding the proposed text amendment; and
2. Open the public hearing, receive public input, and deliberate; and
3. Introduce Ordinance No. 329-2014 amending the current Nuisance regulations to include Administrative Citation provisions, Chapter 8.10 of the Rio Dell Municipal Code (RDMC) and continue consideration, approval and adoption of the proposed Ordinance to your meeting of November 4, 2014 for the second reading and adoption

**Background and Discussion**

Staff is recommending that the City adopt Administrative Citation provisions as part of the Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code (RDMC). Although the current Nuisance Regulations refer to Administrative Citations, there are no provisions to actually implement and issue Administrative Citations.

Staff has learned from conversations with other jurisdictions that Administrative Citations are very effective in abating nuisances. Under the current provisions, when a complaint is made or a violation is identified, the City notifies the owner and or occupant by mail with a "Courtesy Letter" requesting that they contact the City typically within ten (10) days of receipt of the letter and informing us of their intentions. More times than not, we do not hear from the owner or occupant. We then send a second letter requesting they contact the City within five (5) or ten

(10) days, depending on the nature of the violation, of receipt of the letter and inform them that if they don't contact the City within the specified time period, we will record a Notice of Violation. Again, many times the letters are ignored. The preparation and recordation of the Notice is time consuming, typically two (2) hours minimum of staff's time. If no response is provided and the nuisance or violation continues, the next step is schedule a public hearing before the City Council requesting the Council authorize the abatement of the nuisance or violation. This process could take up to four (4) to six (6) weeks.

Under the current provisions, those responsible for the nuisance and or violations can be found guilty of a misdemeanor and upon conviction can be punished for each violation by a fine not exceeding one thousand (\$1,000.00) dollars and or by imprisonment of up to six (6) months. Unfortunately, the City is obligated to prosecute the violator in court. Of course this process is also time consuming and costly.

Staff believes that the Administrative Citation provisions will be more cost effective and less time consuming in abating nuisances and code violations in that the Citation is issued and included with the first letter which will be hand delivered and sent Certified mail. A copy of the Citation is included as Attachment 1. The person receiving the citation would have a certain number, but typically no more than thirty (30) days depending on the violation, to remedy the situation. If the violation is not remedied within the specified time period then the payment of the fine is due and payable. If the violation is remedied within the specified time the fine is not due and payable.

The amounts of the fines for violations of the Rio Dell Municipal Code and local building and safety codes, including the California Building Code (CBC), California Residential Code (CRC), Section 17920.3 of the California Health and Safety Code, Uniform Housing Code (UHC) are imposed pursuant to Government Code Section 53069.4 are recommended to be:

- ♦ A fine of one hundred dollars (\$100.00) for a first violation;
- ♦ A fine of two hundred dollars (\$200.00) for a second violation of the same code section within one (1) year of the first violation;
- ♦ A fine of five hundred dollars (\$500.00) for each additional violation of the same code section within one (1) year of the first violation.

All Citations are appealable. The Citation may be appealed by completing a request for a hearing within twenty-one (21) days of the date of Citation. A copy of the Request for Hearing is included as Attachment 2. The appellant must also submit with the Request for Hearing form either an advance deposit of the fine(s) or a hardship Request for Temporary Waiver of the Appeal Deposit. A copy of the Request for Temporary Waiver of the Appeal Deposit is included in Attachment 3.

If a timely appeal is filed, the appellant will be notified of the time and place of the hearing at least ten (10) days prior to the date of the hearing. A hearing will be held not less than fifteen



(15) days and not more than thirty (30) days from the date of the request for a hearing. If the City prepares an additional written report concerning the citation to the appeal committee, a copy of that report will be provided to the appellant at least five (5) days prior to the date of the hearing. At the hearing, the appellant may testify and present evidence concerning the citation. If the appellant fails to appear at the hearing they will forfeit the deposit of the fine and be deemed to have failed to exhaust their administrative remedies and consented to any order to correct.

The fine must be paid within thirty (30) days of the citation or the appeal decision date if the appeal was unsuccessful. A ten percent (10%) late payment fee will be imposed on any fine which is not paid within thirty days of the issuance of the citation or the appeal decision date. If the fine is not paid the City could pursue payment by either:

- ♦ A trial in Civil Court with subsequent garnishment of their earnings.
- ♦ A lien placed against their California Franchise Tax return.
- ♦ This claim assigned to a collection agency.
- ♦ A lien placed against the property.

Should the violation not be remedied, then the City will pursue the abatement of the nuisance. Of course the purpose of the Administrative Citation provisions is to encourage voluntary compliance in abating violations, including nuisances.

### **Attachments**

Attachment 1: Administrative Citation.

Attachment 2: Request for Hearing.

Attachment 3: Temporary Waiver of the Appeal Deposit.

Attachment 4: Ordinance No. 329-2014.

CITY OF RIO DELL ADMINISTRATIVE CITATION		No. 1415	
Date of Violation:	_____	Date of Citation:	_____
Person Cited:	<input type="checkbox"/> Property Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Other		
Name:	_____		
Address:	_____		
Location of Violation:	_____		
<b>VIOLATION</b>			
Section(s): _____	Code:	<input type="checkbox"/> Rio Dell Municipal Code <input type="checkbox"/> Uniform Housing Code <input type="checkbox"/> California Health & Safety Code <input type="checkbox"/> Other _____	
Description of Violation: _____			
Penalty:	<input type="checkbox"/> \$100.00 <input type="checkbox"/> \$200.00 <input type="checkbox"/> \$500.00	Time to Correct	_____ DAYS
<p><b>IMPORTANT:</b> Payment of the fine will become due and payable if the violation is not corrected by _____. You are hereby ordered to cease the violations set forth above and to prevent their repeated occurrence. Failure to pay your fines as directed or otherwise comply with the above order may result in abatement by the City, additional fines, and/or other enforcement actions as permitted by law, including placing a special assessment lien on the property. Payment of the fine hereby imposed does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of this citation. <b>Please see reverse side for payment information and appeal rights.</b></p>			
<p>I declare under penalty of perjury that the citation was hand delivered to the person cited on _____ and/or sent by U.S. Mail postage prepaid to the address above on _____.</p>			
Citing Officer Name		Citing Officer Signature	

**CITY OF RIO DELL ADMINISTRATIVE CITATION  
PAYMENT AND APPEAL PROCESS**

**PAYMENT:** All fines shall be paid within thirty (30) days of the date on which the fine becomes due and payable. If a fine is now due and payable as indicated on the face of this citation, you have thirty (30) days from the Date of Citation to pay your fine. If a fine will become due and payable if not corrected, it is your responsibility to contact the City by the correction date as indicated on the face of this citation to demonstrate compliance with the code section violated. Failure to contact the City by the correction date will result in the fine becoming due and payable on the correction date.

Fines shall be payable to the City of Rio Dell, 675 Wildwood Avenue, Rio Dell, California, 95562 and made prior to the due date. If mailed, payment must be post-marked on or before the due date.

**LATE PAYMENTS:** A ten percent (10%) late payment fee shall be imposed on any fine that is not paid by the due date as described above.

**RIGHT TO APPEAL:** You may appeal this citation by completing a request for a hearing. To commence an appeal, you must notify the City Clerk in writing on a form provided by the City of Rio Dell within twenty-one (21) days of the Date of Citation. You must also submit with the request for hearing form either (1) an advance deposit of the fine(s) shown on the reverse, or (2) a notice that a request for an advance deposit hardship waiver has been filed.

If you file a timely appeal, you will be notified of the time and place of your hearing at least ten (10) days prior to the date of the hearing. If the City prepares an additional written report concerning the citation to the appeal committee a copy of that report will be provided to you at least five (5) days prior to the date of the hearing.

**ADVANCE DEPOSIT WAIVERS:** If you are financially unable to make the advance deposit of the fine you may file a request for an advance deposit hardship waiver. This request must be filed at the same time as your request for a hearing. If you do so, you need not pay the advance deposit of the fine, until and unless the City denies your request for a waiver.

The City may grant the advance deposit hardship waiver if you submit a sworn declaration, together with any supporting documents or materials, which demonstrates your financial inability to deposit with the City the full amount of the fine in advance of the hearing.

If the City determines not to approve your request for a waiver, you must remit the deposit to the City within ten (10) days of the date of that decision. If you do not do so you will not be entitled to a hearing. The City must issue a written determination of its reasons for granting or denying your request for a waiver and must serve it on you by first class mail.

**HEARINGS:** A hearing will be held not less than fifteen (15) days and not more than thirty (30) days from the date you file your request for a hearing. At the hearing, you may testify and present evidence concerning the citation. If you fail to appear at the hearing you will forfeit the deposit of the fine and be deemed to have failed to exhaust your administrative remedies and consented to any order to correct.

**MORE INFORMATION:** This citation was issued under the authority of Chapter 8 of the Rio Dell Municipal Code. You may review the Rio Dell Municipal Code at the City's Clerk Office at 675 Wildwood Avenue, Rio Dell, or on the City's website at <http://www.riodellcity.com>.



CITY OF RIO DELL
REQUEST FOR HEARING ON ADMINISTRATIVE CITATION

Requests must be received or postmarked within twenty-one (21) days of the citation issue date. Please complete this form and submit it to the City of Rio Dell, City Manager's Office, 675 Wildwood Avenue, Rio Dell, CA 95562.

Citation Date: \_\_\_\_\_ Citation No.: \_\_\_\_\_

Citant's Name: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_
Street City State Zip

I hereby request an administrative hearing to contest the administrative citation issued to me. I am contesting this citation for the following reasons (attach separate sheet if necessary):

Multiple horizontal lines for providing reasons for contesting the citation.

I have submitted the full amount of the citation as a required advance deposit in the amount of \$ \_\_\_\_\_.

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

For City Manager's Department Use Only:
Received: \_\_\_\_\_ Postmark Date: \_\_\_\_\_
Appeal Accepted: [ ] Hearing Scheduled; Date: \_\_\_\_\_
Appeal Not Accepted: [ ] Not Timely (More than 21 days of the citation issue date)
[ ] Insufficient Deposit



REQUEST FOR TEMPORARY WAIVER OF APPEAL DEPOSIT
ADMINISTRATIVE CITATION
ISSUED IN THE CITY OF RIO DELL, CALIFORNIA

The person requesting the waiver will, following completion of the review by the processing agency and/or the issuing agency, be mailed the results of the review. Please complete this form and submit it to the City of Rio Dell, City Manager's Office, 675 Wildwood Avenue, Rio Dell, CA 95562.

Please note that you are making this application under penalty of perjury. Any information omitted may result in the denial of this motion. I hereby request a temporary waiver of the required deposit of penalty and that the City of Rio Dell City Manager's Office proceed to schedule the appeal on the listed Administrative Citations for the following reasons:

Four horizontal lines for listing administrative citations.

Date: \_\_\_\_\_ Total Amount Due: \$ \_\_\_\_\_

Citant's Name: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_
Street City State Zip

Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ CDL #: \_\_\_\_\_ Expires: \_\_\_\_\_

FINANCIAL INFORMATION

Employers Name: \_\_\_\_\_

Address: \_\_\_\_\_
Street City State Zip

- EMPLOYMENT: Employed (Full Time, Part Time), Unemployed, Student, Disabled, Homemaker, Military, Other.
SUPPORTED BY: Self, Spouse, Parents, Welfare, S.S.I., A.F.D.C., Unemployment, Other.
PERSONS SUPPORTED: Self, Spouse, Children (# of), Other, Total.

(OVER)

Monthly gross income (include income from all earnings in your household): \$ \_\_\_\_\_

Pay Schedule:  Weekly  Bi-Weekly  Monthly (Date of monthly pay) \_\_\_\_\_

**NOTE: YOU MUST PROVIDE PAY CHECK STUBS FOR ONE MONTH OR VERIFICATION OF OTHER SOURCE OF INCOME.**

Payroll Deductions, specify purpose and amount:

1. \_\_\_\_\_ \$ \_\_\_\_\_

2. \_\_\_\_\_ \$ \_\_\_\_\_

3. \_\_\_\_\_ \$ \_\_\_\_\_

4. \_\_\_\_\_ \$ \_\_\_\_\_

5. \_\_\_\_\_ \$ \_\_\_\_\_

Total Payroll Deductions: \$ \_\_\_\_\_

Net Income (take-home pay): \$ \_\_\_\_\_

Other money received each month, specify source and amount. **YOU MUST PROVIDE OFFICIAL DOCUMENT OF PROOF OF INCOME.**

1. \_\_\_\_\_ \$ \_\_\_\_\_

2. \_\_\_\_\_ \$ \_\_\_\_\_

**Total Monthly Net Income:** \$ \_\_\_\_\_

Assets (Value):		Monthly Expenses:	
Motor Vehicle(s):	\$ _____	Rent/Mortgage:	\$ _____
Home:	\$ _____	Utilities:	\$ _____
Property:	\$ _____	Loans/Credit Cards:	\$ _____
Savings Acct(s):	\$ _____	Food/Clothing:	\$ _____
Checking Acct(s):	\$ _____	Transportation:	\$ _____
Cash on Hand:	\$ _____	Medical/Dental:	\$ _____
All Other	\$ _____	All Other:	\$ _____
<b>TOTAL ASSETS:</b>	<b>\$ _____</b>	<b>TOTAL EXPENSES:</b>	<b>\$ _____</b>

I declare under penalty of perjury, that the information contained herein is true and correct. I understand if I am found liable, I will be required to pay the delinquent amount due. I further understand if I fail to pay the delinquent amount due I may be subject to one of the following:

1. A trial in Civil Court with subsequent garnishment of my earnings.
2. A lien placed against my California Franchise Tax return.
3. This claim assigned to a collection agency.

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

<b>City Use Only</b>	
<b>WAIVER OF PENALTY DEPOSIT</b>	<input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED

**ORDINANCE NO. 329 – 2014**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING THE CURRENT NUISANCE REGULATIONS, CHAPTER 8.10  
OF THE RIO DELL MUNICIPAL CODE:**

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

**WHEREAS** staff is recommending that the City adopt Administrative Citation provisions as part of the Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code (RDMC); and

**WHEREAS** although the current Nuisance Regulations refer to Administrative Citations, there are no provisions to actually implement and issue Administrative Citations; and

**WHEREAS** staff has learned from conversations with other jurisdictions that Administrative Citations are very effective in abating nuisances; and

**WHEREAS** under the current provisions, when a complaint is made or a violation is identified, the City notifies the owner and or occupant by mail with a "Courtesy Letter" requesting that they contact the City typically within ten (10) days of receipt of the letter and informing us of their intentions; and

**WHEREAS** more times than not, the City does not hear from the owner or occupant. The City then sends a second letter requesting they contact the City within five (5) or ten (10) days, depending on the nature of the violation, of receipt of the letter and inform them that if they don't contact the City within the specified time period, the City will record a Notice of Violation. Again, many times the letters are ignored; and

**WHEREAS** staff believes that the Administrative Citation provisions will be more cost effective and less time consuming in abating nuisances and code violations in that the Citation is issued and included with the first letter which will be hand delivered and sent Certified mail; and

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

Section 1. The Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code is hereby amended as follows:

## Chapter 8.10

### NUISANCES

#### Article 1. Nuisances Generally

##### 8.10.010. Application.

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

##### 8.10.020. Definitions.

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

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

- (1) Lumber, junk, trash, debris, scrap metal, rubbish, packing materials, building materials, and the growth of tall grass and weeds.
- (2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment.
- (3) Abandoned, wrecked, disabled, dismantled or inoperative vehicles or parts thereof except inoperative vehicles that are not abandoned and are in an active state of renovation or restoration. For purposes of this article, "active state of renovation or restoration" means that the vehicle is actively being restored or renovated in a manner intended to make the vehicle operational, and shall not include restoration or renovation that solely improves the interior or exterior appearance, but not the operation, of the vehicle. A vehicle shall only be permitted to be in an active state of renovation or restoration for a period that shall not exceed ninety days, whether consecutive or non-consecutive, out of any twelve month period.
- (4) Stagnant water or excavations.

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

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

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

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

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

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

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

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

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

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

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

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

**(I) Driveway.** An improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface, access road from a private or public street onto a parcel.

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

**(K) Improved Surface.** An improved all weather, including gravel, decomposed granite, asphalt, concrete or comparable surface.



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

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

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

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

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

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

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

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

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

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

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

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

### **8.10.030. Nuisances.**

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

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

**8.10.040. Responsibility for Property Maintenance.**

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

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

**Article 2. Enforcement**

**8.10.050. Authority.**

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

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

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

**8.10.060. Right of Entry.**

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

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

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

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

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

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

(1) Such person shall be subject to weed abatement, summary or administrative abatement of the nuisance by the City, and be subject to Administrative Citations, fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;

(2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed one thousand (\$1,000.00) dollars, or by imprisonment of not longer than six months, or both for each violation;

(3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;

(4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

**(B) To address the variety of circumstances that may arise in conjunction with addressing violations of the Municipal Code of Rio Dell, including, but not limited to, nuisance regulations, such as difficult and/or recurrent cases, the following mechanisms shall facilitate a prompt and responsive code compliance program. The City Council finds that there is a need to establish several mechanisms, including fines.**

(C) These provisions provides for administrative procedures and citations as provided in Government Code Section 53069.4.

(D) The remedies provided by these provisions are in addition to all other legal remedies, administrative, criminal and/or civil, which may be pursued by the City to address any violation of this Code.

(E) Use of these provisions shall be at the sole discretion of the City.

8.10.080. Code Compliance Administrator Authority

The Code Compliance Administrator has authority to issue administrative citations pursuant to these provisions.

8.10.090. Administrative Citation.

(A) Whenever an enforcement officer charged with the enforcement of any provision of this code determines that a violation has occurred, the enforcement officer may issue an Administrative Citation to any person responsible for the violation.

(B) Each Administrative Citation shall contain the following information:

(1) The date of the violation;

(2) The address or a definite description of the location where the violation occurred;

(3) The section of this code violated and a description of the violation;

(4) The amount of the fine for the code violation;

(5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;

(6) An order prohibiting the continuation or repeated occurrence of the code violation described in the Administrative Citation;

(7) An order to correct the code violation described in the Administrative Citation if said violation is correctable as described in Chapter 8.10;

(8) A description of the Administrative Citation review process, including the time period within which the Administrative Citation may be contested and the place from which a request for hearing form to contest the Administrative Citation may be obtained and an advance deposit waiver; and

(9) The name and signature of the citing enforcement officer.

(C) In addition to the Administrative Citation and penalty authorized by this chapter, an order to correct a violation under subsection (b)(7) of this section may be enforced as set forth in the chapter applicable to that violation.

(D) In the case of a continuing violation pertaining to building, plumbing, electrical or other similar structural or zoning issue that in the opinion of the code compliance administrator or designee, does not create an immediate danger to health, safety or public welfare, a reasonable time, not to exceed one-hundred and twenty (120) days, shall be provided to remedy or correct the violation prior to imposition of fines or penalties. In determining what constitutes a reasonable time, the code compliance administrator may consider the estimate of local professionals including licensed contractors, but shall have sole discretion to make the final determination as to what the reasonable time shall be. In the case of such violations, the time within which the violation must be corrected, in order to avoid a fine, shall also be specified on the Administrative Citation.

#### 8.10.100. Amount of Fines.

(A) The amounts of the fines for violations of the Rio Dell Municipal Code and local building and safety codes, including the California Building Code (CBC), California Residential Code (CRC), Section 17920.3 of the California Health and Safety Code, Uniform Housing Code (UHC) are imposed pursuant to Government Code Section 53069.4 and this chapter and shall be as follows:

(1) A fine of one hundred dollars (\$100.00) for a first violation;

(2) A fine of two hundred dollars (\$200.00) for a second violation of the same section of the Rio Dell Municipal Code within one (1) year of the first violation;

(3) A fine of five hundred dollars (\$500.00) for each additional violation of the same section of the Rio Dell Municipal Code within one (1) year of the first violation.

(B) A ten percent (10%) late payment fee shall be imposed on any fine which is not paid within thirty days of the issuance of the citation.

(C) The administrative fines outlined in this chapter are levied in addition to any recovery of costs outlined in this Chapter.

**8.10.110. Payment of Fines.**

**(A) The fine shall be paid to the city within thirty (30) days from the date of the Administrative Citation.**

**(B) Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the Administrative Citation.**

**8.10.120. Hearing Request.**

**Any recipient of an administrative citation may contest the existence of a violation of the code, that he or she is the responsible party, or any order issued under Section 8.10.090(B) pursuant to Section 8.10.270 of these regulations. Any person, corporation, or entity seeking to contest an Administrative Citation shall notify the City Clerk in writing on a form provided by the City of Rio Dell within twenty-one (21) days from the date the Administrative Citation was issued.**

**8.10.130 Late Payment Charges.**

**Any person who fails to pay to the City any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges identified in Section 8.10.100(B), as well as interest at the legal rate.**

**8.10.140 Recovery of Administrative Citation Fines and Costs.**

**The City may collect any past due administrative citation fine or late payment charges by use of all available legal means, including, but not limited to, means available for the collection of judgments, liens and actions for recovery of money. The City also may recover its collection costs. Special assessment liens against property may only be applied when the administrative citation fine was issued for a violation directly connected to the property.**

**8.10.150 Right to Judicial Review.**

**Any person aggrieved by a final administrative decision issued pursuant to Section 8.10.270(E) of an administrative citation may obtain judicial review of the administrative decision by filing a petition seeking review in accordance with Government Code Section 53069.4.**

**8.10.160 Notices.**

**(A) Whenever a notice or report is required to be given or provided under this chapter, unless different provisions herein are otherwise specifically made, such notice may be given**

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

(B) Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

(C) Proof of giving any notice may be made by the certificate of any officer or employee of the city, or by affidavit of any person over the age of eighteen years, which shows service in conformity with this code or other provisions of law applicable to the subject matter concerned.

**~~8.10.080.~~ 8.10.170 Additional Enforcement.**

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

**~~8.10.090.~~ 8.10.180 Cumulative Remedies.**

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

**~~8.10.100.~~ 8.10.190 Permits Required.**

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



violator from payment of any and all costs incurred by the City in enforcing and/or causing the abatement of any violation of the City of Rio Dell Municipal Code.

### Article 3. ~~Summary Abatement~~ Weed Abatement

#### 8.10.200. Weed Abatement.

The City shall seek authority to abate/destroy weeds, dry grass, rubbish and other inflammable material or vegetation 10 days from the delivery of the Administrative Citation and/or the Notice of Violation. The costs of such abatement, including administrative costs, shall be the responsibility of the property owner.

### Article ~~3~~ 4. Summary Abatement

#### ~~8.10.110~~ 8.10.210. Summary Abatement.

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

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

(C) Any abatement performed by the City pursuant to this section shall be at the expense of the owner and/or occupier of the Premises or the persons creating, causing, allowing, permitting, committing, or maintaining the nuisance. The City shall recover its expenses pursuant to the special assessment lien procedures contained in this Code or any other applicable provision of law.

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

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

## Article 4 5. Administrative Abatement

### ~~8.10.120.~~ 8.10.220 Commencement of Proceedings.

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

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

### ~~8.10.130.~~ 8.10.230 Notice of Violation.

(A) Upon determination by the Code Compliance Administrator or the Department Head that a premise is in violation of this chapter, and a Notice of Violation and/or a Notice and Order has not been issued against the same Premises, or the same property owner but at a different premise, address or location, within the City, within the last (12) twelve months, and that the violation does not create an immediate danger to health or safety, City Manager or his/her designee or the Department Head may issue a Notice of Violation to the owner of record of the Premises and to the occupant of the Premises, if any. The Notice of Violation shall contain:

- (1) The name and address of the person, firm, or corporation in violation, and the street address of the property where the violation is present;
- (2) A statement specifying the condition(s) which constitute a nuisance;
- (3) A statement explaining which specific Code sections has been violated;
- (4) The range of the administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;
- (5) An order to correct the violation within a date certain, said date which shall be specified on the notice of violation and determined by the specific violation; and
- (6) A statement informing the recipient of the name and office telephone number of the person to contact should the recipient desire to explain why he or she believes

- (a) the Premises should not be declared to be a public nuisance and abated,
- (b) penalties should not be assessed, and
- (c) the costs of such abatement should not become a charge and lien against the Premises. The Department Head may rescind or modify the Notice of Violation based on substantive evidence presented by the recipient.

**~~8.10.140.~~ 8.10.240 Stop Work Order.**

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

**~~8.10.150.~~ 8.10.250 Service of Notice of Violation.**

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

**~~8.10.160~~ 8.10.260 Notice and Order—Structural and Technical**

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

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

- (1) When a Notice of Violation has been served, and the specified time has passed without adequate correction and abatement of the violation;
- (2) When a stop work order has been issued but has not been complied with;
- (3) When the City has performed a summary abatement pursuant to this chapter;

(4) When the same type or character of violation has been committed by the same person, or on the same Premises, or a notice of violation, an administrative citation, or a Notice and Order has been served on the same person, or on the same Premises, within the past twelve months.

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

- (1) The name and address of the person, corporation, or entity in violation, and the street address of the property where the violation is present;
- (2) A statement specifying the condition(s) which constitute a violation and nuisance;
- (3) A statement explaining which specific Code section(s) have been violated;
- (4) A statement informing the recipient of the number of days from the date of the Notice and Order the recipient has to voluntarily abate the violation and nuisance;
- (5) A statement informing the recipient of his or her right to appeal the determination to a hearing officer by filing with the City Clerk within ~~ten~~ **twenty-one (21)** calendar days from the date of the Notice and Order, and on a form available from the City of Rio Dell, a written statement requesting a hearing and providing a factual and specific explanation of:
  - (a) why the Premises should not be declared to be a public nuisance and abated; and
  - (b) why the costs of such abatement should not become a special assessment lien against the Premises;
- (6) A statement informing the recipient of the Notice that there is a fee, which is set by resolution by the City Council of the City of Rio Dell that must be deposited at the time an appeal is filed.
- (7) A statement that if the person, corporation or entity fails to abate the violation and nuisance or fails to file within ten calendar days, a request for an appeal hearing, the Notice and Order shall be final and not subject to judicial review, and all persons served with such notice shall be deemed to have consented to the abatement of the nuisance and that, at the election of the City, the City will abate the nuisance and the costs of such abatement may be charged against the Premises and may be recorded as a special assessment lien against the Premises.
- (8) A statement regarding the range of the administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;

(9) A statement regarding the failure to obey order and abatement by the City or private contractor, including the City to obtain a warrant if required to enter upon the Premises for the purpose of abating the nuisance.

(10) A statement regarding the costs of abatement and that such person or persons who fail to abate the nuisance shall be liable to the City for any and all costs and expenses, including attorneys' fees, to the City involved in abating the nuisance.

(11) A statement regarding the procedure for assessing the costs for the abatement: If the person or persons liable to pay the costs of abatement fails to do so within thirty (30) calendar days of receiving the statement of such costs, the City may initiate proceedings to have such costs assessed against the real property or Premises on which the City abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with Section 54954.6 of the California Government Code. The costs of abatement shall be treated as a new assessment for purposes of Section 54954.6. No majority protest rights exist for this assessment. City staff shall present to the City Council a report of costs for abating the nuisance at the public meeting required by Section 54954.6.

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

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

13. A statement informing the recipient of the names or names and phone numbers of the person to contact at the City should they have any questions regarding the process.

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

(1) **Persons Entitled to Service.** The Notice and Order shall be served upon the owner of the Premises, any occupants of the Premises, and any other person, corporation, or entity in violation. If the City proposes to impose a special assessment lien on the

property, the City official issuing the Notice and Order shall also serve one copy on each of the following if known or disclosed from official public records:

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

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

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

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

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

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

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

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

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

**8.10.170. 8.10.270 Appeal Hearing—Administrative Citations & Notice and Order.**

**(A) Payment of Appeal Fee.** Any person, corporation, or entity seeking to appeal an Administrative Citation shall submit an advance deposit of the fine(s). No appeal request is valid unless accompanied by the advance deposit of the fine(s) or a City hardship. If it is determined that the Administrative Citation was not warranted or the responsibility of the citant(s) the advance deposit of the fine shall be returned.

Any person, corporation, or entity seeking to appeal of a Notice and Order shall be required to pay to the City, at the time the appeal is requested (within twenty-one (21) days from the date of the Notice and Order), a nonrefundable appeal fee to be set by resolution of the City Council. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

(1) Hardship Waiver. The appealing party shall complete and request a waiver on a form provided by the City. If the appealing party establishes to the satisfaction of the City Manager or designee, by means of tax returns, pay stubs or other similar documentary evidence, and submits a declaration under penalty of perjury that paying the appeal fee or the advance deposit of an administrative citation fine would cause undue financial hardship to the appealing party the City Manager may grant a waiver of the appeal fee or the advance deposit of any fine(s). The City Manager's determination is not appealable and shall be final as to the hardship waiver request. If the City determines not to approve a request for a waiver, the appealing party must remit the appeal fee or advance deposit to the City within ten (10) days of the date of that decision or thirty (30) days from the date of the administrative citation, whichever is later. If you do not do so you will not be entitled to a hearing.

**(B) Hearing Committee.** The appeal shall be heard by a committee (the "Hearing Committee"). The Hearing Committee shall consist of two Members of the City Council and the City Manager, plus one alternate City Council Member to facilitate timely hearings pursuant to this ordinance and resolve any potential conflicts of interest. The alternate City Council Member shall only participate in appeals where one of the other two City Council Members is unable to serve due to scheduling concerns or a conflict of interest. City Council Members shall be selected to serve on the Hearing Committee at the same time that other committees are formed by the City

Council. Committee members shall not participate in the hearing process in cases when the member has had a substantial personal involvement with the party requesting the hearing and that personal involvement is a conflict of interest. The Hearing Committee shall be advised by the City Attorney to ensure proper legal procedures are followed and adhered to.

**(C) Setting Appeal Hearing.** The appeal hearing shall be set by the City Manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than ~~twenty (20)~~ **fifteen (15)** days **and not more than 30 days** following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least ~~fifteen (15)~~ **ten (10)** days before the date set for hearing.

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

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

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

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

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

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

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



**(7) Rights of Parties.**

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

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

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

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

**(9) Inspection of the Premises.**

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

- (i) Notice of such inspection shall be given to the parties before the inspection is made;**
- (ii) The parties consent and are given an opportunity to be present during the inspection; and**
- (iii) The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing**

record, upon completion of the inspection, the material facts observed and the conclusions drawn there from.

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

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

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

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

(2) Contents of Hearing Committee's Decision. If it is shown by a preponderance of all the evidence that the condition of the Premises constitutes a violation of the Rio Dell Municipal Code or is a public nuisance as defined in this chapter, the decision shall declare the Premises to be a public nuisance and shall order and require the appellant to abate the nuisance not later than ten (10) calendar days after the issuance of the decision or, if ten (10) calendar days is insufficient to abate the nuisance, within such other time as specified by the Hearing Committee not to exceed sixty (60) days. The decision shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the City in such manner as may be ordered by the Department Head and the expense thereof made a special assessment lien upon the property involved. This is in addition to any other legal remedies that the City may choose to compel compliance.

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

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

Article 5 **6.** Enforcement of Hearing Committee Order

~~8.10.180.~~ **8.10.280** Generally

After any **Administrative Citation and/or** ~~Notice of~~ **Violation** or any decision of a Hearing Committee made pursuant to this chapter has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey such order.

~~8.10.190.~~ **8.10.290** Failure to Obey Order—Abatement by City.

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

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

~~8.10.200.~~ **8.10.300** Interference with Work Prohibited.

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

~~8.10.210.~~ **8.10.310** Costs of Abatement.

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

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

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

**~~8.10.220.~~ 8.10.320 Procedure for Assessing Costs.**

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

**~~8.10.230.~~ 8.10.330 Assessment of Costs—Special Assessment Lien Against Property.**

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

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

**Article ~~6~~ 7. Additional Provisions Governing Abatement of Vehicles**

**~~8.10.240.~~ 8.10.340 Application of Article.**

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

**~~8.10.250.~~ 8.10.350 Exemptions.**

(A) This article shall not apply to:

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

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

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

**~~8.10.260.~~ 8.10.360 Article Not Exclusive Regulation.**

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

**~~8.10.270.~~ 8.10.370. Persons Granted Franchise or Contract—Right of Entry.**

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

**~~8.10.280.~~ 8.10.380. Assessment of Administrative Costs Determination.**

Administrative costs incurred by the City under this article shall be assessed pursuant to Article 8.10.~~230~~320 of this chapter.

**~~8.10.290.~~ 8.10.390. Abatement and Removal Authority.**

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

**~~8.10.300.~~ 8.10.400. Notice of Violation for Abandoned or Inoperable Vehicles.**

A notice of violation to abate and remove a vehicle or parts thereof as a public nuisance, as ~~required~~ **provided** by Section 8.10.~~1230~~, shall be served by registered or certified mail on the owner of the land as shown on the last equalized assessment roll and the owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notice of violation shall comply with Section 8.10.~~140~~230, and also shall be in substantially the following forms:

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

(Name and address of owner or land)

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

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

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

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

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

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

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

You are hereby notified to abate the nuisance by removing the vehicle or parts of the vehicle within ten (10) days from the date of mailing of this notice. If you fail to remove the vehicle or parts within ten (10) days, the City will abate the nuisance by removing the vehicle or parts to a scrap yard or automobile dismantler's yard.

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

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

**~~8.10.310.~~ 8.10.410. Hearing—Generally.**

Upon request by the owner of the vehicle or owner of the land received by the Department Head within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held in accordance with Section 8.10.170-~~270~~ 270 on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

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

or otherwise attempt to collect those costs from the landowner, if the vehicle has been removed from the property

**~~8.10.320.~~ 8.10.420. Hearing—Presence of Owner Not Required—Abatement Without Hearing.**

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

**~~8.10.330.~~ 8.10.430. Order Requiring Removal.**

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

**~~8.10.340.~~ 8.10.440. Hearing—Non-assessment of Costs.**

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

**~~8.10.350.~~ 8.10.450. Hearing—Notification of Decision.**

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

**~~8.10.360.~~ 8.10.460. Removal—When**

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



dismantler's yard ten calendar days after adoption of the order declaring the vehicle or parts thereof to be public nuisance.

**~~8.10.370.~~ 8.10.470 Removal—Notice to Department of Motor Vehicles.**

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

**~~8.10.380.~~ 8.10.480 Removal—Costs—Assessment—Collection.**

If the administrative costs and the cost of removal which are charged against the owner of the land pursuant to Section ~~8.10.280-380~~ 380 are not paid within thirty (30) days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the assessor for placement on the property tax roll and collected by the tax collector. The assessment shall have the same priority as other City taxes.

**Section 2. Severability**

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

**Section 3. Limitation of Actions**

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

**Section 4. Effective Date**

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

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on October 21, 2014 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 November 4, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 323-2014 adopted by the City Council of the City of Rio Dell on November 4, 2014.

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Karen Dunham, City Clerk, City of Rio Dell

# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0003155	9/18/2014	[2285] CC MARKET (1)	BIRTHDAY CAKE FOR THE MONTH OF JULY 2014	30.00
0003156	9/18/2014	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 9/5/2014	120.00
0003157	9/18/2014	[3883] DARRYL J SELBY DBA SUPERIOR INSTALLS	INSTALL USED LIGHT BAR AS IS, TRAFFIC ADVISOR WHELEN MICROPHONE: INSTALL MICROPHONE & LIGHT	1,002.83
0003158	9/18/2014	[2383] EUREKA OXYGEN CO., INC	REFILL NITROGEN 230 NONFLAMMABLE GAS	70.96
0003159	9/18/2014	[2405] FORTUNA ACE HARDWARE	20 GAL WET DRY VAC AND TWO PADLOCKS	165.52
0003160	9/18/2014	[4855] FRESHWATER ENVIRONMENTAL SERVICES	WATER SHORTAGE PLAN PREPARATION AND WATER CON	360.00
0003161	9/18/2014	[0000] GHD, INC	PROFESESIONAL SERVICES TO PREPARE PRE- APPLICA ENGINEERING SERVICES TO MEET WITH SHN AT INFI ENGINEERING SERVICES FOR MEETING TO DISCUSS W	2,133.75
0003162	9/18/2014	[4682] JOHN'S USED CARS & WRECKERS	1U-BACK GLASS FOR SONOMA TRUCK	92.01
0003163	9/18/2014	[5689] MENDES SUPPLY COMPANY	ONE CASE BATH TISSUE AND ONE CASE PAPER TOWEL	114.36
0003164	9/18/2014	[2569] NORTH COAST LABORATORIES, INC.	WASTE WATER LAB TESTING	231.00
0003165	9/18/2014	[2619] PITNEY BOWES, INC. (QTR Pymnt)	QUARTERLY PAYMENT FOR JUNE 30, 2014 TO SEPTEMBER	166.41
0003166	9/18/2014	[2742] SCOTIA TRUE VALUE HARDWARE	4" TIE WRAP AND TIE WRAP MOUNT 10 PK AA BATTERIES 60# CONCRETE MIX TWO - 4 PK 2 OZ GIANT DESTROYER..	40.70
0003167	9/18/2014	[2694] SHELL OIL CO.	1 - 17.5 OX WASP SPRAY; 1 - 18 OZ WASP/HORNET PD FUEL EXPENSES FOR AUGUST 2014 PW FUEL EXPENSES FOR AUGUST 2014 PD FUEL EXPENSES FOR SEPTEMBER 2014 PW FUEL EXPENSES FOR SEPTEMBER 2014	2,934.22
0003168	9/18/2014	[3151] SHN CONSULTING ENGINEERS	ANNUAL CWEA FALL MINI-CONFERENCE ON 9/12/2014	110.00
0003169	9/18/2014	[2750] USA BLUEBOOK	HIGHLIGHTER LED MINI LIGHTBAR	302.26
0003170	9/18/2014	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 9/5/2014	5,182.47
0003171	9/18/2014	[5177] AUSTIN H EVANS	PER DIEM - REDDING DISTRIBUTION CERTIFICATION	46.00
0003172	9/18/2014	[5294] DANIEL J SMITH	PER DIEM - REDDING DISTRIBUTION CERTIFICATION	46.00
0003173	9/26/2014	[2237] BANK OF AMERICA BUSINESS CARD	UNIQUE OUTDOOR PRODUCTS - JD GATOR 625i ATV S EEL RIVER HYDROPONICS - SUMP PUMP FOR CL2 ANA AMAZON MKTPLACE - OFFICE CHAIR FOR PD NEWEGG - CASE FAN COUGAR FOR PC	2,359.57
0003174	9/26/2014	[2285] CC MARKET (1)	BIRTHDAY CAKE FOR THE MONTH OF SEPTEMBER 2014	25.00

# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0003175	9/26/2014	[2366] EEL RIVER DISPOSAL INC	TRASH @ RECYCLING BIN IN PARKING LOT	33.25
0003176	9/26/2014	[2386] EUREKA RUBBER STAMP CO.	NINE NAME PLATES & TWO STAMPS	157.42
0003177	9/26/2014	[4451] HARBOR FREIGHT TOOLS	4' METAL POWER STRIP	27.05
0003178	9/26/2014	[2465] HUMBOLDT TRANSIT AUTHORITY	TDA MEMBER ASSESSMENT RTS - FY 2014-2015	40,646.00
0003179	9/26/2014	[2569] NORTH COAST LABORATORIES, INC.	AMMONIA NITROGEN WITHOUT DISTILLATION TESTING COLIFORM QUANTI-TRAY TESTING	229.00
0003180	9/26/2014	[4629] OLKIN & JONES, DRS	PRE-EMPLOYMENT PHYSICAL & TESTS FOR NEW PD EM	185.00
0003181	9/26/2014	[5694] REDWOOD COAST DENT REMOVAL	2014 EXPLORER RT QTR, LEFT RONT DOOR DENT REP	350.00
0003182	9/26/2014	[2742] SCOTIA TRUE VALUE HARDWARE	2 PIECE TORCH KIT 2 PK 14 OZ WASP KILLER SOLDERING GUN KIT, 2 PK COPPER SOLDER TIP, UT 2X4 GALV NIPPLE	158.21
0003183	9/26/2014	[2709] STAPLES DEPT. 00-04079109	50 PK 42 GAL BLACK CONTRACTOR BAGS CANON PG-50 BLACK INK; SRFC PRO3 TYPE CVR HAR	1,323.62
0003184	9/26/2014	[4450] TERMINIX	ANNUAL RENEWAL 11/1/14 TO 11/30/15 FOR LIQUID	305.00
<b>Total Checks/Deposits</b>				<b>132,517.35</b>