

A G E N D A
RIO DELL CITY COUNCIL
STUDY SESSION - 5:30 P.M.
REGULAR MEETING- 6:30 P.M.
TUESDAY, FEBRUARY 21, 2012
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. STUDY SESSIONS/PUBLIC HEARINGS - 5:30 p.m.

2012/0221.01 - Animal Control Ordinance

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E. CEREMONIAL

2012/0221.02 - Proactive Policing Award to Officer Harralson

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F. PUBLIC PRESENTATIONS

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

G. CONSENT CALENDAR

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

- 1) 2012/0221.03 - Approve Minutes of the February 7, 2012 Regular Meeting **(ACTION)** 33
- 2) 2012/0221.04 - Approve Minutes of the February 16, 2012 Special Meeting **(ACTION)** 46
- 3) 2012/0221.05 - Approve Purchase of Meter Reading Equipment for an Amount not to Exceed \$5,910.55 **(ACTION)** 48
- 4) 2012/0221.06 - Approve Wildwood Avenue Streetscape Consultant Agreement with GHD Engineering **(ACTION)** 50

H. SPECIAL PRESENTATIONS

I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2012/0221.07 - Draft Cross Connection Control Ordinance **(RECEIVE & FILE)** 54
- 3) 2012/0221.08 - Approve Distribution of City's RFP's for Auditing Services for FY Ending June 30, 2012 and Appoint two (2) Members of the City Council to Serve on Selection Committee with City Manager and Finance Director **(ACTION)** 108

J. ORDINANCES/SPECIAL RESOLUTIONS

- 1) 2012/0221.09 - Approve Resolution No. 1142-2012 Amending Resolution No. 998-2008 Relating to the Establishment of Water Deposit and Water Reconnection Fees **(ACTION)** 120
- 2) 2012/0221.10 - Conduct Second Reading (by title only) and Approve Ordinance No. 283-2012 Establishing Lot Size Modification Regulations, Section 17.30.130 of the Rio Dell Municipal Code (RDMC) **(ACTION)** 123
- 3) 2012/0221.11 - Conduct Second Reading (by title only) and Approve Ordinance No. Ordinance No. 284-2012 Amending Yard Regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC) **(ACTION)** 130
- 4) 2012/0221.12 - Conduct Second Reading (by title only) and Approve Ordinance No. Ordinance No. 285-2012 Calling a Special Election and Ordering the Submission of a Proposition of Incurring Bonded Debt for the Purpose

of the Construction and Completion of Street Improvements to the
Qualified Voters of the City of Rio Dell at the Special Municipal Election
to be Held June 5, 2012 **(ACTION)** **137**

- 5) 2012/0221.13 - Approve Resolution No. 1146-2012 Supporting Endorsing an Application
for a Safe Routes to School Grant to Enhance the Safety of Pedestrian
and Bicycle Facilities to Monument Middle School and Eagle Prairie
Elementary **(ACTION)** **146**

K. REPORTS/STAFF COMMUNICATIONS

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

L. COUNCIL REPORTS/COMMUNICATIONS

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

N. PUBLIC COMMENT REGARDING CLOSED SESSION

O. RECESS INTO CLOSED SESSION

P. RECONVENE INTO OPEN SESSION

Q. ORAL ANNOUNCEMENTS

R. ADJOURNMENT

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

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



To: Honorable Rio Dell City Council
From: Graham Hill, Chief of Police *GH*
Through: Ron Henrickson, City Manager *RH*
Date: February 21st, 2012
Subject: Animal Control Ordinance Workshop

Council Action

Review the proposed language for the draft animal control ordinance and make recommendations for changes if applicable.

Background

I have been tasked with rewriting the Animal Control Ordinance and have been working on that process for several months. The draft language has gone before the planning commission on two occasions and the recommended changes have been applied to the language in the document attached. The process, as recommended by the City Manager is as follows:

1. Planning Commission review of content (completed)
2. City Council review of content
3. Planning Commission review of fees and fines
4. City Council Review of fees and fines
5. Begin procedure for adoption

Budgetary Impact

No impact at this time

Recommendation

Review and recommend.

Animal Care and Control Ordinance

Article 1- Purpose

The purpose of this ordinance is to preserve the health and safety of persons and animals with the City of Rio Dell, and additionally;

1. To provide for the regulation of the licensing of dogs and kennels;
2. To prevent the running at large of dogs within the City limits of the City of Rio Dell;
3. To establish certain standards, rules, regulations, fees, penalties, and procedures as authorized by law.
4. Provide for pet population control

Article 2 - Jurisdiction

The provision of this ordinance shall apply to the incorporated territory of the City of Rio Dell

Article 3 - Definitions

Chief Animal Control Officer

The “Chief Animal Control Officer” shall mean the Chief of Police

Dog

“Dog” shall mean any domesticated animal of the canine family, excluding domesticated Coyotes, Foxes, Dingoes, Wolves, or other wild species of the same, as well as hybrids thereof, which are defined separately.

Kennel

“Kennel” shall mean any enclosure, premises, building, structure, lot or area, except where reasonably necessary to support an agricultural use (i.e., contain herding dogs), where four (4) or more dogs or other small domesticated animals, which are not sick or injured and are ten (10) weeks in age or older are boarded for compensation, cared for, trained for compensation, kept for sale, or bred for sale, or four (4) or more dogs or other small domesticated animals that are ten (10) weeks or age or older which are kept and maintained as pets, “rescue animals”, or for any other non-commercial purpose.

Owner

“Owner” shall mean a person who possesses, has title to, or an interest in, harbors, or has control, custody, or possession of an animal and the verb forms of “to own” shall include all these shades of meaning.

Person

“Person” shall mean any person, firm, company, corporation, partnership, or association.

Vaccination

“Vaccination” shall mean the inoculation of a dog with canine anti-rabies vaccine approved by and in the manner prescribed by the Department of Public Health of the State of California, and/or additional vaccinations as required by law.

Veterinarian

“Veterinarian” shall mean a person licensed by the State of California to practice veterinary medicine.

At Large

“At large” shall mean an animal that is off the property of the owner and not under restraint.

Habitually to make loud noise

“Habitually to make loud noise” shall mean a dog or other animal with the exception of a domesticated cat, that barks, bays, cries, howls, or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of continuous barking for 30 minutes or more, or intermittent barking for 60 minutes or more during any 24-hour period. A dog shall not be deemed a “barking dog” for purposes of this Article if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked.

Vicious Dog

A Vicious Dog shall mean any of the following:

1. Any dog owned or harbored for the purpose of dog fighting; or
2. Any dog seized under Section 599aa of the California Penal Code and upon sustaining of a conviction of the owner or keeper under Subdivision (a) of Section 597.5 of the California Penal Code.
3. Any dog which, when unprovoked, in an aggressive manner inflicts severe injury or kills a human being.
4. Any dog previously determined to be a potentially dangerous dog which, after its owner or keeper has been notified of this determination continues the behavior described in the definition contained in this ordinance of a “potentially dangerous dog” , or is maintained in violation of this chapter.

Potentially Dangerous Dog

A potentially dangerous dog shall mean any of the following:

1. Any dog which, when unprovoked, on two separate occasions within the prior 36 month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.
2. Any dog which, when unprovoked, bites a person causing less severe injury than as defined within the definition of a “vicious dog”.
3. Any dog which, when unprovoked, on two separate occasions within the prior 36 month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

Public Nuisance Dog

A Public Nuisance Dog shall mean any dog which gives offense to human senses or substantially interferes with the rights of persons, other than its owner or keeper, to the enjoyment of life or property. The term shall include, but not be limited to, any dog which:

1. On three(3) separate occasions within a thirty six (36) month period has been cited, or impounded for being off its owners or keepers property in violation of this ordinance or any other applicable law;
2. Causes damage to the property of anyone other than its owner or keeper.
3. Harasses or intimidates persons on public property or private property other than that owned or under control of its owner or keeper.
4. Repeatedly chases vehicles that are not on its owners property
5. Makes disturbing noises such as barking, howling, whining, or other utterances to the annoyance, disturbance, or discomfort of neighbors or others in the vicinity of the property where the dog is maintained.
6. Has been allowed by its owner or keeper to produce odors which annoy, disturb or cause discomfort to persons in the vicinity of the property of where the dog is maintained.
7. Is one of a number of dogs or other animals maintained on the property owned or controlled by its owner or keeper so as to be offensive to persons or dangerous to the public health, safety or welfare.
8. Has, when unprovoked, bitten any person who is lawfully on the owner's or keeper's property causing minor injury.

Severe Injury

Severe injury means any physical injury to a human being that results in muscle tares, broken bones, or disfiguring lacerations or requires multiple sutures or corrective cosmetic surgery.

Enclosed

Enclosure means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering the dog within the enclosure. The enclosure shall be securely locked and have secure sides, top, and bottom sufficient to prevent the animal from escaping.

Owner or Keepers Property

For purposes of defining potentially dangerous, vicious and public nuisance dogs, the owner or keeper's property includes that property over which the owner or keeper has the exclusive possession and use.

Hearing Entity/Officer

For the purposes of this ordinance the hearing entity or officer shall be the Chief of Police or his/her designee.

Article 4 - Administration

Chief of Police

The Chief of Police is responsible for Animal Control Services as provided by the Ordinance, and shall oversee all Animal Control activities, including;

1. Supervise and direct Animal Control Officers in the performance of their duties;
2. Administer the dog licensing and kennel licensing provisions of this Ordinance;
3. Collect, or facilitate the collection of all fees associated with Animal Control and turn those fees over to the Rio Dell Finance Department;
4. Administer and enforce all provisions of this ordinance;
5. Take up and impound all animals found to be in violation of the provisions of this ordinance;
6. To cooperate with the County Health Officer in the administration and enforcement of the rabid and dangerous animal provisions of this ordinance;
7. To facilitate the removal and disposal of the carcass of any dog found in or on any street, alley, or other public place, except State Highways;
8. To keep and maintain records in accordance with State Law and policy;

Establishment of a public pound

1. A public pound is authorized and may be established and shall be located at such place in the City of Rio Dell as shall be fixed from time to time by the Rio Dell City Council. The public pound, or any authorized branches thereof, shall provide suitable buildings and enclosures to

adequately keep and safely hold all dogs, cats or other animals subject to be impounded by the provisions of this ordinance.

2. The City Council, at their discretion, may enter into a contract with a qualified facility to carry out the duties of housing, care, feeding, redemption, and other associated activities as defined therein.

Animal Control Officer

Police Officers are designated as Animal Control Officers and will carry out functions of the Animal Control Ordinance at the direction of the Chief of Police. Other members of the Police Department may be assigned Animal Control duties.

Upon approval of the City Council the Police Department may employ an individual for the sole purpose of enforcing the Animal Control Ordinance in the capacity of Animal Control Officer.

Authority to Carry Firearms

The Chief of Police may authorize Animal Control Officers to carry a firearm when acting in the course and scope of their employment pursuant to the provisions of California Penal Code § 26025(b).

Pursuit on Private Property

Animal Control Officers, when in pursuit of an animal at large, shall have the authority to enter private property to apprehend such animals.

Fees and Penalties

The Animal Control Division shall charge, receive and collect fees and penalties for the performance of services in the amounts, at the times, and in the manner specified herein or by resolution of the City of Rio Dell City Council.

Article 5 - Prohibitions

Animals running at large

No owner shall permit his animal, wild or domestic, except a domestic cat, to run at large within the City Limits of Rio Dell.

Whenever the Chief Animal Control Officer or other authorized personnel thereof take up, assume control over, herd, or otherwise respond to a situation involving any animal which is at large, and which is not impounded pursuant to this ordinance, the owner or other person responsible for the care or restraint of such animal shall pay, and be charged and liable for a fee not to exceed the actual costs incurred by the City of Rio Dell in taking up, assuming control over, herding, or otherwise responding to the at large animal.

Dogs on leashes

It shall be unlawful for any person to suffer or permit any dog owner, harbored, or controlled by him/her to be on any public street, alley, lane, park, or place of whatever nature open to and used by the public in the incorporated areas of the City unless such dog is securely leashed and the leash is held continuously in the hand of a responsible person capable of controlling such dog, unless the dog is securely confined in a vehicle.

Trespassing

No owner shall permit his/her animal, except a domestic cat, to trespass on any property, public or private, without the consent of the owner of the property.

Property Damage

No person shall knowingly permit their animal, including a domestic cat, to damage the private property of another person, or public property.

Noise

No owner shall permit his animal, except a domestic cat, habitually to make loud noise or act in such a manner as to constitute a public nuisance.

Female dogs in heat

No owner of any unspayed female dog shall permit such dog to stray or run at large in the City Limits of Rio Dell while such female dog is in the copulating season.

Proper care

No owner or person in charge of an animal shall permit such animal to go without proper food, water, care, shelter, or attention.

Unlicensed dogs

No owner shall have a dog required to be licensed within the City of Rio Dell unless such dog has been licensed pursuant to the provisions of this ordinance.

Tags and collars

No owner shall fail, neglect, or refuse to attach, by means of a collar, harness, or other device, any tag issued pursuant to this ordinance to the licensed dog, nor shall any owner fail, neglect, or refuse to keep such tag attached to such dog at all times while the license is in force.

Replacement of tags

No owner shall fail to apply for a new license within ten (10) days after the date of the loss of the license tag.

Improper tags

No person shall permit to be attached or kept upon any dog any license tag provided for by this ordinance except for a tag issued for that dog pursuant to this ordinance, nor shall any owner permit to be attached to or kept in his possession, any counterfeit or imitation of any tag provided for by this ordinance.

Removal of tags

No person without authorization from the owner shall remove from any dog any collar, harness, or other device to which a current license tag is attached; nor shall any such person remove a current license tag from any such collar, harness, or other device.

Unlicensed kennels

No owner shall maintain, conduct, or operate, or cause to be maintained or operated; any unlicensed dog kennel.

Kennel standards

No person shall fail, neglect, or refuse to maintain a kennel:

1. So as to prevent dogs contained therein from running at large;
2. So the location of the kennel does not violate the zoning ordinance;
3. So the kennel does not violate building codes or sanitary laws;
4. So the kennel premises are maintained in a clean and sanitary condition;
5. So the dogs therein are not subject to cruelty, suffering, or abuse;
6. So the kennel does not constitute a public nuisance;
7. So the keeping and maintenance of the kennel will not be detrimental to the peace, health, or safety of persons in the immediate vicinity;
8. Without possessing evidence that each dog in the kennel has been vaccinated in accordance with the provisions of this ordinance.

Kennels after license revocation

No person shall operate or maintain a kennel within one year after the revocation of a kennel license.

Taking dogs from kennels

No person shall take a dog off the premises of a kennel except under control of a leash; nor shall any owner of a kennel or his agent or employee run or take dogs off the premises of a kennel or permit dogs to be run or be taken there from except as provided in this chapter.

Vaccinations

No owner shall have a dog within the City limits of Rio Dell unless such dog has been vaccinated against rabies pursuant to the provisions of this ordinance.

Reports

Any person having knowledge of an animal of the categories that constitute an animal that is or may be rabid as defined in this ordinance, shall notify the Chief of Police or his/her designee or agent immediately

Isolation or Quarantine

No person shall violate any of the conditions of isolation or quarantine prescribed by the Chief Animal Control Officer, his or her agent, or the County Health Officer.

Epidemic regulations

No person shall violate any rules or regulations promulgated pursuant to the provisions of this ordinance based upon a determination or declaration of a rabies epidemic or unusually dangerous health situation.

Interference with enforcement

No person shall interfere with, oppose, or resist the Chief Animal Control Officer or his or her agents, under the provisions of this chapter, to take up and impound animals while such officer or agent thereof is engaged in the performance of any act authorized by the provisions of this ordinance.

Fecal matter

No owner shall permit his dog to deposit fecal matter on property, other than his or her own, unless such owner shall cause the fecal matter to be removed immediately and properly disposed of.

Limitations

It is unlawful for any person or persons to own, harbor or maintain at any parcel, more than three dogs or cats four months of age or older, except as provided for within this ordinance.

(Planning Commission Recommended three dogs and five cats)

Violations: misdemeanors, infractions

1. The following ordinance violations shall constitute a misdemeanor:
 - a. Unauthorized removal of tags/license
 - b. Maintaining an unlicensed kennel
 - c. Maintaining substandard kennel(s)
 - d. Operating a kennel with a revoked kennel license
 - e. Not adhering to vaccination requirements
 - f. Violations of epidemic regulations
 - g. Interference with the enforcement of this ordinance
 - h. Any violations of this code relating to vicious or potentially dangerous dogs
2. All other violations shall constitute an infraction

Separate offenses

Every person violating any provision of this ordinance shall be deemed guilty of a separate offense for each calendar day, during which such violation continues and shall be punishable therefore as provided

Promises to appear

1. Notices to Appear: If any person is arrested for any such violation, and such person is not immediately taken before a magistrate, the arresting officer, pursuant to the provisions of Section 853.6 of the California Penal Code, shall prepare, in duplicate, a written notice to appear

in court. Such written notice shall contain the name and address of such person and the offense charged and shall set forth the time when and the place where such person shall appear in court. The time set in the notice to appear shall be at least twenty-one (21) days after such arrest. The place set forth in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

Article 6 - Licenses: General

Effect of licenses

The issuance of any license or permit to keep an animal as provided for in this chapter shall be prima facie evidence that the owner has satisfied the basic licensing requirements pursuant to the provisions of this ordinance, but such issuance shall be given no evidentiary weight to indicate that the owner has conformed to zoning regulations, building regulations, health and safety regulations, or to any other applicable rule, regulation, or statute unless, pursuant to the issuance, official written approval has been given by the office or agency responsible for the administration of the rule, regulation, or statute in question. If such approval has been given, it shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation, or statute in question.

Exemptions from licensing

The licensing regulations of this chapter shall not be applicable to the following owners who use animals for diagnostic purposes or research, the use having been approved by the Board of Public Health of the State of California pursuant to the provisions of section 1666 of the California Health and Safety Code; owners who use animals for teaching purposes in recognized educational institutions; owners of establishments which treat or board animals and which are owned and operated by veterinarians licensed by the State of California; and owners of pet shops, circuses, animal exhibits, and other enterprises maintaining animals which have been granted business licenses, or event licenses by the City of Rio Dell.

Article 7 - Licenses: Dogs

Dog licenses

Every owner of a dog required to be licensed shall procure an animal license for such dog in accordance with the procedure set forth in this ordinance.

Dogs required to be licensed

A dog required to be licensed shall be a dog that:

1. Is over the age of four (4) months; and
2. Is not in a licensed kennel; and
3. Has not been in a licensed kennel within forty-eight (48) hours; and
4. Has been in the city limits of the City of Rio Dell for ten (10) days.

Time of applications, durations of licenses, renewal notices

1. Applications for dog licenses shall be made on or before the first day the dog is required to be licensed pursuant to this ordinance. Before any dog is released to a new owner, a completed application form, together with the license fee, shall be submitted by such person.
2. A license which is initially issued in accordance with this article shall be valid from June 1st of the year issued to July 31st of the following year. The Rio Dell Police Department will make every effort to notify, via mail, the owners of previously licensed dogs, thirty days prior to expiration that license fees are due.

Preparation of forms and tags

The Chief of Police is hereby authorized and directed to have prepared suitable application forms for dog licenses as provided in this article and license tags to be issued to the owners of dogs.

License applications

The license application shall bear the name (if any), age, sex, color, breed, previous rabies vaccination date, and subsequent revaccination date of the dog for which the license is applied.

Fee

The amount of the annual dog license fee shall be set by resolution of the City Council of the City of Rio Dell, provided, however if a certificate is presented from a licensed veterinarian that the dog has been either spayed or neutered, or if the veterinarian has on file an affidavit stating that the animal has been spayed or neutered and that examination by the veterinarian discloses no evidence to the contrary, the fee shall be one-half (1/2) the regular set fee.

Penalties

1. The owner of any dog required to be licensed who fails to procure and pay for such license as required by this ordinance shall pay, in addition to the established license fee, a penalty as established by the City Council of the City of Rio Dell.
2. The owner of any dog required to be licensed pursuant to this ordinance for the year immediately preceding the year in which an application for a dog license is filed who failed to obtain a license for such dog for such year shall pay, in addition to any other license fee or penalty, a penalty set by resolution by the City Council of the City of Rio Dell.

Exceptions from penalties

1. The penalty provided for in this ordinance for failing to license a dog shall not apply to the owner of a dog required to be licensed which has not been subject to the licensing requirement for more than thirty (30) days; or in the case of a dog that had not been licensed during the preceding year, the penalty shall not apply if the dog had not been subject to the licensing requirement for thirty (30) days the immediately preceding year.

Seeing Eye dogs

1. No fee or penalty shall be collected or received for any dog license issued for a Seeing Eye dog owned by a blind or partially blind person.
2. If a person presents written verification from Guide Dogs for the Blind, Inc., that they are raising a Seeing Eye puppy and will deliver it to Guide Dogs for the Blind Inc., when it is approximately one year old, no fee or penalty shall be collected or received for any dog licensed issued for a Seeing Eye puppy.

Law Enforcement Dogs

If a dog is owned and used exclusively for law enforcement purposes by a public safety agency, no fee or penalty shall be collected or received.

Issuance: Filing

A license shall be issued after the submission of a completed application form, a license fee, and a rabies vaccination certificate issued pursuant to the provisions of this ordinance, establishing the dog in question has been vaccinated in accordance with the requirements of the State Department of Health. The license shall be issued to the owner, or the owner's agent, at the time of application, provided the application is complete and meets the requirements as set forth in this ordinance.

License tags

License tags shall be metallic, shall be numbered serially, and shall have a stamp thereon bearing the name of the City of Rio Dell.

Lost tags

As often as any license is lost, the owner, within ten (10) days thereafter, shall procure another tag for which such owner shall pay a fee set by resolution by the City Council of the City of Rio Dell.

Article 8 – Licenses: Kennel

Kennel License

Every person owning or controlling a kennel shall procure an annual kennel license on or before June 1st of each year in accordance with the procedure set forth in this ordinance, which a kennel license shall be a license for all dogs kept therein. A kennel license is in addition to the requirement of a business license (if applicable).

Preparation of forms and certificates

The Chief of Police is hereby authorized and directed to have prepared suitable application forms for kennel licenses and kennel license certificates as provided in this ordinance.

Contents of application forms

The application for a kennel license shall set forth the name and address of the applicant, the location, including the address, of the kennel, a description of the facility for housing the dogs, and the number and description of the dogs kept in the kennel.

Fees

The kennel license fee shall be set by resolution by the City Council of the City of Rio Dell.

Penalties

1. The owner of any kennel who fails to procure and pay for such license until after June 1st of any year, or fails to procure a license at the time they begin to operate as a kennel, shall pay the applicable license fee, and in addition, if the fee is not paid by June 10th, or within ten days of operating as a kennel, then the owner shall pay a fine as set forth by the City Council of the City of Rio Dell.
2. The determination of when a kennel started operating as such shall be based on the preponderance of the evidence available.

Investigations

Upon the receipt of an application and license fee and penalties, if any, the Chief of Police, or his designee, shall send copies of the application to the City Manager, the Planning Department, the Public Works Department, and the Building Department, and those entities shall determine if the proposed kennel would be within conformity to zoning/planning codes/policy, building codes, business license provisions, and sanitation laws and/or regulations.

Action on applications

After receipt of reports in relation to other departments, or as deemed appropriate and reasonable, the Chief of Police shall act on the application as follows:

1. The Chief of Police shall approve the application if he/she finds that the kennel is maintained in accordance with each of the conditions as set forth by this ordinance.
2. He/she may approve the application with conditions set to meet reasonable concerns that are identified during the process of reviewing the application. Under such circumstances that an

application is approved conditionally it shall be reviewed and endorsed by the City Manager in addition to the Chief of Police.

3. He/she shall deny the application if he/she does not make the findings that the kennel, or proposed kennel does not conform to the conditions set forth in this ordinance or other applicable ordinance, rule, or statute. In the event an application is denied the Chief of Police shall provide the reason for the denial in writing to the applicant within fourteen (14) days of the application being denied.

Endorsement and filing

The license application and issued license certificate shall be endorsed by the Chief of Police, and the application and a copy of the certificate shall be maintained in a file at the Rio Dell Police Department.

License certificates

The issuance of a kennel license shall be evidenced by the issuance of a kennel license certificate in a form determined by the Chief of police. Kennel license certificates shall bear the name of the City of Rio Dell, the date the certificate was issued, the date the certificate will expire, and shall be numbered serially.

Notices

The Chief of Police or his/her designee may notify kennel owners of record that a current kennel license is due and a fee is payable.

Suspension of kennel license

The Chief of Police may make an order suspending any kennel license issued pursuant to the provisions of this ordinance upon a finding that there exists any fact which would have been a ground for refusal to issue a kennel license, or if there has been a violation of the provisions of this ordinance, or a violation of conditions imposed in any kennel license, or if the owner of the kennel, or any agent or employee employed therein, has been convicted of a violation of the provisions of Section 597 of the California Penal Code.

Suspension of kennel license: Notices

The Chief of Police, or his/her designee, shall cause a copy of an order of suspension of a kennel license to be mailed to the applicant of such license via certified US mail to the address listed by the applicant on the application.

Appeals

The applicant may appeal an order by the Chief of Police denying a kennel license and/or suspending a kennel license to the RIO Dell City Council, however such appeal must be made in writing through the Office of the City manager, within fifteen (15) days of the denial of the license, or fifteen (15) days of the receipt of written notice to the applicant of the reasons for the denial of the license, or within fifteen (15) days of receipt of a Notice of Suspension or a Notice of Revocation of a kennel license.

Automatic revocation

If no appeal is requested as set forth within the time period allotted, pursuant to this ordinance, in regards to a suspended kennel license then such license shall be deemed revoked.

Article 9 - Impoundment

Taking up and impounding

The Chief of Police and/or his designee, or any Animal Control Officer, shall take up and impound in a suitable facility, properly maintained to acceptable humane standards, either under the ownership and control of the City of Rio Dell, or under contract with the City of Rio Dell, all animals found to be in violation of the provisions of this ordinance or Division 9 of the California Food and Agricultural Code, or other applicable rule, ordinance, or statute.

Notice of Impoundment

As soon as possible, but no later than 24 hours after impounding any dog properly licensed under the provisions of this ordinance, the Animal Control Officer who caused the impoundment shall notify the owner of record by telephone, mail, or in person that such dog is impounded and that it can be redeemed within five days from the date of such impoundment. If the dog is not retrieved within that time period the disposition of the dog will be in accordance with the provisions of this ordinance.

Redemption period

Except as otherwise provided in this ordinance, all animals impounded at the animal control facility, either operated by the City of Rio Dell, or operated by another entity under contract, or another facility being used, as approved by the Chief of Police, under special circumstances specific to a particular impoundment shall be kept and maintained at least for the following redemption periods:

1. Five (5) days for any dog found wearing a current annual license tag;
2. Seventy-two (72) hours for any dog found not wearing a current annual license tag, and has not other means by which to identify the owner;
3. Five (5) days for any animal governed by the provisions of Section 17003 of the California Food and Agricultural Code; and
4. Seventy-two (72) hours for any other animal.

At any time after the expiration of the minimum time period as described by this code for the retention of impounded dogs, the Chief of Police may cause the sale, gift, or humane destruction of such dogs as allowed by current law. The Chief of Police shall not give, sell, or otherwise convey an impounded animal to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biological sciences, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs.

Animals voluntarily surrendered

Any animal which is voluntarily surrendered to or deposited with the Rio dell Police Department or an agent thereof, shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.

Surrendered or abandoned animals: Adoption, immunization

1. Except as provided by law the Chief of Police may authorize the adoption of any animal in the care, custody, and control of the Rio Dell Police Department. Under circumstances during which the City of Rio Dell is under contract with another entity, the adoption of animals may be the facilitated by that entity.
2. The Chief of Police and/or his designee may authorize the immunization of any dog, four (4) months of age , which is voluntarily surrendered to or deposited with the Rio Dell Police Department. A fee, as set forth by the City Council of the City of Rio Dell by resolution, may be charged in addition to any other fees associated with the adoption of an animal for the purpose of defraying the costs associated with such immunization. Under circumstances during which

the City of Rio Dell is under contract with another entity, the immunization of animals and recovery of associated fees may be facilitated by that entity.

Spay or neuter deposit

1. A spay or neuter deposit, as set by resolution of the City Council of the City of Rio Dell, shall be collected at the time of adoption of any dog or cat, and will be held for a period not to exceed sixty (60) days, except that for dogs and cats six (6) months of age or younger at the time of adoption, the period shall not exceed six (6) months. If a female dog and her puppies or a female cat and her kittens are adopted together, one deposit shall be charged. Under circumstances during which the City of Rio Dell is under contract with another entity, the spay and neuter deposit for adopted animals may be facilitated by that entity.
2. At any time within the period specified above, the owner may present a spay or neuter certificate for the adopted animal from a licensed veterinarian or veterinary clinic, in which event the deposit will be returned. Deposits not so claimed within the time period specified above shall be deemed unclaimed and shall automatically be forfeited to the City, or contract facility for use in accordance with California Food and Agricultural Code Sections 30503 and 31751.

Redemption

1. The owners of impounded animals, during the redemption period and at any time before the disposition of such animals, may redeem them by paying the impoundment fees and licensing dogs in the manner provided in this ordinance.
2. The Chief of Police or his/her designee shall charge and collect fees, as set by resolution by the City Council of the City of Rio Dell, for every impounded animal when claimed and before its release.

Euthanasia

1. The Chief of Police may facilitate euthanasia services on animals whose owners request it. The Chief of Police may issue regulations to implement the provisions of this section.
2. A fee, set by resolution by the City Council of the City of Rio Dell, shall be charged and collected by the Rio Dell Police Department for every animal which is euthanized at its owner's request.

Animal traps

1. The Chief of Police or his/her designee may loan animal traps and provide related retrieval services for persons who request it. A deposit may be collected at the time the trap is loaned not exceeding the value of the trap.

Liability

No person shall be liable for the disposition of any animal in accordance with the provisions of this chapter.

Article 10 - Rabies

Vaccinations

Every owner of a dog over four (4) months in age shall have such dog vaccinated with such canine anti-rabies vaccine and at such intervals as prescribed by the State Department of Health.

Vaccinations: Imported dogs

Every owner who brings into the City of Rio Dell a dog which has not been vaccinated within twelve (12) months prior to the importation thereof shall have the dog vaccinated within five (5) days from and after its arrival in the City of Rio Dell. The certificate of vaccination issued by a duly licensed veterinarian from any other jurisdiction for the specific dog, establishing the vaccination with an approved vaccine, may be accepted by the Chief of Police or his/her designee as evidence of vaccination upon the date of the vaccination indicated on the certificate.

Vaccinations: Exceptions

A dog shall be exempt from the vaccination requirements of this ordinance if within one (1) year:

1. A veterinarian has examined the dog and certified that a vaccination will endanger the dog's health for physiological reasons; and

2. Such certificate is presented to the Chief of Police and the County Public Health Officer within five (5) days after the examination; and
3. The County Health officer concurs in the opinion of the veterinarian and endorses his approval on the veterinarian's certificate.

Vaccinations: Procedure

1. Dogs shall be vaccinated by a veterinarian or at vaccination clinics approved by the Chief of Police and/or the County Public Health Officer that are in accordance with state law.
2. Every person who vaccinates a dog for rabies shall issue the owner of the dog a certificate containing the following:
 - a. The name, address, and telephone number of the dog owner;
 - b. The type of rabies vaccine administered (including the name of the manufacturer and the lot number of the vaccine used);
 - c. The date of the vaccination, the interval for the next vaccination, and date the next vaccination is due;
 - d. A description of the dog, including the breed, age, sex, color, and markings of the dog;
 - e. The stamped, printed, or typewritten name, address, and telephone number of the person who administered the vaccine: and
 - f. The signature, with date, of the person administering the vaccine.
3. Every person who vaccinates a dog for rabies shall submit to the Rio Dell Police Department a copy of the rabies vaccination certificate required by this ordinance no later than thirty (30) days after the date the vaccination was administered.

Reports

It shall be the duty of any person having knowledge of any animals falling into the following categories to immediately report the animal to the Rio Dell Police Department, and/or the County Public Health Officer, and to furnish complete information regarding the incident:

1. Known rabid animals;
2. Suspected rabid animals;

3. Animals which have bitten a human or otherwise exposed a human to rabies; and
4. Animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal.

Reports to Health Officer

Upon receipt of a report of a rabid or suspected rabid animal pursuant to this ordinance, or upon the receipt of information of another animal disease dangerous to humans, the Chief of Police, or any animal control officer as defined by this ordinance shall report that information to the County Public Health Officer.

Isolation or Quarantine

Chief of Police and/or his designee shall isolate and quarantine, with the concurrence of the County Public Health Officer, any animal that is suspected to be rabid that has been captured or is otherwise in the possession of the Rio Dell Police Department. Such isolation and quarantine shall be done so in accordance with state law.

Carcasses of rabid animals

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the Chief of Police shall obtain and turn over to the County Public Health Officer the carcass of such animal or an adequate specimen thereof, at the discretion of the County Public Health officer.

Destruction

Upon an order of the County Public Health Officer, the Chief of Police or his/her designee, shall destroy any animal or its carcass if an examination shows such animal or carcass to be rabid.

Epidemic regulations

The Rio Dell Police Department shall adhere to and comply with any orders as issued by the County Public Health Officer in regards to a rabies epidemic or other unusually dangerous health situation among dogs or other animals.

Fees

Upon a determination that an animal is not rabid after a ten day isolation and quarantine period the animal may be returned to its owner or person responsible upon the payment of fees for such impoundment as set by the City Council of the City of Rio Dell. In the event the owner or person responsible does not pay the associated fees the dog will be retained for a period of five (5) additional days and then disposed of in accordance with this ordinance by means of adoption, or euthanasia.

Article 11 - Regulation of vicious animals

Purpose

The uncontrolled maintenance of vicious animals constitutes a dangerous situation which presents a threat to the health, safety, and welfare of the persons and animals within the City of Rio Dell. This situation presents a serious hazard within the City which is compounded by the increasing tendency to maintain animals which, by virtue of breeding and training, have a propensity to attack others. The purpose of this article is to protect the public health, safety, and welfare by regulating vicious animals.

Procedure for declaring a dog POTENTIALLY DANGEROUS, VICIOUS, or a NUISANCE

If an animal control officer or law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous, vicious or a nuisance, the Animal Control Officer, shall petition the Chief of Police, or his/her designee, for a hearing for the purpose or determining whether or not the dog in question should be declared potentially dangerous, vicious, or a nuisance. In the event the Chief of Police has probable cause to believe that a dog is potentially dangerous, vicious, or a nuisance, he/she is not required to petition for a hearing, however must document the probable cause for such hearing and make such probable cause available to the owner or keeper of the dog in question, and such written probable cause shall become a part of the record and maintained in compliance with State and Federal Law as it pertains to the retention of public records. Whenever possible any complaint received from a member of the public which serves as the evidentiary basis for the Animal Control Officer or Law Enforcement Officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The Chief of Police shall notify the owner or keeper of the dog that a hearing will be held by the Chief Animal Control Officer or his/her designee, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous, vicious, or a nuisance. Said evidence may be offered either written or oral by the owner of the dog or any interested citizen, including Animal Control Officer's, Humane Officers or Peace Officers, and shall be sworn to and/or signed under declaration of penalty of perjury.

Notice of Determination

After the hearing conducted pursuant to this ordinance, the owner or keeper of the shall be notified in writing of the determination and orders issued, either personally or by certified US Mail by the Hearing Officer. If a determination is made that the dog is potentially dangerous, vicious, or a nuisance, the owner or keeper shall comply with the provisions of this ordinance in accordance with the time scheduled established by the Chief of Police or his or her designee, but in no case more than thirty (30) days after the date of the determination or thirty-five (35) days if notice of the determination is mailed to the owner or keeper of the dog.

Appeal

If the petitioner or the owner or keeper of the dog contests the determination of the Hearing Officer, he/she may, within five (5) days of the receipt of the notice of determination, appeal the decision of the Hearing Officer to the Rio Dell City Council and request a public hearing. The City Council shall schedule a public hearing at the next available City Council meeting, or may schedule a special meeting for the specific purpose of hearing the appeal. The City Council may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing. The determination of the City Council shall be final and conclusive upon all parties.

Seizure and Immediate impoundment

If upon investigation is determined by the Animal Control Officer or Law Enforcement Officer that probable cause exists to believe the dog in question poses an immediate threat to public safety the Animal Control Officer, or Law Enforcement Officer may seize and impound the dog pending the hearing or determination provided for in the "Procedure for Declaring a Dog POTENTIALLY DANGEROUS, VICIOUS, or a NUISANCE". The owner or keeper of the dog shall be liable to the City of Rio Dell for the costs and expenses of keeping the dog if the dog is later determined to be found potentially dangerous or vicious. If public safety is adequately assured, the Chief of Police may permit the dog to be confined at the owner's expense in an approved kennel or veterinary facility or on the owner's premises.

When dogs may not be declared POTENTIALLY DANGEROUS, VICIOUS, or a NUISANCE

1. No dog may be declared potentially dangerous, vicious, or a nuisance if any injury or damage is sustained by a person who, at the time of the injury or damage was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit

a crime. No dog may be declared potentially dangerous, vicious, or a nuisance if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous, vicious, or a nuisance if an injury was sustained by a domestic animal which at the time the damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

2. No dog may be declared potentially dangerous, vicious, or a nuisance if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog. This section only applies to the circumstances of seizure and shall not be construed to have any effect on any other rule, law, or statute, as it pertains to activities related to hunting, ranching, or trapping.

Disposition of potentially dangerous or vicious dogs

1. All dogs which have been determined by the hearing entity to be potentially dangerous or vicious dogs shall be properly licensed and vaccinated. The status of the dog shall be included in the licensing records either after the owner or keeper has agreed to the designation or the hearing entity has determined the designation applies to the dog. An additional fee of twice the applicable license fee shall be charged for maintain this additional information in the licensing records.
2. A potentially dangerous or vicious dog while on the owner's property, shall, at all times, be kept indoors, or in an enclosure as defined in Article 3 of this ordinance. A potentially dangerous dog may be off the owner's property only if it is restrained by a substantial leash or within an enclosed vehicle. A vicious dog may be off the owner's property if the owner complies with "Disposition of a Vicious Dog, Section g".
3. The owner of a potentially dangerous or vicious dog shall notify the Rio Dell Police Department, in writing, within two (2) working days if the dog in question, dies, is sold, transferred, or permanently removed from the city limits of Rio Dell.
4. Owners of potentially dangerous or vicious dogs shall notify in writing any person to whom the dog is sold that the dog is potentially dangerous or vicious.

Disposition of Vicious Dogs

In addition to the dispositions as set forth above, upon a determination by the hearing entity that a dog is a vicious dog the following shall apply:

1. A dog which has been determined to be vicious pursuant to the provisions of this ordinance shall not be licensed unless the owner or keeper of the vicious dog is eighteen (18) years of age or older and meets the following requirements:
 - a. Provide proof to the Animal Control Officer the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by the vicious dog during the period for which the licensing is sought.
 - b. The owner or keeper, at his or her own expense, and within two (2) working days of the receipt of the notice of determination that the dog is vicious shall provide the Rio Dell Police Department with two current color photographs of the dog which show the animal in a standing position.
 - c. The owner or keeper shall display a sign that visually depicts a menacing dog on his or her property warning that there is a vicious dog on the property. The sign shall be visible to the general public and approved by the Animal Control Officer.
 - d. The owner or keeper of the dog shall certify under penalty of perjury to all of the following:
 - i. The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the period for which licensing is sought, unless the owner or keeper shall cease to own or keep the dog prior to the expiration of that license.
 - ii. The owner or keeper shall, on or before the effective date of the license for which application is being made, have an approved enclosure for the dog on all property where the vicious dog will be kept or maintained.
 - iii. The owner or keeper shall notify the Rio Dell Police Department immediately upon discovery if the vicious dog is running at large, is unconfined, has attacked another domestic animal or a human, has died, has been sold, or transferred, or has been permanently removed from the city limits of Rio Dell. Immediately upon discovery shall mean as soon as is practical taking into consideration the circumstances, but in no event later than twenty-four (24) hours after the occurrence. \
 - iv. If the vicious dog is sold, the owner or keeper shall provide the Rio Dell Police Department with the name, address, and telephone number of the new owner or keeper. It shall be unlawful to sell or give away a dog previously determined to be vicious unless the owner or keeper of the advises the new owner or keeper of the status of the dog in writing.

- e. All dogs determined to be vicious shall be confined in an enclosure as defined in Article 3 of this ordinance. It is unlawful for any owner or keeper to maintain a vicious dog upon any property which does not have an enclosure as defined in Article 3 of this ordinance.
- f. It is unlawful for the owner or Keeper to allow any vicious dog to be outside of the enclosure unless it is inside the dwelling of the owner or keeper or it is necessary for the owner or keeper to obtain veterinary care for the dog, to sell or give away the dog, or to comply with any directive of the Animal Control Officer with respect to the dog.
- g. In any case where a vicious dog is lawfully outside the enclosure, except in cases where it is inside the dwelling of the owner or keeper, the dog shall be securely muzzled and restrained, with a leash sufficient to restrain the dog, having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and the dog shall be under the direct control and supervision of its owner(s) or keeper(s).
- h. The hearing entity may impose any additional conditions upon the ownership of the dog that protect the public health, safety and welfare.

Procedure for destruction of vicious dogs

- 1. A dog determined to be vicious may be destroyed by the Police Department when it is found, pursuant to a hearing in accordance with this ordinance, that the release of the dog would create a significant threat to the public health, safety, and welfare, or the owner or keeper is not able to or unwilling to comply with reasonable conditions placed upon the owner for the release of the dog.
- 2. An owner of a dog which has previously been determined to be a vicious dog violates the provisions of this code relating to the keeping of vicious dogs.
- 3. A dog which has previously been determined to be a vicious dog, when unprovoked, attacks, wounds, bites, or otherwise injures or kills any person.
- 4. A dog shall not be destroyed pursuant to Subsection 2 or Subsection 3 of "procedure for destruction of vicious dogs" without a hearing pursuant to this ordinance.

Ownership of vicious dogs prohibited

The owner of a dog determined to be a vicious dog may be prohibited by the Chief of Police from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is

found, after proceedings conducted pursuant to this ordinance, that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

Disposition of Public Nuisance Dogs

1. No person shall keep or maintain any dog in such a manner as to cause or permit the dog to be a public nuisance dog.
2. No owner or keeper of a dog shall fail to abate a nuisance created by the keeping of such dog when ordered to do so by the Animal Control Officer or other Peace Officer.
3. The hearing entity may impose any reasonable conditions upon the ownership of the dog which shall correct the circumstances which created the nuisance.
4. Any dog having been declared to be a public nuisance dog pursuant to the provisions of this ordinance shall be delivered to the Animal Control Officer for impoundment until such time as the owner or keeper shall have satisfied the Animal Control Officer that they have taken steps to abate the nuisance created by the keeping of the dog. Failure to take such steps to the satisfaction of the Animal Control Officer within five (5) working days following the impoundment of the dog and notice of the conditions for release imposed by the Animal Control Officer, shall result in forfeiture of ownership of said dog.
5. No dog may be euthanized or otherwise disposed of if the owner or keeper of the dog has sought judicial review of the determination that the dog was a public nuisance dog until that review has been completed. The owner or keeper of the dog shall be liable for the cost of the care and feeding of the pending the outcome of the judicial review and shall deposit monthly in advance the cost of such care and feeding as determined by the Animal Control Officer. Failure to make such deposit shall result in forfeiture of ownership of said dog after giving the owner or keeper five (5) days written notice of their failing to make the required deposit in advance. In the event the judicial review is favorable to the owner or keeper of the dog, the amounts paid for the care and feeding of the dog pending the judicial review shall be refunded.

Removal from list

If there are no additional instances of the behavior that caused the dog to be classified as potentially dangerous dog, or a nuisance dog, within a 36 month period from the date of that classification, the dog shall be removed from the list of potentially dangerous or nuisance dogs. The dog may, but is not required to be, removed from the list of potentially dangerous or nuisance dogs prior to the expiration of the 36-month period if the owner or keeper demonstrates to the Chief of Police or his/her designee,

that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to public safety.

Article 12 – Horses, Poultry, Other

Horses

No person shall drive, ride, lead or tie an animal on any sidewalk or allow any animal attached to any vehicle to stand across or on any crossing of any street or sidewalk or allow any animal to stand upon a public street or alley without being securely tied or under the control of its owner or manager, or stake out any animal in the public streets or parks for the purpose of allowing the animal to graze or any other purpose.

Shelter

The owner of any equine shall provide adequate shelter which shall consist of a structure large enough for the animal to turn around in, with a roof, and shall have walls on at least three sides that offer protection from the weather.

Poultry/Livestock

Poultry and other domestic animals, including bovine and equine shall only be maintained on any property in accordance with the provisions of this ordinance, and subject to the provisions of the Rio Dell zoning ordinance, Section 17.25.050 in regards to allowable land use.

Authority to Seize or Kill Dog

Any dog entering any enclosed or unenclosed property wherein livestock or poultry are confined may be seized or killed by the owner or tenant of the property, or any employee or agent of the owner or tenant, and no action, civil or criminal, shall be maintained therefore against such owner, tenant, agent, or employee. The authority to kill a dog only applies if the animal is caught in the act of worrying, wounding, chasing or killing any livestock or poultry. This does not alleviate any responsibility in regards to the safe discharge of a firearm, nor does it intend to supersede or replace any state law in regards to the discharge of firearms, game laws, or animal cruelty.

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



To: Honorable Rio Dell City Council
From: Graham Hill, Chief of Police *GH*
Through: Ron Henrickson, City Manager
Date: January 17th, 2012
Subject: Proactive Policing Award

Council Action

Present Proactive policing Award to Officer Kevin Harralson

Background

Internally our department does a pretty good job of recognizing our employees for exceeding performance standards, but this year we are trying to make an extra effort to give the community the opportunity to see what their police officers and department is doing.

During 2011 Officer Harralson led the department in total arrests, felony arrests, and drug related arrests. In addition Officer Harralson was tasked with addressing suspected drug activity at two specific locations in the city that the police department was experiencing an inordinate number of calls from citizens who were concerned about possible drug activity. Officer Harralson conducted a thorough investigation and ultimately arrested the individuals associated with the activity and effectively resolved the issues for the community.

While all of the members of the department did an excellent job this year, Officer Harralson's performance stood out, particularly because he was recovering from knee surgery from January until May, and only worked in field for about seven months of the year.

Budgetary Impact

None

Recommendation

Take action described

**RIO DELL CITY COUNCIL
REGULAR MEETING
STUDY SESSION
FEBRUARY 7, 2012
MINUTES**

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

ROLL CALL: Present: Mayor Woodall, Councilmembers Leonard, Thompson and Wilson

Absent: Councilmember Marks (arrived at 6:50 p.m.)

Others Present: Study Session: City Manager Henrickson, Community Development Director Caldwell, Chief of Police Hill, Finance Director Beauchaine, Water Superintendent Jensen, Wastewater Superintendent Chicora, and City Clerk Dunham
Regular Meeting: City Manager Henrickson, Chief of Police Hill, Community Development Director Caldwell, Wastewater Superintendent Chicora and City Clerk Dunham

Absent: Finance Director Beauchaine and Water Superintendent Jensen (excused)

STUDY SESSIONS/PUBLIC HEARINGS

City Staff Work Tasks 2012

City Manager Henrickson stated staff was asked to provide a summary of work tasks planned to be addressed in the next year to make sure they are consistent with the goals and objectives of the City Council. In reviewing the lists, he said this is also the time for Council to discuss any other goals and objectives they would like to address during the year.

Councilmember Wilson commented that the Chief of Police seemed to have a pretty aggressive task list.

City Manager Henrickson said one of reasons for establishing task lists is to get people thinking as we approach the budget to make sure the City is properly staffed to accomplish these goals. He noted that one item not on the list is a new roof for City Hall stating that the current roof has gone long past its usefulness. Commissioner Thompson commented on preliminary plans for the construction of a second story on City Hall; City Manager Henrickson said that concept was no longer being explored as it was not feasible.

Councilmember Thompson asked if priorities had been established for the public works department; City Manager Henrickson stated public works priorities would be addressed with adoption of the Capital Budget.

FEBRUARY 7, 2012 MINUTES
Page 2

Councilmember Wilson commented that drainage is a big issue throughout the City but unfortunately there is no funding for that purpose; City Manager Henrickson said the City would need to establish a drainage assessment district in order to fund drainage improvements. Councilmember Wilson then asked if there were any plans for the establishment of a drainage fund for future improvements; City Manager Henrickson pointed out that the City has had to rely on reserve funds to balance the budget and there has basically been nothing left to set aside for drainage improvements however, that is something that could be considered in the future.

Councilmember Wilson referred to the Chief of Police's goal regarding the use of volunteers and asked how they would be utilized; Chief Hill said volunteers can be used for general office duties such as filing and also with the Open Gym Basketball Program.

Mayor Woodall stated she likes the idea of having a police officer at the school crossing and asked what the time frame was for completion of the Employee Handbook; City Clerk Dunham stated she had begun working on the handbook and anticipated it would take at least another month to complete.

Mayor Woodall said she liked the idea of implementing the Rental Housing Inspection Program and asked Community Development Caldwell if he would be completing the CDBG portfolios; Caldwell said that he would be working on the portfolios with the help of Administrative Assistant Ralston, as well as monitoring CDBG loans.

Finance Director Beauchaine said there were some legal issues in regard to CDBG compliance in the past however those issues have been resolved.

Councilmember Leonard referred to the item on the City Clerk's list for dissolution of the Municipal Water Corporation; City Clerk Dunham said staff was successful in reviving the corporation and the next step now is to dissolve the corporation; with guidance of the City Attorney, that will be achieved.

Councilmember Wilson asked what would be included in the police department fee study; Chief Hill stated the fee schedule would include such things as animal license/relinquishing fees, vehicle release fees, parking violation fees, and VIN verification fees.

Discussion continued regarding the \$1,200 per month paid to Miranda's Animal Rescue and whether the City received an equal amount in services each month; Chief Hill explained Miranda's takes in dogs and cats, cares for them, quarantines animals when needed including monitoring, and provides medical care to animals as necessary. He said he feels the monthly fee is warranted. Finance Director Beauchaine pointed out that the fees collected for animal licenses helps to offset a small portion of that cost.

Next was discussion on the Emergency Operations Plan, estimated to be completed in September. City Manager Henrickson stated a workshop will be scheduled to review the update and share with the Council their respective role in the event of an emergency.

Councilmember Thompson proceeded with questions regarding public works activities such as replacement of water and wastewater equipment, meter reading software, purchase of a street roller, and welding equipment. Water Superintendent Jensen explained the meter reading software was already in the process of being updated, the street roller is important if the street assessment is approved, and the welding equipment is approximately 15 years old and non-functioning.

Mayor Woodall asked if staff would be bringing the matter back in 6 months or so to see what tasks have been accomplished; City Manager Henrickson confirmed it would be brought back to the Council for review.

CEREMONIAL

Proclamation in Recognition of Engineer's Week February 19-25th

Mayor Woodall read the proclamation in recognition of Engineer's Week February 19th through the 25th, 2012 and presented it to Yoash Tilles on behalf of the North Coast Branch of the American Society of Civil Engineers.

PUBLIC PRESENTATIONS

Richard Lyman, Fortuna resident addressed the Council regarding a "Meet the Candidates" forum to be held at the Fortuna High School on March 1st. He said nine (9) potential second district candidates for U.S. Congress would be present to debate current issues and answer questions. He presented flyers for information and encouraged everyone present to attend and help make sure the right person is elected to represent the second district in Washington, D.C.

Chuck Schager, representing Eel River Disposal Co. announced that the new sort line at their facility was up and running and said the majority of the structure was constructed with recycled material from the Loleta Cheese Factory. He stated he would be addressing the Council in the near future regarding the concept of multi-family recycling. He also reported that by July residents will be able to drop off latex and oil base paint at no charge and those items will no longer be categorized as hazardous waste. Under new recycling laws, the company that manufactures paint must also take back what is not used and dispose of it.

Mr. Schager then approached the subject of a possible ban on plastic bags, stating the Humboldt Waste Management Authority was exploring the possibility. He said each jurisdiction will have to adopt ordinances and currently there is a lot of litigation pending on the subject. He said he personally feels it would be a waste of JPA funds for Rio Dell to entertain a ban on plastic bags.

He said ERD processes and recycles plastic at 1 cent per pound thus keeping it out of the waste stream although it costs 3-5 cents per pound to process and bale plastic. He cautioned Council to be careful with use of JPA funds and pointed out that bio-degradable bags still go into the waste stream so it won't help to increase the City's diversion numbers.

Councilmember Marks arrived at this time, 6:50 p.m.

Deborah Bare asked for the contact person at PG&E regarding potential upgrade of the PG&E sub-station; it was suggested she contact Alison Talbott.

Nick Angeloff addressed the Council regarding support of a feasibility study to extend rail service including a short haul loop and briefly explained the ED-5 Investment Program which requires a minimum investment of \$500,000 to establish a regional center. He asked for Council concurrence to place an item on the next regular agenda for support of an application to U.S. Customs and Immigration System.

City Manager Henrickson stated he didn't know enough about the subject to recommend support but suggested the item be put on the next agenda for discussion purposes; Council concurred.

CONSENT CALENDAR

Mayor Woodall announced the items to be approved on the consent calendar and asked the staff, the public and the Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Motion was made by Thompson/Leonard to approve the consent calendar including approval of minutes of the January 17, 2012 regular meeting; and approval of an agreement with Jones Hall and authorizing the City Manager to execute the contract for bond counsel services in connection with general obligation bond proceedings. Motion carried 5-0; Councilmember Marks abstained from vote on approval of the minutes.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Revise Water Deposit Fee and Water Reconnection Fee

City Manager Henrickson stated the City continues to experience write-offs related to non-payment of delinquent water bills by non-owner customers. He said part of the problem is that the current water deposit of \$40.00 is exceedingly low. Another problem has to do with the number of monthly water turn-offs for non-payment of water/sewer bills. The current reconnection fee is \$35.00 plus actual costs during regular business hours and \$75.00 plus actual costs for after hours. He noted that it has been the practice not to charge any additional actual cost and therefore does not cover the staff time associated with turning the water on and off.

He further stated that essentially the water deposit should be equal to at least two and one half months of typical billings which equates to just over \$100.00. As a result, his recommendation is that water deposits for non-owner residents be increased to \$100.00. In regard to reconnection fees, he suggested the fee be \$40.00 for the first reconnect; \$60.00 for the second reconnect and \$100.000 for all subsequent reconnects. He said the idea is that the increased fee will serve as a deterrent since many customers are repeat offenders.

With Council concurrence, he said he will bring back on the February 21st agenda a resolution for consideration with the effective date of May 1, 2012 which allows adequate time to inform customers of the proposed changes.

Mayor Woodall asked if the deposit and reconnection fee would apply to owners as well as non-owners and if the proposed reconnection fee will cover actual cost; City Manager Henrickson stated that his recommendation is that deposits be waived for owners since the loss is significantly less than with non-owner customers. He said in regard to the reconnection fee, the base fee plus additional cost will be charged.

Mayor Woodall said she preferred a 2-tier fee schedule for reconnections as with the City of Eureka.

Councilmember Marks stated she would have no problem with a 3-tier fee schedule and said she would like to see the same fees, including the water/sewer deposit applied to owners and non-owners. Council concurred.

Councilmember Thompson asked if water meters are locked or actually pulled in the event of non-payment; Wastewater Superintendent Chicora stated in most instances, the meters are simply locked.

Councilmember Thompson stated he didn't see why there should be a loss to the City when non-owners move out and leave an unpaid bill since the City can require payment by the owner before water service is restored. City Manager Henrickson stated that currently the City does not hold the owners responsible for tenant's unpaid bills. Councilmember Thompson suggested language be added to that affect.

Consensus of the Council was that property owners not be held responsible for tenants' unpaid bills. City Manager Henrickson commented that with the increase in the deposit amount, the loss should be significantly less.

It was agreed that the City Manager place the resolution, as amended on the February 21, 2012 agenda for consideration.

Provide City Manager Direction on City Manager Succession

City Manager Henrickson announced reluctantly that his time to retire was approaching and in order to facilitate a seamless transition, it is now time to begin succession planning. He said two elements of the City's future are to ensure that City government is financially sustainable; and that it is well managed. Based on his experience, he said he is proposing the City Council explore the feasibility of hiring a very well-qualified half-time City Manager. He said if the City was not successful in recruiting an appropriate candidate then the Council could direct staff to initiate recruitment of a full-time City Manager. Council concurred with City Manager Henrickson's recommendation.

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1143-2012 Approving an Election on the Question of Renewing the Countywide Abandoned Vehicle Abatement Fee to be Scheduled in Conjunction with the June 5, 2012 Primary Election

City Manager Henrickson explained the Abandoned Vehicle Program is a State program that allows counties and incorporated areas to receive funding to help defray the costs of removing abandoned vehicles within the respective jurisdictions. The County of Humboldt established an Abandoned Vehicle Abatement Authority in which the City is a member and imposed a fee of \$1.00 per vehicle registration to be used for the abatement of abandoned vehicles. He said with the passage of Proposition 26 in 2010, the definition of "fee" and "tax" was altered under the California Constitution and the abandoned vehicle abatement fee is now considered a tax that is subject to voter approval. He stated the Humboldt County Board of Supervisors approved to go forward with the election on the Abandoned Vehicle Abatement Fee for the June 5, 2012 primary election. In order to do this, the County needs the concurrence of the majority of the incorporated cities and the proposed resolution supports this action.

Councilmember Wilson commented that the Department of Motor Vehicles wants to charge \$31,000 to program their computers to stop collecting the fee, and an equivalent amount to restart the collection if the election is successful. He said he would like to see the County be prudent in the future so that the contract expires at the end of June rather than then end of April to avoid the additional costs for computer programming.

Motion was made by Wilson/Leonard to approve *Resolution No. 1143-2012 Requesting that the County of Humboldt Board of Supervisors Calls for an Election on the Question of Renewing the Countywide Abandoned Vehicle Abatement Fee to be Scheduled in Conjunction with the June 5, 2012 Primary Election*. Motion carried 5-0.

Approve Resolution No. 1144-2012 Determining that the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing through the Issuance of General Obligation Bonds

City Manager Henrickson stated that he is sure everyone will agree that the majority of City streets are deplorable and badly in need of repair. He said in the past decade or more the City has not had adequate revenue to fund the necessary maintenance required to keep streets in good condition. Since maintenance has been deferred for so many years, the cost of addressing the situation now is far beyond the financial ability of the City. He said to address this situation, he is proposing that the City implement a Street Improvement Assessment Project which encompasses an asphalt overlay or slurry seal-coat over approximately 90% of the City streets, which excludes Wildwood Avenue.

City Manager Henrickson then presented a color coded map which represented the streets proposed for asphalt overlay and those proposed for slurry seal-coat. He further explained the cost of the improvements is estimated to be \$2,825,000 and in order to complete all of the work at once, he is proposing the City issue General Obligation Bonds which would be paid over a 15 year term by an assessment on every property in the City based on assessed value. To reduce the project cost he proposed the City contribute funding in the total amount of \$825,000 from reserve funds thus reducing the bond to \$2,000,000.

City Manager Henrickson continued with a review of the advantages of the proposed assessment and stated that ultimately the assessment amount would be reduced each year over the 15 year assessment period.

Councilmember Marks asked why the assessment amount would go down; City Manager Henrickson explained the theory is based on property assessment values going up, and said new development will also lower the cost.

Councilmember Marks commented that it was her understanding that new development was not subject to the sewer bond assessment and asked if this assessment would be the same; City Manager Henrickson said it would be set up in the same manner and new development would not be subject to the assessment fee.

Mayor Woodall commented that she likes the fact that the City proposes to contribute a portion of the funding and that ultimately it will be up to the voters to decide if the project should be funded through assessments.

Councilmember Wilson commented on the proposed Shell Wind Energy Project and how it related to this project. City Manager Henrickson stated if the Shell Wind Energy Project moves forward, the City will negotiate the cost of potential damage to City streets and ask for a cash contribution in lieu of street repairs and that money would then be put back into reserves to offset some of the costs.

Mayor Woodall asked what will happen in the event the bond measure does not pass; City Manager Henrickson explained there is a significant savings by improving all City streets at once, the interest rate of 3.75% may not be available again, and if the street improvements are not done now, the streets will deteriorate to the point that the cost will be far too great for the City to be able to fund the project and basically the City could end up with nothing but gravel roads.

City Manager Henrickson said there would be a series of public meetings held in the spring with various neighborhoods as well as mailings to identify the cost of individual assessments.

Deborah Bare expressed support of the project and asked how long it would take to begin the improvements; City Manager Henrickson said if the voters approve the bond measure in June, construction could be underway by October 2012.

Motion was made by Marks/Thompson to approve *Resolution No. 1144-2012 Determining that the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing Through the Issuance of General Obligation Bonds*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 285-2012 Calling a Special Election and Ordering the Submission of a Proposition of Incurring Bonded Debt for the Purpose of the Construction and Completion of Street Improvements to the Qualified Voters of the City of Rio Dell at the Special Municipal Election to be Held June 5, 2012

City Manager Henrickson stated the ordinance is part of the process to place the bond measure on the ballot for the June 5, 2012 primary election.

A public hearing was opened at 7:35 p.m. to receive public input on the proposed ordinance.

Richard Newman asked if the life of the street improvements coincided with the length of the bond; City Manager Henrickson stated an asphalt overlay or slurry seal coat is expected to last 15 years which is the term of the bonds.

Councilmember Marks commented that the term of the bonds could have been extended beyond 15 years but the idea was to match the assessments with the useful life of the improvements.

There being no further public comment, the public hearing closed at 7:38 p.m.

Motion was made by Marks/Leonard to introduce and conduct the first reading (by title only) of *Ordinance No. 285-2012 Calling a Special Election and Ordering the Submission of a Proposition of Incurring Bonded Debt for the Purpose of the Construction and Completion of Street Improvements to the Qualified Voters of the City of Rio Dell at the Special Municipal Election to be Held on June 5, 2012*. Motion carried 5-0.

Conduct Second Reading (by title only) and Approve Ordinance No. 282-2012 Amending the Plan and Zoning Designation of Approximately 5,050 sq. ft. from Town Center (TC) to Urban Residential (UR)

Community Development Director Caldwell stated the ordinance was introduced to the Council at the January 17, 2012 meeting and is back now for its second reading and adoption. He said this item is the result of an approved lot line adjustment between two parcels owned by Jason and Garyn Broussard. One of the parcels (053-115-004) is designated Urban Residential (UR) and the other parcel (053-115-006) is designated Town Center (TC). He said a portion of the parcel in the Town Center is proposed to be adjusted to the parcel within the Urban Residential zone. To avoid having a mixed use parcel, the Planning Commission made a condition of approval that the applicants either grant an access easement through APN 053-115-004 to the adjusted area; or apply for a General Plan and Zone boundary adjustment to re-designate the adjusted area from Town Center (TC) to Urban Residential (UR). Since a property owner cannot grant access easements to themselves, the applicants submitted the General Plan and Zone boundary adjustment application, fulfilling the required condition of approval.

A public hearing was opened at 7:40 p.m. to receive public input on the proposed Ordinance. There being no public comment, the public hearing closed.

Motion was made by Thompson/Leonard to approve *Ordinance No. 282-2012 Amending Section 17.15.030 Zoning Map of the Rio Dell Municipal Code*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 283-2012 Establishing Lot Size Modification Regulations, Section 17.30.130 of the Rio Dell Municipal Code (RCMC)

Community Development Director Caldwell submitted to council, staff and public supplemental information regarding the proposed Lot Size Modification provisions. He said at the January 25, 2012 Planning Commission meeting, the Planning Commission suggested amending some language of the proposed Lot Size Modification provisions to make it a little more “reader” friendly. Under the Exceptions Table, permitted modifications were recommended as follows:

- Minimum Lot Size may be modified down to not less than fifty (50) percent, or 5,000 square feet, whichever is greater.
- Minimum Lot Width may be modified to not less than fifty (50) percent.
- Maximum Lot Depth may be modified up to a maximum of twice that permitted.

A public hearing was opened at 7:44 p.m. to receive public input on the proposed Ordinance.

Joe Enes asked where these provisions would apply; Community Development Director explained they would apply to any size lot when the topography and other man-made features make it difficult for development.

Councilmember Thompson asked if these provisions would apply to secondary units; Community Development Director Caldwell stated these provisions apply to subdivisions; not secondary units.

Deborah Bare stated her parcel on Berkeley St. is approximately three-fourths of an acre and asked how it could be subdivided; Community Development Director Caldwell said theoretically it could be subdivided into six (6) lots provided lot width and depth requirements are met.

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

Motion was made by Thompson/Marks to introduce and conduct first reading (by title only) of *Ordinance No. 283-2012 Establishing Lot Size Modification Regulations, Section 17.30.130 of the Rio Dell Municipal Code (RDMC)*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 284-2012 Amending Yard Regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC)

Community Development Director Caldwell stated the City's previous zoning regulations under Ordinance 59 contained provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block, meaning that if the average front yard setback on the block is less than the standard 20 foot front yard setback, a property owner would be able to place a new development based on the average setback. Staff recently discovered that this provision was inadvertently omitted when the current regulations were adopted in 2004. As a result, staff is recommending the RDMC be amended to include those provisions.

He said in presenting the recommendation to the Planning Commission at their January 25, 2012 meeting, they agreed with the proposed amendment provided the language of the front yard provisions be modified to require a minimum ten (10) foot front yard setback.

Community Development Director Caldwell noted that the averaging provision does not apply to garages which must meet the twenty (20) foot front yard setback requirement in order to provide adequate area to park vehicles without encroaching into the sidewalk.

Community Development Director Caldwell stated the second issue relates to setbacks on corner lots which was also omitted from the current zoning regulations. The recommended language stated that in any residential zone, the side yard of a corner lot shall be equal to the front yard setback if any part of the main building is within 25 feet of the rear lot line or one-half the front yard setback if all parts of the main building are more than 25 feet from the rear lot line.

A public hearing was opened at 7:55 p.m. to receive public input on the proposed ordinance.

Joe Enes asked if the interior setback would still be five feet and the rear setback ten feet; Community Development Director Caldwell said they would be.

FEBRUARY 7, 2012 MINUTES
Page 11

Councilmember Thompson asked if a variance was possible; Caldwell said the property owner could make application to the Planning Commission for a variance.

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

Motion was made by Thompson/Leonard to introduce and conduct first reading (by title only) of *Ordinance No. 284-2012 Amending Yard Regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC)*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 286-2012 Approving General Sewer Use Regulations and Rates

City Manager Henrickson stated the proposed ordinance changes the sewer deposit amount from \$30.00 to \$200.00 and if the Council desires, could apply to owners as well as non-owner customers.

Wastewater Superintendent Chicora stated last year the State Water Resources Control Board required the City to implement a Sanitary Sewer Management Plan which includes several goals the City must meet. One of those goals is to create a FOG (Fats, Oils and Grease) Program and include it in the Sewer Ordinance.

Councilmember Thompson commented on the numbering sequence and asked if there should be areas left blank for future regulations; City Manager Henrickson said if necessary a fourth number could be added.

Councilmember Marks stated if it is determined that new homeowners be required to pay a deposit, perhaps there could be a provision included that provides for the deposit to be returned after a year. City Manager Henrickson commented that generally problems with non-payment of utility bills by new homeowners do not occur until after the first year.

A public hearing was opened at 8:05 p.m. to receive public comment on the proposed ordinance.

Sharon Wolfe asked for clarification that the deposit for water and sewer service for new customers will be \$300.00; City Manager confirmed that amount to be correct.

Joe Enes asked if that would also apply to property owners; City Manager Henrickson said that it would apply to any new customers but would have no impact on existing customers.

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

Councilmember Wilson asked if this fee was typical of other jurisdictions; City Manager Henrickson said typically the deposit should be equal to at least two and one-half months of

typical billings and that is about the same time that elapses before shut off under the City's current billing system.

Motion was made by Wilson/Marks introduce and conduct first reading (by title only) of *Ordinance 286-2012 Approving General Sewer Use Regulations and Rates*. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Henrickson stated he had nothing further to report at this time.

Chief of Police Hill apologized for the omission of the Monthly Police Report in the Council packet and said he would provide a copy to the City Manager for distribution to Council. He then reported on recent activities in the police department and said there had been a series of thefts reported the previous weekend; Sergeant Wiener was in week two of ICI (Core Investigation Training) in Monterey; stated he met with the Principal and Assistant Principal of Fortuna High School regarding an upcoming Parent Drug Education Night which will allow parents to come and learn about the different drugs that students have access to and to learn about treatment and prosecution; and reported for the first time on Saturday, February 18th there will be a Prescription Drug Disposal Day taking place at Fortuna High School.

Community Development Director Caldwell reported on recent activities in the planning department and stated he attended a CDBG workshop in Arcata and learned there is PTA money available however is very competitive and was reduced this year to \$2 million statewide at \$100,000 per jurisdiction. He said in order to qualify the City must have spent 50% of the previous year's funding. Based on the City's poverty level, he said the City's chances of receiving grant money is only 2-3%. He also reported that he met with Mary Varner at the Rio Dell School regard the Safe Routes to School grant which is another competitive grant that requires a 10% match of funds. Suggestions for the grant if received will be to have a lighted crosswalk on Wildwood and Center or complete the sidewalks on Davis St.

Wastewater Superintendent Chicora reported the public works department would be borrowing the City of Fortuna's equipment to camera the City's sewer lines and with the use of the City's new pipe patch kit, they will be able to repair sewer pipes without tearing up the streets.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Wilson commented that there are some street lights that are not working throughout the City and asked what the process was for getting the lights replaced; City Clerk Dunham said citizens or city staff can call PG&E and provide them with the pole number and they will put it on their list for repair the next time they are working in the area. Chief Hill commented that the PG&E web site has also been an effective method to report the outages.

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

Closed Session Concerning Labor Negotiations with Labor Negotiator; the City's Designated Representative City Manager Ron Henrickson (Pursuant to Government Code Section 54957.6) Concerning Rio Dell Police Officer's Association, Rio Dell Employees Association, and Contract Employees

Mayor Woodall announced the Council would be adjourning to closed session to discuss the above matters and asked for public comment. There being no public comment, the Council adjourned to closed session at 8:17 p.m.

The meeting reconvened at 8:45 p.m. Mayor Woodall announced action was taken in closed session to direct the City Manager to initiate negotiations with the Rio Dell Police Officer's Association, Rio Dell Employees Association, and contract employees.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:46 p.m. to the February 21, 2012 regular meeting.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
SPECIAL MEETING MINUTES
FEBRUARY 16, 2012**

A Special Meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Pro Tem Marks.

ROLL CALL: Present: Mayor Pro Tem Marks, Councilmembers Leonard, Thompson and Wilson

Absent: Mayor Woodall

Others Present: City Manager Henrickson and City Clerk Dunham

SPECIAL MEETING MATTERS

Authorize the Mayor to Submit a Letter to Humboldt Waste Management Authority (HWMA) Relative to Arcata Community Recycling Center (ACRC)

City Manager Henrickson stated that at the January 12, 2012 Humboldt Waste Management Authority (HWMA) meeting, they voted to terminate the negotiation process with Arcata Community Recycling Center (ACRC); then later they voted to reverse their decision and approve mediation so they could explore revenue-neutral options for leasing ACRC's Samoa facility. He said the letter if approved, will support HWMA's decision to end mediation and go on record that the City does not think it would be in the City's or public's best interest for HWMA to acquire ACRC's Samoa facility.

He suggested a copy of the letter also be sent to the County Board of Supervisors and the City of Eureka.

Councilmember Thompson said that HWMA reported out of Closed Session the decision to go back into mediation and explore revenue neutral options by a vote of 4-2 with he and Lance Madsen from the City of Eureka casting the dissenting votes.

Councilmember Leonard asked if the end result was that HWMA purchase the ACRC Samoa facility; City Manager Henrickson referred to the draft letter and said it should be changed to say "lease or acquire."

Councilmember Marks commented that as a previous board member on HWMA she is not allowed to reveal discussions in closed session although on a personal level questioned the value or benefit of taking over the Samoa facility. She suggested the Council explore the feasibility of pulling out of the JPA with HWMA.

City Manager Henrickson said if it's the desire of the Council, he will present a report to the Council at the March 6, 2012 regular meeting on options on withdrawing from the JPA.

FEBRUARY 16, 2012 MINUTES
Page 2

Councilmember Leonard then provided background on when and why the JPA was formed and said it was formed with closure of the Cummings Landfill in order to find a way to handle waste. He said he toured the Samoa facility and in his opinion it was poorly designed.

Councilmember Marks commented that a portion of the fees collected by Eel River Disposal Co. from Rio Dell collection goes to HWMA.

Motion was made by Leonard/Wilson to authorize the Mayor to submit a letter to Humboldt Waste Management Authority (HWMA) relative to Arcata Community Recycling Center (ACRA) with copies to the County Board of Supervisors and the City of Eureka. Motion carried 4-0.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 5:42 p.m. to the February 21, 2012 regular meeting.

Melissa Marks, Mayor Pro Tem

Attest:

Karen Dunham, City Clerk

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



TO: Honorable Rio Dell City Council

THROUGH: Ron Henrickson, City Manager *JWH*

FROM: *RJ* Randy Jensen, Water & Roadways Sup., and Carla Ralston, P.W. Admin.

DATE: February 10, 2012

SUBJECT: Purchase of Meter Reading Equipment

ATTACHEMENT: Invoice from National Meter and Automation, Inc.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the City Manager to purchase the Meter Reading Equipment needed to resolve issues that relate to the City's current meter reading system.

BACKGROUND AND DISCUSSION

Currently with our Meter Reading system, there has been some technical difficulty with the Hand Held (FC100) unit that picks up the radio signals from our water meters. Due to the age of this unit, the service agreement has expired and Itron will no longer carry replacement parts for repairs on this device.

In regards to the purchase of the 6 100w Endpoints, (radio transmitters for the meters) this will eliminate the need for city staff to travel in hard to access areas to read the meters. The 100w Endpoints have a stronger transmitting signal and will be compatible with our current meter system. There will need to be a software update to the BASE unit (MC Lite) to complete this addition although; there will be NO additional charge for this service.

BUDGETARY IMPACT

1 - FC300 Hand held = \$ 4,995.00
6 - Itron 100w Endpoints = \$ 86.00/each
1 - Software Update = \$0
Funds to come from line item 6100-09-060

NATIONAL
METER AND AUTOMATION, INC.

2250 Apollo Way #300
Santa Rosa, CA 95407
(707) 575-0700
(707) 575-3786

QUOTATION

DATE: 1/30/2012

TERMS: Net 30 Days
SHIP VIA: Best Way
PO#:

QUOTED BY: Hilary Richards

Bill To:
City of Rio Dell 675 Wildood Ave. Rio Dell, CA 95562

Ship To:
City of Rio Dell 675 Wildwood Ave. Rio Dell, CA 95562

Description	Qty	Unit Price	Amount
ltron FC300SR Handheld w/ Bluetooth Includes: Desk Dock & AC Power Supply 1 Day of On-Site Training & Implementation	1	\$ 4,995.00	\$ 4,995.00
ltron 100W Endpoints w/ Integral Connector * Upgrade MC-Lite for Data Logging capability @ no-charge w/ purchase of 48 qty. 100W Endpoints	6	\$ 86.00	\$ 516.00
Subtotal			\$ 5,511.00
Avail: 3-4 weeks ARO	Humboldt County	7.250%	Tax 399.55
F.O.B.: Santa Rosa, CA			Freight Add
Total			\$ 5,910.55

Remit to:
National Meter & Automation, Inc.
PO Box 5429
Greenwood Village, CO 80155-5429

Prices Subject to review after: March 31, 2012

THANK YOU FOR YOUR BUSINESS!

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



TO: Honorable Rio Dell City Council
FROM: Ron Henrickson, City Manager *RH*
DATE: February 21, 2012
SUBJECT: Wildwood Avenue Streetscape Consultant Agreement - GHD
ATTACHEMENT: Agreement

Council Action:

- A. By motion move to approve the Agreement with GHD for consulting services for the Wildwood Avenue Streetscape Project
- B. Take no action.

Background:

A number of years ago the City received grant funds from the State to design and construct a Wildwood Avenue streetscape; however, funding was frozen due to the State's financial crisis. Funding is now available for design and it is proposed to contract with GHD, the City Engineering Consultant. The intent is to have design complete by about May so that construction could begin after July when funding will be available for construction.

Financial Impact:

The cost of the project including the consulting Agreement will be paid from grant funds.

Staff Recommendation:

The City Manager recommends approval of the Agreement.

**Agreement
For Consulting Services for
The City of Rio Dell's
Downtown Pedestrian and Streetscape Improvements Project**

This agreement is based on a prime agreement between the City of Rio Dell and Winzler & Kelly dated October 10, 2003. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

INTRODUCTION

The City of Rio Dell has requested \$51,000 of Regional Improvement Program or Interregional Improvement Program funding from the California Transportation Commission for the Downtown Pedestrian and Streetscape Improvements Project on Wildwood Avenue between Douglas Street and the Eagle Prairie Bridge. The project consists of bulb-outs, pedestrian refuge, medians, gateway sign, planting strips and/or boxes, tree planting, replacement of unused driveways with sidewalk, reconfiguration of parking and striping, street lighting and other related improvements. The project may also include interpretive signs and maps and bike facilities to enhance the experience of bicyclists using the Pacific Coast Bike Route.

Construction of the project will convey a sense of arrival to downtown, establish a positive image and reinforce community identity, promote pedestrian and vehicular safety, support the redevelopment effort in the downtown area and establish the design tone for streetscape improvements for future streetscape projects in Rio Dell.

The development of the conceptual design will be led by the City with GHD providing engineering and landscape architecture to assistance during the design development. GHD will provide the following scope of services to assist the City of Rio Dell on the Downtown Pedestrian and Streetscape Improvements Project along Wildwood Avenue.

SCOPE OF SERVICES

Task 1. - Landscape Architect Review

The GHD team will provide review and input on the he conceptual plans by a licensed landscape architect. This effort will be led by the City and provided on an as requested basis. Specific tasks will to be completed by the landscape architect will include:

- Review of conceptual design developed by City Staff
- Recommendation of alternative project components
- Development of landscape details and features as requested
- Recommendation of plants and assistance with planting plan for landscaped areas.

Task 1 – Fee Estimate: \$8,500

Task 2. Concept Design Plans

Based on the conceptual design developed by the City, GHD will provide the following services including

- provide review of concept plans by Registered Traffic Engineer
- Draft conceptual design developed by City in AUTOCAD Civil 3D

- Incorporate details provided by landscape architect under the direction of the City
- Submit the conceptual design to Caltrans for review for TE eligibility and revise as directed by the City based on comments received by Caltrans
- Generally work with the City to revise and develop the concept to a level suitable for environmental documentation and

Task 2 – Fee Estimate: \$31,000

Task 3. - Preliminary Environmental Study & NEPA

This task includes completion of the Preliminary Environmental Study (PES) form and coordination with Caltrans for the completion of the NEPA Categorical Exclusion Determination Form and Checklist. As a part of this task GHD staff will participate in field review with Caltrans Local Assistance staff and Caltrans environmental staff to receive information regarding the environmental considerations for the project site as required by the State.

Task 3 – Fee Estimate: \$1,500

COMPENSATION

The project will be billed on a time and materials as needed basis using the fee schedule in effect at the time the work is performed. The fee for the scope outlined above and internal project management shall not exceed \$41,000 without prior authorization. Any changes to the scope items and associated fees will be negotiated with the City prior to the commencement of any additional or changed scope Work. Budget estimates provided for each task are preliminary and the final distribution of the budget may vary. Invoices will be prepared monthly and are due and payable by the City within 30 days of the date of the invoice. Interest at the rate of 1-1/2% per month will be charged on all outstanding balances. The extent of the work and the total cost will depend on the factors discussed under the Scope of Services. It is also recognized that the City's approach to developing this project may change and with it the proposed scope of work and that the City may be request to modify the above scope of services.

ASSUMPTIONS

This scope of work is based on the following assumptions:

- City to complete applications to PG&E
- No Special Environmental Studies will be required for NEPA
- City will prepare and submit reimbursement requests to Caltrans
- GHD will continue to prepare and submit programming, allocation and authorization requests under a separate contract with the City
- No Right-of-Way will be required to implement the project

PROJECT SCHEDULE

The estimated preliminary project schedule is shown below. Notice to proceed for this scope of work is anticipated on February 10, 2012

Activity/Task	Date	Comments
Notice to Proceed	2/10/12	
Caltrans Field Review	3/27/12	
Review Meeting with Landscape Architect	2/14/12	
Request for Reprogramming of const funds for Design	3/26/12	Requires 2 CTC mtgs – May and June
Complete Conceptual Design	4/15/12	
Complete PES/NEPA	4/30/12	
Request for Allocation for Plans Specifications and Estimate	4/30/12	Deadline for June CTC meeting

AGREED

City of Rio Dell

GHD, Inc.

Ron Henrickson, City Manager, Date

Steven Allen, Managing Principal, Date

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



TO: Honorable Rio Dell City Council

THROUGH: Ron Henrickson, City Manager ~~WDA~~

FROM: ^{RJ} Randy Jensen, Water and Roadways Sup. & Carla Ralston, P.W. Admin

DATE: February 10, 2012

SUBJECT: Cross Connection Control Ordinance

ATTACHMENT: Draft Cross Connection Control Ordinance

RECEIVE AND FILE DRAFT CROSS CONNECTION CONTROL ORDINANCE:

Attached is a Draft Cross Connection Control Ordinance for comments and questions. Sections recommended for removal are noted with a ~~double-strikeout~~ and recommended additions are noted with yellow highlight.

BACKGROUND AND DISCUSSION

The City of Rio Dell has been operating with a Cross Connection Program that was developed in 1988. Title 17 of the California Administrative Code states that a water supplier shall adopt rules or an ordinance to implement a cross connection control program. Updated language and methods of enforcement are needed to assure the safety of our drinking water distribution system. Recommendations are to comply with Title 17 requirements and meet the needs of the City of Rio Dell.

CITY OF RIO DELL CROSS-CONNECTION CONTROL PROGRAM

Prepared for:
City of Rio Dell
675 Wildwood Ave.
Rio Dell, CA 95562

February 9, 2012

Prepared by:
Orrin Plocher and Stan Thiesen

of



Freshwater Environmental Services

78 Sunny Brae Center
Arcata, California 95521
Phone (707) 839-0091

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1.0 INTRODUCTION

The purpose of this report is to ensure that the City of Rio Dell is in compliance with State laws concerning cross-connections, these being Section 1003 of the Uniform Plumbing Code, the California Health and Safety Code, and the California Administrative Code -- Title 17 - Public Health. The applicable portion of the California Code of Regulations is Title 17 Division 1. State Department of Health Services, Chapter 5, Sanitation (environmental) subchapter 1, Engineering (sanitary) group 4, Drinking Water Supplies, Article 1 and Article 2 included as Appendix A.

A cross-connection is an unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections. The Sections of this report will cover the following topics:

1. Introduction of the Rio Dell cross-connection program.
2. Adoption of an ordinance to implement a cross-connection program.
3. Conducting of surveys to identify water user premises where cross-connections are likely to occur.
4. Provisions of backflow protection by the water user at the user's connection or within the user's premises.
5. Provision of at least one person trained in cross-connection control to carry out the cross-connection program.
6. Establishment of a procedure or system for testing backflow prevention devices (preventers).
7. Maintenance of records of locations, tests, and repairs of backflow preventers.

2.0 CROSS-CONNECTION CONTROL ORDINANCE

Title 17 of the California Administrative Code states that a water supplier, that being the City of Rio Dell, shall adopt rules or an ordinance to implement a cross-connection control program.

On May 17, 1988 Rio Dell adopted an ordinance, No. 196, entitled "An Ordinance of the City of Rio Dell Relating to Cross-Connection Control to the City Water System."

Based on a review of the existing Rio Dell ordinance, Title 17 requirements, and the intent of the City of Rio Dell edits to the existing code are recommended. Appendix B contains the existing Rio Dell ordinance with suggested edits noted. Sections recommended for removal are noted with a ~~double-strikeout~~ and recommended additions are noted with yellow highlight.

The recommended edits are intended to comply with Title 17 requirements and meet the needs of the City or Rio Dell.

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3.0 CROSS-CONNECTION SURVEY

Title 17 requires the City of Rio Dell to “conduct surveys to identify water user premises where cross-connections are likely to occur”.

Residential

To meet the above requirement, the City will send cross-connection survey forms to all residential water users. The cover letters and residential cross-connection survey are included in Appendix C. The City will track the returned forms and send a second mailing to water users that do not respond to the first survey.

Based on the returned survey forms, the City of Rio Dell will determine which water users already have backflow preventers and which users meet the criteria for requiring backflow preventers.

The previous Cross-Connection Control Program (Winzler & Kelly, 1988) included a list of 19 properties with existing water sources. After 1988 and prior to 1991 a survey was conducted that resulted in owners certifications indicating that "there are not an auxiliary supply of water (well, cistern, spring or any other source of water) on the property" (Appendix D). Of the properties identified in the 1988 program eight remain as having potential auxiliary water supplies that have not been owner certified (Appendix E).

The City has a list from Humboldt County indicating properties in Rio Dell with water wells based on well permits issued by the County (Appendix F). The water users listed in Appendix E and F will be sent a modified cover letter along with the survey indicating that their property has been previously identified as having an auxiliary water supply and allow them to provide documentation that the source of the potential cross-connection has been removed. The modified cover letter for water users thought to have auxiliary water supplies is included in Appendix G.

Commercial

The City will send cross-connection survey forms to all commercial water users. The cover letter and commercial cross-connection survey are included in Appendix H. The City will track the returned forms and make a second mailing to water users that do not respond to the first survey.

Based on the returned survey forms the City of Rio Dell will determine which water users already have backflow preventers, which users meet the criteria for requiring backflow preventers, and which properties warrant a site review to determine the need for cross-connection preventers.

Additionally the City of Rio Dell has acquired a list of commercial facilities in Rio Dell that are regulated due to their storage or use of hazardous materials from Humboldt County (Appendix I). Rio Dell City water department staff will perform site reviews at all sites listed as having hazardous materials to determine the need for cross-connection preventers.

Based on the results of the surveys and site reviews the City of Rio Dell will determine which residential and commercial water users are required to have cross-connection preventers. A letter will be sent to all water users identified with the need for cross-connection protection indicating the requirement to install or test existing cross-connection preventers.

4.0 PROVISIONS OF BACKFLOW PREVENTION

Title 17 of the California Administrative Code states that a water supplier's cross-connection program shall include provisions of backflow protection by the water user at the user's connection or within the user's premises or both.

Rio Dell Regulation (RDR) 13.15.070 (below) specifies types of backflow prevention devices required depending on the nature of the cross-connection.

13.15.070 Types of backflow prevention device required.

The type of prevention device required by the City of Rio Dell depends on the degree of hazard which exists, as follows:

(1) An air-gap separation or reduced pressure backflow prevention device shall be installed where the water supply may be contaminated by sewage, industrial waste of a toxic nature, or other contaminant which would cause a health hazard.

(2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation or reduced pressure principle backflow prevention device shall be installed.

(3) Pressure type vacuum breaker units (spring loaded) are the approved units for City-supplied irrigation systems. The unit must be installed at least 12 inches above the highest fixture point of water usage and in such a manner that drainage will preclude back pressure. [Ord. 196 § 7, 1988.]

RDR 13.15.070 is in conformance with Section 7604 of California's Administrative Code.

5.0 CROSS-CONNECTION TRAINING

The City of Rio Dell is requiring individual water users to be responsible for the installation and testing of backflow prevention devices. The City of Rio Dell will provide a list of trained and certified testers in the area to choose from for testing. If technical questions arise regarding the necessity or type of backflow prevention, the City water staff will contact the Department of Public Health for assistance and/or will contract with a licensed backflow prevention device tester to assist in the determination.

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6.0 PROCEDURE FOR TESTING BACKFLOW PREVENTER

Title 17 of the California Administrative Code states that a water supplier shall establish a procedure or system for testing backflow prevention devices. Section 7605 of the California Administrative Code states the following on testing and maintenance of backflow prevention devices.

- The water supplier shall assure that adequate maintenance and periodic testing are provided by the water user to ensure their proper operation. (RDR 13.15.060, and RDR 13.15.110)
- Backflow preventers shall be tested by persons who have demonstrated their competency in testing of these devices to the water supplier or health agency. (RDR 13.15.110)
- Backflow preventers shall be tested at least annually or more frequently if determined to be necessary by the health agency or water supplier. When devices are found to be defective, they shall be repaired or replaced in accordance with the provisions of this Chapter. (RDR 13.15.110)
- Backflow preventers shall be tested immediately after they are installed, relocated or repaired and not placed in service unless they are functioning as required. (RDR 13.15.114)
- The water supplier shall notify the water user when testing of backflow preventers is needed. The notice shall contain the date when the test must be completed. (RDR13.15.114)

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7.0 MAINTENANCE OF TEST RECORDS

The California Administrative Code, Title 17, states that a water supplier shall maintain records of locations, tests, and repairs of backflow preventers. These maintenance and testing records shall be maintained by the water purveyor for a minimum of three (3) years.

Assembly Records

Records of assembly type, size, manufacturer, installation date, location, account number, consumer of record, and repair history shall be kept electronically.

Testing Records

Test results on all assemblies shall be kept both electronically and in hard copy form.

Life of Records

Assembly records shall be kept for the life of the assembly. Test results shall be kept for the mandatory three (3) years (as per Title 17).

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8.0 REFERENCES

Winzler & Kelly Consulting Engineers, 1988. Rio Dell's Cross-Connection Control Program.

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**APPENDIX A
CALIFORNIA TITLE 17 CODE OF REGULATIONS,
DIVISION 1, STATE DEPARTMENT OF HEALTH
SERVICES, CHAPTER 5, SANITATION
(ENVIRONMENTAL), SUBCHAPTER 1, ENGINEERING
(SANITARY) GROUP 4, DRINKING WATER SUPPLIES,
ARTICLE 1 AND ARTICLE 2**

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NOTE: This publication is meant to be an aid to the staff of the CDPH Drinking Water Program and cannot be relied upon by the regulated community as the State of California's representation of the law. The published codes are the only official representation of the law. Refer to the published codes—in this case, 17 CCR and 22 CCR—whenever specific citations are required. Statutes related to CDPH's drinking water-related activities are in the Health & Safety Code, the Water Code, and other codes.

TITLE 17 CODE OF REGULATIONS

DIVISION 1. STATE DEPARTMENT OF HEALTH SERVICES

CHAPTER 5. SANITATION (ENVIRONMENTAL)

SUBCHAPTER 1. ENGINEERING (SANITARY)

GROUP 4. DRINKING WATER SUPPLIES

Article 1. General

§7583. Definitions.

In addition to the definitions in Section 116275 of the Health and Safety Code, the following terms are defined for the purpose of this Chapter:

(a) "Approved Water Supply" is a water supply whose potability is regulated by a State of local health agency.

(b) "Auxiliary Water Supply" is any water supply other than that received from a public water system.

(c) "Air-gap Separation (AG)" is a physical break between the supply line and a receiving vessel.

(d) "AWWA Standard" is an official standard developed and approved by the American Water Works Association (AWWA).

(e) "Cross-Connection" is an unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

(f) "Double Check Valve Assembly (DC)" is an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the watertightness of each check valve.

(g) "Health Agency" means the California Department of Health Services, or the local health officer with respect to a small water system.

(h) "Local Health Agency" means the county or city health authority.

(i) "Reclaimed Water" is a wastewater which as a result of treatment is suitable for uses other than potable use.

(j) "Reduced Pressure Principle Backflow Prevention Device (RP)" is a backflow preventer incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check

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valve assembly, and equipped with necessary test cocks for testing.

(k) "User Connection" is the point of connection of a user's piping to the water supplier's facilities.

(l) "Water Supplier" is the person who owns or operates the public water system.

(m) "Water User" is any person obtaining water from a public water supply.

§7584. Responsibility and scope of program.

The water supplier shall protect the public water supply from contamination by implementation of a cross-connection control program. The program, or any portion thereof, may be implemented directly by the water supplier or by means of a contract with the local health agency, or with another agency approved by the health agency. The water supplier's cross-connection control program shall for the purpose of addressing the requirements of Sections 7585 through 7605 include, but not be limited to, the following elements:

(a) The adoption of operating rules or ordinances to implement the cross-connection program.

(b) The conducting of surveys to identify water user premises where cross-connections are likely to occur,

(c) The provisions of backflow protection by the water user at the user's connection or within the user's premises or both,

(d) The provision of at least one person trained in cross-connection control to carry out the cross-connection program,

(e) The establishment of a procedure or system for testing backflow preventers, and

(f) The maintenance of records of locations, tests, and repairs of backflow preventers.

§7585. Evaluation of hazard.

The water supplier shall evaluate the degree of potential health hazard to the public water supply which may be created as a result of conditions existing on a user's premises. The water supplier, however, shall not be responsible for abatement of cross-connections which may exist within a user's premises. As a minimum, the evaluation should consider: the existence of cross-connections, the nature of materials handled on the property, the probability of a backflow occurring, the degree of piping system complexity and the potential for piping system modification. Special consideration shall be given to the premises of the following types of water users:

(a) Premises where substances harmful to health are handled under pressure in a manner which could permit their entry into the public water system. This includes chemical or biological process waters and water from public water supplies which have deteriorated in sanitary quality.

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(b) Premises having an auxiliary water supply, unless the auxiliary supply is accepted as an additional source by the water supplier and is approved by the health agency.

(c) Premises that have internal cross-connections that are not abated to the satisfaction of the water supplier or the health agency.

(d) Premises where cross-connections are likely to occur and entry is restricted so that cross-connection inspections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.

(e) Premises having a repeated history of cross-connections being established or re-established.

§7586. User supervisor.

The health agency and water supplier may, at their discretion, require an industrial water user to designate a user supervisor when the water user's premises has a multipiping system that convey various types of fluids, some of which may be hazardous and where changes in the piping system are frequently made. The user supervisor shall be responsible for the avoidance of cross-connections during the installation, operation and maintenance of the water user's pipelines and equipment.

Article 2. Protection of Water System

§7601. Approval of backflow preventers.

Backflow preventers required by this Chapter shall have passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the Department.

§7602. Construction of backflow preventers.

(a) Air-gap Separation. An Air-gap separation (AG) shall be at least double the diameter of the supply pipe, measured vertically from the flood rim of the receiving vessel to the supply pipe; however, in no case shall this separation be less than one inch.

(b) Double Check Valve Assembly. A required double check valve assembly (DC) shall, as a minimum, conform to the AWWA Standard C506-78 (R83) adopted on January 28, 1978 for Double Check Valve Type Backflow Preventive Devices which is herein incorporated by reference.

(c) Reduced Pressure Principle Backflow Prevention Device. A required reduced pressure principle backflow prevention device (RP) shall, as a minimum, conform to the AWWA Standard C506-78 (R83) adopted on January 28, 1978 for Reduced Pressure Principle Type Backflow Prevention Devices which is herein incorporated by reference.

§7603. Location of backflow preventers.

(a) Air-gap Separation. An air-gap separation shall be located as close as practical to the user's connection and all piping between the user's connection and the receiving tank shall be

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entirely visible unless otherwise approved in writing by the water supplier and the health agency.

(b) Double Check Valve Assembly. A double check valve assembly shall be located as close as practical to the user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance.

(c) Reduced Pressure Principle Backflow Prevention Device. A reduced pressure principle backflow prevention device shall be located as close as practical to the user's connection and shall be installed a minimum of twelve inches (12") above grade and not more than thirty-six inches (36") above grade measured from the bottom of the device and with a minimum of twelve inches (12") side clearance.

§7604. Type of protection required.

The type of protection that shall be provided to prevent backflow into the public water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listed in an increasing level of protection) includes: Double check Valve Assembly-(DC), Reduced Pressure Principle Backflow Prevention Device-(RP) and an Air gap Separation-(AG). The water user may choose a higher level of protection than required by the water supplier. The minimum types of backflow protection required to protect the public water supply, at the water user's connection to premises with various degrees of hazard, are given in Table 1. Situations not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the water supplier or health agency.

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**TABLE 1
TYPE OF BACKFLOW PROTECTION REQUIRED**

Degree of Hazard	Minimum Type of Backflow Prevention
(a) Sewage and Hazardous Substances	
(1) Premises where there are waste water pumping and/or treatment plants and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(2) Premises where hazardous substances are handled in any manner in which the substances may enter the potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(3) Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.	RP
(b) Auxiliary Water Supplies	
(1) Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. A RP or DC may be provided in lieu of an AG if approved by the health agency and water supplier	AG
(2) Premises where there is an unapproved auxiliary RP water supply and there are no interconnections with the public water system. A DC may be provided in lieu of a RP if approved by the health agency and water supplier.	RP
(c) Recycled water	
(1) Premises where the public water system is used to supplement the recycled water supply.	AG
(2) Premises where recycled water is used, other than as allowed in paragraph (3), and there is no interconnection with the potable water system.	RP
(3) Residences using recycled water for landscape irrigation as part of an approved dual plumbed use area established pursuant to sections 60313 through 60316 unless the recycled water supplier obtains approval of the local public water supplier, or the Department if the water supplier is also the supplier of the recycled water, to utilize an alternative backflow protection plan that includes an annual inspection and annual shutdown test of the recycled water and potable water systems pursuant to subsection 60316(a).	DC
(d) Fire Protection Systems	
(1) Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).	DC
(2) Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. A RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG

NOTE: This publication is meant to be an aid to the staff of the CDPH Drinking Water Program and cannot be relied upon by the regulated community as the State of California's representation of the law. The published codes are the only official representation of the law. Refer to the published codes—in this case, 17 CCR and 22 CCR—whenever specific citations are required. Statutes related to CDPH's drinking water-related activities are in the Health & Safety Code, the Water Code, and other codes.

- (3) Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from private reservoirs or tanks are used. DC
- (4) Premises where the fire system is supplied from the public water system and where recycled water is used in a separate piping system within the same building. DC
- (e) Dockside Watering Points and Marine Facilities
 - (1) Pier hydrants for supplying water to vessels for any purpose. RP
 - (2) Premises where there are marine facilities. RP
- (f) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that do not exist. RP
- (g) Premises where there is a repeated history of cross-connections being established or re-established. RP

§7605. Testing and maintenance of backflow preventers.

- (a) The water supplier shall assure that adequate maintenance and periodic testing are provided by the water user to ensure their proper operation.
- (b) Backflow preventers shall be tested by persons who have demonstrated their competency in testing of these devices to the water supplier or health agency.
- (c) Backflow preventers shall be tested at least annually or more frequently if determined to be necessary by the health agency or water supplier. When devices are found to be defective, they shall be repaired or replaced in accordance with the provisions of this Chapter.
- (d) Backflow preventers shall be tested immediately after they are installed, relocated or repaired and not placed in service unless they are functioning as required.
- (e) The water supplier shall notify the water user when testing of backflow preventers is needed. The notice shall contain the date when the test must be completed.
- (f) Reports of testing and maintenance shall be maintained by the water supplier for a minimum of three years.

**APPENDIX B
MODIFIED RIO DELL ORDINANCE CHAPTER 13**

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Rio Dell Chapter 13.15 CROSS CONNECTION CONTROL

Sections:

- 13.15.010 Purpose.
- 13.15.020 Application.
- 13.15.030 Enforcement.
- 13.15.040 Definitions.
- 13.15.050 Cross connections prohibited.
- 13.15.060 Installation of backflow prevention device.
- 13.15.070 Types of backflow prevention device required.
- 13.15.080 Location.
- 13.15.090 Installation.
- 13.15.100 Approved backflow devices.
- 13.15.110 Inspections.
- 13.15.111 New service requirements
- 13.15.112 Water system survey.
- 13.15.113 Customer notification - Assembly installation
- 13.15.114 Customer notification - Testing and maintenance.
- 13.15.120 Right of entry for inspections.
- 13.15.130 Termination of services.
- 13.15.140 Rates.

13.15.010 Purpose.

*The purpose of this chapter, in conjunction with Section 1003 of the Uniform Plumbing Code and the State of California Public Health Administrative Code, Title 17, is to protect the public health by the control and prevention of actual and potential cross connection (1) by requiring the proper installation and safeguarding of service lines leading to premises where cross connections exist or are likely to occur; (2) by periodic inspecting; (3) by regulating plumbing within premises to minimize the danger of contamination to the water system on the premises or the public water system itself. [Ord. 196 § 1, 1988.]

13.15.020 Application.

This regulation applies throughout the City to all premises and the owners and occupants thereof served by the City's water system. It applies to all systems installed prior to or after its enactment. Every owner and every occupant of premises covered by this regulation is responsible for compliance with its terms and shall be strictly liable for all damages incurring as a result of failure to comply with express terms and provisions contained herein. [Ord. 196 § 2, 1988.]

13.15.030 Enforcement.

The Director of Public Works will administer the provisions of this chapter. Any deviation, modification, changes from standard or approval of methods and material shall be by the Director. [Ord. 196 § 3, 1988.]

13.15.040 Definitions.

The following definitions will apply to interpretation of this chapter:

“Air gap separation” means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level diameter of the supply pipe measured vertically above the flood level rim of the vessel. In no case may the gap be less than one inch.

“Auxiliary supply” means any water source or system other than the public potable water system that may be available in the building or on the premises.

“Backflow” means the reversal of flow, other than in the intended direction into the distribution of the public water system, from a service connection.

(a) “Back pressure” means the backflow caused by a pump, elevated tank, boiler, or other means that could create pressure within the system greater than the City water supply.

(b) “Back siphonage” means a form of backflow due to a negative or subatmospheric pressure within the water system.

“Backflow prevention device” means an approved device to counteract back pressure or prevent back siphonage.

“Cross connection” means any physical arrangement whereby a public water system is connected directly or indirectly with any other nonpotable water system sewer, drain, conduit, pool, storage, reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination into the public water system as a result of backflow. Bypass arrangements, jumper connections, moveable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross connections.

“Double check valve assembly (DCVA)” means an approved assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

“Reduced pressure principle backflow prevention device (RPBD)” means an approved device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with the necessary appurtenances for testing. The device must operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water system side of the device. At cessation of normal flow, the pressure between the check valves must be less than the supply pressure. In case of leakage of either check valve, the differential relief valve must operate to maintain the reduced pressure by discharging to the atmosphere. When the inlet pressure drops below two pounds per square inch, the relief valve must open

to the atmosphere, thereby providing an atmospheric zone between the two check valves. [Ord. 196 § 4, 1988.]

13.15.050 Cross connections prohibited.

Except as provided below, all cross connections, whether or not they are controlled by automatic devices such as check valves or by hand-operated mechanisms such as gate valves or stop cocks, are prohibited.

Failure on the part of persons, firms or corporations to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water services to the premises. [Ord. 196 § 5, 1988.]

13.15.060 Installation of backflow prevention device.

Backflow prevention devices shall be installed and properly maintained at the service connection or within any premises where in the judgment of the Director of Public Works the nature and extent of activity on the premises, materials used in connection with the activities or materials stored on the premises would present an immediate or potential hazard to the public's health should a cross connection occur, even though such cross connection does not exist at the time the backflow prevention device is required to be installed. This includes:

- (1) Premises having an auxiliary water supply.
- (2) Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross connections exist.
- (3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to ensure that cross connections do not exist.
- (4) Premises having a history of cross connections being established or reestablished.
- (5) Premises on which any substance is handled under pressure so as to permit entry into the public water system or where a cross connection could reasonably be expected to occur. This includes the handling of process waters and cooling waters.
- (6) Premises with commercial or residential water softener units (backwash).
- (7) Premises where materials of a toxic or hazardous nature are handled such that if backflow should occur, a serious health hazard may result.
- (8) The following types of facilities will fall into one of the above categories where a backflow prevention device shall be installed at these facilities as set forth in the California Administrative Code, Title 17, Public Health, unless the Director of Public Works determines that no health hazard exists:

- (a) Hospitals, mortuaries, clinics;

- (b) Laboratories;
- (c) Sewage treatment plants;
- (d) Food and beverage processing plants;
- (e) Chemical plants using a water process;
- (f) Metal plating industries;
- (g) Petroleum processing or storage plants;
- (h) Radioactive material processing plants or nuclear reactors;
- (i) Car washes;
- (j) Any building or structure three stories or higher;
- (k) Others specified by the certified cross connection specialist. [Ord. 196 § 6, 1988.]

13.15.070 Types of backflow prevention device required.

The type of prevention device required by the City of Rio Dell depends on the degree of hazard which exists, as follows:

(1) An air-gap separation or reduced pressure backflow prevention device shall be installed where the water supply may be contaminated by sewage, industrial waste of a toxic nature, or other contaminant which would cause a health hazard.

(2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation or reduced pressure principle backflow prevention device shall be installed.

(3) Pressure type vacuum breaker units (spring loaded) are the approved units for City-supplied irrigation systems. The unit must be installed at least 12 inches above the highest fixture point of water usage and in such a manner that drainage will preclude back pressure. [Ord. 196 § 7, 1988.]

13.15.080 Location.

Backflow prevention devices required by this chapter must be installed at the meter, at the property line of the premises when meters are not used or at a location designated by the Director of Public Works. The device must be located so as to be readily accessible for maintenance and testing, and where part of the device will not be submerged or hidden from proper inspection. [Ord. 196 § 8, 1988.]

13.15.090 Installation.

Backflow prevention devices required by this chapter must be installed under the supervision of the DPW. [Ord. 196 § 9, 1988.]

13.15.100 Approved backflow devices.

Any protective device required by this chapter must be a model approved by a hydraulics testing laboratory recognized by the State Department of Health Services, such as the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, as specified in their latest approved list of backflow devices. [Ord. 196 § 10, 1988.]

13.15.110 Inspections.

Backflow prevention devices must be inspected and tested annually or more often when inspections indicate any occasion of failure. ~~An annual inspection fee will be charged.~~ The device must be repaired, overhauled, or replaced whenever it is found to be defective. Inspections and tests must be made by a certified cross connection specialist ~~or by the City's Water Department personnel~~ and the device tagged. Inspections, testing, maintenance and repairs will be at the expense of the owner or occupant. [Ord. 196 § 11, 1988.]. The City of Rio Dell will maintain a list of locally available qualified backflow prevention device testers and will provide the list to customers that are required to test backflow prevention devices.

13.15.111 New Service Requirements.

The City shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the City upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before services will be granted.

13.15.112 Water System Survey.

The City of Rio Dell will periodically conduct necessary surveys of water users to evaluate the degree of potential health hazards. The City of Rio Dell shall notify users when backflow prevention assemblies are required to be installed (Rio Dell Regulation 13.15.113). The City of Rio Dell shall notify users when backflow prevention assemblies are required to be tested (Rio Dell Regulation 13.15.114).

13.15.113 Customer Notification - Assembly installation.

The City will notify the water user of the survey findings, listing the corrective actions to be taken if any are required. A period of 60 days will be given to complete all corrective actions required including installation of backflow prevention assemblies.

A second notice will be sent to each water user who does not take the required corrective actions prescribed in the first notice within the 60-day period allowed. The second notice will give the water user a two-week period to take the required corrective action. If no action is taken within the 2-week period the City may terminate water service to the affected water user until the required corrective actions are taken.

13.15.114 Customer Notification - Testing and Maintenance.

The City will notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user 30 days to have the assembly tested and supply the water user with the necessary form to be completed and resubmitted to the City.

A second notice shall be sent to each water user who does not have their backflow prevention assembly tested as prescribed in the first notice within the 30 day period allowed. The second notice will give the water user a two-week period to have his/her backflow prevention assembly tested. If no action is taken within the 2-week period the City may terminate water service to the affected water user until the subject assembly is tested.

Backflow preventers shall be tested immediately after they are installed, relocated or repaired and not placed in service unless they are functioning as required.

13.15.120 Right of entry for inspections.

An authorized employee of the City shall have reasonable access to any premises supplied with water for the purpose of making inspections for cross connection control, inspections of the water system and water meters upon such premises. [Ord. 196 § 12, 1988.]

13.15.130 Termination of services.

~~The failure of the owner or occupant to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter may have water service discontinued after service of 24 hours' notice of the intention of the City to do so. [Ord. 196 § 13, 1988.]~~

When the City of Rio Dell encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the procedure for terminating water service shall be instituted. Conditions or water use that create a basis for water service termination shall include, but are not limited to, the following:

1. Refusal to install or to test a backflow prevention assembly, or to repair or replace a faulty backflow prevention assembly.
2. Direct or indirect connection between the public water system and a sewer line.
3. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
4. Unprotected direct or indirect connection between the public water system and an auxiliary water system.

For condition 1 the City of Rio Dell will terminate service to a water user's premises after proper notification has been sent. If no action is taken within the allowed time period, water service shall be terminated.

For conditions 2, 3, or 4, the City of Rio Dell shall take the following steps:

1. Make reasonable effort to advise the water user of the intention to terminate water service; and
2. Terminate water service and lock service valve. The water service shall remain inactive until correction of the violations has been approved by the City of Rio Dell.

13.15.140 Rates.

Rates will be established or amended, whenever necessary, by resolution of the City Council. [Ord. 196 § 14, 1988.]

DRAFT

**APPENDIX C
COVER LETTER AND RESIDENTIAL CROSS-
CONNECTION CONTROL SURVEY FORM**

DRAFT

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



To: Residential Water Users

From: Rio Dell Public Works Department

Date: March 1, 2012

Subject: Protecting Rio Dell's Drinking Water

As required by the State of California Administrative Code (Title 17), it is the responsibility of the City of Rio Dells to protect the public drinking water supply from contamination that might occur through unintentional "backflow." Backflow is the undesirable reversal of flow in a drinking water distribution system which may introduce objectionable substances into the drinking water system.

A backflow situation could occur if the drinking water system suddenly loses pressure. For example, if large quantities of water are being pulled from the system to fight a fire, or there is a pipeline break with the loss of significant amounts of water.

An example is a home or business fire sprinkler system. Such a system gets its water from the same source as that building's drinking water. However, water can sit in the fire sprinkler line, become stale and sour, and be unfit for drinking. A backflow prevention assembly in this example has a valve which only allows water to move in one direction, so it will prevent the stale water in the sprinkler lines from reversing and getting into the drinking water system. The same goes for landscape irrigation pipelines for a home or business, or an industrial site that uses chemicals and water.

Harmful or objectionable substances may be gases, liquids, or solids such as chemicals, waste products, contents of auxiliary water systems (like groundwater wells and springs), or another substance that may change the color, add odor, or in any way change the quality of the drinking water.

Protecting the City's drinking water supply can only be achieved by identifying sites at possible risk for harmful backflow, and by periodically inspecting and evaluating backflow prevention assemblies.

As part of this ongoing process City of Rio Dell is requesting that you review the information enclosed, complete the enclosed Residential Cross-Connection Questionnaire, and return it to City Hall. Your cooperation is essential for the keeping our drinking water safe. If you have any questions please call: Randy Jensen at (707) 764-3541

City of Rio Dell

Residential Cross-Connection Questionnaire

Please read the enclosed brochure, look over the plumbing in your home and answer the questions below. Thank you for helping the City of Rio Dell meet this State of California regulation.

Please return by: _____

Question	Yes	No	Do not know
1. Is there any other source of water, such as a private well, spring, or pond at this address? If yes, is it protected by a testable backflow preventer?			
2. Do you have an irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.? If yes, is it protected by a testable backflow preventer?			
3. Do you have a swimming pool or hot tub that is filled by a direct water line? If you fill it by direct water line, is it protected by a reduced pressure backflow preventer? (See brochure)			
4. To heat your home, do you use a hot water or steam boiler? (Not hot water heater) If yes, is it protected by a reduced pressure backflow preventer? (All boilers are required to have a RP)			
Are chemicals used in the water? If yes, please list the chemicals:			
5. Do you have a photo lab, medical, biological, veterinarian or farm equipment, or any other chemical or medical labs or facilities at this address? If yes, is it protected by a testable backflow preventer?			

The California Department of Public Health, Title 17 of the California Code of Regulations (Sections 7584-7605) directs us to survey all our customers, keep records of all tests on testable backflow preventers, and issue a reminder notice when testing is due. The customer shall provide access for inspection and testing by the City at all reasonable times to determine whether cross connections, sanitary hazards or other violations of the City's water rules exist.

Thank you. This survey will help prevent accidental contamination of our drinking water system. Please print name, phone number, sign, and Date.

Name (print) _____

Address _____

Phone number _____

Signature _____

Date _____

If you have any questions about cross contamination or backflow prevention, please call the City of Rio Dell Water Department at (707) 764-3541.

Cross Connections and Backflow Prevention

Potential cross connection areas	Protect yourself from backflow incidents
<p>1. Commercial and Industrial Bottling plants Fire systems Heating and cooling systems Mixing tanks Paint and ink mills Printing plants Plating works Mortuaries Veterinary clinics Dental clinics Medical clinics Water-cooled equipment</p> <p>2. Leisure Areas Campgrounds County fairgrounds Parks and play grounds Golf courses Swimming pools Fountains Recreation waterfront areas Recreational vehicle connections</p> <p>3. Residential Basement and outdoor Hose connections Sprinkler systems Swimming pools Hot tub or spa Chemical/photo lab facilities Livestock waterers, tank fillers Solar heating systems Boilers</p>	<p>1. Check your faucets to make sure all faucet endpoints are above the flood level of the sink, tub, basin or other apparatus they supply.</p> <p>2. Protect your faucet extensions by installing proper backflow prevention devices on all faucets capable of having a hose or other extension attached.</p> <p>3. Check drain lines (refrigerator drink dispensers, water softeners, heat exchangers, etc.) to make sure there is an adequate air gap between the drain line and the floor drain or sewer line into which they discharge.</p> <p>4. Never use unprotected faucets to fill non-drinking water containers (i.e., water beds, wading pools, stock tanks, hot tubs, etc.).</p> <p>Phone numbers Water emergencies (707) 764-3541.</p>

DEFINITIONS

Cross Connection: An actual or potential connection between the safe drinking water supply and a source of contamination or pollution. All cross connections need backflow preventers.

Backflow Preventer: A device or process that prevents impurities or contaminants from being drawn into the safe drinking water supply. There are testable and nontestable preventers.

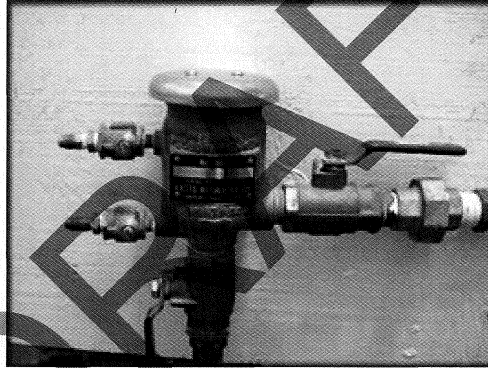
Test requirements

Reo Dell City rules require backflow preventers be tested every year. California Department of Public Health regulations (Title 17) direct us to keep records of these tests and issue notices when testing is due. This does not apply to lawn sprinkler systems unless they use booster pumps or chemical injection systems.

TESTABLE PREVENTERS

Pressure Vacuum Breaker (PVB):

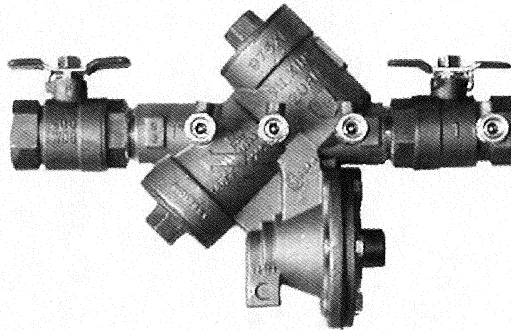
Typically found on underground water sprinkler systems.



Reduced Pressure Backflow Preventer (RP):

Typically found in high-hazard areas and some lawn sprinkler systems.

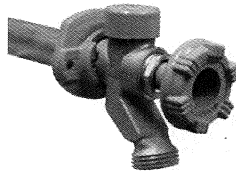
All commercial and residential boilers are required to be protected with this type of device (RP).



NON-TESTABLE PREVENTERS

Anti-Siphon Freezeless Wall Faucet:

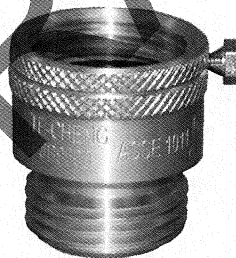
- A. This faucet is the newer type. It has a built-in antisiphon device.
- B. It may be used to fill a pool, bucket or sink of water.
- C. Homes built since 1992 already may be equipped with HVBs on all hose connections.



Hose Bibb Vacuum Breaker (HVB):

HVBs are needed on all hose connections:

- A. Hose sprayers which use water pressure to draw chemicals, like weed killer, into a stream of water.
- B. Hoses which are submerged into a bucket, pool or sink of water. The HVB prevents contaminants from being drawn back into the safe drinking water supply if a change in water pressure occurs. The device is inexpensive and easy to install. It can be purchased where plumbing supplies are sold. For best results, use a "freeze-proof, self-draining HVB."



Never submerge a hose without a Hose Bibb Vacuum Breaker (HVB) into a bucket, pool, tub or sink.

If you have any questions about cross contamination or backflow prevention, please call the City of Rio Dell Water Department at (707) 764-3541.

**APPENDIX D
LIST OF PROPERTIES OWNER CERTIFIED AS NOT
HAVING AN AUXILARY WATER SUPPLY**

DRAFT

Address	Record Source	Auxiliary Source	Comments	Owner Certification (NO WELL)
39 Belleview	1991 1992 Certification Records			Yes
249 Belleview	1991 1992 Certification Records			Yes
305 Belleview	1991 1992 Certification Records			Yes
510 Belleview	1991 1992 Certification Records			Yes
545 Davis	1991 1992 Certification Records			Yes
365 Hilltop	1991 1992 Certification Records			Yes
221 Monument Road	1991 1992 Certification Records			Yes
439 Northwestern	1991 1992 Certification Records			Yes
551 Northwestern	1991 1992 Certification Records			Yes
141 North Pacific	1991 1992 Certification Records			Yes
775 Pacific	1991 1992 Certification Records			Yes
1010 Pine	1991 1992 Certification Records			Yes
780 Rigby	1991 1992 Certification Records		Former City well supplies 1 small house.	Yes
1111 Riverside Drive	1991 1992 Certification Records			Yes
243 Sequoia	1991 1992 Certification Records			Yes
381 Sequoia	1991 1992 Certification Records			Yes
130 Webster	1991 1992 Certification Records			Yes
135 Webster	1991 1992 Certification Records			Yes
675 Wildwood	1991 1992 Certification Records			Yes
290 Willow	1991 1992 Certification Records			Yes
775 Pacific	1991 1992 Certification Records			Yes
Dinsmore Ranch	1991 1992 Certification Records	Spring		Yes

DRAFT

**APPENDIX E
LIST OF PROPERTIES WITH POTENTIAL AUXILARY
WATER SUPPLY NOT OWNER CERTIFIED**

DRAFT

Address	Record Source	Auxiliary Source	Comments	Owner Certification (NO WELL)
Brave Ranch	1991 1992 Certification Records	Possible Well		
920 Rio Dell Ave.	1991 1992 Certification Records	Possible Well, Dentist		
349 Cherry Lane	1988 Program Table 1 Existing Water Sources	Spring		
597 View Ave	1988 Program Table 1 Existing Water Sources	Spring		
153 Elko Street	1988 Program Table 1 Existing Water Sources	Well	Former City well supplies 1 small house.	
381 Sequoia	1988 Program Table 1 Existing Water Sources	Well		
510 Painter	1988 Program Table 1 Existing Water Sources	Well		
Former Eel River Sawmills	1988 Program Table 1 Existing Water Sources	Wells	Existing City Wells	

DRAFT

**APPENDIX F
HUMBOLDT COUNTY LIST OF PROPERTIES WITH
WATER WELLS**

DRAFT

AP #	Applicant Last Name		Date Rec'd	Project Number	1st Corresp.	Date Approved	Date Sent
205-111-027	Rio Dell	City Wells	03/07/2001	00\01-534		03/06/2001	03/08/2001
052-281-001	Barisdale	555 Painter St	02/25/2003	02/03-0573		03/12/2003	03/12/2003
205-071-026	Ruggles	2643 Rio Vista	04/02/2003	02/03-0732		04/03/2003	04/07/2003
052-031-009	Ruggles	2643 Rio Vista	04/15/2003	02/03-0762		04/11/2003	04/17/2003
052-271-007	Salmon	480 Painter St	04/14/2003	02/03-0763		05/13/2003	05/23/2003
205-071-028	Allen	2727 Rio Vista	06/16/2003	02/03-0954		07/21/2003	07/24/2003
205-071-028	Allen	2727 Rio Vista	07/30/2004	04/05-0105		09/14/2004	09/16/2004
052-011-010	Bell	Blueslide Rd	07/28/2006	06/07-0080		08/16/2006	08/16/2006
052-011-005	Close	350 Woodland Ave	06/28/2007	06/07-0981		07/25/2007	07/25/2007
052-191-012	Throgmorton	2401 Rio Vista	05/20/2011	10/11-0601		06/02/2011	06/02/2011

DRAFT

**APPENDIX G
COVER LETTERS FOR PROPERTIES PREVIOUSLY
IDENTIFIED AS HAVING AUXILIARY WATER SUPPLIES**

DRAFT

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



To: Residential Water Users with **Groundwater Wells or Springs**

From: Rio Dell Public Works Department

Date: March 1, 2012

Subject: Protecting Rio Dell's Drinking Water

As required by the State of California Administrative Code (Title 17), it is the responsibility of the City of Rio Dells to protect the public drinking water supply from contamination that might occur through unintentional "backflow." Backflow is the undesirable reversal of flow in a drinking water distribution system which may introduce objectionable substances into the drinking water system.

A backflow situation could occur if the drinking water system suddenly loses pressure. For example, if large quantities of water are being pulled from the system to fight a fire, or there is a pipeline break with the loss of significant amounts of water.

City of Rio Dell records or Humboldt County well permit files indicate that there is a secondary water source on your property (well or spring).

If the well has been plugged according to Humboldt County Rules please provide documentation along with the completed residential survey form.

As part of this ongoing process City of Rio Dell is requesting that you review the information enclosed, complete the enclosed Residential Cross-Connection Questionnaire, and return it to City Hall. Your cooperation is essential for the keeping our drinking water safe. If you have any questions please call:

Randy Jensen at (707) 764-3541

City of Rio Dell

Residential Cross-Connection Questionnaire

Please read the enclosed brochure, look over the plumbing in your home and answer the questions below. Thank you for helping the City of Rio Dell meet this State of California regulation.

Please return by: _____

Question	Yes	No	Do not know
1. Is there any other source of water, such as a private well, spring, or pond at this address?			
If yes, is it protected by a testable backflow preventer?			
2. Do you have an irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.?			
If yes, is it protected by a testable backflow preventer?			
3. Do you have a swimming pool or hot tub that is filled by a direct water line?			
If you fill it by direct water line, is it protected by a reduced pressure backflow preventer? (See brochure)			
4. To heat your home, do you use a hot water or steam boiler? (Not hot water heater)			
If yes, is it protected by a reduced pressure backflow preventer?			
(All boilers are required to have a RP)			
Are chemicals used in the water?			
If yes, please list the chemicals:			
5. Do you have a photo lab, medical, biological, veterinarian or farm equipment, or any other chemical or medical labs or facilities at this address?			
If yes, is it protected by a testable backflow preventer?			

The California Department of Public Health, Title 17 of the California Code of Regulations (Sections 7584-7605) directs us to survey all our customers, keep records of all tests on testable backflow preventers, and issue a reminder notice when testing is due. The customer shall provide access for inspection and testing by the City at all reasonable times to determine whether cross connections, sanitary hazards or other violations of the City's water rules exist.

Thank you. This survey will help prevent accidental contamination of our drinking water system. Please print name, phone number, sign, and Date.

Name (print) _____

Address _____

Phone number _____

Signature _____

Date _____

If you have any questions about cross contamination or backflow prevention, please call the City of Rio Dell Water Department at (707) 764-3541.

Cross Connections and Backflow Prevention

Potential cross connection areas	Protect yourself from backflow incidents
<p>1. Commercial and Industrial Bottling plants Fire systems Heating and cooling systems Mixing tanks Paint and ink mills Printing plants Plating works Mortuaries Veterinary clinics Dental clinics Medical clinics Water-cooled equipment</p> <p>2. Leisure Areas Campgrounds County fairgrounds Parks and play grounds Golf courses Swimming pools Fountains Recreation waterfront areas Recreational vehicle connections</p> <p>3. Residential Basement and outdoor Hose connections Sprinkler systems Swimming pools Hot tub or spa Chemical/photo lab facilities Livestock waterers, tank fillers Solar heating systems Boilers</p>	<p>1. Check your faucets to make sure all faucet endpoints are above the flood level of the sink, tub, basin or other apparatus they supply.</p> <p>2. Protect your faucet extensions by installing proper backflow prevention devices on all faucets capable of having a hose or other extension attached.</p> <p>3. Check drain lines (refrigerator drink dispensers, water softeners, heat exchangers, etc.) to make sure there is an adequate air gap between the drain line and the floor drain or sewer line into which they discharge.</p> <p>4. Never use unprotected faucets to fill non-drinking water containers (i.e., water beds, wading pools, stock tanks, hot tubs, etc.).</p> <p>Phone numbers Water emergencies (707) 764-3541.</p>

DEFINITIONS

Cross Connection: An actual or potential connection between the safe drinking water supply and a source of contamination or pollution. All cross connections need backflow preventers.

Backflow Preventer: A device or process that prevents impurities or contaminants from being drawn into the safe drinking water supply. There are testable and nontestable preventers.

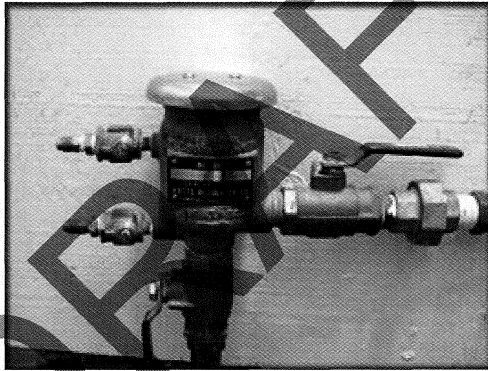
Test requirements

Reo Dell City rules require backflow preventers be tested every year. California Department of Public Health regulations (Title 17) direct us to keep records of these tests and issue notices when testing is due. This does not apply to lawn sprinkler systems unless they use booster pumps or chemical injection systems.

TESTABLE PREVENTERS

Pressure Vacuum Breaker (PVB):

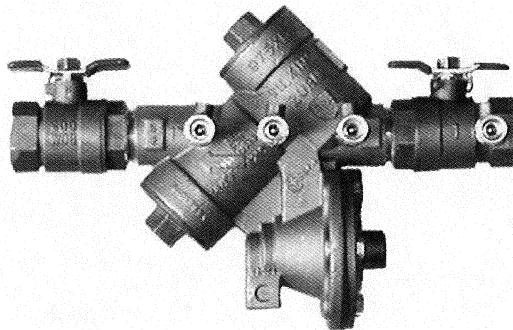
Typically found on underground water sprinkler systems.



Reduced Pressure Backflow Preventer (RP):

Typically found in high-hazard areas and some lawn sprinkler systems.

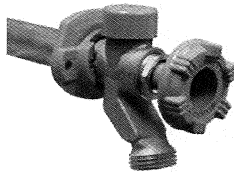
All commercial and residential boilers are required to be protected with this type of device (RP).



NON-TESTABLE PREVENTERS

Anti-Siphon Freezeless Wall Faucet:

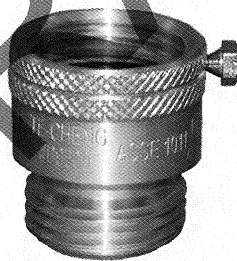
- A. This faucet is the newer type. It has a built-in antisiphon device.
- B. It may be used to fill a pool, bucket or sink of water.
- C. Homes built since 1992 already may be equipped with HVBs on all hose connections.



Hose Bibb Vacuum Breaker (HVB):

HVBs are needed on all hose connections:

- A. Hose sprayers which use water pressure to draw chemicals, like weed killer, into a stream of water.
- B. Hoses which are submerged into a bucket, pool or sink of water. The HVB prevents contaminants from being drawn back into the safe drinking water supply if a change in water pressure occurs. The device is inexpensive and easy to install. It can be purchased where plumbing supplies are sold. For best results, use a "freeze-proof, self-draining HVB."



Never submerge a hose without a Hose Bibb Vacuum Breaker (HVB) into a bucket, pool, tub or sink.

If you have any questions about cross contamination or backflow prevention, please call the City of Rio Dell Water Department at (707) 764-3541.

**APPENDIX H
COVER LETTERS AND COMMERCIAL CROSS-
CONNECTION CONTROL SURVEY FORMS**

DRAFT

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



To: Commercial Water Users

From: Rio Dell Public Works Department

Date: March 1, 2012

Subject: Protecting Rio Dell's Drinking Water

As required by the State of California Administrative Code (Title 17), it is the responsibility of the City of Rio Dells to protect the public drinking water supply from contamination that might occur through unintentional "backflow." Backflow is the undesirable reversal of flow in a drinking water distribution system which may introduce objectionable substances into the drinking water system.

A backflow situation could occur if the drinking water system suddenly loses pressure. For example, if large quantities of water are being pulled from the system to fight a fire, or there is a pipeline break with the loss of significant amounts of water.

An example is a home or business fire sprinkler system. Such a system gets its water from the same source as that building's drinking water. However, water can sit in the fire sprinkler line, become stale and sour, and be unfit for drinking. A backflow prevention assembly in this example has a valve which only allows water to move in one direction, so it will prevent the stale water in the sprinkler lines from reversing and getting into the drinking water system. The same goes for landscape irrigation pipelines for a home or business, or an industrial site that uses chemicals and water.

Harmful or objectionable substances may be gases, liquids, or solids such as chemicals, waste products, contents of auxiliary water systems (like groundwater wells and springs), or another substance that may change the color, add odor, or in any way change the quality of the drinking water.

Protecting the City's drinking water supply can only be achieved by identifying sites at possible risk for harmful backflow, and by periodically inspecting and evaluating backflow prevention assemblies.

As part of this ongoing process City of Rio Dell is requesting that you review the information enclosed, complete the enclosed Commercial Cross-Connection Questionnaire, and return it to City Hall. Your cooperation is essential for the keeping our drinking water safe. If you have any questions please call: Randy Jensen at (707) 764-3541

City of Rio Dell Commercial Cross-Connection Questionnaire

Please read the enclosed brochure, look over the plumbing in your business and answer the questions below. Thank you for helping meet this State of California regulation.

Please return by: _____

Question	Yes	No	Do not know
1. Is there any other source of water, such as a private well, at this address?			
If yes, is it protected by a testable backflow preventer?			
2. Do you have a swimming pool or hot tub that is filled by a direct water line?			
If you fill it by direct water line, is it protected by a reduced pressure backflow preventer? (See brochure)			
3. Do you have an irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.?			
If yes, is it protected by a testable backflow preventer?			
4. Do you have hot water or steam boilers (not water heaters)?			
If yes, is it protected by a testable backflow preventer?			
Are chemicals used in the water?			
If yes, please list the chemicals:			
5. Do you have cooling tower?			
If yes, is it protected by a testable backflow preventer?			
Are chemicals used in the water?			
If yes, please list the chemicals:			
6. Do you have a photo lab, medical, biological, veterinarian or farm equipment, or any other chemical use or medical labs or facilities at this address?			
If yes, is it protected by a testable backflow preventer?			
7. Do you use a hose aspirator for spraying chemicals?			
(All hose connections should have a hose bib vacuum breaker - see brochure)			
If yes, is it protected by a hose bib vacuum breaker?			
8. Do you have a fire suppression system?			
If yes, is it protected by a testable backflow preventer?			
9. Do you have a water truck or tank water filling station or pipe?			
If yes, is it protected by a testable backflow preventer?			
Are chemicals used in the water?			
If yes, please list the chemicals:			
10. Do you have a water cooled compressor?			
If yes, is it protected by a testable backflow preventer?			
11. Do you have a post mix carbonator?			
If yes, is it protected by a testable backflow preventer?			
12. Do you have or use yard hydrants on your property?			
If yes, is it protected by a testable backflow preventer?			

	Yes	No	Do not know
13. Are any pumps hooked to plumbing?			
If yes, please check all that apply:			
Fountain____ Pressure Booster____ Sewer____			
Other (please list)_____			

14. Please list all other water processes connected to the drinking water piping:

The California Department of Public Health, Title 17 of the California Code of Regulations (Sections 7584-7605) directs us to survey all our customers, keep records of all tests on testable backflow preventers, and issue a reminder notice when testing is due. The customer shall provide access for inspection and testing by the City at all reasonable times to determine whether cross connections, sanitary hazards or other violations of City's water rules exist.

Thank you. This survey will help prevent accidental contamination of our drinking water system. Please print name, phone number, sign, and Date.

Name (print) _____

Address _____

Phone number _____

Signature _____

Date _____

If you have any questions about cross contamination or backflow prevention, please call the City of Rio Dell Water Department at (707) 764-3541.

Cross Connections and Backflow Prevention

Potential cross connection areas

1. Commercial and Industrial

Bottling plants
Fire systems
Heating and cooling systems
Mixing tanks
Paint and ink mills
Printing plants
Plating works
Mortuaries
Veterinary clinics
Dental clinics
Medical clinics
Water-cooled equipment

2. Leisure Areas

Campgrounds
County fairgrounds
Parks and play grounds
Golf courses
Swimming pools
Fountains
Recreation waterfront areas
Recreational vehicle connections

3. Residential

Basement and outdoor Hose connections
Sprinkler systems
Swimming pools
Hot tub or spa
Chemical/photo lab facilities
Livestock waterers, tank fillers
Solar heating systems
Boilers

Protect yourself from backflow incidents

1. Check your faucets to make sure all faucet endpoints are above the flood level of the sink, tub, basin or other apparatus they supply.
2. Protect your faucet extensions by installing proper backflow prevention devices on all faucets capable of having a hose or other extension attached.
3. Check drain lines (refrigerator drink dispensers, water softeners, heat exchangers, etc.) to make sure there is an adequate air gap between the drain line and the floor drain or sewer line into which they discharge.
4. Never use unprotected faucets to fill non-drinking water containers (i.e., water beds, wading pools, stock tanks, hot tubs, etc.).

Phone numbers

Water emergencies (707) 764-3541.

DEFINITIONS

Cross Connection: An actual or potential connection between the safe drinking water supply and a source of contamination or pollution. All cross connections need backflow preventers.

Backflow Preventer: A device or process that prevents impurities or contaminants from being drawn into the safe drinking water supply. There are testable and nontestable preventers.

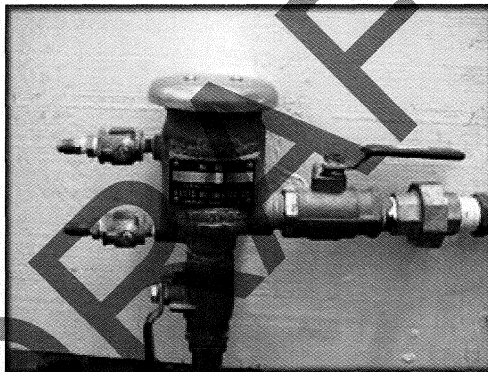
Test requirements

Reo Dell City rules require backflow preventers be tested every year. California Department of Public Health regulations (Title 17) direct us to keep records of these tests and issue notices when testing is due. This does not apply to lawn sprinkler systems unless they use booster pumps or chemical injection systems.

TESTABLE PREVENTERS

Pressure Vacuum Breaker (PVB):

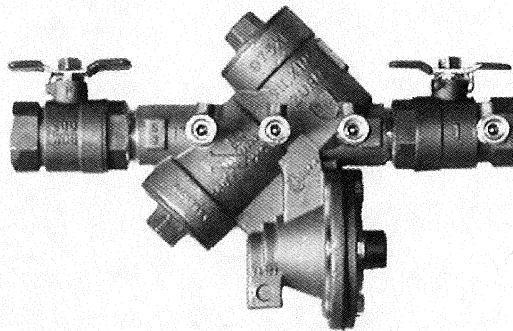
Typically found on underground water sprinkler systems.



Reduced Pressure Backflow Preventer (RP):

Typically found in high-hazard areas and some lawn sprinkler systems.

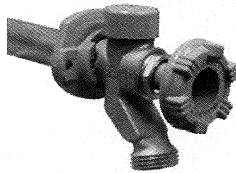
All commercial and residential boilers are required to be protected with this type of device (RP).



NON-TESTABLE PREVENTERS

Anti-Siphon Freezeless Wall Faucet:

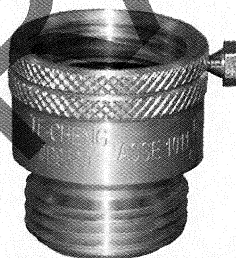
- A. This faucet is the newer type. It has a built-in antisiphon device.
- B. It may be used to fill a pool, bucket or sink of water.
- C. Homes built since 1992 already may be equipped with HVBs on all hose connections.



Hose Bibb Vacuum Breaker (HVB):

HVBs are needed on all hose connections:

- A. Hose sprayers which use water pressure to draw chemicals, like weed killer, into a stream of water.
- B. Hoses which are submerged into a bucket, pool or sink of water. The HVB prevents contaminants from being drawn back into the safe drinking water supply if a change in water pressure occurs. The device is inexpensive and easy to install. It can be purchased where plumbing supplies are sold. For best results, use a "freeze-proof, self-draining HVB."



Never submerge a hose without a Hose Bibb Vacuum Breaker (HVB) into a bucket, pool, tub or sink.

If you have any questions about cross contamination or backflow prevention, please call the City of Rio Dell Water Department at (707) 764-3541.

**APPENDIX I
HUMOLDT COUNTY LIST OF RIO DELL SITES
REGULATED FOR THE USE OF HAZARDOUS
MATERIALS**

DRAFT

Humboldt County File Number	Facility Name	Address	Database (HW-Hazardous Waste)
2288	Rio Dell Automotive	23 Center St	CRTK, HW
2125	Auto Parts	33 Center St	CRTK, HW
1404	Ray E. Summers	1403 Eeloa Avenue	CRTK, HW
2164	CDOT Hwy Paint	1473 Eeloe Avenue	CRTK, HW
1576	Rio Dell WWTP	475 Hilltop Drive	LOP, RMP, CRTK, HW
49	SBC Communications Inc.	420 Sequoia St	CRTK, RB, Archive, HW 2287 F.
2287	F.D. Thomas, Inc. Rio Dell Bridge Painting	45 Wildwood Ave	CRTK, HW
473	M & M Automotive	100 Wildwood Ave	CRTK, LOP, HW, Archive
756	HPI, Rio Dell Shell	582 Wildwood Avenue	LOP, UST, CRTK, Archive, HW
836	Brian's 76 & Auto Repair	609 Wildwood Avenue	LOP, HW, CRTK
250	Imperiale Trucking	611 Wildwood Ave.	CRTK, Archive, HW
2175	Kreations Auto Body	750 Wildwood Ave.	CRTK, HW

DRAFT

675 Wildwood Avenue
Rio Dell, CA 95562



STAFF REPORT

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: February 15, 2012

SUBJECT: RFP for Auditing Services for the Fiscal Year Ending June 30, 2012

RECOMMENDATION

By motion approve:

1. The distribution of the City's RFP for Auditing Services for the Fiscal Year Ending June 30, 2012; and
2. Appoint two (2) members of the City Council to serve on the selection recommendation committee with the City Manager and Finance Director

BUDGETARY IMPACT

The City Council has requested staff prepare an RFP to procure auditing services from a new independent auditing firm for the City's annual financial audit. The City has contracted with Mann, Urrutia, and Nelson CPAS to perform the City's annual audit since the year 2006. For reference, the United States Government Finance Officers Association recommends that auditors be contracted for a minimum of five years.

At the Councils request, we have prepared and attached an RFP for review. We are proposing the RFP be issued no later than Friday February 24, 2012 and be due by 5:00 pm on March 16, 2012.

We further propose a selection recommendation committee consisting of the City Manager, Finance Director, and two (2) members of the City Council be formed to review and make recommendation to the Council on how to proceed. Selection criteria will include: Experience and qualifications, references, ability to maintain continuity, and cost.

Based on the recommended timeline we expect a contract recommendation from the committee by April 17, 2012.



**Request for Proposals
For Audit Services
For Fiscal Year Ending June 30, 2012**

February 13, 2012

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

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I. INTRODUCTION

- a. The City of Rio Dell is requesting proposals from qualified firms of certified public accountants to audit its financial statements for the fiscal year ending 2012. At the option of the City, the audit engagement may be extended for a maximum of two subsequent fiscal years by written amendment. These audits are to be performed in accordance with Generally Accepted Auditing Standards (GAAP), the standards set forth for financial and compliance audits in the U.S. General Accounting Office's (GAO), Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, the provisions of the Single Audit Act of 1984, as amended in 1996, U.S. Office of Management and Budget (OMB) Circular A-133, Audits of State and Local Governments and Governmental Accounting Standards Board (GASB) Pronouncements.
- b. There is no expressed or implied obligation of the City of Rio Dell to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.
- c. During the evaluation process, the City of Rio Dell reserves the right, where it may serve the City's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.
- d. The City of Rio Dell reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Rio Dell and the firm selected.
- e. To be considered, five (5) copies of a proposal must be received by 5:00 PM, March 16, 2012. Please send proposals to:

Stephanie Beauchaine, Finance Director
City of Rio Dell

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

675 Wildwood Avenue
Rio Dell, California 95562



- f. The City of Rio Dell reserves the right to reject any or all provisions submitted and/or waive any irregularity.
- g. Questions about this Request for Proposal should be directed to Stephanie Beauchaine finance1@riodellcity.com. Electronic versions of prior year City audit reports are available upon request.
- h. It is anticipated the selection of a firm will be completed by April 17, 2012.

II. DESCRIPTION OF THE CITY

- a. Rio Dell is located approximately 28 miles south of the City of Eureka in Humboldt County, and was incorporated in 1965 as a general law city which operates under the council-manager form of government. The City Council consists of the Mayor who is elected by the Council to serve a two year term and four members who are elected at large serving a staggered term of four years. The City provides a full range of municipal services including Police, Building, Planning, Water, Sewer, Streets, and Administration
- b. The City's Fiscal Year 2011-2012 Operating and Capital Budgets total just under \$2.9 million
- c. The Finance Department performs: general accounting, budgeting, accounts payable, cash receipts, utility billing, business license, payroll, cash management, and debt administration.

i. Active Fund Structure:

1. Governmental Funds	2
2. Special Revenue Funds	23
3. Proprietary Funds	6
4. Fiduciary Funds	5



- d. The City of Rio Dell uses Accufund software for all accounting functions.
- e. The auditor's principal contacts with the City of Rio Dell will be Stephanie Beauchaine, Finance Director, and Ron Henrickson, City Manager. These contacts will coordinate the assistance to be provided by the City of Rio Dell to the auditor.

III. SCOPE OF SERVICES

- a. The auditors will perform a financial and compliance audit to determine (a) whether the combined financial statements of the City fairly present the financial position and the results of financial operations in accordance with Generally Accepted Accounting Principles, and (b) whether the City has complied with laws and regulations that may have a material effect upon the financial statements.
- b. The auditors will examine the City's internal accounting controls and accounting procedures and render written reports of their findings and recommendations to the Finance Director and the City Manager. The examination shall be made and reports rendered in accordance with generally accepted government auditing standards.
- c. In the required reports on internal controls, the auditor shall communicate any reportable conditions found during the audit.
- d. Reportable conditions that are also material weaknesses shall be identified as such in the report. Non-reportable conditions discovered by auditors shall be reported in a separate letter to management, which shall be referred to in the reports on internal controls.
- e. Irregularities and illegal acts: Auditors shall be required to make an immediate, written report of all irregularities and illegal acts or indications of illegal acts of which they become aware to the following parties:
 - i. City Council
 - ii. City Manager
 - iii. Finance Director



- f. Prior to issuing their final reports, the auditors will meet with the Finance Director and her designees, and conduct an exit interview with the City Manager. All audit reports will be addressed to the City Council.
- g. Field Work: The City of Rio Dell anticipates and expects the major field work for the City to begin on or near the first week of October of each year. This does not include preliminary field work which may occur June or July.
- h. Attendance at Meetings and Hearings: As part of the work scope, and included in the contract price, is attendance by the Contractor of a minimum of one (1) public meeting to present and discuss its findings and recommendations. Contractor shall attend as many "working" meetings with staff as necessary in performing work scope tasks.
- i. The auditors may be consulted occasionally throughout the year as an information resource. The auditors may be asked to provide guidance on implementation of Government Accounting Standards Board (GASB) requirements and specifics of federal and state regulations as they may affect local governmental accounting. They may also be asked to assist with the implementation of new pronouncements.

IV. DELIVERABLES

- a. Audit of the general purpose financial statements.
- b. Test programs for compliance with the Single Audit Act and applicable laws and regulations and issue the Single Audit Report.
- c. Perform agreed-upon auditing procedures pertaining to the City's GANN Limit (Appropriations Limit) and render a letter to the City regarding compliance.
- d. Fifteen copies for each of the above financial reports need to be delivered to the City no later than December of 2013. Also an electronic version of the above reports should also be emailed to the City staff by then.



V. CITY'S RESPONSIBILITIES

- a. City staff will prepare the final closing of the books and provide the Transmittal Letter, and Management's Discussion and Analysis (MD & A). The City will provide balance sheets for all funds, as well as detailed subsidiary ledgers.
- b. City staff will produce the confirmation letters that are mailed by the auditors.
- c. The City will provide the auditor with reasonable workspace, desks, and chairs. The auditors will also be furnished access to internet, telephones, facsimile machines, and photocopying machines.

VI. COMPENSATION

- a. The City will pay the auditors for those services described in Section III (Auditor's Responsibilities) the not-to-exceed amount contained within the agreement. For additional services required after the inception of the agreement, written approval by the City is required in advance of such services being rendered, for which a fee will be paid based on the auditor's quoted hourly rates.
- b. The auditors may submit itemized bills for their services at the end of each calendar month period. The City will promptly review and issue payment accordingly.
- c. The City shall receive all final opinions and reports for the City of Rio Dell financial statements by December of each year barring any unforeseen City delays.

VII. PROPOSAL REQUIREMENTS

- a. Independence: The firm should provide an affirmative statement that it is independent of the City of Rio Dell as defined by generally accepted auditing standards. Moreover, the firm must have no conflicts of interest with regard to any other work performed for the entity being audited. It is understood that the services performed by the auditors are in the capacity of independent contractors and not as an officer, agent, or employee of the City of Rio Dell.

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

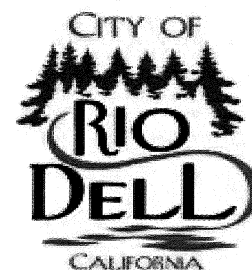


- b. License to Practice in California: An affirmative statement should be included indicating that the firm and all assigned key professional staff are properly licensed to practice in California.
- c. Firm Qualifications and Experience: The proposal should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed, and the number and nature of the staff to be so employed on a part-time basis. Please indicate whether any members of the audit team assigned to the City are reviewers in the GFOA Certificate of Achievement for Excellence in Financial Reporting program and or the CSMFO Certificate of Award program.
- d. The firm is also required to submit a copy of the report on its most recent external quality control review, with a statement whether that quality control review included a review of specific government engagements.
- e. The firm shall also provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. In addition, the firm shall provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations.
- f. For the firm's office that will be assigned responsibility for the audit, list the most significant engagements (maximum of 10) performed in the last five years that are similar to the engagement described in this request for proposals. Reference contacts should also be included.
- g. Partner, Supervisory and Staff Qualifications and Experience: The firm shall identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists, who would be assigned to the engagement and indicate whether each such person is licensed to practice as a certified public accountant in California. The firm also should provide information on the governmental auditing experience, including the scope of audit services requested by the City, of each person, and information on relevant continuing professional education for the past three (3) years



and membership in professional organizations relevant to the performance of this audit.

- h. **Specific Audit Approach:** The proposal should set forth a work plan, including an explanation of the audit methodology to be followed, to perform the services required in Part I, Section III of this request for proposals.
- i. **Total All-Inclusive Maximum Price:** The bid should contain all pricing information relative to performing the audit engagement as described in this request for proposals. The total all-inclusive maximum price to be bid is to contain all direct and indirect costs including all out-of-pocket expenses. Maximum pricing should be included for all three (3) years audits.
- j. **Hourly Rate Schedule for key personnel assigned to the City's Project.**
- k. **Ownership of City-Related Documents:** All property rights, including publication rights of all reports produced by proposer in connection with services performed under this agreement shall be vested in the City of Rio Dell. The proposer selected shall not publish or release any of the results of its examinations without express written permission from the City of Rio Dell.
- l. **Acceptance of Proposal Contents:** After auditors are selected by the City, the contents of the submitted proposal will become a contractual obligation. The successful proposer will be required to execute a standard consultant agreement with the City. Failure of the auditors to agree to include the proposal as part of the contractual agreement may result in cancellation of the award. The City reserves the right to reject those parts that do not meet with the approval of the City.
- m. **Acceptance or Rejection and Negotiation of Proposals:** The City reserves the right to reject any or all proposals, to waive non-material irregularities or information in the request for proposal, and to accept or reject any item or combination of items. By requesting proposals, the City is in no way obligated to award a contract or to pay expenses of the proposing firms in connection with the preparation or submission of a proposal. Furthermore, the City reserves the right to reject any and all proposals prior to the execution of the contract(s), with no penalty to the City of Rio Dell. If the City elects to reject all



proposals, it reserves the right to continue with its current services arrangement.

- n. Insurance Requirements: The Contractor shall provide proof of insurance as specified:
 - i. Commercial General Liability (CGL) with limits no less than \$1,000,000 per occurrence
 - ii. Workers Compensation with limits no less than \$1,000,000 per occurrence
 - iii. Professional Liability with limits no less than \$1,000,000 per occurrence
- o. Business License: The Contractor must have a valid City of Rio Dell business license prior to the execution of the contract. Additional information regarding the City's Business License Program can be obtained from Karen Dunham, City Clerk admin1@riodellcity.com, or (707)-764-3532.

VIII. EVALUATION PROCESS

- a. In reviewing the proposals, a city review team will use the following criteria (not in ranked order):
 - i. Experience and qualification of staff assigned to the engagement
 - ii. References (particularly local government references) and relevant work performed for those references
 - iii. Firm's demonstrated interest in maintaining continuity of auditing staff assigned to clients over time
 - iv. Cost
- b. Proposers may be asked to make oral presentations to supplement the proposal. These presentations would be held subsequent to the receipt of the proposals and will be part of the process for determining the qualifications of the auditors. The oral presentation may result in the rejection of the proposal by the City.



IX. TERMS OF ENGAGEMENT

- a. The audit contract period shall cover one year (1) for the fiscal year ending June 30, 2012, with the option to extend the contract an additional two (2) fiscal years ending 2013, and 2014.

X. SUBMISSION INSTRUCTIONS

- a. To be considered, five (5) copies of a proposal must be received by 5:00 PM, March 16, 2012. Please send proposals to:

Stephanie Beauchaine, Finance Director
City of Rio Dell
675 Wildwood Avenue
Rio Dell, California 95562

- b. The City of Rio Dell reserves the right to reject any or all provisions submitted and/or waive any irregularity.

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



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RH*

DATE: February 21, 2012

SUBJECT: Revising the Water Reconnection Fee and Water Deposit Fee

ATTACHEMENT: - Resolution No. 1142 -2012 – A Resolution Amending
Resolution No. 998-2008

Council Action:

- A. By motion move to approve Resolution No. 1142 -2012 – A Resolution Amending Resolution No. 998-2008 Relating to the Establishment of Water Deposit and Water Connections Fees.
- B. Take no action.

Background:

The City continues to experience write-offs related to non-payment of delinquent water bills by water customers who vacant a residence and often move out of town. The City is also experiencing customers who repeatedly fail to pay their bill and have the water shut off only to have service subsequently reconnected. The current water deposit of \$ 40.00 and reconnection fee of \$35.00 plus actual costs during regular business hours and \$75.00 plus actual costs for other times were established in 2008. Note that it has been the practice not to charge any actual costs in addition to the stipulated flat fee set forth in the resolution.

Discussion:

By comparing our fees with our neighboring cities it is evident our fees are too low.

	Rio Dell	Eureka	Fortuna	Arcata
Water deposit	\$40.00	\$60.00	\$125.00	\$185.00
Reconnection fee	\$35	\$39 \$78 second	\$75 \$100 second	\$35 first 3 times \$143 4 or more

The purpose of a water deposit fee is for the City to be able to recover unpaid bills. Under our billing system it is typical that a period of two and one half months can elapse before shut off. Consequently, the water deposit should be equal to at least two and one half months of typical billings which equate to just over \$100.00.

With respect to our reconnection fee many customers are repeat offenders. It is hoped by increasing the fee it will serve as a deterrent. It is suggested that the fee be set at \$40 for the first reconnect, \$60 for the second and \$100 for all subsequent reconnects.

In order to inform customers of the proposed changes and provide them a period to prepare for the change it is suggested the changes be made effective May 1, 2012.

Financial Impact:

If the increased fees serve the purpose they are intended the deposit fee should result in some additional revenue to the water department. The intent of increasing the reconnection fee is to reduce the number of shut-offs and the staff time associated addressing them.

Staff Recommendation:

The City Manager recommends adoption of Resolution No. 1142 -2012.

**RESOLUTION NO. 1142 -2012
A RESOLUTION AMENDING RESOLUTION NO. 998-2008
RELATING TO THE ESTABLISHMENT OF WATER DEPOSIT
AND WATER RECONNECTION FEES**

WHEREAS, THE City of Rio Dell is authorized by the California constitution and the California Code to charge fees to cover expenses for the services it provides; and

WHEREAS, The City Council of Rio Dell did on April 15, 2008 adopt Resolution No. 998-2008;

NOW, THEREFORE, BE IT RESOLVED that Section 7 (b) and Section 9 of Resolution No. 998-2008 are hereby rescinded as of the effective date of this Resolution and replaced by sections 7(b) and 9 as follows:

Section 7 (b). Water Deposit for all customers shall be \$100.00.

Section 9. Reconnection Fees

Requests made between 8:00 AM and 4:00 PM when City Hall is open: \$40 for the first reconnect; \$60.00 for the second reconnect and \$100.00 for all subsequent reconnects.

An additional charge of \$75.00 will be made for requests made between 4:00 PM and 8:00 AM on weekdays, anytime on weekends or holidays.

This Resolution shall be effective beginning May 1, 2012.

PASSED AND ADOPTED this 21st day of February, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, Clerk

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



For Meeting of: February 21, 2012

To: City Council
From: Kevin Caldwell, Community Development Director
Through: Ron Henrickson, City Manager *WH*
Date: February 13, 2012
Subject: Lot Size Modification Provisions

Recommendation:

That the City Council:

1. Receive staff's report regarding establishing lot size modification provisions, Section 17.30.130 of the Rio Dell Municipal Code (RDMC)
2. Open the public hearing, receive public input and deliberate;
3. Approve and adopt Ordinance No, 283-2012 amending Section 17.30.130 of the Rio Dell Municipal Code (RDMC) by establishing lot size modification provisions.
4. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post a post adoption summary (Attachment 2) of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background and Discussion

It was recently brought to staff's attention that the City does not have lot size modification provisions. The Planning Commission and City Council's recent action reorganizing and reformatting Chapter 17 of the Rio Dell Municipal Code provided for the future inclusion of lot size modification provisions, Section 17.30.130 of the RDMC.

The Planning Commission considered and discussed the proposed Lot Size Modification provisions at their meeting of January 25, 2012. The Commission did recommend some minor

language revisions which were presented to your Council at your meeting of February 7, 2012, where the Ordinance was introduced.

Required Findings

1. Section 65855 of the California Government Code (CGC) requires that any proposed ordinance or amendment be consistent and compatible with an overall comprehensive view of the General Plan and any implementation programs that may be affected.

Section 1.5 of the General Plan contains standards to be adopted allowing for lot size averaging. Below is a copy of the General Plan language:

“The City shall adopt the following General Plan standards:”

“The *standards for average **minimum** lot size* are designed to maintain the building intensity and population density requirements of the General Plan while allowing some flexibility in the sizes of new or adjusted lots. These standards include: the number of parcels created shall not exceed the total number of lots permitted by the land use designation; the number of primary residences or non-residential buildings shall not exceed the number permitted by the density or FAR requirements; and the lots meet the intent of the land use designation. For example in the Suburban designation, with a one acre minimum lot size and a density of one unit per acre, a ten acre subdivision could have no more than ten lots and not more than ten primary residences. Since the intent of the Suburban designation is to provide a mix of small scale agriculture with low density residential, attached housing would not be compatible with this designation.”

As indicated in the previous staff report, staff believes the required findings can be made in that the proposed text amendment is consistent with an overall comprehensive view of the General Plan and is therefore in the public interest. In fact, the proposed ordinance implementing lot size averaging provisions is not only consistent with the General Plan, but actually required by the General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. As part of the General Plan update the City prepared a Program Environmental Impact Report (PEIR) to evaluate the potential impacts associated with the General Plan. The proposed lot size modification provisions are consistent with an overall comprehensive view of the General Plan.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA.

Financial Impact

The City is responsible for the costs associated with the proposed ordinance. The cost is insignificant and will not result in additional budget expenditures or revisions.

Alternatives

The Planning Commission may choose not to recommend approval of the proposed ordinance. Staff does not recommend this alternative.

Attachments

Attachment 1: Ordinance No. 283 – 2012 amending Section 17.30.130 of the Rio Dell Municipal Code (RDMC) by establishing lot size modification provisions.

Attachment 2: Post-Adoption Summary for Posting.

ORDINANCE NO. 283 - 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING LOT SIZE MODIFICATION REGULATIONS, SECTION 17.30.130 OF THE
RIO DELL MUNICIPAL CODE:

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the General Plan contains standards allowing lot size averaging; and

WHEREAS the City's Zoning Regulations have not been amended to implement the General Plan's lot size averaging provisions; and

WHEREAS many jurisdictions allow lot size averaging or lot size modifications based on a property owners desire and/or situation or due to topography and other natural or man-made features ; and

WHEREAS the utilization of lot size averaging will help promote infill development; and

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

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

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

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

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

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

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing on January 25, 2012 to consider the proposed amendment, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended amendments; and

WHEREAS the City Council approves the recommended amendment establishing Lot Size Modification regulations, Section 17.30.130 of the Rio Dell Municipal Code; and

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

Section 1.

17.30.130 Lot Size Modifications

Exceptions to Lot Size, Lot Width and Lot Depth Standards. In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Use Permit:

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATIONS	LIMITATIONS
Minimum Lot Size	Minimum Lot Size may be modified down to not less than fifty (50) percent, or 5,000 square feet, whichever is greater.	Such modification must be approved in conjunction with a subdivision or lot line adjustment. The total number of lots created by the subdivision shall not be more than that allowed by the applicable General Plan and zone designations.
Minimum Lot Width	Minimum Lot Width may be modified to not less than fifty (50) percent.	Minimum Lot Width shall not be modified below fifty (50) feet.
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.

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 February 7, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 21st day of February 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

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



SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

Summary

On **February 21, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council approved and adopted Ordinance No. 283 – 2012 amending Section 17.30.130 of the Rio Dell Municipal Code (RDMC) by establishing lot size modification provisions.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

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



For Meeting of: February 21, 2012

To: City Council
From: Kevin Caldwell, Community Development Director
Through: Ron Henrickson, City Manager *RH*
Date: February 13, 2012
Subject: Yards; Section 17.30.280 Rio Dell Municipal Code

Recommendation:

That the City Council:

1. Receive staff's report regarding amending the existing "Yards" regulations to recodify provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block and setback provisions for corner lots.
2. Open the public hearing, receive public input and deliberate;
3. Approve and adopt Ordinance No, 284-2012 amending Section 17.30.280 of the Rio Dell Municipal Code (RDMC) to recodify provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block and setback provisions for corner lots.
4. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post a post adoption summary (Attachment 2) of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background and Discussion

The City's previous zoning regulations (Ordinance 59, Section 6.21(C)) contained provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block. Meaning that if the average front yard setback on the block were less than the standard 20 foot

front yard setback, a property owner would be able to place any new development based on the average setback. Staff recently discovered that this provision was inadvertently omitted when the current regulations were adopted in 2004. As such, staff is recommending that the provisions be recodified.

The Planning Commission considered and discussed the proposed provisions to allow front yard setbacks based on the average setbacks of improved lots on the same block and setback provisions for corner lots at their meeting of January 25, 2012. The Commission does recommend that the language of the front yard provisions be modified to require a minimum 10 foot front yard setback

Required Findings

1. Section 65855 of the California Government Code (CGC) requires that any proposed ordinance or amendment be consistent and compatible with an overall comprehensive view of the General Plan and any implementation programs that may be affected.

There are no Goals or Policies that directly apply to the proposed amendments. All General Plans are required to facilitate planned, orderly development and ensure that any proposed development is consistent with the character of existing neighborhoods. Allowing front yard setbacks to be averaged, based on existing development on the block, does help ensure that new development is consistent with the character and location of existing development. In addition, the application of the recommended corner lot or exterior side-yard setbacks requirements has historically been applied on corner lots in the City. The recodification of the provision is consistent with the existing development of many corner lots within the City.

Therefore staff believes the proposed amendments are consistent and compatible with an overall comprehensive view of the General Plan

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. As part of the General Plan update the City prepared a Program Environmental Impact Report (PEIR) to evaluate the potential impacts associated with the General Plan. The proposed front yard setback averaging provision is consistent with an overall comprehensive view of the General Plan.

Residences are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15268 of the CEQA Guidelines and Section 21080(b)(1) of the Public Resources Code. In addition, residences are categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines and Section 21083 and 21087 of the Public Resources Code.

The proposed amendments apply to existing parcels zoned for single family development. Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption

is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA.

Financial Impact

The City is responsible for the costs associated with the proposed amendments. The cost is insignificant and will not result in additional budget expenditures or revisions.

Alternatives

The Planning Commission may choose not to recommend approval of the proposed amendment. Staff does not recommend this alternative.

Attachments

Attachment 1: Ordinance No. 284 – 2012 amending Title 17, 17.30.280 of the Rio Dell Municipal Code.

Attachment 2: Post-Adoption Summary for Posting.

ORDINANCE NO. 284 - 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING YARD REGULATIONS,
SECTION 17.30.280 OF THE RIO DELL MUNICIPAL CODE:

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the City's previous zoning regulations (Ordinance 59, Section 6.21(C)) contained provisions to allow residential front yard setbacks based on the average setbacks of improved lots on the same block; and

WHEREAS staff recently discovered that this provision was inadvertently omitted when the current regulations were adopted in 2004; and

WHEREAS many jurisdictions allow setback averaging in Residential zones; and

WHEREAS the averaging provision does not apply to garages. Garages must meet the twenty (20) foot front yard setback requirement in order to provide adequate area to park vehicles without encroaching in to the sidewalk; and

WHEREAS in addition to the "averaging" provision, the City's previous zoning regulations (Ordinance 59, Section 6.21(F)) contained provisions regarding setbacks on corner lots; and

WHEREAS the provisions regarding residential corner lot setbacks were also inadvertently omitted when the current zoning regulations were adopted; and

WHEREAS staff is recommending that the previous setback averaging and corner lot yard setback provisions be recodified; and

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

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

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

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

ATTACHMENT 2

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

WHEREAS the City has determined that the amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

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

Section 1.

Section 17.30.280 Yards.

The minimum yard requirements set out in Chapter 17.20 RDMC shall be subject to the regulations of this section.

(1) Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet into such yards. Uncovered porches or stairways, fire escapes or landings may extend a maximum of six feet into front yards and three feet into side yards.

(2) Detached accessory buildings may not be located within five feet of any main building, nor within five feet of a side line, nor as to encroach on any easement. Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements except as follows:

(a) A passive solar addition to a main building, as defined herein, may be permitted in the required front, rear or side yard; provided, that no such addition shall reduce the line to less than 10 feet, nor less than five feet from a side property line, and that no such addition shall occupy more than five percent of the area of the front or rear yard, nor more than 10 percent of the side yard area.

(3) If any building is so located on a lot that the front or rear thereof faces any side lot line, it shall be at least 10 feet from such side lot line.

(4) Any dwelling located in a TC zone, except a dwelling over a commercial establishment, shall provide side and rear yards as required in UR zones. [Ord. 252 § 6.21, 2004.]

(5) In any Residential Zone, where more than one-half of the block is occupied with buildings, the required front yard setback shall be the average of the improved sites, to a maximum of that required for the zone, but in no case less than 10 feet. Garages must meet the required front yard setback for the zone.

(6) In any Residential Zone, the side yard of a corner lot shall be equal to the front yard setback if any part of the main building is within 25 feet of the rear lot line or one-half the front yard setback if all parts of the main building are more than twenty-five (25) feet from the rear lot line.

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 February 7, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 21st day of February 2012 by the following vote:

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

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

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



SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

Summary


On **February 21, 2012** at a regularly scheduled City Council meeting, the Rio Dell City Council approved and adopted Ordinance No. 284 – 2012 amending the existing “Yards” regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC) to recodify provisions to allow residential front yard setbacks based on the average setbacks of improved lots on the same block and setback provisions for corner lots.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk. General questions regarding the Ordinance, the planning process, submission of materials and information not specific to this project may be obtained from the City, 675 Wildwood Avenue, Rio Dell, CA. 95562; telephone (707) 764-3532.

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



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager 

DATE: February 21, 2012

SUBJECT: Street Improvement Assessment Project, Consideration of Ordinance No. 285-2012

ATTACHMENTS:

Ordinance No. 285-2012 – An ordinance calling a special election and ordering the submission of a proposition of incurring bonded debt for the purpose of the construction and completion of street improvements, to the qualified voters of the City at the special municipal election to be held on June 5, 2012.

Map of proposed street improvements

COUNCIL ACTION:

After public hearing

A. By motion move to declare second reading by title only of Ordinance No. 285-2012 and approve, or

B. Take no action.

BACKGROUND:

As most citizens know firsthand the majority of City streets are badly in need of repair. Some are so deteriorated that if they are not overlaid soon they will have to be reconstructed at significantly higher costs and for which the City has not the financial resources. The cost to re-construct a city street is about ten times the cost of an asphalt overlay. Other streets need a slurry seal-coat in order to extend their useful life and prevent the need for additional costly maintenance in the near future. A County pavement study in 2010 concluded that the City had the worst rated streets in the entire County.

The reason the streets are in such a condition is simple – the City has not had adequate revenue to fund the necessary maintenance required to keep streets in fine condition. Maintenance has been deferred for too many years and now the cost of addressing the situation on a City wide basis is far beyond the financial wherewithal of the City.

Bad streets are not just a driving inconvenience; they are also a prominent factor that reduces the value of one's home abutting such a street. In some cases this cost could be in the neighborhood of \$15,000 to \$20,000 or more. Bad streets also make it more difficult to sell a home and in some cases can deter a buyer from even making an offer.

Adequate street maintenance is every citizens concern because even if your property is not located on a bad street you probably have to drive on a bad street to navigate the City and the image bad streets portrays indirectly impacts the image and value of your property.

To address this situation it is proposed to implement a Street Improvement Assessment Project.

THE STREET IMPROVEMENT ASSESSMENT PROJECT:

The proposed Street Improvement Assessment Project encompasses either providing an asphalt overlay or slurry seal-coat over about 11.5 miles of City streets constituting roughly 80% of all the streets in the City. Eliminating Wildwood Avenue, which was recently paved with federal grant funds, the percentage jumps to nearly 89 % of all other City streets.

The attached map shows which streets are proposed for an asphalt overlay or slurry seal-coat. An asphalt overlay is what was done to Wildwood Avenue as well as small sections of other City streets such as West Center Street adjacent to Firemen's Park. Although there are no examples of slurry seal-coat in the City a slurry seal-coat is a premium version of a chip seal that is typically used to extend the life of asphalt pavement.

The cost of the Street Improvement Assessment Project is estimated to be \$2,825,000. In order to complete all of the work at once, which will significantly reduce the unit cost; it is proposed that the City issue General Obligation (G.O.) Bonds. The bonds would be paid over a 15 year term by an assessment on every property in the City based on assessed value.

To reduce the project cost and therefore the assessment to property owners it is proposed that the City contribute funding in the total amount of \$825,000. The source of this funding would be \$300,000 in street reserves and \$525,000 in General Fund reserves. Consequently, only \$2,000,000 will have to be bonded and repaid by property assessments.

The City has had discussions with the United States Department of Agriculture (USDA) regarding purchasing the G.O. Bonds. The current interest rate is 3.75% which is a very low rate for 15 year funding and may not be available in future years.

The City has preliminarily estimated the annual cost, which is based on assessed value, to average homeowners in three neighborhoods: the First to Third Avenue area - \$122.00, the Ogle Avenue/Bellview Road area - \$137.00, and the Riverside Drive area - \$155.00. Actual costs for specific properties will be available in a series of neighborhood meetings to be held later in the spring. Note that the initial annual cost noted above is projected to decline every year over the 15 year term.

In order for the City to assess any property the project must be placed on the ballot for the June 5, 2012 primary election. Two thirds (66%) of the votes cast would have to support the project in order for bonds to be sold and the project implemented. Consequently, it will be solely up to the voters if this project becomes a reality.

The specific ballot measure would read:

STREET IMPROVEMENTS BOND MEASURE

"To finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to existing streets in the City of Rio Dell, in order to improve the driving surface and extend the useful life of the roadways in the most economical manner possible, shall the City of Rio Dell issue \$2 million in general obligation bonds, maturing 15 years from their issue date, and bearing interest at a rate not in excess of 4.25%?"

_____ YES _____ NO

In order to fully inform voters regarding the project and answer questions City staff would propose a series of neighborhood meetings in the spring as well as mailings.

The advantages of supporting the project include:

- 11.5 miles of poorly maintained streets will be repaired at one time improving driving conditions and better looking.
- The improved streets will be more bicycle friendly.
- The City can contribute to reducing the total cost by \$825,000 or about 30%.
- The project can be financed over 15 years at an interest rate of about 3.75%, this may not be available again.
- Significant repair of City streets will likely increase the value of most City properties.
- The project will prevent further deterioration which will cost significantly more to fix in the future and for which the City has no source of funding.
- Coupled with the streetscape improvement planned for the south end of Wildwood Avenue the project will have a marked impact on improving the image of our community.

RECOMMENDATION:

The City Manager recommends the Council approve Resolution No. 1144-2012 and declare first reading of Ordinance No. 285-2012 and place it on the February 21, 2012, Council agenda for second reading and adoption.

Note that this action by the City Council merely places the issue on the June 5, 2012, primary ballot. It is ultimately up to the voters to decide if the project is implemented.

ORDINANCE NO. 285-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
CALLING A SPECIAL ELECTION AND ORDERING THE SUBMISSION
OF A PROPOSITION OF INCURRING BONDED DEBT FOR THE
PURPOSE OF THE CONSTRUCTION AND COMPLETION OF STREET
IMPROVEMENTS, TO THE QUALIFIED VOTERS OF THE CITY OF RIO
DELL AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON
JUNE 5, 2012

WHEREAS, on February 7, 2012, this City Council adopted, by a two-thirds vote of all the members of said Council, a Resolution entitled "A Resolution of the City Council of the City of Rio Dell Determining That the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effect manner possible (the "Improvements"), it is necessary for this Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at an election; and

WHEREAS, a Special Municipal Election for the City is to be held on Tuesday, June 5, 2012; and

WHEREAS, the City Council desires to submit to the voters at said election the proposition of incurring bonded indebtedness as hereinafter set forth.

Now therefore, the City Council of the City of Rio Dell does ordain as follows:

SECTION 1. That the following question shall be submitted to the voters of the City at the Special Municipal Election to be held on June 5, 2012:

STREET IMPROVEMENTS BOND MEASURE

"To finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to existing streets in the City of Rio Dell, in order to improve the driving surface and extend the useful life of the roadways in the most economical manner possible, shall the City of Rio Dell issue \$2 million in general obligation bonds, maturing 15 years from their issue date, and bearing interest at a rate not in excess of 4.25%"

_____ YES _____ NO

SECTION 2. The object and purpose of incurring the indebtedness is to finance the costs of constructing the Improvements described in the recitals to this Ordinance.

SECTION 3. The estimated cost of the portion of the costs of the Improvements to be paid for from the City's general obligations bonds is Two Million Dollars (\$2,000,000), the City having determined to contribute approximately \$850,000 of its general funds towards the cost of the Improvements. The estimated cost includes legal and other fees and the cost of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of bonds. The cost of constructing the Improvements in excess of \$2,000,000 will be paid for from other funds of the City.

SECTION 4. The amount of the principal of the indebtedness to be incurred is not to exceed Two Million Dollars (\$2,000,000).

SECTION 5. The maximum rate of interest to be paid on the indebtedness shall not be in excess of 4.25% per annum.

SECTION 6. This City Council does hereby call a special municipal election on Tuesday, June 5, 2012, and submit to the qualified voters of the City, at said Special Municipal Election, the proposition set forth in Section 1 hereof. The City proposes to acquire, construct and complete the Improvements, and to issue and sell General Obligation Bonds of the City pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above, if two-thirds of all qualified voters voting on the proposition set forth above vote in favor thereof. The bonds are to be general obligations of the City, payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

SECTION 7. That in all particulars not recited in this Ordinance, the election shall be held and conducted as provided by law for holding municipal elections. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide General Election on Tuesday, June 5, 2012, and said election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

SECTION 8. Each voter to vote for the proposition and for the incurring of said indebtedness shall fill in the oval to the left of the word "YES" on the ballot below the proposition heading; and each voter to vote against the proposition and against the incurring of said indebtedness shall fill in the oval to the left of the word "NO" on the ballot below the proposition heading.

SECTION 9. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form, and manner required by law.

SECTION 10. This Ordinance shall be published once a day for at least seven days in a newspaper printed, published and circulated at least six days a week in the City, or once a week for two weeks in a newspaper printed, published and circulated less than six days a week in the City. The first of said publications shall, in either event, be within fifteen (15) days after the adoption of this ordinance. The City Clerk is hereby authorized and directed to make said publications and to transmit, for receipt no later than March 6, 2012, a certified copy of this Ordinance to the Board of Supervisors (the "Board of Supervisors") of Humboldt County (the "County"), and a copy with the County Clerk of the County and the Registrar of Voters of the County. The City Manager is hereby authorized and directed to make any changes to the text of the Measure as required to conform to any requirements the Act or the Registrar of Voters of the County.

SECTION 11. The Board of Supervisors is hereby authorized to canvass the returns of the Bond Election herein authorized.

SECTION 12. The Board of Supervisors is hereby requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the said consolidated elections.

SECTION 13. As required by Section 53410 of the Government Code, a statement in substantially the following form shall be included in the Bond measure, and the City Council covenants to comply with the reporting requirements contained in Section 53411 of the Government Code:

Accountability Measures

As required by Section 53410 of the Government Code, the following accountability measures are hereby made a part of the City's Bond Measure __ (the "Measure"):

- a) The specific purpose of the bonds is to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effect manner possible;
- b) The proceeds from the sale of the City's bonds will be used only for the purposes specified in the Measure, and not for any other purpose;
- c) The proceeds of the Bonds will be deposited into a street improvement construction fund to be held by the City; and

d) The Finance Director of the City shall file an annual report with the City Council of the City, commencing not later than one year after the bonds have been issued, and annually thereafter until the project is complete, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the street improvement project listed in the Measure.

SECTION 14. That the City of Rio Dell recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 15. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 16. That the City Clerk is authorized, instructed and directed to have the Humboldt County Election Department procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 17. That the polls for the election shall be open at 7:00 o'clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 18. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

SECTION 19. This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to Government Code section 36937(a) upon its adoption by two-thirds vote of all the members of this City Council.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above ordinance was introduced with the first reading waived at a regular meeting of the City Council on the 7th day of February, 2012, and passed and adopted at a regular meeting of said Council held on the 21st day of February, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

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



For Meeting of: February 21, 2012

To: City Council
From: Kevin Caldwell, Community Development Director
Through: Ron Henrickson, City Manager
Date: February 17, 2012
Subject: Safe Routes 2 School Program

Recommendation:

That the Council:

1. Receive staff's report regarding the Safe Routes 2 School Program;
2. Open the public hearing, receive public comment and deliberate;
3. Adopt Resolution No. 1146-2012 supporting endorsing an application for a Safe Routes 2 School Grant to enhance the safety of pedestrian and bicycle facilities to Monument Middle School and Eagle Prairie Elementary School.

Background and Discussion

Safe Routes to School is an international movement that has taken hold in communities throughout the United States. The concept is to increase the number of children who walk or bicycle to school by funding projects that remove the barriers that currently prevent them from doing so. Those barriers include lack of infrastructure, unsafe infrastructure, lack of programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community.

The California Department of Transportation has issued a call for projects for the Safe Routes 2 School (SR2S) Program funding. Funding is for projects that improve safety for children in grades K-12 who walk or bicycle to school. The amount of funding targeted for Cycle 10 is \$45 million which would be funded from the 2011/12 State Budget Act and the projected funding from the 2012/13 State Budget.

Projects must fall under the broad categories of pedestrian facilities, traffic calming measures, installation of traffic control devices, construction of bicycle facilities, and public outreach, education and enforcement. Up to 10% of the construction cost can fund an education/encouragement/enforcement element. There is a 10% local match required; \$450,000 is the maximum amount that can be requested for a total project cost of \$500,000.

Based on discussions with the District Superintendent, a School Board Meeting (February 13, 2012), the City Police Chief and the City Public Works Department, the community has identified the following projects or improvements as their top priority:

1. Flashing LED crossing sign at the intersection of Center Street and Wildwood Avenue;
2. Flashing LED crossing sign at the intersection of Second Avenue and Davis Street;
3. Flashing LED crossing sign just west of the intersection of Fourth Avenue and Davis Street.
4. Construction of approximately 1000 lineal feet of 4 foot sidewalk along Davis Street.
5. Possible parking improvements along Center Street on the west end of the Eagle Prairie Elementary School.

Applications will be scored based on the following 7 rating factors:

1. Demonstrated needs of the applicant;
2. Potential of the proposal for reducing child injuries and fatalities;
3. Potential of the proposal for encouraging increased walking and bicycling among students.
4. Identification of safety hazards;
5. Identification of current and potential walking and bicycling routes to school;
6. Use of a public participation process, including, but not limited to, a public meeting that satisfies all of the following:
 - (a) Involves the public, schools, parents, teachers, local agencies, the business community, key professionals, and others;
 - (b) Identifies community priorities and gathers community input to guide the development of projects included in the proposal;
 - (c) Ensures that community priorities are reflected in the proposal;
 - (d) Secures support for the proposal by relevant stakeholders;

7. Benefit to a low-income school, defined for purposes of this section to mean a school where at least 75 percent of students are eligible to receive free or reduced-price meals under the National School Lunch Program.

GHD, formerly Winzler & Kelly Consulting Engineers is preparing the required application, preliminary plans and cost estimate. Once this information is prepared, staff will forward the information to your Council for review and comments. The application deadline is March 30, 2012.

Financial Impact

The cost to the city will be based on the amount of funds requested. Should the City be awarded the Grant, a 10% match is required.

Alternatives

The City could choose to not apply for the State Safe Routes 2 School program and wait for the next Federal Safe Routes to School program which does not require a funding match.

Attachments

1. Resolution No. 1146-2012 supporting endorsing an application for a Safe Routes 2 School Grant to enhance the safety of pedestrian and bicycle facilities to Monument Middle School and Eagle Prairie Elementary School.
2. State application;
3. Application Questions and Scoring Rubrics Breakdown;
4. Manufacturer's information regarding flashing LED crossing signs

RESOLUTION NO. 1146 - 2012

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL SUPPORTING
ENDORING AN APPLICATION FOR A SAFE ROUTES 2 SCHOOL GRANT TO ENHANCE
THE SAFETY OF PEDESTRIAN AND BICYCLE FACILITIES TO MONUMENT MIDDLE
SCHOOL AND EAGLE PRAIRIE ELEMENTARY SCHOOL

WHEREAS Safe Routes to School is an international movement that has taken hold in communities throughout the United States; and

WHEREAS the concept is to increase the number of children who walk or bicycle to school by funding projects that remove the barriers that currently prevent them from doing so; and

WHEREAS those barriers include lack of infrastructure, unsafe infrastructure, lack of programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community; and

WHEREAS the California Department of Transportation has issued a call for projects for the Safe Routes 2 School (SR2S) Program funding; and

WHEREAS funding is for projects that improve safety for children in grades K-12 who walk or bicycle to school; and

WHEREAS the amount of funding targeted for Cycle 10 is \$45 million which would be funded from the 2011/12 State Budget Act and the projected funding from the 2012/13 State Budget; and

WHEREAS based on discussions with the District Superintendent, a School Board Meeting (February 13, 2012, the City Police Chief and the City Public Works Department, the community has identified the need for certain improvements to enhance the safety of pedestrian and bicycle facilities to Monument Middle School and Eagle Prairie Elementary School; and

WHEREAS the City Council of the City of Rio Dell considers the well being and safety of children as they travel to and from school to be a high priority;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell supports and approves the filing of an application to obtain grant funding for the Safe Routes to School program to improve safety for children who walk or bicycle to school at both the Monument Middle School and Eagle Prairie Elementary School.

PASSED AND ADOPTED by the City Council of the City of Rio Dell at their meeting of February 21, 2012 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the City Council of the City of Rio Dell on February 21, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

Exhibit A

**APPLICATION FOR
STATE-LEGISLATED SAFE ROUTES TO SCHOOL (SR2S) PROGRAM
CYCLE 10**

APPLICATION SUMMARY

This summary page is filled out automatically once the application is completed.

IMPORTANT:

After the application is finalized, please save this PDF form using the Application ID as the file name.

Application ID:
(Use this as the file name)

SR2S10-NA-NA-NA

Caltrans District:

Applicant (Agency):

Application No:

null out of null

SR2S Funds Requested:

Project Description

Project Location

STATE-LEGISLATED SAFE ROUTES TO SCHOOL (SR2S) PROGRAM APPLICATION (CYCLE 10)

Please read the Safe Routes to School Program Guidelines available on the SR2S web site and pay special attention to Application Form Instructions while preparing this application. An incomplete or altered application format will be disqualified from further review.

The agency must save the completed PDF form using the application ID as the file name. Please send the original, one color copy and a copy on CD of the application form and attachments to the DLAE by the due date of Friday, March 30, 2012 (by close of business of or postmarked no later than this date) . Refer to the DLA's web site for the DLAE in your District and the mailing address: <http://www.dot.ca.gov/hq/LocalPrograms/dlae.htm>.

I. Applicant Information

Applicant (Agency):

County:

Caltrans District:

Metropolitan Planning Organization (MPO):

Address:

City:

Zip Code: (Enter only a 5-digit number.)

Name of Agency Contact Person (*Last, First*):

Phone Number: Extension:

Email:

II. School Information

*All schools benefited by this SR2S Project are to be listed

School No. 1 County-District-School Code (CDS)⁽¹⁾ - -

Full School Name: School Address:

School District: District Address:

Total Student Enrollment Approximate number of Students living along school route proposed for improvement⁽²⁾

% of Students Eligible for the Free and Reduced Meals Program⁽¹⁾: % (Enter 0-100)

% of Students who Currently Walk or Bicycle to School: % (Enter 0-100)

(1) Refer to the California Department of Education website: <http://www.cde.ca.gov/ds/sh/cw/filesafdc.asp>

(2) School route is defined as route students would take between home and school

III. Project Information

Project Description: Provide a brief description of the proposed project improvements i.e. Construct new sidewalks, curb ramps, and crosswalks; install bicycle racks and lockers (limited to 250 characters).

Project Location: Provide a brief description of the general location(s) of the proposed project i.e. The intersection of First St and Second St. (limited to 250 characters).

State Legislative Districts of project location (*separate Districts by commas when there are multiple*):

Assembly District:

Senate District:

Number of project applications being submitted by the applicant (agency):

Priority of this application:

Note: Priority of this application is required. The application must be ranked and prioritized with the priority number starting from 1 ("1" is the highest priority. No two applications may have the same priority number. Also enter "1" if this is the only application from your agency.)

Improvement categories included in the proposed project: (check all that apply)

- Pedestrian Facilities
- Bicycle Facilities
- Traffic Control Devices
- Traffic Calming and Speed Reduction
- Public Outreach and Education
- Other (describe below, max 100 characters)

IV. Project Cost Estimate

Please round all costs to the nearest hundreds.

Once all costs are entered, click "Check Cost Estimate" to perform validation. Click it to check again each time when the costs have been revised.

In some cases, the review committee may recommend that a project be funded providing certain components are removed from the project scope. Will the applicant proceed with the construction of the project if its scope and cost are reduced?

	SR2S Funds	Local/Other Funds ⁽⁶⁾	Total Cost
Preliminary Engineering⁽²⁾			
Environmental	<input type="text"/>	<input type="text"/>	<input type="text"/>
PS&E	<input type="text"/>	<input type="text"/>	<input type="text"/>
Right of Way			
Engineering	<input type="text"/>	<input type="text"/>	<input type="text"/>
Appraisals, Acquisitions & Utilities	<input type="text"/>	<input type="text"/>	<input type="text"/>
Construction Engineering & Construction			
Construction Engineering ⁽³⁾	<input type="text"/>	<input type="text"/>	<input type="text"/>
Construction ⁽¹⁾	<input type="text"/>	<input type="text"/>	<input type="text"/>
Public Outreach & Education and Minor Construction Improvements⁽⁴⁾			
Education, enforcement, and encouragement activities	<input type="text"/>	<input type="text"/>	<input type="text"/>
Construction on school grounds	<input type="text"/>	<input type="text"/>	<input type="text"/>
<hr/>			
Total Project Cost⁽⁵⁾	<input type="text"/>	<input type="text"/>	<input type="text"/>

- (1) For construction cost (including contingencies), provide a detailed Engineer's Estimate (use form provided on SR2S web site).
- (2) Total Cost of Preliminary Engineering may not exceed 25% of the Construction "Total Cost".
- (3) Total Cost of Construction Engineering may not exceed 15% of the Construction "Total Cost".
- (4) Total Cost of Public Outreach & Education and Minor Construction Improvements to Public School Grounds may not exceed 10% of the Construction "Total Cost".
- (5) SR2S funds may not exceed 90% of "Total Cost" or \$450,000.
- (6) Local match (10% or more) to be included by phase of work.

V. Project Schedule

Estimated dates of completion for the major milestones shown below assuming the project is approved for funding on July 1, 2012. Refer to the SR2S Program Delivery Requirements in the Cycle 10 SR2S Guidelines.

Please enter durations (in month) and estimated dates of completion will be calculated.

	Duration (Months)	Estimated Date of Completion
Target Project Approval Date:		07/01/2012
Request Allocation of SR2S Funds:		
Complete Environmental Document:		
Obtain Right of Way Clearance:		
Award Construction Contract:		
Complete Construction:		
Project Close-out:		

Cycle 10 Safe Routes to School Program

Application Questions and Scoring Rubrics Breakdown

Scoring rubrics are available to let both the applicant and the reviewer know up front what is expected in terms of the depth and scope of information being sought. Maximum score per question has been provided. Maximum total score: **100 points**.

- 1. *Public participation and planning process that contributed to the development and selection of this proposed project.*** Describe how the target school(s) were selected and prioritized among potential SR2S projects in the local community or region. Describe how community priorities were identified and community input was gathered to guide the development of the project included in the proposal, and what measures were taken to ensure that community priorities are reflected in the proposal. Describe how the process secured the support of relevant stakeholders, and involved a public participation process that included a public meeting involving the public, schools, parents, teachers, local agencies, the business community, key professionals and other relevant parties. Cite the stakeholder names and organizations/agencies and describe their participation. (RF 6&7) [SH 2333.5(b)(6)] (Max. Pts 20).

Point Breakdown: Maximum 20 points

The planning process was current and engaged diverse stakeholders including participation of disadvantaged community members impacted by the project	6 points
Applicant gathered input and describes feedback received from key collaborative agencies, including but not limited to school leadership, parent-teacher organizations, the public health department, law enforcement, traffic engineers, and pedestrian/bicycle advocates	5 points
Applicant's school selection process allows for high need/risk schools to be given high priority	3 points
Applicant cites organizations/agencies that participated in planning process	2 points
Applicant attached letters of commitment and / or support from collaborative agencies	2 points
Applicant provides adequate detail of how the schools were selected for funding	2 points

- 2. *Identification of current and proposed walking and bicycling routes to school.*** Did the planning process develop into a school travel plan, safe routes to school plan, or school route plan? If yes, please describe briefly and attach a copy of the plan to this application. If no, please describe any future plans to develop one. (RF 5) [SH 2333.5(b)(5)] (Max Pts 5).

Point Breakdown: Maximum 5 points

Applicant has a school travel plan, SRTS plan, or school safety plan to support the need for this proposed project and provided a copy	<u>EITHER</u> 5 points
Applicant describes future plans to develop a school travel plan, etc.	<u>OR</u> 1 point

- 3. *Existing Safety Hazards and Demonstrated Needs of the Applicant.*** Describe each safety risk/hazard that has been encountered at the project location when walking or bicycling to school and the extent and severity of each. Discuss how each item was determined to be a risk/hazard. (e.g. cite data such as accident reports, community observations, surveys, reports, walk or bicycle audits) (RF 1&4) [SH 2333.5(b)(1)] (Max. Pts 30).

Point Breakdown: Maximum 30 points

1. Existing road conditions or safety risk/hazard is clearly described in sufficient detail, including the extent and severity of each	15 points
2. Project location has a history of pedestrian/bicycle crashes and / or injuries	10 points
- Project location has a history of pedestrian/bicycle crashes with motor vehicles causing death or severe injury to the pedestrian/bicyclist	(EITHER 10 points)
- Project location has a history of pedestrian/bicycle crashes with motor vehicles causing no or minor injuries	(OR 5 points)
- Project location has a history of trip and fall or other injuries	(OR 2 points)
3. Applicant states how each identified safety risk/hazard was determined to be a hazard and describes how the supported documentation was used to evaluate the risk/hazard	5 points

4. **Potential of the Proposal for Reducing Child Injuries and Fatalities.** Describe how the proposed project addresses each identified safety risk/hazard and how the project will improve bicycle and pedestrian safety and calm traffic. Explain why this proposed project is the best alternative for the situation. (RF 2) [SH 2333.5(b)(2)] (Max. Pts 30).

Point Breakdown: Maximum 30 points

Solutions are provided and are appropriate for each of the safety risks/hazards	20 points
A range of alternatives considered for each safety risks/hazards are included	5 points
A cost effective solution was determined based upon alternatives considered	5 points

5. **Potential of the Proposal for Encouraging Increased Walking and Bicycling Among Students.** Describe how increased walking and bicycling among students will be encouraged and sustained after the project is completed. (e.g. partnership building, policy change, future funding, etc). Identify any specific education, encouragement, enforcement, and evaluation activities included in this project and attach a non-infrastructure activity worksheet, if applicable to the application or explain any on-going efforts that support this project. (RF 3) [SH 2333.5(b)(3)] (Max. Pts 10).

Point Breakdown: Maximum 10 points

Applicant has adopted/implemented a clear and comprehensive plan to ensure sustainability of walking and bicycling to school	4 points
Applicant identifies appropriate and realistic ways to sustain walking and bicycling	3 points
Applicant addresses any education, encouragement, enforcement, and evaluation components and includes activities that are supported by literature and promising practices	3 points

6. ***Benefit to one or more low-income schools.*** Describe how the project will benefit low-income school(s) and what portion of the project funds will be directed towards providing this benefit. (RF 7) [SH 2333.5(b)(7)] (Max. Pts 5)

Point Breakdown: Maximum 5 points

1. Applicant provides clear evidence of benefit to one or more low-income schools	4 points
- Applicant provides clear evidence of benefit to one or more low-income schools and 100% of project funds will benefit this (these) school(s)	(<u>EITHER</u> 4 points)
- Applicant provides clear evidence of benefit to one or more low-income schools and at least 75% of project funds will benefit this (these) school(s)	(<u>OR</u> 3 points)
- Applicant provides clear evidence of benefit to one or more low-income schools and at least 50 % of project funds will benefit this (these) school(s)	(<u>OR</u> 2 points)
- Applicant provides clear evidence of benefit to one or more low-income schools and at least 25 % of project funds will benefit this (these) school(s)	(<u>OR</u> 1 point)
2. The proposed project will benefit a rural low-income school	1 point



Traffic Safety Corporation
 2708 47th Ave.
 Sacramento, CA 95822-3806
 Toll Free: 888.446.9255
 Tel: 916.394.9884
 Fax: 916.394.2809
 Email: sales@xwalk.com
 Web: www.xwalk.com

TS30
MUTCD Compliant
Flashing LED Crossing Sign

General Description

The TS30 conforms to the specifications of the Federal Highway Administration (FHWA) set forth in the Manual on Uniform Traffic Control Devices (MUTCD). Using the latest advances in LED technology, the TS30 employs a set synchronized high-intensity LEDs to extend the range of visibility of the sign during the day or night. Furthermore, the LEDs are flashed, which increases driver awareness of the sign and allows drivers to act sooner in advance of the crosswalk. Drivers are given more time to respond appropriately; thus improving the safety of pedestrians.

TS30 signs may be used in conjunction with Traffic Safety Corporation's In-roadway Warning Lighting Systems (IRWLS) as a pre-warning device. Pre-warning devices provide an early warning to drivers of situations that require special caution or a speed reduction. Where economics prohibit the use of a full IRWLS, the TS30 may be used as a more cost effective, stand-alone warning system. In addition, the use of low power LED technology makes the sign ideal to be powered by solar power as well as conventional AC sources.

Typical applications include: mid-block crosswalks, school zones, parks, playgrounds, retirement communities, shopping malls and hospitals.

Why Our Signs are Better

High Visibility

- Fluorescent yellow-green Diamond Grade sheeting provides outstanding reflective brightness, day or night.
- High Intensity Luxeon LEDs extend the visibility of the sign under all weather conditions.

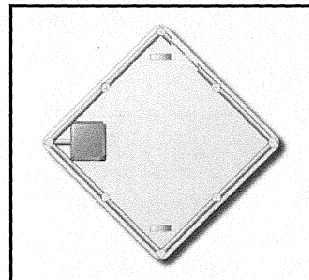
Superior Performance

- Low power LED technology reduces system power consumption and operating cost.

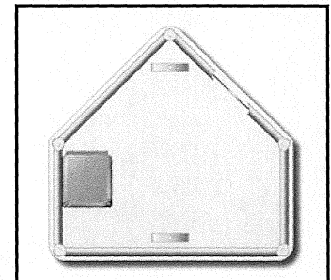
Outstanding Durability

- The use of highway grade Diamond Grade sheeting with an Anti-graffiti overlay maintains long term reflectivity.

Pedestrian Crossing Sign (W112)



School Crossing Sign (S11)



- Each LED is sealed in heat dissipating plastic enclosure to provide resistance to weather and vibration.
- Highway grade aluminum construction provides resistance to corrosion.

Features

- MUTCD Compliant
- High Visibility
- Low Power Consumption
- Low Maintenance
- Fast, Easy Installation
- Easy Integration with In-pavement Lighting System
- Vandal-resistant Mounting Hardware Included
- Eligible for TSC's 5-Year System Warranty

Ordering Codes

Product Code	Sign Type and Size	Input Voltage	Options	Quantity
SI-TS30	W11230: 30" x 30" Pedestrian Crossing W11236: 36" x 36" Pedestrian Crossing S1130: 30" x 30" School Crossing S1136: 36" x 36" School Crossing	DC: 12 VDC AC: 120 VAC		

Visit our web site: www.xwalk.com



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2708 47th Ave.
Sacramento, CA 95822-3806
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Tel: 916.394.9884
Fax: 916.394.2809
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Web: www.xwalk.com

TS30
MUTCD Compliant
Flashing LED Crossing Sign

How To Specify the TS30 MUTCD Compliant Flashing LED Crossing Sign

The MUTCD compliant flashing LED crossing sign shall be model SI-TS30 as marketed by Traffic Safety Corporation or approved equal. In order to be approved equal, the proposed device must meet or exceed the following requirements:

MUTCD Compliance: Signs shall be in compliance with MUTCD sign specifications.

Sign Substrate: The sign substrate shall be highway grade 0.08 inch aluminum backing to provide durability and resist corrosion.

Reflective Sheeting: The reflective sheeting shall be fluorescent yellow-green, 3M-Diamond-grade sheeting with an Anti-graffiti overlay to maximize visibility under all weather conditions, day or night and provide resistance to vandalism.

Light Emitting Source: High Intensity Luxeon LEDs with a life expectancy of over 100,000 hours shall be used. Power consumption shall be approximately 3.6 watts (pedestrian crossing sign) and 3.0 watts (school crossing sign). Pedestrian crossing signs shall employ eight LEDs. School crossing signs shall employ five LEDs. Each LED shall be sealed in a 7/8 inch diameter, heat dissipating plastic enclosure to provide resistance to weather and vibration. All LED enclosures shall be mounted in a 1 inch hole and ultrasonically welded to the sign assembly to provide maximum strength and rigidity.

Wiring: All wire used shall conform to military specifications MIL-W-16878D, Type D vinyl nylon jacket and covered and secured to the sign assembly using a 1 inch x 3/8 inch aluminum extrusion to provide resistance to weather and tampering.

LED Connectors: All LED connectors shall conform to Ingress protection (IP-67 rating), be dust proof, and provide protection from temporary immersion in water up to 3 feet deep for 30 minutes. Connectors shall be Deutsch DTM series.

Mounting: Signs shall include mounting provision for mounting to poles and posts (supplied by other vendors) and include vandal-resistant mounting hardware (bolts, washers, vandal-resistant nuts) and custom tool for securing vandal-resistant nuts.

Available Options:

- Signs shall be available in both pedestrian crossing and school crossing models.
- Signs shall be available in both 30 inch and 36 inch versions.
- Signs shall be available in 12 VDC and 120 VAC versions.

Warranty: The TS30 shall be warranted against defects in workmanship and materials for one year from the date of shipment and is eligible for TSC's 5-Year Limited Warranty.

Visit our web site: www.xwalk.com