



RIO DELL CITY COUNCIL AGENDA
REGULAR MEETING - 6:00 P.M.
TUESDAY, FEBRUARY 04, 2025
City Council Chambers
675 Wildwood Avenue, Rio Dell

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

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

City Council meetings are held in City Hall Council Chambers for in-person attendance by the public. The public may also attend these meetings virtually through Zoom. The meetings will also be viewable via live streaming through our partners at Access Humboldt via their YouTube channel or Suddenlink (Optimum) channels on Cable TV.

Public Comment by Email:

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

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

Zoom Public Comment:

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

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

1. 2025/0204.01 - Introduction of Rio Dell Police Chief Joshua Phinney

E. PUBLIC PRESENTATIONS

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

F. CONSENT CALENDAR

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

1. 2025/0204.02 - Approve Minutes of January 21, 2025 Regular Meeting **(ACTION)** - Pg. #4
2. 2025/0204.03 - Approve Minutes of January 27, 2025 Special Meeting **(ACTION)** - Pg. #9
3. 2025/0204.04 - Authorize the Submittal of the Measure Z Funding Application to the County of Humboldt **(ACTION)** - Pg. #11
4. 2025/0204.05 - Approve Submittal of the City's Request for for Proposal (RFP) for Auditing Services for FY 2024-25 **(ACTION)** - Pg. #13
5. 2025/0204.06 - Approve the Bid from Humboldt Fence and Authorize the City Manager to Facilitate and Execute the Contract for Phase II of the Dog Park for Small Dog Run **(ACTION)** - Pg. #23

G. ITEMS REMOVED FROM THE CONSENT CALENDAR

H. REPORTS/STAFF COMMUNICATIONS

1. 2025/0204.07 - City Manager/Staff Update **(RECEIVE & FILE)** - Pg. #27

I. SPECIAL PRESENTATIONS/STUDY SESSIONS

J. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

K. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- [1.](#) 2025/0204.08 - Second Reading (by title only) and Adoption of Ordinance No. 410-2025 Amending Section 8.35.040 of the Rio Dell Municipal Code (RDMC) Pertaining to Requirements for Commercial Edible Food Generators to Include Authority for the County of Humboldt Division of Environmental Health to Charge Fees for the Service **(DISCUSSION/POSSIBLE ACTION)** - Pg. #34

L. COUNCIL REPORTS/COMMUNICATIONS

M. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, **February 18, 2025 at 6:00 p.m.***

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
JANUARY 21, 2025**

Mayor Garnes called the regular meeting of the Rio Dell City Council to order at 5:00 p.m.

ROLL CALL: Present: (Closed Session) Mayor Garnes, Mayor Pro Tem Carter, Councilmembers Orr, Wilson, and Woodall, City Manager Knopp

Present: (Regular Meeting) Mayor Garnes, Mayor Pro Tem Carter, Councilmembers Orr, Wilson, and Woodall

Others Present: City Manager Knopp, Interim Police Chief Landry, Wastewater Superintendent Kelly, Water/Roadways Superintendent Jensen, Senior Fiscal Assistant Maciel, Senior Fiscal Assistant Townsend, and City Clerk Dunham

Absent: Finance Director Sanborn and Community Development Director Caldwell (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Public Employment – Title: Chief of Police – Gov’t Code §54957

The City Council recessed into a closed session at 5:00 p.m. with City Manager Knopp.

The Council reconvened into open session at 6:00 p.m. Mayor Garnes announced that there was nothing to report out of closed session.

PUBLIC PRESENTATIONS

Mayor Garnes invited public comment on non-agenda matters.

Michael Ward, 23 Center St. addressed the Council regarding parking and said that the City owns a 5-foot strip of land along Center St. by the Rio Dell Mobile Home Park and noted that paving that section and widening the street would help alleviate some of the parking problems in that area.

Alison Talbott, local government relations representative for PG&E addressed the Council and said that she was fortunate to have a positive working relationship with the City. She wanted everyone to know she was here to help and to reach out if needed.

CONSENT CALENDAR

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

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A motion was made by Woodall/Carter to approve the consent calendar, including the following items:

- 1) Minutes of the January 7, 2025 Regular Meeting;
- 2) Approve and Authorize the City Manager to Execute an Agreement with Wendt Construction for the Installation of a 2" Water Main on S. Cherry Lane;
- 3) Approve the Reappointment of Nick Angeloff, Larry Arsenault, and Patrick Knight to the Rio Dell Planning Commission for 3-year terms ending December 31, 2027 and;
- 4) Receive and File the Check Register for November.

Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and announced there would be a Nuisance Advisory Committee meeting tomorrow at 3:00 p.m. at City Hall followed by a Traffic Committee meeting on Thursday at 4:00 p.m. The public was invited and encouraged to attend.

Mayor Pro Tem Carter expressed thanks to city staff for everything they do.

Councilmember Woodall asked Interim Chief Landry how things were going in the Police Department.

Interim Chief Landry responded that they were looking forward to having a new Chief of Police on board and that she and Sergeant Beauchaine were working a lot of extra hours, and continuing with field training for Officer Rocha.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

Discussion/Review of the Area Hazard Mitigation Plan Annex

City Manager Knopp provided a staff report and reviewed the process for the 5-year update of the Humboldt County Hazard Mitigation Plan. The County and the City last updated the Hazard Mitigation Plan in 2020 with the anticipated submittal of the 2025 update before the end of May 2025. Once the hazard mitigation plan is adopted by all of the jurisdictional partners and approved by FEMA, the partnership will collectively and individually become eligible to apply for hazard mitigation project funding from the Pre-Disaster Mitigation Grant Program and the Hazard Mitigation Grant Program. The grants can be used to implement long-term hazard mitigation measures before and after a major disaster declaration.

He reviewed the status of previous plan actions and a matrix on the Hazard Mitigation Action Plan including new or existing assets, objectives met, the lead and support agencies, estimated cost, sources of funding, and the timeline for implementation.

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City Manager Knopp said that staff would continue to work with the county on the plan update and bring it back to the City Council for formal approval at a subsequent meeting.

He said that now is a good time if there are any other ideas that the Council or members of the public may have regarding the plan. He noted that one concept that has been brought up is to work with the Scotia Community Services District since they have the new Scotia School Gymnasium facility as a potential emergency assembly/shelter location.

The Council commented that in moving forward, the Scotia Gym is conceivably the best location for an emergency shelter and would like the City to pursue that option. She added that she will also prioritize the City's underground infrastructure, particularly water and sewer..

Mayor Garnes suggested that the Council continue discussion of the update of the Hazard Mitigation Plan before its final adoption. The Council concurred.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Introduction and first reading (by title only) of Ordinance No. 410-2025 Amending Section 8.35.040 of the Rio Dell Municipal Code (RDMC) Pertaining to Requirements for Commercial Edible Food Generators to Include Authority for the County of Humboldt Division of Environmental Health to Charge Fees for the Service

City Manager Knopp provided a staff report and explained that SB 1383, the California Short-Lived Climate Pollution Bill aims to reduce methane emissions from the landfill and rescue 20% of edible food waste. The mandate requires that cities adopt an ordinance to implement SB 1383 requirements locally.

The mandate requires edible food generators to be inspected by the responsible jurisdiction, however, the City lacks the staff and expertise to conduct such inspections. Staff is proposing to engage in an MOU with the County of Humboldt Division of Environmental Health to conduct these inspections on behalf of the City and the County has agreed to offer these services.

He noted that edible food generators are defined as certain business types larger than 10,000 sq. ft. that handle food and are required to donate excess edible food fit for human consumption. There is only one edible food generator in the City that meets the current criteria which is the Rio Dell School District.

City Manager Knopp explained that the ordinance and future MOU with the County will allow them to conduct the inspections and charge a fee for those inspections.

Mayor Pro Tem Carter asked who pays the fee; the City or the school.

City Manager Knopp explained that the County would access the fee and collect it from the school district.

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Mayor Garnes opened a public hearing to receive public input on the proposed ordinance. There being no public comment, the public hearing was closed.

A motion was made by Carter/Woodall to introduce and conduct the first reading (by title only) of *Ordinance No. 410-2025 Amending Section 8.35.040 of the Rio Dell Municipal Code (RDMC) Pertaining to Requirements for Commercial Edible Food Generators to Include Authority for the County of Humboldt Division of Environmental Health to Charge Fees for the Service* and to continue its second reading and adoption to the February 4, 2025 regular meeting. Motion carried 5-0.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Wilson announced that he would be attending a Redwood Coast Energy Authority (RCEA) meeting on Thursday.

He commented that it was disheartening to see only two public members attending tonight's meeting and pointed out that the only time the public participates gets involved in council meetings is when there is a controversial matter on the agenda such as utility rate increases or truck parking regulations.

Councilmember Orr reported that he attended a Humboldt County Association of Government (HCAOG) meeting last week and that they are still in search of a new Executive Director but they seem to have a lot of strong candidates to consider.

Mayor Pro Tem Carter announced that she would be attending a Cal Cities Transportation, Communications, and Public Works Policy Committee meeting in Sacramento on Friday; and that the January 27th RREDC meeting was canceled due to another important event.

She said that Supervisor Natalie Arroyo did a lot of research on the local health care system and interviewed providers. She is putting on a forum titled "*The Health Care Provider Recruitment and Retention in Humboldt County*" on January 27th from 6-8 p.m. and people can attend online or in person. She said that anyone interested in attending in person should reach out to her for a ticket and thanked Supervisor Arroyo for digging into such a massive problem for Humboldt County.

She also reported on the recent blood drive co-sponsored by the Community Resource Center and said that 22 people showed up to donate blood compared to the usual 6-8 people who show up to donate at the various locations. She thanked the Community Resource Center and the Rio Dell Fire Department for barbecuing the hotdogs.

Councilmember Woodall reported that she went to the last Chamber of Commerce meeting but the meeting was canceled due to the lack of a quorum.

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Mayor Garnes announced that she would be attending the Cal Cities Environmental Quality Policy Committee meeting in Sacramento on Friday and that she attended a Seismic Safety Committee meeting last Thursday with a focus on Rio Dell and the December 5th earthquake. She said they provided an animation of the quake and the bridge which was very disturbing.

Mayor Garnes thanked Nick Angeloff, Traci O'Connell, Shane Wilson, and the California Conservation Corp. (CCC) crew for coming out on Saturday to help take down the Christmas decorations.

ADJOURNMENT

A motion was made by Carter/Wilson to adjourn the meeting at 6:52 p.m. to the February 4, 2025, regular meeting. Motion carried 5-0.

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
SPECIAL MEETING MINUTES
JANUARY 27, 2025**

Mayor Garnes called the Special Meeting of the Rio Dell City Council to order at 12:00 p.m.

ROLL CALL: Present: Mayor Garnes, Councilmembers Wilson and Woodall

Absent: Mayor Pro Tem Carter and Councilmember Orr (excused)

Others Present: City Manager Knopp, and City Clerk Dunham

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment on matters not on the agenda.

Michael Panus, 1173 Riverside Dr. addressed the Council and asked how long access would be restricted on the river bar noting that he understood the trail project would be completed by the end of December.

City Manager Knopp commented that he had a meeting scheduled for later this afternoon and would have more information then. He said that the contractor was getting ready to do the hot mix asphalt and paving, weather permitting. The goal is to get the project completed as soon as possible and restore all the access. He invited Mr. Panus to contact him later in the day for an update.

SPECIAL MEETING MATTERS

Approve Employment Agreement with Chief of Police Joshua Phinney

City Manager Knopp thanked the Council for meeting and said that the reason for scheduling the special meeting was to expedite the hiring process for the Chief of Police. Under the Rio Dell Municipal Code (RDMC), the appointment requires a confirmation process by the City Council which is the formal approval of the employment agreement. He noted there would be more ceremonial matters at the next regular meeting on February 4, 2025.

Staff's recommendation was to confirm the appointment of Joshua Phinney as Chief of Police and authorize the City Manager to execute the agreement.

A motion was made by Woodall/Wilson to confirm the appointment of Joshua Phinney as Chief of Police and authorize the City Manager to execute the agreement as presented. The motion carried 3-0.

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Swearing-In of Chief of Police Joshua Phinney

Mayor Garnes administered the Oath of Allegiance to Chief Phinney followed by a round of applause by staff and public members present.

Chief Phinney thanked the City Council for the opportunity and said that it was a great honor and looked forward to strengthening the partnership and moving the city forward.

ADJOURNMENT

A motion was made by Wilson/Woodall to adjourn the meeting at 12:08 p.m. to the February 4, 2025 regular meeting.

Debra Garnes, Mayor

Karen Dunham, City Clerk

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



DATE: February 4, 2025
TO: Mayor and Members of the City Council
FROM: Travis Sanborn, Finance Director
THROUGH: Kyle Knopp, City Manager
SUBJECT: Authorization to Submit Measure Z Funding Application to the County of Humboldt

RECOMMENDATION

That the City Council:

1. Accept this report as written and authorize staff to submit the Measure Z funding application to County of Humboldt; or
2. Provide direction to staff regarding desired modifications to the funding application.

BACKGROUND AND DISCUSSION

Measure Z, approved by Humboldt County voters in 2014, is a half-cent sales tax measure specifically designed to maintain and improve essential county services, focusing on public safety. The measure generates local funding that cannot be redirected by the State and requires strict fiscal oversight, including annual independent audits and community input through a citizens' advisory committee.

The City of Rio Dell has previously benefited from Measure Z funding to support our public safety initiatives, though we have not received funding allocations in the past two fiscal years. This funding stream has proven vital for maintaining adequate law enforcement services in our community, particularly given the significant budgetary challenges faced by smaller municipalities.

For the upcoming funding cycle, the City proposes to submit an application requesting support for two crucial public safety positions:

1. One (1) Full-Time Police Officer Position: Estimated cost of \$126,000
2. One (1) Full-Time Community Services Officer Position: Estimated cost of \$116,000

These cost estimates are based on current fiscal year salary and benefit calculations and represent the full cost of maintaining these positions. Funding these positions would significantly enhance our ability to maintain adequate patrol coverage, ensure timely response to calls for service, and strengthen our community policing initiatives.

The Measure Z funding application must be submitted to the County of Humboldt by February 14, 2025. If approved, this funding would support our public safety operations, allowing us to maintain and improve service levels for our residents.

FISCAL IMPACT

If fully awarded, the Measure Z funding would provide approximately \$242,000 in support for critical public safety positions without directly impacting the City's General Fund. However, it should be noted that any future continuation of these positions beyond the grant period would require the identification of alternative funding sources or subsequent Measure Z allocations.

ATTACHMENTS

None.

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



DATE: February 4, 2025
TO: Mayor and Members of the City Council
FROM: Travis Sanborn, Finance Director
THROUGH: Kyle Knopp, City Manager
SUBJECT: Request for Proposals for Auditing Services for Fiscal Year 2024-25

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the distribution of the City’s Request for Proposal (RFP) for Auditing Services for Fiscal Year 2024-25.

BACKGROUND AND DISCUSSION

Each year, an independent auditing firm audits and prepares financial statements for the City of Rio Dell in accordance with Generally Accepted Accounting Standards (GAAP) and the standards for financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States. Those standards require an audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. Per California Government Code 12410.6:

(a) An audit for any local agency, including those submitted to the Controller pursuant to subdivision (a) of Section 12410.5, shall be made by a certified public accountant or public accountant, licensed by, and in good standing with, the California Board of Accountancy.

(b) Commencing with the 2013–14 fiscal year, a local agency shall not employ a public accounting firm to provide audit services to a local agency if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local agency for six consecutive fiscal years. For purposes of calculating the six consecutive fiscal years, the local agency shall not take into account any time that a public accounting firm was employed by that local agency prior to the 2013–14 fiscal year. The Controller may waive this requirement if the Controller finds that another eligible public accounting firm is not available to perform the audit.

JJA CPA, Inc. has provided the City with auditing services for eight consecutive years, from Fiscal Year 2016-17 through 2023/24. Per CA Govt Code 12410.6, the City of Rio Dell must find another eligible public accounting firm to perform future City audits. Last year, the Controller waived this requirement after no other eligible public accounting firms responded to the RFP.

ATTACHMENTS

Request for Proposal



REQUEST FOR PROPOSAL
FINANCIAL AUDIT SERVICES

RETURN TO:

City of Rio Dell
675 Wildwood Avenue
Rio Dell, California 95562
Attention: Travis Sanborn, Finance Director

The request for proposal process allows the City to select the vendor that best meets the needs of the City, taking into consideration qualifications, price, and service capabilities.

RFP Release Date: February 5, 2025

RFP Submittal Deadline: April 4, 2025, at 3:00 PM

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I. INTRODUCTION

- a. The City of Rio Dell requests proposals from qualified firms of certified public accountants to audit its financial statements for six years, starting with the fiscal year ending 2025. These audits are to be performed in accordance with Generally Accepted Auditing Standards (GAAP), the standards set forth for financial audits in the U.S. General Accounting Office's (GAO) Governmental Auditing Standards, federal single audit requirements, and Governmental Accounting Standards Board (GASB) Pronouncements.
- b. 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 asked to make oral presentations as part of the evaluation process.
- c. 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 expressly noted in the proposal submitted and confirmed in the contract between the City of Rio Dell and the firm selected.
- d. To be considered, five (5) proposal copies must be received by 3:00 PM, April 5, 2025. Please send proposals to:

Travis Sanborn, Finance Director
City of Rio Dell
675 Wildwood Avenue
Rio Dell, California 9556
(707) 764-3532
sanbornt@cityofriodell.ca.gov

- e. The City of Rio Dell reserves the right to reject all provisions submitted and waive any irregularity.
- f. Questions about this Request for Proposal should be directed to Travis Sanborn at sanbornt@cityofriodell.ca.gov. Electronic versions of the prior year's City audit reports are available upon request.
- g. It is anticipated that the selection of a firm will be completed by April 11, 2025.

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 that operates under the council-manager form of government. The City Council consists of the Mayor, who the Council elects to serve a two-year term, and four members, elected at large and serve 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 2024-25 Operating and Capital Budget totals \$19.5 million.
- c. The Finance Department performs general accounting, budgeting, accounts payable, accounts receivable, cash receipts, utility billing, business license, payroll, cash management, and debt administration.
- d. The City of Rio Dell uses Accufund software for all accounting functions.
- e. The finance director will be the auditor's principal contact with the City of Rio Dell. The contact person will coordinate the assistance the City of Rio Dell provides 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 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 unlawful acts of which they become aware to the following parties:
 - i. City Council
 - ii. City Manager
 - iii. Finance Director
- f. Before issuing their final reports, the auditors will meet with the Finance Director and their designees and conduct an exit interview. All audit reports will be addressed to the City Council.
- g. Field Work: The City of Rio Dell anticipates and expects the primary fieldwork for the City to begin on or near the first week of October of each year. This does not include preliminary fieldwork, which may occur in June or July.
- h. Attendance at Meetings and Hearings: The contractor's attendance at a minimum of one (1) public meeting to present and discuss its findings and recommendations is included in the work scope and the contract price. The contractor shall attend as many "working" meetings with staff as necessary to perform work-scope tasks.
- i. The auditors may be consulted occasionally throughout the year as an information resource. They may be asked to provide guidance on implementing Government Accounting Standards Board (GASB) requirements and the 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 and preparation of financial statements.
- b. If the City's federal expenditures meet the required limit, 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 about the City's GANN Limit (Appropriations Limit) and render a letter to the City regarding compliance.
- d. Preparation of the State Controller's Financial Transactions Report.
- e. Electronic copies of the above reports should be emailed to the City staff when completed.

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 and detailed subsidiary ledgers.
- b. City staff will produce the confirmation letters that the auditors mail.
- c. The City will provide the auditor with reasonable workspace, desks, and chairs. The auditors will also be furnished access to the 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), which is the not-to-exceed amount contained within the agreement. For additional services required after the agreement's inception, written approval by the City is required before such services are 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. 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's 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 concerning 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 rather than as officers, agents, or employees of the City of Rio Dell.
- b. License to Practice in California: An affirmative statement indicating that the firm and all assigned key professional staff are appropriately licensed to practice in California should be included.
- 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 or the CSMFO Certificate of Award program.

- d. The firm must also submit a copy of the report on its most recent external quality control review, stating whether it 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 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 proposal request. 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, information on relevant continuing professional education for the past three (3) years, and membership in professional organizations pertinent 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 described in this proposal request. The total all-inclusive maximum price should include all direct and indirect costs, including all out-of-pocket expenses. Maximum pricing should be included for all years of 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 the proposer in connection with services performed under this agreement, shall be vested in the City of Rio Dell. The

proposer selected shall only publish or release the results of its examinations with express written permission from the City of Rio Dell.

- l. **Acceptance of Proposal Contents:** After the City selects auditors, the contents of the submitted proposal will become a contractual obligation. The successful proposer must 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 the cancellation of the award. The City reserves the right to reject those parts that do not meet the City's approval.
- m. **Acceptance or Rejection and Negotiation of Proposals:** The City reserves the right to reject any or all proposals, waive non-material irregularities or information in the proposal request, and accept or deny any item or combination. By requesting proposals, the City is in no way obligated to award a contract or to pay the expenses of the proposing firms in connection with the preparation or submission of a proposal. Furthermore, the City reserves the right to reject any proposals before executing the contract(s) without penalty to the City of Rio Dell. If the City elects to refuse all proposals, it reserves the right to continue with its current service arrangement.
- n. **Insurance Requirements:** The Contractor shall provide proof of insurance as specified:
 - i. Commercial General Liability (CGL) with limits of no less than \$1,000,000 per occurrence
 - ii. Workers' Compensation with limits of no less than \$1,000,000 per occurrence
 - iii. Professional Liability with limits of no less than \$1,000,000 per occurrence
- o. **Business License:** The Contractor must have a valid City of Rio Dell business license before executing the contract. Additional information regarding the City's Business License Program can be obtained from Karen Dunham, City Clerk dunhamk@cityofriodellcity.ca.gov, 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 will be held after receipt of the proposals and will be part of determining the auditors' qualifications. The oral presentation may result in the City's rejection of the proposal.

IX. TERMS OF ENGAGEMENT

- a. The audit contract period shall cover six years (6) starting with the fiscal year ending June 30, 2025.

X. SUBMISSION INSTRUCTIONS

- a. To be considered, five (5) proposal copies must be received by 3:00 PM, April 4, 2025. Please send proposals to:

Travis Sanborn, Finance Director
City of Rio Dell
675 Wildwood Avenue
Rio Dell, California 95562
(707) 764-3532
sanbornt@cityofriodell.ca.gov

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



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

For the Meeting of February 4, 2025
 Consent Item; Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: January 28, 2025

Subject: Dog Park Phase II – Small Dog Run

Recommendation:

That the City Council:

1. Review the Staff Report; and
2. If pulled from Consent, open for and receive public comment; and
3. Close public comment and deliberate; and
4. Approve the bid from Humboldt Fence and authorize the City Manager to facilitate and execute the contract for Phase II – Small Dog Run, excluding the concrete curbing/mow strips.

Background

As the Council is aware, the City has already invested close to \$40,000 above and beyond the \$180,000+/- Grant. Although City staff has not received any public requests to establish a separate small dog run, Mayor Garnes reported that she has received requests to establish a separate small dog run.

Discussion

Staff recently prepared a Request for Proposal (RFP) for Phase II of the Dog Park, a 30' x 80' small dog run. Of course, the bids came in higher than expected. The City received two bids, one from Wendt Construction and one from Humboldt Fence. See below.

<u>Wendt Construction</u>	<u>Humboldt Fence</u>
Primary - \$10,717.00	Primary - \$9,706.08
Additive (Concrete curb/Mow strip) - \$6,630.00	Additive (Concrete curb/Mow strip) – No bid

Staff was expecting the bids to be around \$6,000.00 for the fence component of the project. Please see Attachment 1. As indicated above, the Wendt Construction bid includes the additive concrete curbing/mow strips. Concrete curbs/mow strip does make it easier for City staff to maintain the grounds. The Wendt Construction bid for the fencing and concrete curbing/mow strips is \$17,347.00. The language in the RFP does allow the City to negotiate with the bidders. See below.

OTHER CONSIDERATIONS

The City of Rio Dell reserves the right to reject any and all proposals. This Request for Proposals does not commit the City to award the contract, pay any costs incurred in the preparation of proposals, or to procure or contract for supplies or services.

The City of Rio Dell reserves the right to negotiate with any qualified source or to cancel, in part of or in its entirety, this Request for Proposals, if it is in the best interest of the City to do so. The City may require the selected consultant to participate in negotiations, and submit such price, technical or other revisions of the proposal that may result from negotiations.

Possible Alternatives

- Reject the bids and pursue future grant opportunities.
- Survey the community to determine if there is community wide support for a separate small dog run.
- Purchase the materials and have City staff install the dog run.
- Award the contract to Wendt Construction for the fencing and the concrete curbs/mow strips.

Attachment 1: Cost excerpts from RFP.

**SCOPE OF WORK
FOR
DOG PARK PHASE II SMALL DOG RUN
PROJECT NO. 2024-02**

Phase II of the Dog Park includes approximately 80 lineal feet of four-foot black vinyl-coated chain link fence, with one four-foot man gate and one eight-foot swing gate. The chain-link fence material shall be a minimum 9 gauge, 2-3/8" corner posts, 1-7/8" line posts spaced no more than 8' on-center, 1-5/8" top rail and a minimum 9-gauge bottom wire. Fence material, post and gates shall be black vinyl coated or powder coated. Posts shall be set in a minimum 6-inch-wide, 15-inch deep holes, set in concrete, posts to extend 12 inches into the concrete.

The project includes removing and relocating approximately 8 lineal feet of existing fencing, an 8' x 8' x 4" concrete slab (approximately 1 cubic yard) with #4 grade 40 rebar (approximately 80 lineal feet) 24" on-center each way over a 6-mil vapor barrier (approximately 80 square feet), over a 4" compacted crushed gravel base (approximately 1.5 cubic yards).

Opinion of Probable Cost: Based on previous submittals, the City estimates the cost of Phase II to be between \$6,000 and \$6,500.

Project Additive: Should funding be available the City may be interested in installing an A1-8, 18" tall concrete curb/mow strip with #4 grade 40 rebar at the top and bottom of the curb/mow strip at the base of the fencing. Materials would include approximately 160 lineal feet of #4 grade 40 rebar and approximately 4 cubic yards of concrete.

Opinion of Additive Probable Cost: Materials - \$1000 to \$1200. Labor - \$6000 to \$6500. Includes footing excavation, install concrete forms, rebar placement, pour/pump concrete, remove, strip and clean form boards. Total Estimated Cost \$7000 to \$7700.

Plans/Schematic: See Attachment A



Staff Highlights – 2025-02-04

City Council

City Manager

Attended Nuisance Advisory Committee on 1/22/25.

Attended Traffic Committee on 1/23/25.

Attended SCORE Board of Directors Meeting on 1/24/25.

The Eel River Trail is ready to pave. Paving was expected to begin on 1/30/25 however the paving subcontractor was called out for emergency work by CalTrans for US101 north of Orick.

City Clerk

Processed Three (3) Building Permit Applications:

1199 Riverside Dr. - Heat Pump HVAC System
172/172 A. Ogle Ave. – Residential Remodel
995 Bluff Pl. – 100 Amp Service Panel Upgrade

Processed Two (2) Encroachment Permit Application:

PG&E – Trench to Replace Gas Service and Paving Restoration
PG&E - Trench to Replace Gas Service and Paving Restoration

Misc:

Attended Traffic Committee Meeting on 1/23/25

Attended Planning Commission Meeting on 1/28/25

Sent Address Change Letters for 914-916 Hilda Ct.

Sent Address Change Letters for Roscoe Subdivision - Painter St.

Submitted SCORE Crime Insurance Renewal

Submitted Letter to Fair Political Practices Commission Re: Filing Matter



City Attorney

Human Resources, Risk & Training

Finance Department

Regulatory Compliance & Financial Oversight

- Successfully completed and submitted the FY 23-24 City Financial Transactions Report to the State Controller's Office, maintaining the City's record of timely regulatory compliance and transparent financial reporting. Currently overseeing the annual audit process in partnership with JJA CPA to ensure comprehensive financial accountability.
- Spearheaded the development of a robust Request for Proposal (RFP) for City Auditor services, implementing enhanced criteria to ensure the highest standards of financial oversight and transparency in municipal operations.

Grant Management & Infrastructure Development

- Orchestrated complex financial management for the Water Infrastructure Improvement project, including detailed coordination with State Waterboards and successful SWRCB CIP Water Distribution Project administration, ensuring quarterly reporting compliance and timely invoice processing through RCAC partnership.
- Advanced the Clean CA / Eel River Trail initiative through strategic planning sessions with GHD and State Representatives, positioning the City for infrastructure expansion opportunities.

Economic Development & Community Support

- Streamlined CDBG fund management through strategic collaboration with the California Department of Housing and Community Development, optimizing program income reporting to maximize available resources for community development initiatives.
- Led earthquake recovery efforts in partnership with the California Office of Emergency Services, facilitating expedited processing of disaster-related claims to support community resilience and reconstruction.

Financial Operations & Revenue Management

- Instituted comprehensive oversight of cannabis business tax compliance, ensuring accurate revenue collection to support municipal services and maintaining regulatory compliance.
- Successfully managed the Rio Dell Spay and Neuter Program's financial operations, demonstrating a commitment to both fiscal responsibility and community service.



Strategic Initiatives

- Currently directing the Measure Z application process to secure essential funding for municipal services and public safety initiatives.
- Rio Dell Employee Compensation Study in collaboration with Gallagher Project Manager, ensuring competitive workforce retention strategies and responsible resource allocation.
- Completed and submitted the City's Possessory Interests Annual Usage Report to Humboldt County, maintaining accurate property tax assessment records and supporting municipal revenue streams.

Public Works Water

5 Water leak repairs at various locations

194 Birch installed new valve and raised meter and meter box.

Check for customer leaks and zero consumptions

Operator Training on Rio Dell Metro Wells Operations

Water Sampling on Rio Dell Metro Wells

Completed and tested good - Maintenance on XT125 Generator (Warranty Work – Failed to Run issues)

Startup Eel River Surface Water Treatment Plant – repairs completed on 6” pipes within building due to broken and cracked pipes. (possibly damaged from last earthquake)

Water Filter Building Cleanup after the broken pipe issues.

Complete City of Rio Dell Water Rights Reporting to State Water Resource Control Board

Public Works Wastewater

Sewer Crew patched a hole in the manhole at Second Avenue and Columbus that was introducing large amounts of infiltration into the sewer system.

Sewer Crew fixed a broken lower lateral at 230 Ogle.

The collection system is dryer, clear, and prepped for the forecasted rain.

Dye test on 444 Davis proves they are tied into city sewer.

Public Works Streets, Buildings and Grounds

Pothole patching throughout town



Drainage clearing and maintenance

Vehicle maintenance

Corp yard cleanup

Hands on Forklift Training at Corp Yard

Public Works City Engineer

Public Works Capital Projects

Police Department

Patrol Statistics:

During the month of January, 2025, the Rio Dell Police Department handled 225 incidents. This includes 27 calls for service, 142 Officer Initiated Contacts, and 56 misc. documentation incidents. 13 arrests were made including 2 felony arrests and 11 misdemeanor arrests. A total of 8 citations were issued for traffic offenses or other miscellaneous criminal violations. 29 total cases requiring investigation were taken.

Staffing:

The Police Department is currently down one (1) sworn officer position.

- Police Officer Trainee Caden Rocha graduated from the academy and was sworn in December 2024. He is currently in the phase 2 of the Field Training Program and leading the department in arrests.
- Police Officer Dylan Burley resigned and took up a lateral position with the Fortuna Police Department.
- Joshua Phinney, previously a Sergeant at Fortuna Police Department, was hired as the new Chief of Police for Rio Dell and sworn in on January 27th 2025.

Community Events / Notable Cases:

- 21 year old female was kidnapped by her boyfriend on Jan 22nd 2025. She was tricked into the back of a vehicle and then locked in and driven around for an extended time while being verbally berated by her boyfriend. During the altercation, the female's phone was destroyed. She eventually escaped by jumping out of a moving vehicle. Warrant was initially issued for Christopher Ross (30 years old). Case was later closed by documentation due to -lack of prosecution by victim.
- Jan 24th, 2025, Local resident, a 37 year old male arrested for DUI during a traffic stop. Driver found to be double the legal limit of alcohol.
- (December) Rio Dell Officers took part in the annual "Shop with a Cop" event hosted by Eureka Police Department.



Abatement Projects:

Residential Abatement:

- Total Active Cases 17
- 5 New open cases
- 2 Cases closed for voluntary compliance. 3 remain open for ongoing violations
- Pending abatement for a residence at 520 First Ave within 30 days if occupants do not correct numerous violations.

Vehicular Abatement:

- Total Active Cases 1
- 3 New open cases
- 2 Cases closed for voluntary compliance; 1 vehicle towed

Animal Control:

- 18 calls for animal related issues.
- 3 dogs transported to Miranda's
- 0 Cats

Community Development Department

Continue work on RISE grant application.

Review CF1R and CF2R and Final inspection furnace 506 Wildwood Ave

Review Truss plans for 711 Ireland, need additional information, calculations, engineering

Review NMPAN White Paper on onsite treatment systems for meat processing plants

Review Marathon 102 staff report and send copy to Aurora Studebaker

Review Roscoe Improvement Plans, tele with Engineer regarding setbacks, bulb-out

Review Northwestern Flower Company file regarding water impact fees, discuss with Susie

Review span tables, tempered glass requirements, discuss with Lindstrom Construction

Rough electrical inspection 590 View Ave

Underfloor framing inspection 168 Birch Ave

Review updated truss information 711 Ireland Ave



Foundation/forms inspection 306 Wildwood Ave

Front porch footings/forms inspection 177 Belleview Ave

Final inspection 186 Ogle Ave, corrections required – stairs, landing

Meeting with Mary Ann Petrillo regarding RISA application, technical assistance

Rough electrical, insulation 223 Belleview Ave

Complete 2024-2025 Budget narratives

Rough electrical inspection 174 First Ave

Review additional information 132 Wildwood Ave – Façade Improvement Program

Review and respond to Viltrakis Construction regarding subdivisions, development of 132 Painter Street.

Pre-application meeting with Wildlife Conservation Board regarding grant for Phase II of the Eel River Trail

Complete and submit RISE application for regional food collaborative, including a meat processing facility

Reach out to Randy Gans at HRC regarding park trucking

Respond to inquiry from RWQCB regarding 1395 Eeloa Ave

Roof deck inspections 167 Townsend Street and 988 Pacific Ave

Insulation inspection 174 First Ave

Drywall inspection 590 View Ave

Grading inspection 795 Pacific Ave

Attend Nuisance and Traffic Committee meetings

Review and respond to UC Berkeley's inquiry regarding Transferable Development Rights (TDR's).

Review and complete FEMA/NFIP questionnaire.

Meet with Wildlife Conservation Board staff re: Eel River Accessible Ramp

Framing inspection 4 Painter



Multiple inspection 875 Rio Dell Ave

Prepare PC staff report for Façade Improvement Program Rio Dell Laundromat

Review Cal Cannabis Humboldt 454 application, reach out to Aurora Studebaker with questions, additional information

Review and approve plans for shop at 280 Belleview Ave

Receive update from Christopher Wise re: Dinsmore Plateau improvements, respond.

Review files for 444 Davis Street, reach out to DEH re: septic. DEH no info on file.

Intergovernmental

Humboldt-Rio Dell Business Park



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

February 4, 2025

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Second Reading (by title only) and Adoption of Ordinance 410-2025 Amending Section §8.35.040 of the Rio Dell Municipal Code (RDMC) Pertaining to Requirements for Commercial Edible Food Generators to Include Authority for the County of Humboldt Division of Environmental Health to Charge Fees for Service

IT IS RECOMMENDED THAT THE CITY COUNCIL:

- 1.) Allow staff to re-introduce the Ordinance; and,
- 2.) Open and receive public comment; and,
- 3.) Close public comment; and,
- 4.) Direct staff to make any changes to the draft ordinance if necessary and continue to the next Regularly Scheduled meeting; or,
- 5.) Adopt Ordinance 410-2025 amending Section §8.35.040 of the Rio Dell Municipal Code.

BACKGROUND AND DISCUSSION

SB1383- California’s Short Lived Climate Pollutant bill aims to reduce methane emissions from the landfill and rescue 20% of edible food statewide. This new state mandate requires that cities adopt an enforceable ordinance to implement SB1383 requirements locally.

Ordinance No. 395 was adopted in 2022 to meet the requirements of SB 1383. The law requires “Edible Food Generators” be inspected annually by the responsible jurisdiction, in this case the City of Rio Dell. However, the City lacks the staff and subject matter expertise to conduct such inspections. Staff proposes to engage in an MOU with the County of Humboldt Division of Environmental Health to conduct these inspections on behalf of the City. The County is offering these services to all the incorporated jurisdictions within the county and staff anticipates that all other cities will engage in a similar MOU.

Ordinance No. 410-2025 will authorize the County of Humboldt Division of Environmental Health to require edible food generators to register and allow the County to assess and collect fees for the program. The Division is funded by and provides services through fee assessments.

Edible Food Generators are defined in RDMC §8.35.030 as certain business types that handle food and are therefore required to donate excess edible food fit for human consumption. The inspection verifies they are complying with RDMC §8.35.040.

At this time, there is only one edible food generator within the City of Rio Dell that meets the current criteria for required inspection under the law: the Rio Dell School District.

///

ORDINANCE NO. 410-2025



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING SECTION 17.30.340 OF THE RIO DELL MUNICIPAL CODE (RDMC)
PERTAINING TO REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS
TO INCLUDE AUTHORITY FOR THE COUNTY OF HUMBOLDT DIVISION OF
ENVIRONMENTAL HEALTH TO CHARGE FEES FOR SERVICE**

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

WHEREAS SB 1383 requires local jurisdictions throughout the State, including the City, adopt an ordinance or other similarly enforceable mechanism to mandate that organic waste generators (those who create organic waste, including residents and businesses), haulers, and others comply with SB 1383 Regulations to divert organic waste and edible food from landfills; and

WHEREAS the City Council of the City of Rio Dell adopted Ordinance No. 395-2022 in order to meet the requirements of SB 1383; and

WHEREAS SB 1383 also requires annual inspection of “Edible Food Generators” within the City of Rio Dell; and

WHEREAS the creation of a Memorandum of Understanding with the County of Humboldt Division of Environmental Health is the most efficient and effective manner in which to conduct certain required inspections for “Edible Food Generators”; and,

WHEREAS in order for the County of Humboldt Division of Environmental Health to conduct these inspections they require an amendment to RDMC to authorize the required registration of and inspection of “Edible Food Generators.”

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

Section 1.

Section 17.30.340 of the Rio Dell Municipal Code is hereby amended as follows:

8.35.040 Requirements for commercial edible food generators.

- (1) Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3 or such later deadline established by State law or regulations.
- (2) Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024, or such later deadline established by State law or regulations.
- (3) Commercial edible food generators shall comply with the following requirements:
 - (a) Arrange to safely recover for human consumption the maximum amount of edible food that would otherwise be disposed.
 - (b) Enter into a contract or other written agreement with food recovery organizations or food recovery services for:
 - (i) The collection for food recovery of edible food that would otherwise be disposed; or
 - (ii) Acceptance of edible food that would otherwise be disposed that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
 - (c) Use best efforts to abide by all contractual or written agreement requirements specified by the food recovery organization or food recovery service on how edible food should be prepared, packaged, labeled, handled, stored, distributed or transported to the food recovery organization or service.

(d) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.

(e) Not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

(f) Allow the enforcement agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR Section 18991.4.

(g) Register with the County of Humboldt Division of Environmental Health as an Edible Food Generator. Commercial Edible Food Generator Registration will require an annual fee in an amount to cover costs, as set by resolution or ordinance of the Humboldt County Board of Supervisors. No part of the registration fee shall be refundable. Registered Edible Food Generators shall submit to annual inspection by the County of Humboldt Division of Environmental Health for compliance with this Section.

(h) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(i) A list of each food recovery service or food recovery organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

(ii) A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this chapter.

(iii) A record of the following information for each of those food recovery services or food recovery organizations:

(A) The name, address and contact information of the food recovery service or food recovery organization.

(B) The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

(C) The established frequency that food will be collected or self-hauled.

(D) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

(iv) If it has not entered into a contract or written agreement with food recovery organizations or food recovery services pursuant to subsection (3)(b) of this section, a record that describes:

(A) Its direct donation of edible food to end recipients (including employees); and/or

(B) Its food waste prevention practices that result in it generating no surplus edible food that it can donate.

(i) Tier one commercial edible food generators and tier two commercial edible food generators shall provide, upon request, a food recovery report to the enforcement agency that includes the information in subsection (3)(g) of this section. Entities shall provide the requested information within 60 days of the request.

(4) Nothing in this chapter shall be construed to limit or conflict with:

(a) The protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 commencing with Section [49580](#) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section [114079](#) of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or

(b) Otherwise applicable food safety and handling laws and regulations.

(5) Nothing in this chapter prohibits a commercial edible food generator from donating edible food directly to end recipients for consumption, pursuant to Health and Safety Code Section [114432](#)(a).

(6) The enforcement agency for the provisions of this section is the City of Rio Dell. [Ord. 395 § 4, 2022.]

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 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 January 21, 2025, 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 February 4, 2025, by the following vote:

- AYES: None
- NOES: None
- ABSENT: None
- ABSTAIN: None

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 410-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on February 4, 2025.

Karen Dunham, City Clerk, City of Rio Dell